Policy and Procedure Manual
At Risk After School Centers

Child and Adult Care Food Program

Missouri Department of Health and Senior Services
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Missouri Department of Health and Senior Services
Child and Adult Care Food Program
At-Risk After School Programs
Procedure Manual

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Forms At- risk after school program forms are available at: www.health.mo.gov/cacfp

The at-risk after school meals component of the Child and Adult Care Food Program (CACFP) offers Federal funding to after school programs that serve a meal and/or snack to children through age 18, in low-income areas. When school is out and parents/guardians are still at work, children need a safe place to be with their friends, with structured activities, and supportive adults. After school snack and supper programs give school age children a nutritional boost and draw them into supervised activities that are safe, fun, and filled with learning opportunities. The meals and snacks give them the nutrition they need to learn, play and grow.

Those responsible for feeding children in an at-risk after school meal program have important responsibilities:

- To serve wholesome and attractive meals that meet children's nutritional needs;
- To make meal time a pleasant and sociable experience; and
- Not charge or collect payment for the meals served to Program participants.

Sharing in the responsibility is the staff of the Child and Adult Care Food Program (CACFP). The CACFP is a United States Department of Agriculture (USDA) Food and Nutrition Service (FNS) program, which is administered by the Missouri Department of Health and Senior Services - Bureau of Community Food and Nutrition Assistance (MDHSS-BCFNA).

Together, the MDHSS and the at-risk after school programs can maintain a high quality of care. This procedure manual is designed to give at-risk afterschool program providers instructions on how to operate the CACFP and serve wholesome and attractive meals that meet the nutritional requirements of the children in their care.

The Child Care Food Program (CCFP) was established by Congress in 1968 to provide meals to children in day care centers, settlement houses, and recreation centers. The program was created in response to the need to provide good nutrition to children in low-income areas where there were large numbers of working mothers.

Congress passed another law in 1978 to make the program permanent and ensure that the program continued to provide quality nutrition. Under this law, any public or private nonprofit institution that is licensed or approved to care for children may participate in the program. This included child care centers, recreation centers, outside-school-hours care centers, group day care homes, and institutions providing day care for the handicapped. The CCFP was expanded in 1981 to allow certain adult day care centers to participate and in 1990; the program name was changed to the Child and Adult Care Food Program (CACFP). The CACFP allows public or private, non-profit or for-profit organizations to participate in the program.

The first reimbursement for at-risk after school snacks were provided through demonstration projects beginning in 1994. Below is a brief overview of the laws that Congress has passed that have expanded the program over the years.

1994: *The Healthy Meals for Healthy Americans Act of 1994 (P.L. 103-448)*
Authorized several demonstration projects, including a project providing snacks to children, between the ages of 13 and 18, in areas with high rates of violence or drug and alcohol abuse.

1998: *The William F. Goodling Child Nutrition Reauthorization Act of 1998 (P.L. 105-336)*
Authorized CACFP reimbursement for snacks to children through age 18 in afterschool programs in all States. The new program was intended to provide nutrition assistance to after school child care programs that offer the types of activities known to help reduce or prevent involvement in juvenile crime.

2000: *The Agricultural Risk Protection Act of 2000 (P.L. 106-224)*
Expanded the "at-risk" afterschool component of CACFP to allow reimbursement for supper meals for children through age 18 in afterschool programs in the following States: Delaware, Pennsylvania, Michigan, and Missouri. Two additional States, New York and Oregon, were selected by USDA on a competitive basis out of a pool of 10 applicant States.

2001: *The Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2002 (P.L. 107-76)*
Authorized meal reimbursement for afterschool programs in Illinois.

2008: *2008 Consolidated Appropriations Act (P.L. 110-161)*
Authorized meal reimbursement for afterschool programs in West Virginia.

2009: *The Fiscal Year 2009 Omnibus Appropriations Act (P.L. 111-8)*
Authorized meal reimbursement for afterschool programs in Maryland and Vermont.

2009: *The Agriculture, Rural Development, Food and Drug Administration and Related Agencies Appropriations Act, 2010 (P.L. 111-80)*
Authorized meal reimbursement for afterschool programs in Connecticut, Washington D.C., Nevada, and Wisconsin.

2010: *The Healthy, Hunger-Free Kids Act of 2010 (P.L. 111-296)*
Expanded meal reimbursement for at-risk afterschool programs in all States.

This policy and procedure manual is designed for at-risk after school programs.

Reference: At-Risk Afterschool Meals, A CACFP Handbook
USDA/FNS, June 2011

At the national level, the U.S. Department of Agriculture's (USDA) Food and Nutrition Service (FNS) administers the CACFP. The national office develops regulations, publications, and forms, and establishes the policies necessary to carry out the program. The national office is also responsible for overseeing the program and providing guidance to ensure delivery of program benefits to eligible children.

Federal regulations governing CACFP are found in the Code of Federal Regulations, Title 7, Volume 4, Department of Agriculture, Food and Nutrition Services, 7 CFR Part 226 Child and Adult Care Food Program: http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&sid=9eaba12bf19bebd9840f3411c8c2c2b8&rgn=div8&view=text&node=7:4.1.1.1.5.5.1.4&idno=7

The Missouri Department of Health and Senior Services – Bureau of Community Food and Nutrition Assistance (MDHSS-BCFNA) is the State agency administrating the CACFP in Missouri. The BCFNA Office is located at:

Missouri Department of Health and Senior Services
Division of Community and Public Health
Bureau of Community Food and Nutrition Assistance
920 Wildwood
P.O. Box 570
Jefferson City, MO 65102
573-751-6269
800-733-6251
573-526-3679 (fax)
www.health.mo.gov/cacfp
CACFP@health.mo.gov

The district office addresses are:

Northwestern District Health Office
3717 S. Whitney Avenue
Independence, MO 64055
800-733-6251

Eastern District Health Office
220 South Jefferson
St. Louis, MO 63103
800-733-6251

Southwestern District Health Office
Landers State Office Building
149 Park Central Square, Suite 116
P.O. Box 777
Springfield, MO 65801
800-733-6251

Southeastern District Health Office
338 Broadway, Suite 200
Cape Girardeau, MO 63701
800-733-6251

Through the staff with the Missouri Department of Health and Senior Services – Bureau of Community Food and Nutrition Assistance (MDHSS-BCFNA), the following assistance can be expected:

- Training on program rules and regulations, recordkeeping requirements, application procedures, food service operations, meal service techniques, nutrition concerns, nutrition education, and financial management;
- Institution and facility reviews to ensure that programs operate in accordance with Program regulations;
- Technical assistance and consultation as needed;
- Information on audit requirements;
- Outreach to nonparticipating at-risk after school programs;
- Timely processing of completely submitted applications;
- Reimbursement payments for eligible meals and allowable food service expenses;
- Payment of cash in-lieu of commodities;
- Forms, publications, and guidelines to help operate the Program;
- Procedures for institutions to appeal decisions affecting participation or reimbursement; and
- Means to ensure that institutions do not discriminate against anyone because of the following protected classes: race, color, national origin, sex, age, or disability.

Through the MDHSS, other assistance is available to at-risk after school programs. This includes technical assistance, public health services, and resource materials on a wide range of issues. Major areas in which assistance is available through either the local health agency or through the State or district health offices include:

- Special Supplemental Feeding Program for Women, Infants, and Children (WIC);
- Communicable disease control. This includes diseases such as giardia, measles, and chicken pox;
- Immunizations;
- Dental Health;

- Sanitation and environmental health;
- Assistance for children with special health care needs; and
- General health and safety.

"Administrative costs" means costs incurred by an institution related to planning, organizing, and managing a food serviced in the Program, and allowed by the State Agency financial management instruction.

"Administrative review" means the fair hearing provided upon request to an institution that has been given notice by the State agency of any action or proposed action that will affect their participation or reimbursement under the Program.

"Administrative review official" means the independent and impartial official who conducts the administrative review.

"Area eligible" "Low income area" means a geographical area served by a school in which 50 percent or more of the children enrolled are eligible for free or reduced-price school meals under the National School Lunch Program and the School Breakfast Program.

"At-risk afterschool care center" means an **outlet** located in a low-income area and approved by the State agency, in accordance with Program regulations, to be reimbursed at the "free" rate for snacks or meals served to children through the age of 18 who participate in the facility's afterschool care program.

"At-risk afterschool meal" means a meal that meets the requirements described in §226.20(b)(6) and/or (c)(1), (c)(2), or (c)(3), that is reimbursed at the appropriate free rate and is served by an *At-risk afterschool care center* as defined in this section, which is located in a State designated by law or selected by the Secretary as directed by law.

"At-risk afterschool snack" means a snack that meets the requirements described in §226.20(b)(6) and/or (c)(4) that is reimbursed at the free rate for snacks and is served by an *At-risk afterschool care center* as defined in this section.

"At-risk after school program" means a program that provides educational or enrichment activities in an organized, structured, and supervised environment for school age children.

"Block Claim" means a claim for reimbursement submitted by a facility on which the number of meals claimed for one or more type (snack or supper) is identical for 15 consecutive days within a claiming period.

"Child care facility" means a licensed or approved child care center, at-risk afterschool care center, day care home, emergency shelter, or outside-school-hours care center under the auspices of a sponsoring organization.

"Children" means (a) Persons 12 years of age and under, (b) Children of migrant workers 15 years of age and under, (c) Persons with mental or physical handicaps, as defined by the state, enrolled in an institution or a child care facility serving a majority of persons 12 years of age or under, and (d) for at-risk afterschool care centers, persons age 18 and under at the start of the school year

"Disqualified" means the status of an institution, a responsible principal or responsible individual, or an at-risk center that is ineligible for participation.

"Enrolled child" means a child whose parent or guardian has submitted to an institution a signed document indicating that the child is enrolled for childcare. Daily attendance documentation is required in place of enrollment at an at-risk after school program participating in the CACFP.

"Facility" means a sponsored center, or family day care home.

"Family" means a group of related or non-related individuals, who are not residents of an institution or boarding house, but who are living as one economic unit.

"Federal Fiscal year" means a period of 12 calendar months beginning October 1 of any year and ending with September 30 of the following year.

"Food service management company" means an organization other than a public or private non-profit school, with which an institution may contract for preparing and, unless otherwise provided for, delivering meals, with or without milk for use in the Program.

"For-profit center" means a child care center, outside-school-hours care center, or adult day care center providing nonresidential care to adults or children that does not qualify for tax-exempt status under the Internal Revenue Code of 1986. For-profit centers serving adults must meet the criteria described in paragraph (a) of this definition. For-profit centers serving children must meet the criteria described in paragraphs (b)(1) or (b)(2) of this definition, except that children who only participate in the at-risk afterschool snack and/or meal component of the Program must not be considered in determining the percentages under paragraphs (b)(1) or (b)(2) of this definition.

"Free meal" means a meal served to a child who is automatically eligible for free meals by virtue of participating in an approved at-risk afterschool care program; for which the participant shall not be required to pay in order to receive a free meal.

"Household" means family as defined under the definition of family.

"Income to the program" means any funds used in an institution's food service program including, but not limited to, all monies, other than Program payments, received from other Federal, State, intermediate, or local government sources; payment for children's meals and food service fees; income from any food sales to adults, and other income, including grants from organizations or cash donations from individuals.

"Independent center" means any single child care center, outside-school-hours care center, or at-risk after school center which enters into an agreement with the State agency to assume final administrative and financial responsibility for Program operations.*

"Institution" means a sponsoring organization, emergency shelter, childcare center, at-risk after school center, outside-school-hours care center, emergency shelter, or adult day care center, which enters into an agreement with the State agency (MDHSS) to assume final administrative and financial responsibility for Program operations.

"Internal controls" means the policies, procedures, and organizational structure of an institution designed to reasonably assure that (a) the Program achieves its intended result; (b) Program resources are used in a manner that protects against fraud, abuse, and mismanagement and in accordance with law, regulations, and

guidance; and (c) timely and reliable Program information is obtained, maintained, reported, and used for decision-making.

"Meals" means food that is served as a snack or supper to participants at an institution or at-risk after school program that meet the nutritional requirements of the Program.

"Milk" means pasteurized fluid types of unflavored or flavored milk, low fat, skim, , or cultured buttermilk that meet State and local standards for such milk. All milk should contain vitamins A and D at levels specified by the Food and Drug Administration and should be consistent with state and local standards for such milk.

"National disqualified list" means the list of institutions, responsible principals and responsible individuals, and day care homes disqualified from participation in the Program.

"Non-profit food service" means all food service operations conducted by the institution principally for the benefit of participating children, and in which all of the Program reimbursement funds are used solely for the operation or improvement of such food service.

"Notice" means a letter sent by certified mail, return receipt , by facsimile, or by email, that describes an action proposed or taken by a State agency or sponsoring organization with regard to an institution's Program reimbursement or participation. If the notice is undeliverable, it is considered to be received by the institution, responsible principal or responsible individual five days after being sent to the addressee's last known mailing address, facsimile number, or email address.

"Operating costs" means expenses incurred by an institution in serving meals to children under the Program and allowed by the State agency financial management instruction, FNS 796-2 Rev 3.

"Outside School Hours Care Center" means an outlet approved to provide meal service to enrolled children (through the age of 12) enrolled in child care during hours outside of school.*

"Person(s) with disabilities" means anyone who has a mental or physical impairment which substantially limits one or more of their major life activities; or has a record of such impairment; or is regarded as having such impairment.

"Principal" means any individual who holds a management position within, or is an officer of, an institution or a sponsored center, including all members of the institution's board of directors or the sponsored center's board of directors.

"Program" means the Child and Adult Care Food Program (CACFP) authorized by Section 17 of the National School Lunch Act, as amended.

"Reimbursement" means Federal financial assistance paid or payable to institutions for Program costs within the rates assigned by the State agency.

"Responsible principal or responsible individual" means a principal, whether compensated or uncompensated, or any other individual employed by, or under contract with, an institution or sponsored center which the State agency determines to be responsible for an institution's serious deficiency.

"Seriously deficient" means the status of an institution or center that has been determined to be non-compliant in one or more aspects of its operation of the Program.

"Sign-in sheet or enrollment roster" means documentation that verifies the total number of children in attendance in the after school care program.

"Sponsoring organization" means any public, private non-profit, or for-profit organization which enters into an agreement with the State agency (MDHSS) to assume final administrative and financial responsibility for program operations in two or more sponsored facilities.*

"State agency" means the State agency that has been designated by the Governor or the appropriate executive, or by the legislative authority of the State, and has been approved by the Department to administer the Program within the state or in states in which the USDA – FNS administers the Program. In Missouri, the Missouri Department of Health and Senior Services, Bureau of Community Food and Nutrition Assistance is the State agency for the CACFP and Summer Food Service Program (SFSP).

"Suspended" means the status of an institution that is temporarily ineligible for participation on CACFP (including Program payments).

"Suspension review" means the review provided, upon the institution's request, to an institution that has been given a notice of intent to suspend participation (including Program payments), based on a determination that the institution has knowingly submitted a false or fraudulent claim.

"Suspension review official" means the independent and impartial official who conducts the suspension review.

"Termination for cause" means the termination of an at-risk Program contract by either the sponsoring organization or the at-risk facility, due to considerations unrelated to either party's performance of Program responsibilities under the agreement.

"Termination for convenience" means termination of an at-risk Program contract by either the sponsoring organization or the facility, due to considerations unrelated to either party's performance of Program responsibilities under the agreement.

"Unannounced review" means an on-site review for which no prior notification is given to the facility or institution.

Reference: 7 CFR 226.2
*CACFP 04-2012, January 25, 2012

The following acronyms will be used throughout this procedure manual:

BCFNA – Bureau of Community Food and Nutrition Assistance

CACFP – Child and Adult Care Food Program

CN – Child Nutrition

FNS – Food and Nutrition Service

FSD – Family Support Division, Department of Social Services

IRS – Internal Revenue Service

MDHSS - Missouri Department of Health and Senior Services

MOU – Memorandum of Understanding

MPRO – Mountain Plains Regional Office

SA - State Agency (MDHSS-BCFNA)

SCCR – Section for Child Care Regulation

SD – Serious Deficiency or Seriously Deficient

SO – Sponsoring Organization

USDA – United States Department of Agriculture

WIC – Women, Infants and Children

Program Eligibility
At-risk after school programs operated by public agencies or tax-exempt private non-profit organizations must:

- be organized primarily to provide care after school hours or on weekends, and holidays or school vacations during the regular school year;
- have organized, regularly scheduled activities in a structured and supervised environment;
- include education or enrichment activities;
- have tax exempt status under Internal Revenue Service (IRS) Code of 1986;
- be licensed or license exempt and meet annual State or local health and safety standards*;
- be "area eligible" which means a geographical attendance area served by a public school (an elementary, middle, or high school) where at least 50 percent of the students are eligible for free or reduced-price meals under the National School Lunch Program (NSLP);
- serve nutritionally balanced meals and snacks that meet USDA's nutrition standards;
- claim reimbursement only for eligible meals or a maximum of one snack and one supper per participant per day;
- be served to school age children who are age 18 or under at the start of the school year or meet the definition of Persons with disabilities in 226.2l; and
- not charge children for the snack and/or supper meal that is reimbursed under the CACFP be claimed at the free reimbursement rate.

