



STATE OF MICHIGAN
DEPARTMENT OF EDUCATION
LANSING

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**FISCAL YEAR 2013
CHILD AND ADULT CARE FOOD PROGRAM
OPERATIONAL MEMORANDUM #31**

TO: Child and Adult Care Food Program Institutions

FROM: Kyle L. Guerrant, Director
Office of School Support Services

DATE: September 3, 2013 (Revised December 12, 2013)

SUBJECT: **Streamlining At-Risk Meal Participation for School Food Authorities**

ACTION: **Applicable to School Food Authorities Only**

The United States Department of Agriculture (USDA) has released guidance to streamline the requirements for participation of school food authorities (SFAs) in the At-Risk Afterschool Meals component of the Child and Adult Care Food Program (CACFP). The Healthy Hunger-Free Kids Act authorized the service of afterschool meals in all states through the At-Risk Afterschool Meals component of CACFP. This memorandum supersedes USDA guidance CACFP 08-2008, *Streamlining At-Risk Afterschool Meal Participation for School Food Authorities Currently Participating in the National School Lunch Program*, dated June 6, 2008.

The USDA recognizes that schools located in low-income areas and participating in the National School Lunch Program (NSLP) are well-positioned to offer meals and snacks through their afterschool programs. Although congress did not authorize the service of at-risk meals through NSLP, streamlining the requirements for schools participating in CACFP to be more consistent with those of the NSLP will provide significant administrative relief without compromising the integrity of the program.

Agreements

State agencies that administer more than one Child Nutrition Program (CNP) are required to enter into a single agreement with SFAs with respect to the operation of any combination of CNPs. In Michigan, all applicants to the CNP apply through the Michigan Electronic Grant System Plus (MEGS+).

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Application

SFAs that wish to participate in the At-Risk Afterschool Meals component of CACFP must complete the CACFP portion of the MEGS+ application. Michigan Department of Education (MDE) must collect CACFP specific information such as:

- *Names, mailing addresses, and dates of birth of the responsible principals and individuals.* For SFAs, responsible principals and individuals include, at a minimum, the school food service director and accountant, and the responsible administrator (principal or superintendent).
- *Documentation of eligibility.* Documentation must indicate that each school that will be offering at-risk afterschool meals through CACFP offers educational or enrichment activities and is a school where at least 50 percent of the children are eligible for free or reduced price school meals or is located in the attendance area of an eligible school as required by 7 CFR 226.17a(a).
- *Preference for commodities/cash in lieu of commodities.* The SFA must indicate if it prefers commodities or cash in lieu of commodities.
- *Ineligibility for other publicly funded programs.* SFAs must provide a list of all federal programs in which they participate. Additionally, the SFA must certify that during the last seven years, the SFA and the individual responsible for the food service have not been:
 - declared ineligible to participate in any other publicly funded program by reason of violating that program's requirements or provide documentation that it was later reinstated or determined eligible for the program
 - convicted of any activity that indicated a lack of business integrity
- *Certification.* The SFA must submit a certification that all information on the application is true and correct, along with the name, mailing address, and date of birth of the individual authorized to sign for the SFA [7 CFR 226.6(b)(1)].

For SFAs serving afterschool meals, MDE will consider the successful operation of the NSLP as sufficient evidence of administrative capability and financial viability and may waive the requirement to submit a separate management plan. SFAs are not required to submit a separate CACFP budget unless administering other CACFP programs such as day care, Head Start and/or Great Start. During SFA reviews, MDE will ensure that CACFP reimbursements are being used for costs allowable in any of the CNPs administered by the SFA.

Training

SFAs participating in the NSLP familiar with operating a federal CNP will not be required to attend training prior to submitting a CACFP application. Similarly, members of the food service staff who receive meal service training under the NSLP will not be required to attend separate CACFP training on meal services.

However, administrative staff must be informed about program requirements and will be required to attend the necessary training. Additionally, SFAs are not required to conduct CACFP preapproval visits to schools already participating in NSLP.

Meal Patterns

The CACFP regulations permit SFAs participating in NSLP to substitute NSLP meal pattern requirements for the CACFP meal pattern requirements [7 CFR 226.20(o)]. This means SFAs may choose to use either the CACFP or NSLP meal patterns when serving at-risk afterschool meals through CACFP. Schools electing to follow the NSLP meal pattern requirements must follow the new NSLP meal patterns. Although the use of offer versus serve (OVS) is not generally permitted under CACFP, SFAs may use OVS for the meal service under either the CACFP or NSLP meal patterns. However, OVS may not be used with snack services under either CACFP or NSLP.

Procurement and Contracting Requirements

SFAs may follow the NSLP procurement standards found in 7 CFR 210.21 in lieu of CACFP procurement standards at 7 CFR 226.22. NSLP has comprehensive requirements in these areas and compliance with the NSLP requirements satisfies the intent of the corresponding CACFP requirements and will simplify participation for SFAs. Please note that there is no federal requirement that food inventories used for the various CNPs be stored separately. Additionally, SFAs are not required to allocate expenses to the separate CNPs. CNP reimbursements may be used to pay expenses related to any of the Child Nutrition Programs. Indirect costs must be charged appropriately to the nonprofit school food service account. Please see the indirect cost guidance for more information (http://www.fns.usda.gov/cnd/governance/Policy-Memos/2011/SP41-2011_os.pdf). Similarly, SFAs may comply with the NSLP requirements for contracting with food service management companies (FSMCs) outlined in 7 CFR 210.16 in lieu of the CACFP requirements at 7 CFR 226.21. It should be noted, however, that the addition of CACFP at-risk afterschool meals may represent a material change to an FSMC contract. For guidance regarding a material change, SFAs are encouraged to refer to USDA guidance SP 17-2012, *Procurement Questions and Answers to Assist in the Implementation of the Final Rule titled Nutrition Standards in the National School Lunch and School Breakfast Programs*, dated February 23, 2012 and Administrative Policy #5, *Guidance on Material Changes and Review Requirements for Food Service Management and Vended Meal Contracts*, dated September 23, 2013 and available at http://michigan.gov/mde/0,1607,7-140-6530_6569-19613--,00.html.

SFAs that contract with FSMCs for some or all aspects of the management of the food service program may allow the FSMC to conduct the same activities for CACFP that are performed for NSLP. SFAs should be reminded, however, that the SFA maintains responsibility for submitting claims, retaining control of the quality of the food service and the prices charged to children, monitoring the food service operations, and remaining accountable to ensure that all CACFP requirements are met.

Monitoring

SFAs must continue to monitor their at-risk sites, though monitoring requirements of the CACFP at-risk afterschool meal sites may be aligned with those of NSLP. MDE will complete monitoring of the financial management portion of CNPs at the time of the NSLP review to ease the burden on SFAs and ensure that the complete nonprofit food service is reviewed.

CACFP deficiencies identified through MDE or SFA monitoring must be addressed according to the CACFP regulations, including the requirements regarding termination, disqualification, and submission to the CACFP National Disqualified List. Additionally, overclaims will be assessed and collected by MDE in accordance with CACFP regulations.

If you have any additional questions concerning this memorandum, contact CACFP at 517-373-7391 or go to <http://www.fns.usda.gov/cnd/Care/Regs-Policy/PolicyMemoranda.htm> to view the federal guidance.