



STATE OF MICHIGAN
DEPARTMENT OF EDUCATION
LANSING

RICK SNYDER
GOVERNOR

BRIAN J. WHISTON
STATE SUPERINTENDENT

**FISCAL YEAR 2017
CHILD AND ADULT CARE FOOD PROGRAM
OPERATIONAL MEMORANDUM #2**

TO: Child and Adult Care Food Program Institutions

FROM: Marla J. Moss, Director
Office of School Support Services

DATE: October 10, 2016

SUBJECT: Early Implementation Options for the Updated Child and Adult Care Food Program Meal Pattern Requirements and the National School Lunch and School Breakfast Programs' Infant and Preschool Meal Patterns Effective January 1, 2017

This memorandum outlines options for implementing the updated Child and Adult Care Food Program (CACFP) meal pattern requirements and the updated infant and preschool meal pattern requirements in the National School Lunch Program (NSLP) and School Breakfast Program (SBP) prior to the full compliance date of October 1, 2017.

Background

The Healthy, Hunger-Free Kids Act of 2010, Public Law 111-296, amended section 17 of the Richard B. Russell National School Lunch Act (NSLA), 42 U.S.C. 1766, to require the U.S. Department of Agriculture (USDA) to update the CACFP meal pattern requirements to make them more consistent with (a) the most recent version of the Dietary Guidelines for Americans, (b) the most recent relevant nutrition science, and (c) appropriate authoritative scientific agency and organization recommendations. On April 25, 2016, USDA's Food and Nutrition Services (FNS) published the final rule "Child and Adult Care Food Program: Meal Pattern Revisions Related to the Healthy, Hunger-Free Kids Act" (81 FR 24348) to update the CACFP meal patterns in 7 CFR 226.20. **This final rule also revised the meal pattern requirements for infants and children aged 1 through 4 (preschool) in the NSLP and SBP, under 7 CFR 210.10 and 220.8, respectively, to match the CACFP meal pattern requirements.**

Those operating the CACFP, NSLP, and SBP (Child Nutrition Program (CNP) operators), which includes CACFP centers and day care homes and school food authorities, **must fully comply with the updated meal pattern requirements no later than October 1, 2017.**

STATE BOARD OF EDUCATION

JOHN C. AUSTIN – PRESIDENT • CASANDRA E. ULBRICH – VICE PRESIDENT
MICHELLE FECTEAU – SECRETARY • PAMELA PUGH – TREASURER
LUPE RAMOS-MONTIGNY – NASBE DELEGATE • KATHLEEN N. STRAUS
EILEEN LAPPIN WEISER • RICHARD ZEILE

608 WEST ALLEGAN STREET • P.O. BOX 30008 • LANSING, MICHIGAN 48909
www.michigan.gov/mde • 517-373-3324

Early Implementation

The updated meal patterns for CACFP, NSLP, and SBP strengthen the nutritional quality of the meals served, allow CNP operators to serve more diverse and culturally appropriate foods, and address dietary needs of CNP participants. Early implementation will benefit CNP operators by allowing them to phase-in implementation of the new requirements. The USDA FNS understands many CNP operators are interested in implementing the updated meal pattern requirements prior to October 1, 2017. The USDA and the Michigan Department of Education (MDE), therefore, strongly support implementing the updated meal patterns as soon as possible because it will greatly benefit participating infants, children, and adults.

Institutions in Michigan may begin implementing the updated CACFP meal pattern requirements and the updated NSLP and SBP infant and preschool meal pattern requirements that **are consistent with the current meal pattern requirements** (e.g. serving whole grain-rich foods, limiting juice and sugar, prohibiting flavored milk, and grain-based desserts, etc.) as soon as is feasible for the Institution.