At-risk after school meals and snacks may be reimbursed if they are served on weekends or holidays, including vacation periods (spring break, for example) during the regular school year only. At-risk programs cannot receive reimbursement during the summer vacation months. In areas where schools operate on a year-round basis (i.e., the regularly scheduled school year is year-round), at-risk after school program programs set up to serve children attending the year-round-schools my received reimbursement for meals and snack through the CACFP all year [7 CFR 226.17a(a)].

The tax-exempt status must be verified by submitting the determination letter (501c3) from the Internal Revenue Service (IRS) with the initial application to the CACFP. **Organizations holding Missouri tax exempt status with the Secretary of State's office without holding the Federal IRS tax exemption are not eligible to participate in the CACFP.** The institution may participate without tax-exempt status if it is

part of a military installation or is currently operating another Federal program that requires non-profit status, i.e. schools.

Public at-risk after school programs are those owned or operated by city, county, or state governmental entities. Public programs may be licensed or license-exempt and must meet health and safety standards.

*Eligible afterschool programs do not need to be licensed in order to participate unless there is a state or local requirement for licensing. If there is no state or local requirement for licensing, then after school programs must meet annual state or local health, sanitation, and safety standards. These after school programs must provide certification that the facility has met minimum health, sanitation, and safety standards by submitting a copy of a recent fire safety inspection and a copy of a recent sanitation inspection.

Section 9(h) of the National School Lunch Act requires schools that participate in the National School Lunch Program (NSLP) or School Breakfast Program (SBP) to obtain two food safety inspections each year from State or local authorities. Therefore, schools that participate as outside school hour care centers or at-risk after school centers in CACFP do not have to meet additional health and safety requirements. Their participation in the NSLP or SBP is proof of meeting health and safety requirements.

Organized athletic programs engaged in interscholastic or community level competitive sports only (i.e. youth sports leagues such as "Babe Ruth," swim teams, soccer and football leagues) **may not** be approved to operate an at-risk after school program. However, the after school program which includes supervised athletic activities may participate provided that they are "open to all" and do not limit membership for reasons other than space, security, or licensing requirements.

Traditional Child Care Centers

While the at-risk component of CACFP is primarily geared towards non-traditional child care centers such as drop in afterschool programs, traditional child care centers already participating in CACFP also may participate. In this situation, children would attend the center after their school day or on weekends, holidays, or school vacation. Children who do not attend school would continue to participate in the traditional CACFP meal service provided by the center, even during the "afterschool" hours.

Centers operating both the traditional and at-risk components of the CACFP may only claim a total of two meals and one snack or one meal and two snacks, per child per day, including the afterschool snack [7 CFR § 226.17a(k)].

Participant Eligibility

At-risk afterschool programs may claim reimbursement only for meals and snacks served to children who participate in an approved after school program and who are age 18 or under at the start of the school year. Reimbursement also may be claimed for participants who turn age 19 during the school year [7 CFR §226.17a (c)]. There is no age limit for persons with disabilities [7 CFR §226.2 Definitions]. Federal law has no minimum age for at-risk program participants. Meals and snacks served to children who are enrolled in preschool, Head Start, Even Start, etc. and who are participating in an eligible after school program are eligible for reimbursement.

EXAMPLE: Serving lunch to children after half-day kindergarten or a half-day Head Start Program is allowable through the at-risk afterschool meals component of CACFP because their school day has ended. However, before approving an institution to operate such a program, MDHSS-BCFNA must be ensured that the same children who are receiving lunch in the at-risk after school program are not being served lunch in school as well.

The intent of this program is to assist schools and public and private nonprofit organizations to operate programs which include education or enrichment activities known to help reduce or prevent children's involvement in juvenile crime or other high risk behaviors.

References:
USDA-CACFP 564
7 CFR 226.17a
At-Risk Afterschool Meals A Child and Adult Care Food Program Handbook, USDA/FNS, June 2011

Program Eligibility
At-risk after school programs operated by for-profit organizations must:

- be organized primarily to provide care after school hours or on weekends, and holidays or school vacations during the regular school year;
- have organized, regularly scheduled activities in a structured and supervised environment;
- include education or enrichment activities;
- be licensed or license exempt and meet annual State or local health and safety standards;
- be ”area eligible” which means a geographical attendance area served by a public school (an elementary, middle, or high school) where at least 50 percent of the students are eligible for free or reduced-price meals under the National School Lunch Program (NSLP);
- is eligible to receive reimbursement as a proprietary Title XX child care center through the traditional child care component of the CACFP;
- serve nutritionally balanced meals and snacks that meet USDA’s nutrition standards;
- claim reimbursement only for eligible meals or a maximum of one snack and one supper per participant per day;
- be served to school age children who are age 18 or under at the start of the school year or meet the definition of Persons with disabilities in 226.2l; and
- not charge children for the snack and/or supper meal that is reimbursed under the CACFP be claimed at the free reimbursement rate.

At-risk after school meals and snacks may be reimbursed if they are served on weekends or holidays, including vacation periods (spring break, for example) during the regular school year only. At-risk programs cannot receive reimbursement during the summer vacation months. In areas where schools operate on a year-round basis (i.e., the regularly scheduled school year is year-round), at-risk after school program programs set up to serve children attending the year-round-schools my received reimbursement for meals and snack through the CACFP all year [7 CFR 226.17a(a)].

Organized athletic programs engaged in interscholastic or community level competitive sports only (i.e. youth sports leagues such as “Babe Ruth,” swim teams, soccer and football leagues) **may not** be approved to operate an at-risk after school program. However, the after school program which includes supervised athletic activities may participate provided that they are “open to all” and do not limit membership for reasons other than space, security, or licensing requirements.

A for-profit child care center, may receive reimbursement for at-risk after school meals and snacks if it meets the eligibility requirements and is eligible to participate in CACFP through its traditional child care center. This means that at least 25 percent of the children served by the center through its traditional child care component:

- Are eligible for free or reduced price meals based on their family income; or
- Receive benefits under title XX of the Social Security Act and the center receives compensation under title XX.

This 25 percent threshold is based on the center's enrollment or the licensed capacity, whichever is less. It is calculated during the calendar month preceding application for Program participation. In addition, in order to claim reimbursement in any calendar month, the center must meet the 25 percent threshold in that month.

In determining a for-profit center's eligibility for at-risk afterschool meals program reimbursement, only the enrollment/licensed capacity of the traditional child care component of the center may be considered in calculating whether the center meets the 25 percent criterion. The calculation to determine this eligibility cannot include the at-risk after school children.

EXAMPLE: A for-profit child care center located in a low-income area has 32 pre-school children enrolled for care, and also operates an afterschool program for school-age children. The center would be able to claim reimbursement through CACFP for meals served under the traditional child care component and for afterschool snacks, in any month in which at least 8 of the 32 pre-school children (25%) are eligible for free or reduced price meals or are title XX recipients.

Traditional Child Care Centers

While the at-risk component of CACFP is primarily geared towards non-traditional child care centers such as drop in afterschool programs, traditional child care centers already participating in CACFP also may participate. In this situation, children would attend the center after their school day or on weekends, holidays, or school vacation. Children who do not attend school would continue to participate in the traditional CACFP meal service provided by the center, even during the "afterschool" hours.

Centers operating both the traditional and at-risk components of the CACFP may only claim a total of two meals and one snack or one meal and two snacks, per child per day, including the afterschool snack [7 CFR § 226.17a(k)].

Participant Eligibility

At-risk afterschool programs may claim reimbursement only for meals and snacks served to children who participate in an approved after school program and who are age 18 or under at the start of the school year. Reimbursement also may be claimed for participants who turn age 19 during the school year [7 CFR §226.17a (c)]. There is no age limit for persons with disabilities [7 CFR §226.2 Definitions]. Federal law has no minimum age for at-risk program participants. Meals and snacks served to children who are enrolled in preschool, Head Start, Even Start, etc. and who are participating in an eligible after school program are eligible for reimbursement.

EXAMPLE: Serving lunch to children after half-day kindergarten or a half-day Head Start Program is allowable through the at-risk afterschool meals component of CACFP because their school day has ended. However, before approving an institution to operate such a program, MDHSS-BCFNA must be ensured that the same children who are receiving lunch in the at-risk after school program are not being served lunch in school as well.

References:
USDA-CACFP 564
7 CFR 226.17a
At-Risk Afterschool Meals A Child and Adult Care Food Program Handbook, USDA/FNS, June 2011

To be eligible to participate in the at-risk afterschool meals component of CACFP, a program must be located in an eligible area. This means that the site is located in the attendance area of a public school (an elementary, middle, or high school) where at least 50 percent of the students are eligible for free or reduced price meals under the National School Lunch Program (NSLP). This is referred to as "area eligibility."

Only data from appropriate neighborhood school(s) may be used to establish a site's are eligibility. School district-wide data may not be used to establish area eligibility. The organization operating an at-risk after school program may obtain eligibility information from MDHSS-BCFNA. MDHSS-BCFNA will verify with the Department of Elementary and Secondary Education's school data information to determine eligibility.

> **Example:** If a Boys and Girls Club is located in the attendance area of a high school with less than 50% free or reduced price enrollment but is also in the attendance of a middle (or elementary) school where 50% or more of the enrolled children are certified as eligible for free or reduced price meals, then the Boys and Girls Club at-risk after school program would be area eligible.

Area eligibility determinations are based on the total number of children approved for free or reduced-price school meals for the preceding October. A site's area eligibility determination made under CACFP is valid for 5 years [7 CFR § 226.17a(i)(3)]. Area eligibility based on school date as described above is the ONLY method for establishing site eligibility. Census data may not be used to determine area eligibility in the at-risk afterschool meals component of CACFP. Sites also may not collect participant income information to establish eligibility.

Private and Charter School Data

Because most private schools (and some charter and magnet schools) do not have defined attendance areas, generally private school free and reduced-price enrollment data may not be used to determine area eligibility. However, if an at-risk afterschool program site is located in a private school, then that site may use the free and reduced-price enrollment data for that private school, or free and reduced-price enrollment data for the public school attendance areas in which the private school is located, to qualify as an area eligible site.

In areas that do not have specific assigned schools but allow children to enroll in any of the area schools, at-risk afterschool care programs located in school buildings should use the free and reduced-price enrollment data from the school they are located in to determine area eligibility. MDHSS-BCFNA will work with facilities on a case-by-case basis to determine the area eligibility of at-risk afterschool programs operating in non-school sites in areas with unassigned attendance areas. *[Afterschool Snacks in the National School Lunch Program (NSLP) and the At-Risk Component of the Child and Adult Care Food Program (CACFP), Questions and Answers, Edition 3, December 1, 1999*]

Busing

If an at-risk afterschool program is located in an area that has mandated busing of students, site eligibility based on school data may be determined using one of two methods. Eligibility may be based on the enrollment data obtained for:

the school the children attend and are bused to, or
the school the children would have attended were it not for the school's busing policy (the neighborhood school where the children live)

A site may be determined area eligible in situations as described above only if the School Foodservice Authority (SFA) can document the percentage of children eligible for free and reduced-price meals at each school before and after students are reassigned. The same method of determining site eligibility must be used for all sites participating under that program sponsor to avoid duplicate counting. [*CACFP 02-2011 Effects of Busing on Area Eligibility in Child and Adult Care Food Program December 6, 2010]*

References:
7 CFR 226.17a
CACFP 02-2011
At-Risk Afterschool Meals A Child and Adult Care Food Program Handbook, USDA/FNS, June 2011

The CACFP must ensure that program benefits are made available to all eligible individuals without regard to race, color, age, sex, disability, or national origin.

As part of the application process, the institution must provide information on:

- Estimate of the racial/ethnic makeup of the population to be served. Sources for this information might include public school enrollment or census data.
- Actual beneficiary data by racial/ethnic category for the at-risk afterschool program. Visual identification may be used to determine a beneficiary's racial/ethnic category.
- Efforts to be used to assure that minority populations have an equal opportunity to participate.
- Efforts to be used to contact minority and grassroots about the opportunity to participate.
- Any other Federal agencies providing financial support to the applicant.

Throughout the program year, the at-risk afterschool program must:

- Display the "And Justice for All" poster in a prominent place. All posters can be downloaded at: http://health.mo.gov/living/wellness/nutrition/foodprograms/cacfp/publications.php.
- Collect racial/ethnic data on an annual basis, using the CACFP-226 Beneficiary Data report form found at: http://health.mo.gov/living/wellness/nutrition/foodprograms/cacfp/appsforms.php. The Documentation must be maintained on file.
- Have the capability of providing informational materials in the appropriate translation concerning the availability and nutritional benefits of the CACFP. Display the "Building for the Future" poster in a prominent place.
- Make CACFP information available to the public upon request. Upon initial visits, parents of potential beneficiaries shall be given specific program information that is pertinent to their children's receipt of benefits under the program.
- Provide the nondiscrimination statement and procedure for filing a complaint concerning the program or program activities. The nondiscrimination statement can be found at: http://www.dhss.mo.gov/cacfp/USDAStatement.html.

Reference: Civil Rights Instruction 113-1 (November 8, 2005)

An application for participation in the Child and Adult Care Food Program (CACFP) must be submitted to the Missouri Department of Health and Senior Services – Bureau of Community Food and Nutrition Assistance (MDHSS-BCFNA) when first applying for Program participation. The forms to be submitted are dependent upon the type of organization (public or private non-profit organization or for-profit organization) applying to the Program and are available to print off at: http://health.mo.gov/living/wellness/nutrition/foodprograms/cacfp/after_school.php#How_to_Apply.

An independent organization (single facility) enters into a contract with the MDHSS to assume final administrative and financial responsibility for Program operations. A sponsoring organization is entirely responsible for the administration of the food program in two or more at-risk after school centers or any combination of two or more CACFP centers.

Complete and submit the following Forms:

- Application/Center Information (CACFP-2)
- Budget (CACFP-209)
- Direct Deposit (required) Vendor Input/ACH-EFT App (MO 300-1498)[1]
- Two weeks of menus for each meal (snack and/or supper meals) served[1]
- Network User Access Request form (MO 580-1854E)
- Statement of Affiliation form (CACFP-208).

Sponsoring organizations (two or more centers) must <u>also</u> complete and submit:

- Application and Management Plan (CACFP-1)
- Application for Participation for Facility (CACFP-2) for each at-risk after school (center or site) Program under the sponsoring organization's jurisdiction.

Submit with the application:

- Non-profit organizations - Federal IRS tax exemption (501c3) letter[1]
- For-profit organizations - Copy of Title XX contract with the Missouri Department of Social Services, Family Services Division (FSD)
- Food service management company contract or school food authority agreement (catered food service only
- Copy of current Child Care license (if applicable)
- Signed Memorandum of Understanding (MOA) from the E-Verify federal work authorization program
- A copy of Fire and Safety inspections for each program (not applicable if on school grounds).

[1]Submit only if first time applying to the CACFP.

Application and Management Plan for Participation in the Child and Adult Care Food Program (CACFP-1)
This must be completed by any organization sponsoring responsible for two or more At-Risk or combination of CACFP centers. Attachments required are: List of board of directors (including required date of birth) and minutes of last board meeting (non profit organizations only), annual training schedule, organization policy on outside employment, job descriptions of key staff positions, and copy of organization monitoring tool/workbook.

Application for Participation for Facility (CACFP-2)
Applications for participation shall be completed for each organization applying for participation.

Direct Deposit Form - Vendor Input Form Vendor Input/ACH-EFT App (MO 300-1498)
This form is required for new applicants and to change direct deposits. Each institution must have a completed Missouri State vendor form in order to receive payment from MDHSS. This form requires the organization's Federal Tax ID number. The CACFP contract will not be issued until this form is on file and the Office of Administration verifies the Federal Tax ID number.

Budget (CACFP-209)
The organization shall complete this form listing any expenses associated with providing food services to participants. This form must show actual or estimated costs and is a required part of the application (new applications and every three years thereafter). This form does not apply to Unaffiliated sponsoring organization contractors.

Two Weeks of Menus
When applying for the first time, the organization must submit two weeks of menus for each supper and/or snack served and claimed for reimbursement. The menus should be in compliance with the CACFP menu requirements. A sponsoring organization must submit menus for each at-risk after school program and/or other center(s) under their sponsorship *when different meals are provided at each facility*.

Tax Exempt Letter for Non-Profit After School Programs – IRS form 501c3
Submit the Federal IRS determination letter for each non-profit facility. A state exemption letter will not be adequate. Sponsoring organizations must submit a Federal IRS tax-exempt letter for each non-profit program under their sponsorship.

Title XX Verification
For each for-profit organization, attach a copy of the contract with the Family Services Division for Title XX services, an enrollment roster, and a copy of the DFS vendor invoice for the month prior to the date of application. This is required to verify 25% enrollment of free or reduced eligible participants in the regular child care. In lieu of submitting a Title XX contract or roster, a for-profit center may submit an enrollment roster with all eligible low-income children (children whose household incomes are less than or equal to 185% of federal poverty) identified or marked on the roster.

Annual renewal updates
Annual renewal updates (affiliated contractors) will be completed on the CACFP web-base system at: https://dhssweb04.dhss.mo.gov/cnp/frameManager.asp.

[1]Submit only if first time applying to the CACFP.

The institution is responsible for reviewing and updating the online Sponsor Information Sheet and the Center Information Sheet and keeping the information current and up-to-date. The budget must be updated every three years. Sponsoring organizations will also complete a management plan and budget each year.

All CACFP forms are available on the MDHSS website at: www.dhss.mo.gov/cacfp/.

[1] Submit only if first time applying to the CACFP

[1]Submit only if first time applying to the CACFP.

I. On-Site Orientation Training (required for new contractors)

New centers - Once a CACFP application for a new at-risk after school center is received in full, individualized training will be coordinated. The Nutritionist in your area will arrange to conduct an on-site orientation at the center and complete an on-site pre-approval inspection, if required. A pre-approval site visit is required for nonprofit facilities that are not licensed. Program approval will not be granted until documentation of training and the pre-approval inspection (if applicable) is on file in the Bureau of Community Food and Nutrition Assistance (BCFNA) Central Office.

II. Classroom Training

Special program training topics are available for center personnel to attend as requested by center management or special training topic(s) may be mandated if noted as a "required action" from a CACFP monitoring review. The monitoring review letter will describe the training required and the completion due date.

The CACFP special topics training schedule is posted on the website in each of the district office locations. Centers must register for trainings on-line at:
http://health.mo.gov/living/wellness/nutrition/foodprograms/cacfp/training.php Reservations are required due to limited space. Questions about training can be directed to the toll free number at 800-733-6251.

Locations for Special Topics Training*

Central Office – Jefferson City
Missouri Department of Health and Senior Services
Bureau of Community Food and Nutrition Assistance
920 or 930 Wildwood (check website for specialty class location)
Jefferson City, MO 65102
CACFP@health.mo.gov

Northwestern District Health Office
3717 Whitney Avenue
Independence, MO 64055

Eastern District Health Office
220 South Jefferson
St. Louis, MO 63103

Southwestern District Health Office
149 Park Central Square, Ste. 116
Springfield, MO 65806

Cape Girardeau Public Library
711 N. Clark Street
Cape Girardeau, MO 63701

*Locations change in some districts depending on the day scheduled and specialty training topic. Verify the information on the CACFP website

III. On-line CACFP Training Modules

Self paced training modules developed in partnership with Learning Management System (LMS) are available on-line at no charge. The on-line training was developed to provide a convenient way for center personnel to access CACFP training during work hours without leaving the center. Each module includes resources pertinent to the training topic and a post test.

The CACFP training modules are located at: **www.mocacfp.com.** Individuals must first create a new account (user name and password) with an email address and other information. Video links provide assistance and guide you through the process.

Once access is granted, individuals can log on and enroll for a training module. Enrollment confirmation will be communicated to the email address provided when your account is created. You can start the training as your schedule permits.

This is a self-paced training which means you work at your own pace to complete the training, convenient to your schedule. If you cannot complete the training module in one session, the training will "place mark" where you left off. When you re-enter the training module, the prompt will direct you to the last screen visited.

CACFP special training topics are available for center personnel to complete as requested by center management. This is a convenient way to train a new employee who has involvement in any of the CACFP duties (administrative and/or operational). The training certificate must be retained at the center to document completion of training.

A special training topic(s) may be mandated if noted as a "required action" from a CACFP monitoring review. The monitoring review letter will describe the Corrective Action Plan (CAP), training requirement(s) and other "required actions" and specific due dates. If an on-line training module is required, verification of completion (training certificate) must be submitted as directed by the CACFP monitoring letter.

Reference: 7CFR 226.6(a)(2)
7CFR 226.15(e)(12)(14)

The institution shall inform the Missouri Department of Health and Senior Services – Bureau of Community Food and Nutrition Assistance (MDHSS-BCFNA) if any of the application information changes throughout the program year. Failure to promptly notify MDHSS-BCFNA of changes could result in delay or denial or CACFP reimbursement.

MDHSS-BCFNA must be notified if any of the following changes occur:

1. **Change In Ownership –** The institution must inform MDHSS-BCFNA in writing (email or letter) of a change in ownership status. In order to prevent an assessment of an overclaim or a denial of reimbursement, it is critical that MDHSS-BCFNA be advised **before** the transfer occurs. A new CACFP application is required when a change in ownership occurs.

2. **Change in Authorized Representative or authorized "User" –** the institution must notify MDHSS-BCFNA in writing of any changes in authorized representative(s) or authorized "user(s). This will prevent delayed or denied claims and assist MSHSS-BCFNA to track and provide the required training for new staff.

3. **Licensing Status or Number –** The institution must inform MDHSS-BCFNA of any changes in licensing status. Institutions shall notify MDHSS-BCFNA if their license is suspended, dissolved or revoked. An institution cannot claim reimbursement in any time period when the license is outdated or revoked. If a license is renewed or the licensed capacity of the institution is increased or decreased during the program year, the institution shall inform MDHSS-BCFNA. Change of license number for any reason, or change from a single proprietor to incorporation or Limited Liability Company (LLC) status requires a new CACFP application.

4. **Tax-Exempt Status –** Institutions must notify MDHSS-BCFNA immediately if tax-exempt status is revoked. Revocation of tax-exempt status may result in ineligibility for the Program.

5. **Changes in Area Eligibility –** Institutions must notify MDHSS-BCFNA if the school area in which the at-risk after school program operates changes so that 50% or more of the enrolled children are eligible for free or reduced price meals. Area eligibility is valid for three years from approval date.

6. **Changes in Meals Claimed –** An institution must notify MDHSS-BCFNA of any changes in meals claimed. If an institution intends to provide (and claim) an additional meal, a request must be submitted in writing or entered in the Center Info Sheet on the database and a two-week menu be submitted to MDHSS-BCFNA. Menus will be reviewed and approved by MDHSS-BCFNA before the additional meal may be claimed for reimbursement. At-risk after school programs can claim after school snacks and/or suppers during the regular school year and on weekends, holidays or school vacations with MDHSS-BCFNA approval.

7. **Change in Meal Service Times* -** an institution must notify MDHSS-BCFNA of any changes in meals service times. Meal time changes may be entered electronically and must comply with parameters set forth in Policy 7.8.

8. **Changes in Claim Processing –** An institution must notify MDHSS-BCFNA when they make a decision to stop filing CACFP claims. The institution will still be responsible for any overclaim payments and must retain all CACFP records for three years after stopping to claim for meal reimbursement.

9. **Institution Closure –** The institution must notify MDHSS-BCFNA when a closure is planned. The date of the last operational day shall be submitted in advance, all claims processed, and a method established to make any overclaim repayments.

*The institution is required to update the CACFP Web-based system Sponsor Information Sheet and Center Information Sheet(s) whenever there are any changes in personnel, meal times, days of operation, or capacity.

Contact CACFP at: CACFP@health.mo.gov

New CACFP Contracts (Permanent operating agreements):
The Healthy, Hunger-Free Kids Act of 2010 (the Act), Public Law 111-296, modifies the requirements for the periodic submission of renewal applications by institutions participating in the Child and Adult Care Food Program (CACFP); however, the requirements set forth at 7 CFR §226.6(b)(1) for new institutions submitting an initial application remain unchanged.

An independent center or sponsoring organization that is applying to participate in the Child and Adult Care Food Program (CACFP) for the first time must submit an application to the Missouri Department of Health and Senior Services – Bureau of Community Food and Nutrition Assistance (MDHSS-BCFNA). Application packets are available on the CACFP web page at:
http://www.health.mo.gov/living/wellness/nutrition/foodprograms/cacfp/pdf/App_checklist_At-Risk.pdf

Within 15 calendar days from receipt of the application, MDHSS-BCFNA will notify the institution of any information needed to complete the application for approval. When the center application meets all requirements, the institution's application is approved and a program services contract is issued. The contract will be dated for the day that the application is approved and cleared by the Division of Administration. This date is considered the first day the institution is eligible to claim meals. Contracts (permanent agreements) are mailed with the original application and dated for start date of the contract. Contracts are "permanent" retroactive to October 1, 2010.

If the institution's application is denied, the institution will be given the reasons for the denial and an opportunity to file an appeal. Applications may be denied for newly applying institutions under the following conditions:

- The submission of false information on the application, including but not limited to a determination that the institution has concealed a conviction for any activity that occurred during the past seven years and that indicates a lace of business integrity. A lack of business integrity includes fraud, antitrust violations, embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, receiving stolen property, making false claims, obstruction of justice, or any other activity indication a lack of business integrity.

- MDHSS-BCFNA is prohibited from approving an institution's application if, during the past seven years, the institution or any of its principals have been declared ineligible for any other publicly funded program by reason of violating that program's requirements. However, this prohibition does not apply if the institution or principal has been fully reinstated in, or determined eligible for that program.

- Any other action affecting the institution's ability to administer the Program in accordance with Program requirements.

Annual Certification of Information:

Participating centers or sponsors are required to update the online/web-based application (Sponsor and Center Information Sheets and Budget and or Management Plan) on an annual basis. The CACFP web-based application (Center Information Sheet(s) and Sponsor Information Sheet) is found at: https://dhssweb04.dhss.mo.gov/cnp/frameManager.asp. Selected independent institutions will complete an online budget as part of the renewal process. All Sponsoring Organizations of multiple centers must complete the web based Management Plan and Budget.

All annual responsibilities contained in 7 CFR §226.6(f)(1) continue to apply. Renewing institutions will be **required to annually certify** that:

For Sponsoring organizations only:

- The management plan and budget on file with the State agency is complete and up to date;
- No sponsored facility or principal of a sponsored facility is currently on the CACFP National Disqualified List; and
- The outside employment policy most recently submitted to the State agency remains current and in effect.

For all institutions (sponsoring organizations and independent centers):

- The licensing information for each independent center and facility participating in CACFP is accurate;
- The names, mailing addresses, and dates of birth of all current institution principals have been submitted to the State agency;
- The Institution itself, and the Institution's principals, are not currently on the CACFP National Disqualified List;
- The list of any publicly funded programs institution and principals have participated in the past seven years is current;
- The Institution itself, and the Institution's principals, have not been determined ineligible for any other publicly funded programs due to violation of that Program's requirements in the past seven years;
- No principals of the Institution have been convicted of any activity that occurred during the past seven years and that indicated a lack of business integrity; and
- The Institution is currently compliant with the required performance standards of financial viability and management, administrative capability, and program accountability as described in 7 CFR §226.6(b)(2)(vii).

References: 7 CFR §226.6(b)(2); 7 CFR §226.6(f)(3)(iv); CACFP 07-2011 (January 14, 2011); CACFP 19-2011 (April 8, 2011)

The Program Services contract (permanent operating agreement) with the Missouri Department of Health and Senior Services – Bureau of Community Food and Nutrition Assistance (MDHSS-BCFNA) is a written contract explaining expectations between the provider and MDHSS-BCFNA. Attached to the contract are the Scope of Work and Terms and Conditions which list the Program expectations. All CACFP institutions must sign a contract and submit it to MDHSS-BCFNA before any reimbursement can be paid. The contract is considered permanent.

Pursuant to 285.530 RSMo, the Contractor must affirm the Contractor's enrollment and participation in a federal work authorization program with respect to the employees proposed to work in connection with the CACFP services requested. The Contractor should complete and submit the E-Verify form and an Affidavit of Work authorization with the contract. These two documents must be submitted prior to an award of a contract.

The CACFP contract is one of the records that must be available to the MDHSS-BCFNA Nutritionist within one hour of arrival for a monitoring review. As the contract is a permanent document it should be retained in your files with all Program records for as long as the organization participates in CACFP and for a period of at least three years after the closing of the center.

Each year, the Missouri Department of Health and Senior Services – Bureau of Community Food and Nutrition Assistance (MDHSS-BCFNA) shall provide a press release to the media (television, radio, or newspaper) serving the area from which the institution draws attendance. The public release for non-pricing institutions will announce the availability of meals at no separate charge.

All press releases will state that "The same meals are available to all children in attendance without regard to race, color, national origin, sex, age, or disability, and there is no discrimination in the course of the meal service. If you believe that you have been treated unfairly in receiving food services for any of these reasons, write immediately to the U.S. Department of Agriculture Director, Office of Adjudication 1400 Independence Avenue, SW, Washington, DC 20250-9410 or contact the Office of Adjudication Customer Service Unit for further information at (866) 632-9992 (toll free), (202) 260-1026, or (202) 401-0216 (TDD).

It is the institution's responsibility to keep a copy of the press release in the institution's files.

At- risk afterschool programs are reimbursed at the following rates. These rates are effective July 1, 2016, through June 30, 2017.

Supper	Snack
$3.39	$0.86

The rate for supper includes 23.00 cents for each supper as cash-in-lieu of commodities.

All claims for reimbursement are filed via the Internet at http://dhssweb04.health.mo.gov/cnp. Each user of the CACFP web system must have his or her personal user ID and password, which cannot be shared with anyone. Contractors that do not have access to a computer or the Internet may contact the MDHSS-BCFNA central office to make alternative arrangements to submit claims.

An online claim is considered "submitted" when it is in **Pending Approval** status at the sponsor level and, if required, all supporting documents have been submitted and received (for example, menus, meal counts, milk purchase receipts). Claims in **Error** status or **Pending Submission** status may be modified, and have not been certified as true and correct, so are not considered submitted to the state office for approval. The timeframe within which a claim can be submitted for a particular month is indicated in the Claims portion of the Sponsor Summary on the CACFP web system. Failure to properly submit a valid claim (with all supporting documentation, as requested or required) will result in non-payment of the claim. MDHSS-BCFNA will delete claims that remain in Error or Pending Submission status or in Pending Approval Status without supporting documentation after 90 days from the last day of the claim month.

An exception may be granted to an institution once every 36 months for exceeding the 60-calendar day deadline while on the Program. The institution (independent sponsor or sponsoring organization) must submit a corrective action plan before an exception can be granted. As noted above, the official submission date of a claim is the day the claim is put into **Pending Approval** status *and* when any required supporting documentation (if necessary) has been received by MDHSS-BCFNA.

Revised claims resulting in additional reimbursement to the institution (underclaim) shall be submitted by the institution to MDHSS-BCFNA within 90 calendar days from the last day of the claim month. Claims submitted after the 90-calendar day deadline shall not be processed. Revised claims resulting in a reduction of reimbursement shall be submitted to MDHSS-BCFNA as soon as possible after notification to complete a revision.

MDHSS-BCFNA processes claims twice a month (see the schedule below). Claims must be in **Pending Approval** status in the MDHSS-BCFNA web system on or before the 10th of the month for the first closing. Any claims received after the 10th of the month will be held until the next cycle for processing. Claims put in Pending Approval status by the 25th of the month will be processed in the second cycle. Claims put in Pending Approval status after the 25th of the month will be processed in the first cycle of the following month.

1st Deadline	1st Check Issue Date, Projected	2nd Deadline	2nd Check Issue Date, Projected
10th of the month	28th of the month	25th of the month	13th of the month

Reimbursement for CACFP claims are direct deposited (required). If you do not receive your payment within 15 days of the projected payment date, contact MDHSS. Claims submitted by the institution prior to

the 10th or 25th of the month that do not pass system edits, will be returned for correction and will be processed in the next cycle immediately following the submission of the corrected claim.

In submitting the claim for reimbursement, each institution is certifying that the claim is correct and that records are available to support the claim. These records shall be retained for a period of three years after the end of the fiscal year to which they pertain. Records shall be retained beyond the end of the three-year period if findings result from an audit. In those cases, records shall be maintained for as long as required to resolve the issues raised by the audit.

All accounts and records pertaining to the Program shall be made available upon request to representatives of the MDHSS-CFNA, MDHSS-Auditor, the U.S. Department of Agriculture, and the U.S. General Accounting Office for audit or review, at a reasonable time and place. See Section 8.3 for information on records that must be maintained to support the claim for reimbursement.

Failure to have records available to support the claim for reimbursement shall result in a disallowance of meals claimed. **All records must be maintained on-site at the institution (for centers with a single site), or at the address designated in the Sponsoring Organization of Centers' management plan for contractors with two or more centers under their jurisdiction.**

Claims for reimbursement are processed based on the following schedule:

1st Deadline	1st Projected Claim Deposit Date	2nd Deadline	2nd Projected Claim Deposit Date
10th of the month	28th of the month	25th of the month	13th of the month

Please be advised that Missouri Department of Health and Senior Services – Bureau of Community Food and Nutrition Assistance (MDHSS-BCFNA) **cannot** guarantee an exact direct deposit date.