Early Implementation Option 1: Implementation of Specific Allowances

MDE is allowing all institutions, state-wide, to begin implementing certain allowances in the updated CACFP meal patterns that **are not allowed** under the current meal patterns **effective immediately**. Institutions may choose to implement one or more of the following allowances **prior to the full implementation date of October 1, 2017**:

- Reimbursing infant meals when the mother breastfeeds on-site
- Allowing yogurt and whole eggs for infant breakfast and lunch
- Allowing ready-to-eat cereals for infant snack under the infant 6 to 11 month meal pattern
- Serving meat and meat alternates in place of the entire grains component at breakfast no more than three times per week
- Counting tofu and soy yogurts as a meat alternate
- ADULT DAY SERVICES ONLY: Serve yogurt in lieu of fluid milk once per day

Option 2: Early Implementation of Entire New CACFP Meal Pattern

The USDA is also providing state agencies the discretion to approve CNP operators on a **case-by-case basis** to implement the *entire* updated meal pattern requirements prior to October 1, 2017. Institutions that wish to implement the updated meal patterns in their entirety **must receive approval** from their state agency first. Beginning December 1, 2016, MDE will begin the approval process for institutions that wish to **implement the entire updated meal pattern requirements prior to October 1, 2017**. The institution must demonstrate their capacity to successfully implement *all* the updated meal pattern requirements. Additionally, the institution must also demonstrate their capacity to fully train staff with CACFP responsibilities on the new meal pattern and record keeping requirements and provide information on management oversight and monitoring of the updated meal pattern requirements.

Early Implementation Option 2 is available, for certain institutions upon the discretion/approval of their assigned MDE CACFP analyst. Institutions/sponsors who meet the following criteria may apply for Option 2:

- Child care institutions currently successfully participating in the NSLP. These include: Head Start Programs, Great Start to Readiness Programs, and child care centers located in school buildings.
- Head Start sponsors
- Adult day care centers/sponsors
- Non-profit day care centers
- For-profit day care centers
- Family day care home (FDCH) sponsors

Early Implementation Option 2: How to Apply

Beginning December 1, 2016, those who qualify to apply for Early Implementation - Option 2 must complete the assurances application and upload the application as an amendment to their **Michigan Electronic Grant System Plus (MEGS+) FY 2017 application for MDE approval**. Information to be provided within the assurances application includes:

- List who will be responsible at their institution for overseeing the early implementation of the new meal pattern
- A completed one week menu showing full understanding of the new meal pattern for applicable child nutrition programs at their site(s)
- Provide narrative on how they will fully train their staff on the new meal pattern requirements (include training topics, staff to be trained, dates, and locations of trainings)
- Provide narrative on how the new meal pattern will be monitored and documented
- *For sponsors of centers only:* Documentation on how monitors will be trained on the new meal pattern and monitoring requirements

MDE will review the application and supporting documentation and determine if the institution is capable of full implementation of the new meal pattern. The institutions will be notified regarding the decision via email and be given the effective date to begin following the new meal pattern. A copy of the email will be retained in the provider's file.

Please note: Providers currently under Serious Deficiency status are not eligible for Early Implementation - Option 2.

Early Implementation - Technical Assistance Available

During the early implementation period, MDE will not disallow meals for those institutions electing to follow Option 1 or that have been approved for Option 2 if meals are not fully compliant with the new healthy meal patterns but do comply with the current meal pattern. During the implementation period, meals served which meet the current meal pattern requirements will be reimbursable and technical assistance will be provided on transitioning menus to comply with the new meal pattern requirements. Training on the new meal pattern will be provided to institutions via operational memoranda, on-line webinars, along with regional in-person trainings. Additionally, MDE will be updating existing forms to comply with

the new meal patterns but current forms will remain in use until the full implementation of final rule on October 1, 2017.

The approach outlined in this memorandum for early implementation of the updated CACFP meal pattern requirements and the updated NSLP and SBP infant and preschool meal patterns provides institutions with a controlled phase-in and with technical assistance to ensure **full compliance on October 1, 2017**, with the new meal pattern requirements.

For questions on this memo, contact MDE at 517-373-7391.