Monthly claims are entered into the CACFP web system. Any errors on the claim will cause the claim to be rejected by the system. MDHSS- BCFNA will notify the institution of the type of error and what needs to be done to correct the information. The error must be corrected before the system will process the claim. Correction of errors may delay payment until the next processing cycle; therefore, accuracy in completion of the claim is vital for timely payment. All returned or revised claims must be received in the MDHSS-BCFNA office within 90 calendar days from the last day of the claim month. All claims must be submitted via the online system at: https://dhssweb04.dhss.mo.gov/cnp, unless alternate arrangements have been made.

Once the claim is processed by MDHSS-BCFNA, information is sent to the Missouri Office of Administration to be paid.

Listed here are error messages common to the on line claim process:

- Attendance is not completed or is completed incorrectly. Attendance must be a cumulative total of all participants attending for each day of the claim month. If a for-profit center, the lesser of the licensed capacity or the number of children enrolled and in attendance in the child care center at least one day for the claim month.

- The meal count data is not completed or completed incorrectly. The meal count must be a cumulative total of participants recorded by meal type (snack and/or supper) and compared to the daily attendance record.

- Institution claims unauthorized meals. An institution can claim only those meals for which it is approved. If an institution adds a meal to its service, it must notify MDHSS-BCFNA immediately and submit a two week menu for approval before the additional meal can be claimed for reimbursement.

- The center claims meals in excess of licensed capacity or number of participants.

- The license has expired and is not effective for the claim month.

A traditional for-profit child care may receive reimbursement for at-risk after school snack and/or supper meals if it meets the eligibility requirements (Section 2.2) and is eligible to participate in the CACFP through its traditional child care center. To be eligible for reimbursement, a center must be located in an area with an eligible area school and receive compensation from the State of Missouri under Title XX of the Social Security Act for at least 25 percent of its enrollment or 25 percent of its license capacity, whichever is less, or have 25% of the enrollment meet the eligibility criteria for free or reduced price meals (185% of federal poverty or below) during the month.

When calculating whether the center meets the 25% criteria, only the children enrolled in the traditional childcare component of the center should be considered. For-profit centers and sponsoring organizations of at-risk after school programs must submit the number of enrolled children in the child care and the number of child care children receiving Title XX benefits or eligible for free or reduced price meal benefits for each month that a CACFP claim for reimbursement is submitted. This means that at least 25% of the participants served by the center through its traditional child care component:

- Are eligible for free or reduced-price meals based on their household income; or
- Receive benefits under Title XX of the Social Security Act and the center receives compensation under Title XX.

To evaluate eligibility, the following steps must be taken each month:

- Determine how many children enrolled in the child care center were in attendance at least one day for the month being claimed. Children in attendance include part-time and drop-in care. Only children in attendance in the child care component are included in the calculation, not children attending the at-risk after school program
- Compare the licensed capacity and the number of children enrolled and in attendance for the month. Determine which of the two numbers is the least.
- Determine how many Title XX children enrolled at the center or children eligible for free or reduced meal reimbursement were in attendance at least one day for the month being claimed. This should be done by counting the total number of children whose names appear on the vendor billing for the month you are claiming reimbursement. Only children in attendance in the childcare component are included in the calculation, not children participating in the at-risk after school program.
- Divide the number of the Title XX children or free/reduced price children by the total number of children in attendance or the center's license capacity (whichever is less) for the claim month. Remember only children in the regular childcare component are included in the calculation; do not include children participating in the at-risk after school program. If this number is greater than or equal

to 0.25, you may submit a claim for reimbursement for that month. If the number is less than 0.25, your center is not eligible to claim reimbursement for the month. Numbers cannot be rounded up to make 25%.

For example, a for-profit childcare center has 32 children enrolled for care in the child care center with a licensed capacity of 40, and also operates an at-risk after school program for school-age children in the center.

The center would use 32 in the calculation because it is the lesser of the two numbers. The center would be able to claim reimbursement through CACFP, for meals served under the traditional child care component and for at-risk after school snack and/or supper meals, in any month in which at least 8 of the 32 preschool children are Title XX recipients or eligible for free/reduced price meals.

The following calculation applies: 8 divided by 32 = .25

Individuals request access to the CACFP Web-based system by completing a Network User Access Request form (MO-300-1608E) located at: http://health.mo.gov/cacfp under Applications and Forms. Access is granted to individuals on behalf of the contracted institution, blanket access is not granted. Individual user ID's and passwords **may not** be transferred to others or shared.

The individual user or the authorized representative must contact the Missouri Department of Health and Senior Services – Bureau of Community Food and Nutrition Assistance (MDHSS-BCFNA) in writing if the user is leaving employment or changing job duties, so that access may be revoked immediately.

Misuse of another individual's user ID and password will not be tolerated. Access will be revoked immediately, and may only be restored by submitting a Corrective Action Plan to MDHSS-BCFNA detailing how individual passwords will be protected and not shared. Claims for reimbursement submitted through misuse of another individual's user ID and password will be considered invalid, and must be repaid in full to the MDHSS-BCFNA.

The following additional measures will be taken to ensure the security of the institution's access to the CACFP web-based system:

- The owner or the CACFP authorized representative named on the CACFP Application must sign the Network User Access Request Form.
    - *If the CACFP authorized representative changes after the application is submitted, the MDHSS-BCFNA must be notified by letter. The letter should include the signature of the new CACFP authorized representative.*
- The number of individuals allowed access for an independent center is limited to two people.
- An individual's User access will be deleted if the user does not log-in to the system for a continuous six-month period.

The Missouri Department of Health and Senior Services – Bureau of Community Food and Nutrition Assistance (MDHSS-BCFNA) must be notified in writing any time there is a change in the authorized representative or authorized web system "user" contact information. The authorized representative at the institution is the person who is approved to enter the monthly claim for reimbursement.

Failure to notify MDHSS-BCFNA can cause a delay or denial of payment of the claim for reimbursement. Refer to Section 3.3 for additional information.

At-risk after school centers will update the CACFP Application web-based Sponsor Information Sheet, Center Information Sheet and/or Budget (when indicated) as part of the annual renewal process at: https://dhssweb04.dhss.mo.gov/cnp. Some information from the previous fiscal year application is automatically repeated in the renewal application. The contractor is responsible for entering other information. The fiscal year runs from October 1 – September 30.

It is vital that the institution keep MDHSS-BCFNA updated on changes regarding any information which could affect the meals claimed or the center's participation in the CACFP. Center information should be updated on an as needed basis (See 3.3 for details). The center must contact MDHSS-BCFNA in writing (postal service or via e-mail) or by phone when the following changes occur:

- **Licensing status or number**
- **Tax exempt status**
- **Change in ownership**
- **Change in authorized representative or authorized "user"**
- **Changes in hours of care**
- **Changes in personnel or capacity**
- **Change in meals claimed**
- **Changes in meal service times**
- **Change in address***
- **Changes in claim processing**
- **Institution closure**

Failure to update this information could cause a claim for reimbursement to be denied. For example:

> XYZ center has a licensed capacity of 50 on October 1, 2011. On January 20, 2012, XYZ's licensed capacity is increased to 100. If this information is not updated in the CACFP computer system files, the January claim for reimbursement will be rejected because the computer will show XYZ is claiming meals in excess of their licensed capacity.

*NOTE: Change can be updated electronically on the application website at:
https://dhssweb04.dhss.mo.gov/cnp

At-risk after school programs receiving payment (reimbursement) from the Child and Adult Care Food Program (CACFP) are required to maintain accurate records for Program compliance. The records must support the monthly claim for reimbursement and verify that all Program requirements are met. All records (original documentation) must be retained for a period of three years after the end of the fiscal year to which they pertain. If audit findings have not been resolved, the records shall be retained beyond the end of the three year period as long as may be required for the resolution of the issues raised by the audit.

All required records must be maintained on location during (licensed) hours of business and available for review within one hour of arrival by federal and state officials. Failure to make any/or all records available within one hour of arrival to MDHSS-BCFNA representative may result in review findings, corrective action and/or overclaims.

At-risk after school programs shall maintain the following records (original documentation) relating to participation in the CACFP:

- **Menus.** Menus must be dated and indicate all components that were served. Menus (original documentation) must be maintained for each meal claimed for reimbursement.

- **Daily attendance records.** Sign-in sheets or attendance roster which results in accurate recording of daily attendance is required. Documentation of attendance cannot be used as a basis for completing the meal count record; however, the attendance records should support the meal count records. For example, if John Doe was claimed for a meal on October 17, the attendance records should indicate that John Doe was present at the center on October 17.

- **Daily meal count (tally) records.** The meal count records must indicate the number of meals served by type. Program personnel must physically record (manually with pen and paper) each meal at the time the meal is served. Point-of-service (POS) meal counts (also called tally or strike sheets) are required and must accurately reflect participants who take a complete snack and/or meal. Record the number of adult performing food service labor who are served a meal or snack; however, adults (19 and older) may not be claimed.

- **Claiming Meals.** At-risk after school care centers must report the total number of meals and snacks served to eligible children based on daily attendance rosters or sign-in sheets. A maximum of one snack and one supper may be claimed per participant per meal on a daily basis for children through age 18 (19 if the child is enrolled in school and turns 19 during the school year and other participants with disabilities at any age [7CFR 226.2 Definitions]. With MDHSS approval, it is also permitted to serve two snacks instead of one meal and one snack. Federal law has no minimum age for at-risk program participants; however, children must be in attendance at preschool or school. Children are not charged for meals or snacks – all are claimed at the "free" meal rate of reimbursement.

Meals and snacks are served after school (or preschool) hours; however, with MDHSS-BCFNA approval, meals may be served on weekends, holidays and vacation days during the school year.

- **Program Activities Documentation** – each site must have documentation of organized, regularly scheduled enrichment or educational activities (structured and supervised).

- **Delivered Meals.** Daily record of the number of at-risk snacks and/or meals prepared or delivered (if vended) for each meal service.

- **Non-profit food service verification.** The center must have documentation to verify that all of the CACFP reimbursement is being used solely for the conduct of the food service operation; and to improve food service operations.

  Non-profit food service verification includes:

  a) **Documentation of <u>income</u> (revenue) to the program.** Income to the program includes all monies received from State, Federal, or local government sources, any center funds used to subsidize the food service program, any payments for adult meals, and any other income including loans and donations to the food program.

  b) **Documentation of food service <u>expenditures</u>.** Food service expenditures include food and milk purchase receipts or invoices, non-food food service expenses (ex. napkins, single service items and cleaning products), labor cost supported by payroll stubs and time studies, cost of expendable food service equipment, cost of maintaining non-expendable food service equipment, and indirect costs. **Expendable equipment** has a durability of less than two years and costs $500 or less. **Non-expendable equipment** has a durability of two years or more and costs more than $500. Examples of indirect costs are rent, utilities, office supplies, etc. A portion of indirect costs can be charged to the CACFP if there is documentation available to support the charge.

  See Section 8.2 for more information on records to support program costs.

- **For-Profit Title XX documentation.** Title XX documentation must be available for for-profit centers. Title XX includes the Title XX billing invoices and a copy of the contract with the Title. For each month claimed, the center must have verification that at least 25% of the enrolled participants were Title XX beneficiaries. Eligibility may be based on Title XX enrollment.

- **Civil Rights racial/ethnic information.** All centers must:
  i. Display the "And Justice For All" poster in a location visible to the public;
  ii. Display the "Federal Relay Service" poster next to the "And Justice for All" (AJA) poster, if the AJA does not include the Federal relay information;
  iii. Provide the nondiscrimination statement and procedure for filing a complaint in all center brochures;
  iv. Collect actual beneficiary data by racial/ethnic category annually; and
  v. Provide CACFP informational materials in the appropriate translation.
  vi. Provide annual training to front line staff on civil rights.
  See Section 5 for more information on Civil Rights.

- **Documentation of training to staff.** Staff must be trained at least annually and documentation maintained on the CACFP and Civil Rights required training. Documentation must include:
  i. Session dates;
  ii. Locations;
  iii. Required Topics: civil rights, meal pattern and recordkeeping requirements, meal count procedures, claim submission and reimbursement system, appropriate to the level of staff experience and duties
  iv. Names of participants.

- **Food Production Records** required for centers using a caterer or contract food service management company. See Section7 for additional information.

- **Miscellaneous documentation.** The following miscellaneous documentation must be retained:
  i. License or license exempt documentation issued by the Section for Child Care Regulation;
  ii. If center is unlicensed, programs must have documentation of State or local health and safety standards compliance.
  iii. Documents submitted to the Missouri Department of Health and Senior Services – Bureau of Community Food and Nutrition Assistance (MDHSS-BCFNA);
  iv. Copy of the Program contract; and
  v. Copies of all correspondence from MDHSS-BCFNA and to MDHSS-BCFNA.

References:
7CFR 226.17a(p)
7CFR 226.2
CACFP Policy Memos:
CACFP 597
CACFP 02-2011
CACFP 02-2011
CACFP 01-2011
CACFP 08-2012, February 17, 2012

A for-profit child care center may receive reimbursement for at-risk after school meals and be eligible to participate in CACFP through its traditional child care center. For-profit centers must verify, on a monthly basis, that at least 25% of the children enrolled by the center through its child care component are eligible for Title XX benefits or are eligible for free or reduced-price meals and have a valid Income Eligibility Form (IEF) on file. The 25% threshold is based on the center's enrollment or licensed capacity, whichever is less, for participants who were in attendance at least one day during the claim month. The participant does not have to have been claimed for meal reimbursement to be counted in the total enrollment. See Section 4.4 for more information on how to determine for-profit eligibility.

Meals can be claimed for reimbursement if the following criteria are met:

- With MDHSS-BCFNA approval, at-risk after school programs may use the "offer versus serve" meal service option where participants are given the opportunity to select foods at supper. All required meal components are **offered** to all participants for the meal to be claimed for reimbursement; however, the participant may decline up to two meal components. The price of a reimbursable meal shall not be affected if a participant declines a food item. Offer vs. serve is not an option for snacks - both snack components must be served.

- Original, daily dated menus must indicate all food components served to the participants for each meal claimed. The participant must receive all meal components in at least the minimum serving size for a meal to be claimed. An exception can **be made** in cases where a physician's statement is on file verifying that a participant cannot have a particular food for medical reasons. The medical statement must also list foods which can be substituted for the component or food item. See Chapter 7 for details on the meal pattern. The Medical Food Substitution Record (CACFP 227) form can be found at: http://health.mo.gov/living/wellness/nutrition/foodprograms/cacfp/appsforms.php.

- Documentation to verify the meal component(s) contribution that processed meat products contain to be creditable in the CACFP.

- A maximum of one snack and one supper can be claimed per participant per day.

- For-profit centers - claims for reimbursement can only be made when at least 25% of the participants enrolled at the center are eligible for Title XX benefits or have a valid IEF on file. Meals claimed at any one time cannot exceed the authorized capacity of the center.

- Claims can only be submitted when participants are documented in attendance and documented on the daily meal count sheets.

- Creditable food must be served. Refer to the *Creditable Foods Guide* for details on those foods which can be used to meet the menu components for at-risk centers.

- Meals are served at the times and for the duration indicated on the centers on-line application under the Center Information Sheet.

Reference: 7CFR 226.11(b)
7CFR 226.60(q)(1) and (2)

Non-profit institutions receiving more than $500,000 in Federal Financial Assistance per year must be audited every year except for certain non-federal entities that obtain biennial (two year) audits. It is the institution's responsibility to have the audit completed. A copy of the latest audit shall be submitted to the Missouri Department of Health and Senior Services – Bureau of Community Food and Nutrition Assistance (MDHSS-BCFNA). The institutional audit will be reviewed by the MDHSS auditor.

For-profit institutions receiving more than $100,000 in Federal Financial Assistance per year will be audited by MDHSS at least once every two years.

MDHSS may contract with auditors to conduct limited scope audits of for-profit or non-profit institutions at any time regardless of the amount of CACFP reimbursement received. MDHSS may also contract with auditors to conduct fiscal reviews of for-profit and non-profit institutions as part of the regularly scheduled monitoring review. These fiscal reviews will cover the financial aspects of the CACFP, and augment the monitoring reviews conducted by MDHSS.

Specific questions regarding CACFP audits, limited scope audits, and fiscal reviews may be directed to the MDHSS' chief internal auditor at:

Missouri Department of Health and Senior Services
Chief Internal Auditor
Division of Administration
P.O. Box 570
Jefferson City, MO 65102

The sponsoring organization in this chapter is a contractor which is entirely responsible for the administration of the food program in two or more centers. Refer to the definition in Section 1.5 for addition information. The sponsoring organization (SO) shall inform the Missouri Department of Health and Senior Services – Bureau of Community Food and Nutrition Assistance (MDHSS-BCFNA) if any of the application information changes throughout the Program year. Failure to promptly notify MDHSS-BCFNA of changes could result in delayed or denied claim for reimbursement.

It is vital that the sponsoring organization keep MDHSS-BCFNA updated on any changes regarding the sponsoring organization or centers under the sponsoring organization's jurisdiction.

MDHSS-BCFNA shall be notified if any of the following changes occur:

- **Change in ownership** – The sponsor must inform MDHSS-BCFNA in writing of a change in ownership status of the institution. The contracted business which is sold would be considered terminated from CACFP on the date the license expired or the date the sale is finalized. In order to prevent an assessment of an over claim or denial of reimbursement, it is critical that MDHSS-BCFNA be advised **before** the transfer occurs. A new application is **required** when a change in ownership occurs.

- **Incorporation (LLC, Inc**.) – This is a name change of ownership. If none of the principals change, the owner is required to notify the CACFP in writing of the name change and submit a new Vendor Input/ACH-EFT Application form – SAM II, required to change direct deposits.

- **Center or business name change** – If none of the principals change, the owner must notify the CACFP in writing of the name change (i.e. Little Apples to Big Apples) and submit a new Vendor Input/ACH-EFT Application form – SAM II, required to change direct deposits.

- **Changes in meals claimed or meal service times*** – the sponsor must notify MDHSS-BCFNA of any changes in meals claimed or meal service times. If a sponsor decides to provide (and claim) another meal, a written request and two weeks of menus for that meal shall be submitted to MDHSS-BCFNA. Menus must be reviewed and approved by MDHSS-BCFNA before the additional meal may be claimed for reimbursement.

For all of the above situations, the contract is amended to the correct name. The SAM II payment system must match the contract in the CACFP with tax ID numbers and State business registration information on the Secretary of State website.

- **Tax-exempt status** – The sponsor must notify MDHSS-BCFNA immediately if tax-exempt status is revoked. A new application is required.

- **Change in capacity*** – The sponsor must notify MDHSS-BCFNA when the capacity of the center is increased or decreased during the program year.

- **Change in authorized representative or authorized "user" –** The sponsor must inform MDHSS-BCFNA in writing of any changes in authorized representative(s) or authorized "user" the person approved to submit claims and/or make updates on the Sponsor Info Sheet and Center Info Sheet(s). This will prevent delayed or denied claims and assist MDHSS-BCFNA to track and provide the required training for new staff.

- **Change in address* –** The sponsor must inform MDHSS-BCFNA of all changes in the address. The location of the center's current place of business and hours of operation must be on file. An incorrect address in the file could result in a serious deficiency if found during a monitoring visit.

- **Institution closure** – The sponsor must notify MDHSS-BCFNA when a closure is planned. The date of the last operational day shall be submitted in advance, all claims processed, and a method established to make any over claim/debt repayment.

*Changes can be updated electronically on the CACFP website at:
https://dhssweb04.dhss.mo.gov/cnp/Login.asp

Sponsoring organizations are required to maintain records to support the monthly claim for reimbursement and compliance to Program regulations. All CACFP records must be stored at a central location identified in the sponsoring organization management plan and be available for audit within one hour of the BCFNA reviewer's arrival. All records (original documents) shall be retained for a period of three years after the date of submission of the final claim for the fiscal year to which they pertain. If audit findings have not been resolved, the records shall be retained beyond the end of the three year period as long as may be required for the resolution of the issues raised by the audit.

The sponsoring organization shall retain the following original record documents in a **central location** identified in the Management Plan:

All required records must be maintained on location during (licensed) hours of business and available for review within one hour of arrival by federal and state officials. Failure to make any/or all records available within one hour of arrival to MDHSS-BCFNA representative may result in review findings, corrective action and/or overclaims.

At-risk after school programs shall maintain the following records (original documentation) relating to participation in the CACFP:

- **Menus.** Menus must be dated and indicate all components that were served. Menus (original documentation) must be maintained for each meal claimed for reimbursement.

- **Daily attendance records.** Sign-in sheets or attendance roster which results in accurate recording of daily attendance is required. Documentation of attendance cannot be used as a basis for completing the meal count record; however, the attendance records should support the meal count records. For example, if John Doe was claimed for a meal on October 17, the attendance records should indicate that John Doe was present at the center on October 17.

- **Daily meal count (tally) records.** The meal count records must indicate the number of meals served by type. Program personnel must physically record (manually with pen and paper) each meal at the time the meal is served. Point-of-service (POS) meal counts (also called tally or strike sheets) are required and must accurately reflect participants who take a complete snack and/or meal. Record the number of adult performing food service labor who are served a meal or snack; however, adults (19 and older) may not be claimed.

- **Claiming Meals.** At-risk after school care centers must report the total number of meals and snacks served to eligible children based on daily attendance rosters or sign-in sheets. A maximum of one snack and one supper may be claimed per participant per meal on a daily basis for children through age 18 (19 if the child is enrolled in school and turns 19 during the school year and other participants with disabilities at any age [7CFR 226.2 Definitions]. With MDHSS approval, it is also permitted to

serve two snacks instead of one meal and one snack. Federal law has no minimum age for at-risk program participants; however, children must be in attendance at preschool or school. Children are not charged for meals or snacks – all are claimed at the "free" meal rate of reimbursement. Meals and snacks are served after school (or preschool) hours; however, with MDHSS-BCFNA approval, meals may be served on weekends, holidays and vacation days during the school year.

- **Program Activities Documentation** – each site must have documentation of organized, regularly scheduled enrichment or educational activities (structured and supervised).

- **Delivered Meals.** Daily record of the number of at-risk snacks and/or meals prepared or delivered (if vended) for each meal service.

- **Documentation of Monitoring.** Each center under the sponsoring organization's jurisdiction must be monitored by the Sponsoring Organization (SO) for Program compliance

  i. Documentation of **pre-approval** visit and training verification must be conducted prior to the beginning of Program operations.
  ii. **New centers** (after pre-approval is conducted) must be reviewed within the first four (4) weeks of program operations. Centers that had a lapse in participation or a change of sponsorship must be reviewed as a new center. New center documentation can serve as one of the three monitoring required each year.
  iii. Each center must be monitored at least **three times annually** and each review must be documented.
    a) At least two of the monitoring visits must be unannounced and
    b) At least two visits must include observation of a complete meal service.
    c) No more than 6 months shall elapse between monitoring reviews.

  Documentation must include the date, problems noted and corrective action prescribed. The SO must review: the meal pattern; meal count records; menu (must be dated), sanitation inspections and training records. The SO can use CACFP-404 *Sponsored Centers Site Visit Report* or a sponsor developed form to include the required monitoring review requirements.

- **Non-profit food service verification.** The center must have documentation to verify that all of the CACFP reimbursement is being used solely for the conduct of the food service operation; and to improve food service operations.

  Non-profit food service verification includes:

  a) **Documentation of <u>income</u> (revenue) to the program.** Income to the program includes all monies received from State, Federal, or local government sources, any center funds used to subsidize the food service program, any payments for adult meals, and any other income including loans and donations to the food program.

  b) **Documentation of food service <u>expenditures</u>.** Food service expenditures include food and milk purchase receipts or invoices, non-food food service expenses (ex. napkins, single service items and cleaning products), labor cost supported by payroll stubs and time studies, cost of expendable food service equipment, cost of maintaining non-expendable food service equipment, and indirect costs. **Expendable equipment** has a durability of less than two years and costs $500 or less. **Non-expendable equipment** has

a durability of two years or more and costs more than $500. Examples of indirect costs are rent, utilities, office supplies, etc. A portion of indirect costs can be charged to the CACFP if there is documentation available to support the charge.

- **For-Profit Title XX documentation.** Title XX documentation must be available for for-profit centers. Title XX includes the Title XX billing invoices and a copy of the contract with the Title. For each month claimed, the center must have verification that at least 25% of the enrolled participants were Title XX beneficiaries. Eligibility may be based on Title XX enrollment.

- **Civil Rights racial/ethnic information.** All centers must:
  i. Display the "And Justice For All" poster in a location visible to the public;
  ii. Display the "Federal Relay Service" poster next to the "And Justice for All" (AJA) poster, if the AJA does not include the Federal relay information;
  iii. Provide the nondiscrimination statement and procedure for filing a complaint in all center brochures;
  iv. Collect actual beneficiary data by racial/ethnic category annually; and
  v. Provide CACFP informational materials in the appropriate translation.
  vi. Provide annual training to front line staff on civil rights.

- **Documentation of training to staff.** Staff must be trained at least annually and documentation maintained on the CACFP and Civil Rights required training. Documentation must include:
  i. Session dates;
  ii. Locations;
  iii. Required Topics: civil rights, meal pattern and recordkeeping requirements, meal count procedures, claim submission and reimbursement system, appropriate to the level of staff experience and duties
  iv. Names of participants.

- **Food Production Records** required for centers using a caterer or contract food service management company. See Section7 for additional information.

- **Miscellaneous documentation.** The following miscellaneous documentation must be retained:
  i. License or license exempt documentation issued by the Section for Child Care Regulation;
  ii. If center is unlicensed, programs must have documentation of State or local health and safety standards compliance.
  iii. Documents submitted to the Missouri Department of Health and Senior Services – Bureau of Community Food and Nutrition Assistance (MDHSS-BCFNA);
  iv. Copy of the Program contract; and
  v. Copies of all correspondence from MDHSS-BCFNA and to MDHSS-BCFNA.

References:
7CFR 226.17a(p)
7CFR 226.2
CACFP Policy Memos:
CACFP 597
CACFP 02-2011
CACFP 02-2011
CACFP 01-2011
CACFP 08-2012, February 17, 2012

Sponsoring organizations (SOs) shall make payments to at-risk after school programs under their jurisdiction within five operating days of receipt from the Missouri Department of Health and Senior Services – Bureau of Community Food and Nutrition Assistance (MDHSS-BCFNA), if the SO maintains agreements with unaffiliated (not a legal entity) facilities. Reimbursement to centers may not exceed the applicable meal rate times the number of meals documented at each facility.

Sponsoring organizations of unaffiliated at-risk after school programs may charge the institution a fee for administrative services. The fee charged shall be based on the **actual expenses** of the sponsor for services provided to the center. The fee should be a straight charge to the center for one CACFP service or multiple CACFP services for a given period of time. The fee shall not be calculated as a percentage or portion of the monthly claim; however, the total amount of the fee shall not exceed 15% of the total meal reimbursement for each facility. The sponsoring organization must maintain detailed cost documentation relative to the actual cost of administering the CACFP in the facility to support the administrative fee charged and the costs for each facility under the organization's sponsorship.

MDHSS-BCFNA shall be informed of the fee charged. The sponsoring organization shall include in its application, a complete breakdown of the costs incurred in order to justify the fee charged. MDHSS-BCFNA will monitor the fee charged and the costs for each center under sponsorship. Under no circumstances may the fee charged to the center exceed 15% of the total meal reimbursement, unless the sponsoring organization has requested written approval and provided adequate justification to MDHSS-BCFNA.

Reference: 7CFR 226.16(h)

Food Chart – At-Risk After School

Missouri Department of Health and Senior Services
Child and Adult Care Food Program

Meal	Food Component	Minimum Serving Size Age 6 through 12	Minimum Serving Size Age 13 through 18[1]
Snack (Serve 2 of 4 components)	Fluid Milk[2]	1 cup	1 cup
	Juice or Fruit or Vegetable[3]	¾ cup	¾ cup
	Meat or Meat Alternate	1 ounce	1 ounce
	Grains/Bread	1 slice	1 slice
Supper	Fluid Milk[2]	1 cup	1 cup
	Meat, Poultry, Fish, Cheese, ***or***	2 ounces	2 ounces
	Egg, ***or***	1	1
	Cooked Dry Beans, Peas, ***or***	½ cup	½ cup
	Peanut Butter[4]	4 Tbsp.	4 Tbsp.
	Juice or Fruit or Vegetables[5] (must serve at least two *different* varieties)	2 servings (¾ cup total)	2 servings (1 cup total)
	Grains/Bread	1 slice	2 slices

[1]Children ages 13 and older may be served these portions based on the greater food need of older boys and girls, but shall not be served less than the minimum quantities specified for children age 6 up to 12.

[2]All milk served to children two years of age and older must be low-fat (1%) or fat-free (skim).

[3]Juice may not be served if milk is the only other component at snack.

[4]Peanut butter may not be the only meat/meat alternate served for supper; another meat/meat alternate must be served with peanut butter for the meal to be creditable.

[5]A minimum of 1/8 cup of each must be served.

In accordance with Federal Law and U.S. Department of Agriculture policy, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, or disability. To file a complaint of discrimination, write USDA, Director, Office of Adjudication, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410 or call toll free (866) 632-9992 (voice). Individuals who are hearing impaired or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339; or (800) 845-6136 (Spanish). USDA is an equal opportunity provider and employer

MDHSS-BCFNA 2/2012

At-risk after school programs may claim reimbursement only for meals and snacks served to children who participate in an approved after school program and who are age 18 or under at the start of the school year. Reimbursement also may be claimed for participants who turn age 19 during the school year [7 CFR 226.17(a)(c)]. There is no age limit for persons with disabilities [7 CFR 226.2]. Federal law has no minimum age for at-risk program participants.

Meals and snacks served to children who are enrolled in a school district (public, private and charter school), preschool, Head Start, Even Start, and who are participating in an eligible after school program are eligible for reimbursement. For the at-risk after school program, the service of a supper shall begin not earlier that the official end of the school day or no later than 7:00 p.m. and end no later than 8:00 p.m. The service of supper is limited to 2 hours in duration. All afterschool meals and snacks are served in group settings, at no cost to the child or to the child's parents or guardians.

The Missouri Department of Health and Senior Services – Bureau of Community Food and Nutrition Assistance (MDHSS - BCFNA) may approve requests from at-risk after school programs to serve both a supper and a snack if the operational hours of the center allow time for two meal services (see Section 7.8). MDHSS-BCFNA will monitor meal service for instances of excessive plate waste or off-site consumption to ensure the appropriateness of the center's meal service times and compliance with Program regulation 7CFR 226.

Meals served for the at-risk after school program shall meet the meal pattern according to 7CFR226.20(c)(3) and (4). Portion size for children ages 13 through 18 may be the adult portions on the food chart, but shall be no less than the portions stipulated for children 6 through 12. MDHSS - BCFNA recommends that organizations offer larger portions for older children (ages 13-18) based on their greater food energy requirements.

Supper
A supper shall include a serving of fluid milk (low-fat/1% or fat-free/skim), a serving of lean meat or meat alternate, a serving of two or more vegetables and/or fruits, or a combination of both, and a serving of grain/bread.

Snack
A snack shall include at least two of the four (meat, fruit and/or vegetable, bread, milk) components. Juice may not be served when milk is served as the only other component. The snack items must come from two different component groups. For example, orange juice and fruit cocktail would not be a creditable snack because both items come from the fruit/vegetable group.

Refer to the *Food Chart-At-Risk After School* for the minimum serving size required for each component, available under Applications & Forms at: www.health.mo.gov/cacfp.

Reference: 226.20(a) and (c)
CACFP Policy 565
CACFP Policy 597
USDA *At-Risk Afterschool Meals* Handbook, June 2011

Milk
Milk served in the CACFP to participants two years of age and older must be consistent with the most recent version of the Dietary Guidelines for Americans. Per the 2010 Dietary Guidelines, fluid milk served to participants 2 years of age and older *must be:* Fat-free (skim) or low-fat (1%) milk, fat-free (skim) or low-fat (1%) lactose reduced milk, fat-free (skim) or low-fat (1%) lactose free milk, fat-free (skim) or low-fat (1%) buttermilk, or fat-free (skim) or low-fat (1%) acidified milk. Milk served must be pasteurized fluid milk that meets State and local standards for milk, and may be flavored or unflavored.

Reconstituted dry milk does not fit the definition of fluid milk is not creditable.

Meat and Meat Alternates
Meat and meat alternates include lean meat, poultry, fish, cheese, egg, cooked dry beans or peas, nuts and seeds and their butters, alternate protein products or an equivalent quantity of any combination of these foods. Foods must be served in a main dish, or in a combination main dish (with up to two other components) to meet this requirement.

Nuts and seeds may fulfill no more than one-half of the meat/meat alternate requirement for lunch/supper for CACFP and all of the meat/meat alternate requirements for the snack for CACFP. Peanut butter cannot be served as the only meat/meat alternate component for the supper meal. **An additional meat/meat alternate component must be offered when peanut butter is served at lunch or supper.**

A menu item must provide a minimum of ¼ ounce (½ tablespoon) of meat or equivalent to be counted toward meeting any part of the meat/meat alternate requirement.

Vegetable protein products may be counted as meeting part of the meat and meat alternate requirement. Before using vegetable protein products, contact the Missouri Department of Health and Senior Services – Bureau of Community Food and Nutrition Assistance (MDHSS-BCFNA) for information and assistance on the preparation, serving, and crediting of these products.

Commercially processed foods such as breaded meat products, frozen pizza, ravioli, corndogs, or tamales cannot be counted toward fulfilling the meat/meat alternate unless the center has documentation of the composition of the processed product. Refer to Section 7 for information on processed food documentation.

Fruit/Vegetable
Vegetables and fruits are credited as served. Serving sizes, of at least 1/8 cup must be served to be credited towards the fruit/vegetable requirement. Less than 1/8 cup of vegetables or fruits must be considered flavorings or optional ingredients. In addition, garnishes, condiments, olives, pickles and relishes cannot be counted to meet the vegetable/fruit requirement. The minimum amount of any fruit or vegetable served must be 1/8 cup. At least two different fruits and/or vegetables must be served to meet the total (1/4 to 1/2 cup) requirement.

Juice must be 100% full-strength fruit or vegetable juice or juice blends, with no added sugar or sweeteners.

Cooked dry beans or dry peas may be counted as a vegetable component or meat/meat alternate, but not both in the same meal.

Bread
Foods that qualify as grains/breads in the CACFP are enriched or whole-grain products which includes bread, rolls, and quick breads, crackers and low moisture breads, pastas, cereal grains and breakfast cereals, and dumplings, pancakes, and miscellaneous bread products.

In order to be creditable, a bread or grain must:

1. Be whole-grain or enriched or made from whole-grain or enriched meal or flour, germ or bran; or if it is a cereal, the product must be whole-grain, enriched, or fortified.

2. Contain whole-grain and/or enriched flour and/or meal as specified on the label or according to the recipe; or must be enriched in preparation or processing and labeled enriched.

3. Must be provided in quantities specified in the Program Regulations and in minimum serving sizes as specified in program guidance.

4. Must serve the customary function of bread in a meal.

Enriched means the product conforms to the FDA's required levels of added iron, thiamin, riboflavin, niacin and folic acid.

Availability of Water
The Healthy, Hunger-Free Kids Act of 2010, Public Law 111-296 established the requirement to make potable water available to children in the CACFP throughout the day *and at meal times*. At Risk After School Programs participating in the CACFP are required to make drinking water available to children to drink at their request but water does not have to be available for children to self-serve. While drinking water must be made available to children during meal times, it is not part of the reimbursable meal and may not be served in lieu of fluid milk.

Review the *Creditable Food Guide* at
http://health.mo.gov/living/wellness/nutrition/foodprograms/cacfp/lawsregs.php for specific food items.

References: Food Buying Guide for Child Nutrition Programs, U.S. Department of Agriculture, Food Nutrition Service, 2001
Creditable Foods Guide, MDHSS-BCFNA
7CFR226.20(a)
CACFP 20-2011, May 11, 2011

Unitized
Under the unitized method of meal service, each child receives at least the minimum serving size of each required meal component served to them on a play or tray. (The children must be served at least the minimum serving size of each required meal component at each meal). All meal components must be served at the same time. The center may not serve smaller initial portions to a child and allow the child to request seconds. The full amount of all required meal components must be served initially. It is not acceptable to delay or withhold the service of a required meal component until other components have been consumed.

Family Style
Under the family style meal service, each child self-serves their own portion of each meal component. Additional servings of each meal component should be readily available at each table. Family style meal service is encouraged for CACFP if the following criteria are met:

- Enough food is placed in serving bowls/platters on each table to provide at least the minimum portion of each component for all children (plus food for adult portions) at the table and to serve the program adults who supervise the meal service at each table. (**Meals for Program and non-Program adults may not be claimed for reimbursement.)**

- When the full regulatory portion is not initially taken by the child, supervising adults must actively encourage the child to take the full regulatory portion by asking the child if they would like the full portion or seconds during the course of the meal. However, it is ultimately the child's decision on how much or if they will take a meal component.

Food Safety Considerations:

Any food placed on the table may not be reused or served as a leftover at a later time. Food that has been prepared, but not placed on the table, may be reused if properly chilled, stored and reheated to at least 165 degrees Fahrenheit. Under the Missouri Department of Health and Senior Services Sanitation standards, milk should not be put on the table to sit for any period of time. Milk should be poured just before the meal service begins then stored in the refrigerator. Sanitation rules may vary depending on the location of the center. Please contact your local sanitarian for guidelines for your area.

With unitized meal service, all food items must be placed on a child's plate in order to assure that a reimbursable meal or snack is served. With family style meal service, the children determine what foods they will eat and how much they will eat. Adults must actively encourage children to take at least some amount of each required meal component. See Section 7.5 A and 7.5 B for exceptions on when all required components may not have to be served.

Availability of Water

The Healthy, Hunger-Free Kids Act of 2010, Public Law 111-296 established the requirement to make potable water available to children in the CACFP throughout the day ***and at meal times***. At-risk after school programs participating in the CACFP are required to make drinking water available to children to drink at their request but water does not have to be available for children to self-serve. While drinking water must be made available to children during meal times, it is not part of the reimbursable meal and may not be served in lieu of fluid milk.

Reference: CACFP 20-2011, May 11, 2011

To claim a meal for reimbursement, the child must be served the required minimum components. Exceptions to this requirement occur under the following circumstances:

Physical Needs
Institutions participating in the CACFP are required to make substitutions or modifications to the meal pattern for participants with disabilities. If a participant is unable to consume the meals offered to non-disabled participants, appropriate substitutions to the meal pattern must be provided.

A participant whose disability restricts his or her diet shall be provided substitutions in foods **only** when supported by a medical statement signed by a physician. The medical statement must be kept on file at the center and shall identify:

- The participant's disability and an explanation of why the disability restricts the participant's diet;
- The major life activity affected by the disability; and
- The food(s) to be omitted from the participant's diet and the food(s) that must be substituted.

Reimbursement for meals served with an authorized substitute food to disabled participants shall be claimed at the same reimbursement rate as meals which meet the meal pattern served to non disabled children. There shall not be a supplementary charge for the substituted food item. The center or sponsor must purchase all food components in order to claim meals for reimbursement.

Medical Reasons
Centers may make substitutions for participants who are not disabled but are unable to consume a food item because of medical or special dietary needs. Such substitutions may only be made on a case-by-case basis.

Participants with medical or special dietary needs may have substitutions to the meal pattern **only** when supporting documentation is on file. The documentation must be signed by a recognized medical authority such as a physician, physician assistant, or nurse practitioner and must include the following:

- An identification of the medical or other special dietary need which restricts the participant's diet; and
- The food(s) to be omitted from the participant's diet and the food(s) that may be substituted.

Reimbursement for meals served with an authorized substitute food to participants with special dietary needs must be claimed at the same reimbursement rate as meals which meet the meal pattern. There shall not be a supplementary charge for the substituted food item. The center or sponsor must purchase all food components in order to claim meals for reimbursement.

Ethnic, Religious, Economic, or Physical Needs
Variations made due to ethnic, religious, economic, or physical needs may be made on an experimental or on a continuing basis only with approval from the Food and Nutrition Service (FNS). A facility may request FNS approval by submitting a letter to the Missouri Department of Health and Senior Services – Bureau of Community Food and Nutrition Assistance (MDHSS-CFNA) stating the substitutions to be made and the reasons for their necessity.

Reference: 226.20(h) and (i)

To claim a meal for reimbursement, the child must be served the required minimum components. Exceptions to this requirement occur under the following circumstances:

1. Disability

A person with a disability is any person who has a physical or mental impairment which substantially limits one or more major life activities, has a record of such impairment, or is regarded as having such impairment. **At-risk after school programs participating in the CACFP are required to make substitutions or modifications to the meal pattern for a participant with a disability that restricts his/her diet.**

Substitutions must be made on a case by case basis and only when supported by a written statement signed by a licensed physician which explains the need for substitutions and includes recommended alternate foods. The medical statement must be kept on file at the center and shall identify:

- The participant's disability and an explanation of why the disability restricts the participant's diet;
- The major life activity affected by the disability; and
- The food or foods to be omitted from the participant's diet and the food or foods that must be substituted.

Reimbursement for meals served with an authorized substitute food to disabled participants shall be claimed at the same reimbursement rate as meals which meet the meal pattern. There shall not be a supplementary charge for the substituted food item to the participant.

Generally, a participant with a food allergy or intolerance is not considered a participant with a disability and institutions are not required to make substitutions. However, when in the physician's assessment food allergies may result in severe, life-threatening reactions (anaphylactic reactions), the participant then meets the definition of a participant with a disability.

2. Medical or Special Dietary Reasons

At-risk after school programs may make substitutions for participants who are unable to consume a **food item** because of medical or other special dietary needs. Such substitutions may only be made on a case by case basis.

Participants with medical or special dietary needs may have substitutions to the meal pattern only when supporting documentation is on file. The documentation must be signed by a recognized medical authority such as a licensed physician, physician assistant, or nurse practitioner and must include the following:

- An identification of the medical or other special dietary need which restricts the participant's diet; and

- The food or foods to be omitted from the participant's diet, and the food or foods that may be substituted.

Reimbursement for meals served with an authorized substitute food to participants with special dietary needs must be claimed at the same reimbursement rate as meals which meet the meal pattern. There shall not be a supplementary charge for the substituted food item to the participant.

For information on substitutions for fluid milk, refer to Section 7.4B.

Reference: CFR 226.20(h) and (i)

The Healthy, Hunger-Free Kids Act of 2010 (the Act), Public Law 111-296, has modified requirements for fluid milk and fluid milk substitutions in the Child and Adult Care Food Program (CACFP). Fluid milk served in the CACFP must be consistent with the 2010 Dietary Guidelines for Americans. In addition, the Act allows the substitution of non-dairy beverages that are nutritionally equivalent to fluid milk in cases of special dietary needs. **This provision is effective immediately and full compliance should occur no later than October 1, 2011.**

Substitutions for Fluid Milk (cow's milk):

Non-dairy beverages, such as soy milk, rice milk, or almond milk, may be served in lieu of fluid milk provided the following:

1. Non-dairy beverages must be nutritionally equivalent to milk and meet the nutritional standards for fortification of calcium, protein, vitamin A, vitamin D, and other nutrients to levels found in cow's milk. Only a beverage meeting the nutrient standards at levels specified may be substituted for fluid milk as follows:

Nutrient	Per one (1) cup (8 ounces)
Calcium	276 mg.
Protein	8 gm.
Vitamin A	500 IU.
Vitamin D	100 IU.
Magnesium	24 mg.
Phosphorus	222 mg.
Potassium	349 mg.
Riboflavin	0.44 mg.
Vitamin B-12	1.1 mcg.

   It should be noted that the availability of nutritionally equivalent non-dairy beverage products that meet USDA's criteria as a fluid milk substitute is limited to the following soy products and not available in all parts of Missouri: 8th Continent Original Soy Milk, Pacific Natural Ultra Soy Milk (Plain), Pacific Ultra Soy Milk (Vanilla), Kikkomon Pearl Organic Soymilk (Creamy Vanilla), and Kikkomon Pearl Organic Soymilk (Chocolate).

2. Parents or guardians may now request in writing a non-dairy milk substitution without providing a medical statement. The non-dairy beverage must be nutritionally equivalent to milk in order to claim the meal for reimbursement. Such substitutions are at the option and expense of the facility.

   The Act does not specify the medical or special dietary needs that are covered by the milk substitution provision. Any reasonable request could be accepted at the discretion of the center. For example, a request due to milk intolerance, vegan diet, as well as religious, cultural or ethical

reasons would be acceptable and could be accommodated. If a request only states that a child does not like milk, this would not be a reasonable request for a milk substitute.

Example: if a parent has a child who follows a vegan diet, the parent can submit a written request to the child's caretaker asking that soy milk be served in lieu of cow's milk. The written request must identify the medical or other special dietary need that restricts the diet of the child.

Substitutions for Food other than Milk:

There have been no changes to the policy regarding substitutions made for food (other than milk). The center may choose to provide substitutions on a case by case basis and only when supported by a written statement signed by a recognized medical authority which explains the need for substitutions and includes recommended alternate foods. Such substitutions are at the option and expense of the facility. See Section 7.5A for more information on food substitutions for individuals with special dietary needs.

Substitutions for Children with Disabilities:

The requirements related to milk or food substitutions for a participant who has a medical disability and who submits a medical statement signed by a licensed physician remain unchanged. At Risk After School Programs are required to accommodate the dietary needs of children with disabilities as described in Section 7.5A of this manual.

Reference: 7 CFR226.20(h) and (i)
7 CFR210.10(m)(3)
CACFP 21-2011, May 11, 2011
CACFP 21-2011 REVISED, September 15, 2011

To claim reimbursement for a snack or supper meal, the at-risk after school program must supply all of the CACFP meal components and the food must originate from a source in compliance with Missouri Food Code laws and be deemed as creditable by MDHSS-BCFNA. Approved food sources include food service distributors, supermarket chains, convenience stores, local grocers and other retail stores selling food and non-food items in compliance with Missouri Food Code laws. Refer to Section 7.6 B for information on non-traditional food sources. In all cases, original dated food purchase receipts must be itemized and legible to verify non-profit food service (see Section 9.5).

Food provided by families – or from other unapproved sources cannot be counted as fulfilling the CACFP required components. If the at-risk after school program center provides all required meal components and family or others provide an additional (extra) food item for a meal or snack, the meal *may* be claimed; however, it is strongly recommended that the required meal components be served before any additional or extra foods are offered.

Example – snacks that **can** be claimed:

The center serves apple wedges and skim milk (two different center provided menu components) and then offers each child a cookie that the family provided (after the fruit and milk are served); the center may claim the snack for reimbursement.

Example – snacks that **cannot** be claimed:
John Doe's parent brings cookies for the snack to help celebrate his birthday. The center serves only the cookies provided by the parent and 1% milk for the snack meal. The snack cannot be claimed because both components were not provided by the center.

Food prepared at the center but served off-site – this situation may arise if center participants go on a "field trip", for instance.

Example – meals that **can** be claimed:

Picnic lunch meals are prepared/packed at the center and are served off the center grounds but are *supervised by center personnel* may be claimed; however, care must be taken to assure that potentially hazardous foods are maintained at or below 41° Fahrenheit and 135°F or above. Meal counts needed to be recorded in the off-site situation.

Example – meals that **cannot** be claimed:

Sack lunch meals are "packed" at the center and sent with a participant to eat at another location, *without the supervision of center personnel*, are not eligible to be claimed for CACFP reimbursement.

Restaurant purchased meals – or meal components purchased at a fast food establishment may not be claimed for reimbursement. Example: pizza is purchased from *Pizza Hut* for a special meal at the center. While a restaurant is an approved food source, the pizza is not creditable, due to lack of processed food documentation. Refer to Section 7.6 A for additional information on processed food documentation.

References: Missouri Food Code
19 CSR 20-1.025

I. NON-TRADITIONAL FOOD SOURCES

To claim reimbursement for a snack or supper meal, the at-risk after school program must supply all of the CACFP meal components and the food must originate from a source in compliance with Missouri Food Code laws. Traditional (approved) food sources include food purchased from food service distributors, supermarket chains, convenience stores, local grocers and other retail stores selling food and non-food items in compliance with Missouri Food Code laws.

A. Unapproved Food Sources – these items cannot be used in the CACFP:

Home Canned or Home Vacuum-Packaged Foods - Food prepared in a private home cannot be used or offered for human consumption in a food establishment. Without process controls, the safety of home processed food cannot be determined. Jams, jellies and fruit butters (apple butter) are included in the category of home canned foods.

Home Butchered Meat, Poultry or Wild Game Animals – does not meet the definition of an approved food source and is prohibited from being served in the CACFP. Wild game is not allowed to be used in FNS Child Nutrition Programs.

Non-Commercial Fish – home caught fish cannot be used in the CACFP.

Food Auctions and Salvage Outlets – these are unapproved food sources due to the uncertainty of product quality and inability to determine product safety.

B. Approved Food Sources – food can be purchased from these sources and used in the CACFP provided proper food safety practices are followed. The center must maintain itemized receipts to verify non-profit food service. Refer to Section 9.5 for more information on non-profit food service.

Farmers Market or Roadside Produce Stands – is limited to purchase of fresh and not packaged unprepared (whole, uncut) locally grown fruits, vegetables, in-shell nuts and fresh herb sprigs. Foods may not be processed or prepared beyond their natural state except for usual harvesting and cleaning processes. Fresh fruits and vegetables shall be thoroughly washed in water to remove soil and other contaminants before being cut, combined with other ingredients, cooked, or offered to participants in ready-to-eat form.

Center Gardens – food that is grown from seed or plant can be harvested and used for meals claimed in the CACFP. The center must maintain documentation of the cost (itemized receipt) of the seeds and/or plants. CACFP funds from the non-profit food service can be used (allowable cost) to purchase items such as watering cans, fertilizer, rakes, etc. as long as the items are used for the purpose of starting and maintaining a garden. Fresh fruits and vegetables shall be thoroughly washed in water to remove soil and other

contaminants before being cut, combined with other ingredients, cooked, or offered to participants in ready-to-eat form.

Garden Donations – donations of fresh produce grown in gardens other than the center garden may be used as part of a reimbursable meal and is limited to: whole, uncut fruits and vegetables, in-shell nuts and fresh herb sprigs. Foods may not be processed or prepared beyond their natural state except for usual harvesting and cleaning processes. Fruits and vegetables must be thoroughly washed in water to remove soil and other contaminants before being cut, combined with other ingredients, cooked, or offered to participants in ready-to-eat form.

Food Bank and Food Pantries – Non-profit (faith based) and public centers may be eligible to "purchase" food from local food banks and pantries. The food is creditable in the CACFP only from the agencies that charge (price per pound, etc.) for the food. Centers must maintain itemized receipts of food purchased through food banks and food pantries to include the price per pound with total purchases extended on the invoice.

Outdated Food from Approved Retail Sources – products sold as outdated from an approved food source such as a retail grocer can be used in the CACFP; however, purchase and/or use of outdated infant formula is not permitted. The original label must be affixed to the outdated product and the integrity of the original container (can, package) cannot be compromised. Contact your local public health official with specific questions on use of outdated food in your area.

Game Animals – to creditable in CACFP, fresh or frozen "game" meat (to include but not limited to deer, buffalo, goat) <u>must be purchased from a USDA inspected establishment</u>. Wild game is not allowed to be used in Child Nutrition Programs.

II. COMMERCIALLY PROCESSED FOOD

Commercially processed frozen or canned "convenience" meat/meat alternate items such as chicken nuggets, pizza, corndogs, burritos or ravioli, purchased from an approved source (food service distributor or retail grocer), must have documentation to verify the serving size and meal pattern contribution. Commercially processed main dish (entrée) food cannot be counted toward fulfilling the meat/meat alternate and grain/bread, fruit/vegetable components (if applicable) unless the center has documentation of the composition of the processed product. The following may be used to verify the contribution of processed foods to the CACFP meal pattern:

- The center must have **Child Nutrition (CN) label** documentation that verifies the meat/meat alternate and other meal component contribution(s), if applicable; or

- **Product Formulation Statement** (product analysis) signed by the manufacturer that verifies the meat/meat alternate and other meal component contribution(s), if applicable. Because the quality of processed foods varies greatly from manufacturer to manufacturer and from product to product, all processed foods must have documentation to verify the meal pattern contribution to the Child and Adult Care Food Program; or

- **Center product analysis** is another option that may be used to verify the edible meat/meat alternate contribution. The center must conduct and document its own analysis by removing breading from *whole pieces* of breaded items, such as fish sticks, then weigh the amount of the cooked meat after the breading has been removed.

If the center does not have processed food verification, it must supplement the product with a creditable meat/meat alternate source. For example, the center must add cooked ground beef and/or cheese to canned ravioli to equal the required meat/meat alternate portion. This information must be documented as a recipe to verify the minimum meal contribution is met.

All documentation regarding processed foods must be maintained in the center files. If information is unavailable at the time of a monitoring review, meals containing the processed foods may be disallowed.

References: Missouri Food Code (3 302.15)
19 CSR 20-1.025

Production records are required for all centers receiving catered meals. At-risk after school centers receiving payment from CACFP must keep full and accurate records pertaining to the food service operation. Production records supplied by food service management companies, caterers, and other food service contractors must include the following information, at a minimum:

1. The **menu name and food item used** and its form such as: "Hamburger on bun" is the menu name and 3.2 oz. ground beef patty and hamburger bun are the food items used.

2. The actual **amount of each food item prepared** (and delivered) such as: ¾ gallon of milk, one, #10 can green beans, or three pound of ground beef if the food is delivered in bulk with serving instructions for portioning, or 48, ¼ cup servings of green beans if food is portioned by the caterer.

3. The **total number of servings prepared** and served for all the meals/snacks claimed for CACFP reimbursement.

The center personnel will be responsible for documenting the number of participants and non-participant adults served on the meal count records. Modifications can be made if the food service contractor can provide adequate documentation to verify that minimum serving size requirements are met. Modifications which will be acceptable for each component group are:

Meat/Meat Alternate
For meat/meat alternate items which are preformed into identical weight serving sizes such as hamburger patties, fish fillets, chicken patties, etc., the food service company can state on the production record the number of preformed portions which were provided. In addition to the number provided, the food service contractor must supply documentation indicating the cooked weight of the meat portion of the product. This information must be in the form of a Child Nutrition (CN) label or product analysis sheet which has been signed by the manufacturer. Refer to Section7.6 for additional information on documentation required for commercially processed food.

For casserole type items such as spaghetti, chili, etc., the company can supply the standardized recipe prepared for the center. The recipe must indicate the pounds of meat used and the number of servings obtained from the recipe with the meat/meat alternate contribution per serving.

Fruit/Juice/Vegetable
If the food is delivered in bulk containers, i.e., steam table pans, the food service contractor must supply the serving instructions and standardized serving utensils. Standardized serving utensils include: scoop/disher, spoodle, ladle that provides a consistently accurate serving size.

For Example:

Product	Serving Utensil
Green Beans	1/2 cup slotted spoodle
Diced Pears	#8 scoop (1/2 cup serving)

Cook's spoons, such as solid, slotted or perforated spoons are *not* acceptable portion tools since this utensil provides no measure of consistent serving size.

If food is individually portioned for delivery, the food service contractor should designate the number of servings per unit. For example, one, #10 can diced pears yields 24, half-cup servings diced pear servings (#8 scoop).

For vegetable casseroles or fruit dessert recipes, it will be necessary for the company or center to identify the total amount of fruit/vegetable used in the product or the amount of fruit/vegetable provided on a per serving basis. This can be done by supplying a standardized recipe, product analysis, CN label, or other method which has been approved by the Missouri Department of Health and Senior Services – Bureau of Community Food and Nutrition Assistance.

Grains/Breads

When slices of bread are provided, the food service contractor shall document the number of slices provided and the weight of each slice. For example, one loaf white sandwich bread yields 22, 1 oz. slices of bread. Note: Do not include the bread heels in the yield, only usable bread slices.

When bread alternates are provided such as muffins, rolls, biscuits, etc., the company shall document the number of muffins and the weight of each muffin. A recipe, ingredient label, CN label, or product analysis sheet must be supplied to assure that the product is a creditable bread alternate.

If rice, spaghetti, or other pasta is used to meet the grains/bread component, total amount used could be provided or information on the bread alternate included in the portion control procedure.

Milk**

Food service contractor shall document the type of milk: fat-free (skim) or low-fat (1%) and the amount and size of serving units provided such as: 5 gallons skim chocolate milk, 10 half-gallons low-fat white milk.

Each at-risk after school center must notify and receive approval from MDHSS-BCFNA to use the "offer versus serve" meal service option at supper. The sponsor or center must request the intent to utilize offer versus serve in the Center Info Sheet "General Comments" box (line 65) in the on-line applications/claims database. During monitoring reviews, food and milk purchases will be verified to determine if offer versus serve is implemented in compliance as described in Section 7.9.

**The Health, Hunger-Free Kids Act of 2010 made changes to the meal requirements for facilities participating in the CACFP. Effective October 1, 2011, adult day care centers must serve *only* fat free (skim) or low-fat (1%) fluid milk. Refer to Section 7.2 for additional information on meal pattern requirements.

This policy will apply when scheduling meal times and when approval is granted for meals claimed for reimbursement in all Child and Adult Care Food Program at-risk after school programs. Reimbursement for meals will only be made when meals are served during the center's approved meal times as listed on the Center Information Sheet in the CACFP Application database. Meal times may be changed as needed, within the requirements of this policy, and through revision and approval of the Center Information Sheet in the CACFP Web-based system at: https://dhssweb04.dhss.mo.gov/cnp.

Approved Meals

On school days, after school snack and/or supper meals may be served at any time after the children's school day has officially ended. The at-risk after school program is limited to reimbursement for one snack and/or one supper meal per participant per day.

With approval from the Missouri Department of Health and Senior Services – Bureau of Community Food and Nutrition Assistance (MDHSS-BCFNA), meals may be reimbursed if they are served on weekends, holidays and school breaks, during the regular school year only. With MDHSS-BCFNA approval, meals and snacks served on weekends or holidays may be served at any time of day. Breakfast or lunch may be served in lieu of supper on weekends, holidays, or during school vacations during the regular school year. **At-risk after school programs cannot operate during the summer months.**

The at-risk after school program must operate at least two and a half hours after school in order to be approved for snack or supper service. The at-risk after school program must operate at least three hours to be eligible to serve a snack and a supper meal. There should be at least two hours between the end time of one meal service and the start time of the second service. It is not a requirement that either the snack or supper be the first meal served.

Meal Duration

When scheduling meal times, the following guidelines will be used for approval:

Snack

- Snack service may be approved for after school or after early supper service.
- Snack service may be scheduled no earlier than two hours after the completion of the previous meal or snack.

Supper

- Supper service may be approved for after school or after early snack service

Weekends, Holidays and Vacations

With MDHSS-BCFNA approval, a snack and any one meal (breakfast, lunch, supper) may be served per day on weekends, vacations or holidays during the regular school year. It is

alright to vary which meal and/or snack will be served by day (due to weekend services), as long as the institution is not claiming more than one meal and one snack per child per day.

Reference: CACFP 08-2012, February 17, 2012
7 CFR 226.17a(k)

Time of meal service [7 CFR 226.20(k)] State agencies may establish requirements for the amount of time a meal service can last, and the amount of time to elapse between meal services or require that meal services not exceed a specified duration.

CACFP policy 293 states that in order for a meal to be claimed it should be served at a time traditionally considered as the normal serving time for such a meal.

CACFP Policy 597, Question F-2 State agencies may, at their discretion, establish reasonable timeframes for the service of after school snacks/suppers.

With approval from the Missouri Department of Health and Senior Services – Bureau of Community Food and Nutrition Assistance (MDHSS-BCFNA CACFP), regulation permits the use of offer versus serve (OVS), when meals are prepared in or by school food service authorities (SFAs) and served by schools or other institutions participating in the CACFP. At-risk centers that serve meals prepared by SFAs that participate in the National School Lunch Program (NSLP), whether they are located in the school or in another location, have the option of using OVS in their at-risk center for the supper meal. Offer versus serve may *not* be used with snacks.

Offer versus serve is a meal service option where participants are "offered" all of the components of the meal pattern, but are not required to take them all. Offer versus serve can help teach children to make choices and is a way to decrease food waste because participants choose only those foods they wish to eat.

Assistance with meal selection may be necessary in order to provide well-balanced meals. Participants are not required to decline foods that are offered, but may do so if they choose. OVS is not considered appropriate for preschool children because it may interfere with Program nutrition goals and the institution's efforts to introduce new foods to children.

The centers must notify the MDHSS-BCFNA for approval to use OVS. The institution's option to participate in offer vs. serve must be noted under "General Comments" box (line 65) in the Center Info Sheet in the on-line applications/claims database. MDHSS-BCFNA must also be notified if the center changes the OVS option.

Supper – Meal Component Requirements:

For participants ages 6 through 12 the supper meal shall include six required food items: two servings (2oz.) of meat/meat alternate, two servings (3/4 cup total) of different vegetable/fruit/juice; one serving of grain/breads; and one serving (1 cup) low-fat (1%) or fat-free (skim) milk. NOTE: participants over 12 may be served additional portions based on the *Food Chart – At-Risk After School* for ages 13 through 18.

Under OVS, up to two of the six required foods may be declined.

Snacks – Both snack components must be served. Offer versus serve may *not* be used with snacks.

Adequate food and milk purchases will be verified at CACFP monitoring reviews in compliance with the OVS meal option. The center must demonstrate that they offer all Program meal components in the regulatory amounts. If the center is ordering milk based on previous consumption patterns, they should have a plan on how to ensure that enough milk will be provided should the demand increase for any given day of operation.

Adequate food and milk purchases will be verified at CACFP monitoring reviews in compliance with the offer vs. serve meal option. The amount of milk purchased should correlate with the food preference of

participants that routinely choose to drink milk in the 8 oz. (1/2 pint) minimum serving size offered. It is the responsibility of Program personnel to *offer* milk as a beverage choice to participants according to the *At-Risk After School Food Chart.* The at-risk after school program should document daily portions served to justify that adequate milk is purchased for the number of participants who choose to drink milk.

References: 7CFR 226.20(o)
CACFP 23-2011, May 17, 2011

The purpose of the monitoring visit is to ensure that the independent center or sponsoring organization is operating the Program in accordance with the CACFP regulations and to provide technical assistance in any area relating to the CACFP. Regulation requires that all institutions be reviewed by the Missouri Department of Health and Senior Services – Bureau of Community Food and Nutrition Assistance (MDHSS – BCFNA) at least every three years. Institutions having a history of Program noncompliance problems will be reviewed on a more frequent basis. The review of a sponsoring organization will include a site visit to not less than 10% of the sponsored facilities. New non-licensed facilities will receive a pre-approval visit and must pass a local health and safety inspection. All new institutions will receive an orientation as part of the application process. New sponsoring organizations with five or more facilities will be monitored within the first 90 days of Program operation.

Monitoring visits may be announced or they may be unannounced. If announced, the institution will receive a letter in advance, but no date will be specified. The review will then be conducted at any time within the next 45 calendar days. For unannounced visits, no advance notification is given.

<u>All required records (original documents) must be maintained on location during licensed hours of business and available for review within one hour of arrival by federal and state officials.</u> Failure to make any/or all records available within one hour of arrival to MDHSS-BCFNA representative may result in review findings, corrective action and/or overclaims.

Records maintained by the center/sponsoring organization serve as a basis for verifying compliance to Program regulations. Listed below are program records required by regulations. During all monitoring visits, all required records/documentation must be available to the MDHSS-BCFNA representative within one hour of arrival. Failure to make any and/or all records available within the required time will result in findings, corrective action, and meal disallowances. The areas and records which will be reviewed are as follows:

- Daily attendance rosters and/or daily sign in/out records. Attendance records will be checked to verify the number in attendance against the meal claim.
- Daily dated menus by type (supper, snack)
- Daily meal count records (tally sheets) by date and meal type (supper, snack)
- Documentation of organized, regularly scheduled enrichment or educational activities (structured and supervised)
- Licensing information, if applicable
- Non-profit food service verification – itemized food, non-food and food service operating cost documentation to support the review month claim for reimbursement

- CACFP staff training documentation
- Civil rights compliance to include annual racial/ethnic beneficiary form
- Program services contract
- For-profit eligibility, if applicable (Title XX and/or Income Eligibility Form documentation)
- Commercially processed food documentation, if applicable
- Production records when meals are vended (catered) or delivered from another location
- Medical statements and food and non-dairy fluid milk substitution documentation
- Documentation of monitoring - Sponsoring Organizations (of two or more centers) only. Centers under the sponsor's jurisdiction must be monitored and documented for program compliance at least three times annually
- Other required documentation, such as fire, health/sanitation and safety inspection reports, if applicable.

A meal service will be observed during the site visit to observe preparation and service methods.

Reference: 7 CFR 226.1a

Claims for meals will be disallowed if the records from a CACFP monitoring review do not support the claim for reimbursement. If the institution does not agree with the findings of the CACFP review, an appeal may be filed. See Chapter 10, Complaint and Appeal Procedures.

When an institution does not comply with Program requirements, it may be determined to be seriously deficient. When an institution is determined to be seriously deficient, the center/sponsoring organization is given up to 90 days from the date of the seriously deficient Notice to provide a Corrective Action Plan (CAP). The CAP must be deemed adequate by the Missouri Department of Health and Senior Services – Bureau of Community Food and Nutrition Assistance (MDHSS – BCFNA) with documentation of how full and permanent correction of the serious deficiency findings will be implemented.

If MDHSS-BCFNA determines that the CAP is adequate, the seriously deficient determination will be "temporarily deferred". If the CAP is deemed inadequate to fully and permanently correct the required actions, MDHSS-BCFNA will propose to terminate the CACFP contract. The list of serious deficiencies is not identical for each category of institution (new, renewing, and participating) because the type of information likely to be available to the State agency (MDHSS-BCFNA) is different. Serious deficiencies for participating institutions are:

A. Submission of false information on the institution's application, including but not limited to a determination that the institution has concealed a conviction for any activity that occurred during the past seven years and that indicates a lack of business integrity. A lack of business integrity includes fraud, antitrust violations, embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, receiving stolen property, making false claims, obstruction of justice or any other activity indicating a lack of business integrity as defined by MDHSS-BCFNA;

B. Permitting an individual who is on the National Disqualified List to serve in a principal capacity with the institution or, if a sponsoring organization, permitting such an individual to serve as a principal in a sponsored shelter;

C. Failure to operate the Program in conformance with the performance standards set forth in federal regulations;

D. Failure to comply with the bid procedures and contract requirements of applicable federal procurement regulations;

E. Failure to comply with the bid procedures and contract requirements of applicable Federal procurement regulations;

F. Failure to maintain adequate records;

G. Failure to adjust meal orders to conform to variation in the number of participants;

H. Claiming reimbursement for meals not served to participants;

I. Claiming reimbursement for a significant number of meals that do not meet Program requirements;

J. Use of a food service management company that is in violation of health codes;

K. Failure of a sponsoring organization to disburse payments to its facilities in accordance with federal regulations at 226.16(g) and (h) or in accordance with the sponsor's management plan;

L. Claiming reimbursement for meals served by a for-profit child care center or a for-profit outside-school hours care center during a calendar month in which less than 25 percent of the children in care (enrolled or licensed capacity, whichever is less) were eligible for free or reduced-proce meals or were title XX beneficiaries;

M. Claiming reimbursement for meals served by a for-profit adult day care center during a calendar month in which less than 25 percent of its enrolled adult participants were title XIX or title XX beneficiaries;

N. Failure by a sponsoring organization of day care homes to properly classify day care homes as tier I or tier II in accordance with 226.15(f);

O. Failure of a sponsoring organization to properly train or monitor sponsored facilities in accordance with 226.16(d);

P. Use of day care home funds by a sponsoring organization to pay for the sponsoring organization's administrative expenses;

Q. Failure to perform any of the other financial and administrative responsibilities required by the regulations;

R. Failure to properly implement and administer the day care home termination and administrative review provisions set forth;

S. The fact that the institution or any of the institution's principals have been declared ineligible for any other publicly funded program by reason of violation of that program's requirements. However, this prohibition does not apply if the institution or the principal has been fully reinstated in, or is now eligible to participate in that program, including the payment of any debts owed;

T. Conviction of the institution or any of its principals for any activity that occurred during the past seven years and that indicates lack of business integrity. A lack of business integrity includes fraud, antitrust violations, embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, receiving stolen property, making false claims, obstruction of justice, or any other activity indicating a lack of business integrity as defined by the State agency; or

U. Any other action affecting the institution's ability to administer the Program in accordance with Program requirements.

If MDHSS-BCFNA determines that a center or a sponsoring organization has committed one or more of the serious deficiencies listed in this policy, MDHSS-BCFNA will initiate action to terminate the contract of the center or sponsor and any responsible principals or responsible individuals. Responsible principals and responsible individuals are defined in Section 1.5.

MCHSS-BCFNA will notify the center's executive director and chairman of the board of directors that the center has been determined to be seriously deficient. The notice will identify the basis for the serious deficiency(ies), the responsible principals and the responsible individuals, and will identify the timeframe for corrective action. The serious deficiency determination is not subject to appeal.

If a center fails to fully and permanently correct the serious deficiency, MDHSS-BCFNA will take actions to terminate the contract with center or sponsor, and to place the center and its responsible principals and responsible individuals on the National Disqualified List. See policy 10.5 for procedures regarding terminations.

If corrective action has been taken to fully and permanently correct the serious deficiencies within the timeframes specified in the notice of serious deficiency, MDHSS-BCFNA will notify the center's or sponsor's executive director and chairman of the board, and the responsible principals and responsible individuals, that MDHSS-BCFNA has temporarily deferred the serious deficiency determination. However; if it is found at any future review that the center or sponsor has failed to fully and permanently correct the serious deficiency(ies) noted in the initial serious deficiency notification, MDHSS-BCFNA will propose to terminate the center's or sponsor's CACFP contract without further opportunity for corrective action.

Reference: CACFP 226.6(c)(3)

The institution shall receive a monitoring visit Report and final letter within one month from the on-site visit when no reporting errors are identified. The letter will outline any comments, findings, recommendations, and other required actions. Response to any action item noted in the letter is required within three weeks from the date on the monitoring visit letter.

The center will receive a monitoring review letter and accompanying review worksheets with response due date. The letter will outline any comments, findings, recommendations, and other required actions. A Corrective Action Plan (CAP) response to any action item noted in the letter is required within three weeks from the date on the monitoring visit letter.

Upon receipt of the center's CAP, the MDHSS-BCFNA Nutritionist will determine if all actions are satisfactorily addressed and if the CAP is deemed adequate. If the response is not satisfactory, further corrective action may be required.

If the MDHSS-BCFNA does not receive the corrective action response within the given time frame, the institution will receive a reminder (late) letter outlining the requirement to submit a Corrective Action Plan (CAP). If, after the second CAP submission notification, MDHSS-BCFNA does not receive a response, a Seriously Deficient Notice will be mailed classifying the center as seriously deficient for non-compliance with Program requirements and given 14 days to comply. If the center fails to respond within 14 days after notification of being declared seriously deficient, MDHSS-BCFNA will mail a letter proposing to terminate the institution from the CACFP in accordance with Program regulations.

If the monitoring visit reveals serious problems at the institution, the MDHSS-BCFNA Nutritionist will take follow-up action. The unannounced follow-up review may be a return visit to the institution at a future date and/or a requirement that the institution submit monthly records to the MDHSS-BCFNA for review to substantiate the claim for reimbursement. Serious Program errors could result in the center's classification as a seriously deficient institution. Refer to Section 8.2 for the list of seriously deficient citations.

During the monitoring review visit, the dated menus for the test month will be reviewed to determine if the required meal components and creditable foods are served. If the minimum portion sizes are not met or missing or non-creditable components are served, meals will be disallowed.

Itemized food and milk purchase receipts and donation receipts (from approved sources) will be reviewed to determine if the appropriate quantities of food items are purchased, prepared and served to program participants according to the dated menu. If food purchase receipts do not support the menus and indicate inadequate quantities of food and/or milk were purchased, meals will be disallowed from reimbursement. Inability to verify non-profit status, serving inadequate quantities or non-creditable food will result in meal disallowances.

The Nutritionist will observe meal preparation and meal service during the monitoring review. During the meal observation, it will be determined if adequate quantities of food are served to the participants. Serving less than the minimum required quantity of food may result in disallowance of meals. Meals may be disallowed if the meal is served before or after the approved meals times listed on the Center Information Sheet in the web-based Application database or if meals are not documented at the point of service.

If the center is using the "offer versus serve" meal service option, participants are offered all menu components in at least the minimal portions but can decline up to two meal components at lunch and supper for the meal to be claimed for reimbursement. Centers must record meals at the point-of-service (POS) or immediately after meal service. POS meal counts are not a Federal requirement, but records must accurately reflect who ate. Meals will be disallowed if the meal count records have not been completed for previous meals and/or if the meal count records have been completed before the approved meal service.

Refer to section 7.9 for additional information on offer versus serve.

Reference: CACFP 226.6(c)(3)

All CACFP reimbursement funds paid to an institution must be used solely for the food service operation. The Missouri Department of Health and Senior Services – Bureau of Community Food and Nutrition (MDHSS-BCFNA) Nutritionist will review expenditures and income to the Program for the review month to evaluate if the CACFP payment (monthly reimbursement) is being used solely for food service costs.

Itemized receipts for food and milk purchases and itemized documentation of food donations (from approved sources) will be reviewed. If food costs for the month are less than the CACFP reimbursement, the institution will be required to provide documentation of other food service costs such as food service labor, food service supplies, rent, and/or utilities. A simple record of revenues and expenditures is what is needed as long as the center is consistent with the guidance. If the total food service costs do not support the service of adequate, nutritious meals to participants, meals may be disallowed.

Reference: *At-Risk Afterschool Meals*; USDA/FNS June 2011

During the monitoring visit, the Missouri Department of Health and Senior Services- Bureau of Community Food and Nutrition Assistance (MDHSS-BCFNA) Nutritionist will review the records detailed in Section 8.1. The MDHSS-BCFNA representative will verify compliance of Program requirements and review:

- All CACFP records including Program training and civil rights compliance
- Verification of meal claim with daily attendance roster and meal count records
- Safety and sanitation of the facility and supporting documentation, if required by the local public health agency
- Sponsor monitoring documentation (sponsors of two or more centers only)
- Observe a complete meal service
- Documentation of organized, regularly scheduled enrichment or educational activities (structured and supervised)

Institutions are graded A, B, or C based on the frequency and severity of the findings.

The grade earned determines the normal frequency of MDHSS-BCFNA monitoring reviews.

- A – good review with no major problems, next review scheduled in two to three years; or
- B – some problems identified relating to organizational and management practices, next review scheduled in one to two years; or
- C – serious problems identified relating to organizational and management practices, institution is classified as seriously deficient. Adequacy of the Corrective Action Plan (CAP) determines if institution's status is temporarily deferred or if MDHSS-BCFNA will propose to terminate the CACFP contract.

NOTE: There may be variations of these grades and time for follow-up based on the frequency and severity of the problems identified.

An institution with a C rating of seriously deficient must demonstrate that it has fully and permanently corrected all problems related to the findings to continue participation in the CACFP.

Reference: 7 CFR 226.6(c)(3)
7 CFR 226.17a

During each monitoring review, the Missouri Department of Health and Senior Services – Bureau of Community Food and Nutrition Assistance (MDHSS-BCFNA) representative will examine food and milk receipts (dated and itemized), invoices and donated food documentation (valid from approved sources only) to determine whether the center has purchased adequate food and milk to meet the minimum meal pattern requirements and that foods purchased support the menu. Key food items which are easily tracked through the monitoring review process are perishables such as milk*, other fresh dairy, fresh produce and bread. These items must be purchased on a regular basis due to their limited shelf life.

Inadequate Amount of Compliant Milk Type Purchased:

First Occurrence: If the MDHSS-BCFNA Nutritionist determines that the center has not purchased adequate **quantities** of milk at the first monitoring of the center and/or the center has not had prior findings of inadequate milk, the center will be issued a warning. Milk disallowances will not be made but the center will be required to submit monthly food and milk original receipts by the 5th of each month "until further notice" to substantiate food/milk purchases to the claim. When received, processing of the receipts may take up to 30 business days before they are returned to the center.

Second Occurrence: If the milk purchase shortage was cited as a finding at the previous CACFP review, milk disallowances will be made based on the percentage of meals that did not meet minimum meal pattern requirements. When a shortage is determined, the representative will also be required to submit all food and milk receipts to the central CACFP office with monthly claims by the 5th of each month "until further notice."

Adequate Purchase of Non-Compliant Type of Milk:

Adequate Purchase of Non-Compliant Milk – First Occurrence: If the MDHSS-BCFNA Nutritionist determines that the center has purchased an adequate amount of milk but not the required **type** of milk (low-fat/1% or fat-free/skim) at the first monitoring, the center will be issued a warning. In addition, test month snacks with non-compliant (2% or whole) milk as one of the two required menu components, the center will be issued a warning. The center will not be required to submit monthly food and milk receipts.

Adequate Purchase of Non-Compliant Milk – Second Occurrence: If a non-compliant type of milk is purchased and cited as a finding at a previous CACFP review, milk disallowances will not be made but the center will be required to submit monthly food and milk original receipts to the central CACFP office with monthly claims by the 5th of each month "until further notice" to substantiate food/milk purchases to the claim. When received, processing of the receipts may take up to 30 business days before they are returned to the center.

After MDHSS-BCFNA makes the determination of monthly milk purchases, a "milk letter" with original purchase receipts will be mailed to the institution. If an institution continues to have inadequate milk purchases for six consecutive months, the center will receive a Notice of serious deficiency classification from MDHSS-BCFNA. Continued failure to provide adequate quantities of food and milk to program

participants after receipt of the serious deficiency notice will result in the proposed termination of the institution from the CACFP.

Fluid milk is a required meal component at the supper meal. Milk purchase requirements are based on the institution's monthly claim for reimbursement for these meals. Allowances will be made if the at-risk center uses the "offer versus serve" meal service option. Offer versus serve is a provision under which centers are required to "offer" participants all of the food components and minimum serving sizes but participants may chose to decline one or more components at meals (does not apply to snacks). See Section 7.9 for additional information on offer versus serve.

Milk Requirements*

One gallon of milk will serve:

Required Serving Per Meal	Servings Per Gallon	Age of Participants
8 oz. (1 cup)	16 servings	Ages 6-18

If the center does not participate in offer versus serve, the following example applies. The center served (claimed) a total of 1,227 breakfast and lunch meals; milk usage is based on the eight (8) ounce required serving of milk per participant per meal. The Nutritionist will calculate milk requirements as follows:

> 1,227 claimed meals x 8 ounces (required per meal) = 9,816 ounces of milk needed.
> There are 128 ounces of milk per gallon.
> 9,816 ounces divided by 128 = 76.68 gallons of milk needed.

Using this example, the center should have purchased a minimum of 76.68 gallons (77 gallons) of milk to meet the meal pattern requirements for their claim.

For centers using the offer versus serve meal service option, determination of adequate milk purchases will be made on an individual basis. Refer to Section 7.2 for additional information on offer vs. serve.

*Milk served in the CACFP must be consistent with the most recent version of the Dietary Guidelines for Americans. The 2010 Dietary Guidelines recommend that participants two years of age and older consume *only* fat free (skim) or low-fat (1%) fluid milk. Refer to Section 7.2 for details.

References: *Creditable Foods Guide*, MDHSS-BCFNA
CACFP 20-2011, May 11, 2011

If an independent center or sponsoring organization (responsible for two or more centers) has not taken timely action to fully and permanently correct serious deficiencies noted from a monitoring review, the Missouri Department of Health and Senior Services – Bureau of Community Food and Nutrition Assistance (MDHSS-BCFNA) will notify the center's or sponsor's executive director and chairman of the board, and the responsible principals and responsible individuals that MDHSS-BCFNA is proposing to terminate the center's or sponsor's contract and to disqualify the center, sponsor, responsible principals and responsible individuals from future participation in the CACFP. The notice of proposed termination will include the basis for the proposed termination, an explanation that, if the center or sponsor voluntarily terminates the contract after receiving notice of the proposed termination, the center/sponsor and the responsible principals and the responsible individuals will still be disqualified, and the procedures for seeking an administrative review (appeal hearing). A center or sponsor will have 15 days from the date of notice of the proposed termination to request an administrative review. See chapter 10 for more information on appeals.

When the time for requesting an administrative review expires, or when the Administrative Hearing Official (Appeal Officer) upholds MDHSS-BCFNA's proposed termination and disqualification, MDHSS-BCFNA will notify the center's or sponsor's executive director, chairman of the board, responsible principals or responsible individuals that the contract has been terminated and that the center/sponsor, the responsible principals and responsible individuals have been disqualified.

If a state or local health official cites an at-risk after school program for serious health or safety violations, the Missouri Department of Health and Senior Services – Bureau of Community Food and Nutrition Assistance (MDHSS-BCFNA) will take immediate action to suspend the center's participation in the CACFP, and will initiate action to terminate the center's contract to participate in the CACFP and to disqualify the center, the responsible principals, and the responsible individuals. MDHSS-BCFNA will initiate this action even before any formal action is taken by the state or local health or safety official to revoke the center's approval. In addition, if MDHSS-BCFNA determines that there is an imminent threat to the health or safety of center participants, or that the center has engaged in activities that threaten the public health or safety, MDHSS-BCFNA will notify the appropriate state or local health authority and take action consistent with the recommendations and requirements of those authorities.

MDHSS-BCFNA will notify the center's executive director, chairman of the board, the responsible principals and responsible individuals that the center's participation in the CACFP has been suspended, that the center has been determined to be seriously deficient, and that MDHSS-BCFNA is proposing to terminate the contract and disqualify the responsible principals and responsible individuals. The notice of suspension and proposed termination will include the basis for the serious deficiencies, an explanation that, if the center voluntarily terminates it contract after having been notified of the suspension and proposed termination, the center and the responsible principals and responsible individuals will be disqualified, that the serious deficiency determination is not subject to administrative review, and the procedures for seeking an administrative review. In addition, during the suspension, all payments to the center will be stopped. If the administrative review official overturns the suspension, the center may claim reimbursement for eligible meals served during the suspension period.

When the time for an administrative review expires, or when the Hearing Official upholds MDHSS-BCFNA's proposed termination and disqualification, MDHSS-BCFNA will notify the center/sponsor's executive director, chairman of the board, responsible principals and responsible individuals that the contract has been terminated and that the center/sponsor, responsible principals and responsible individuals have been disqualified.

Suspension Review: A center or sponsor may request a written review of MDHSS-BCFNA's proposed suspension. The designated Hearing Official will review the proposed suspension. If the Hearing Official determines that the suspension is not appropriate, MDHSS-BCFNA will be prohibited from suspending the center/sponsor. If the Hearing Official determines that the suspension actions taken by MDHSS-BCFNA are appropriate, the center or sponsor will be suspended from participation in the CACFP beginning on the date the Hearing Official makes the decision. MDHSS-BCFNA will notify the center/sponsor's executive director, chairman of the board, responsible principals, and responsible individuals that the center's/sponsor's participation has been suspended, including program payments, the effective date of the suspension, the procedures for seeking an administrative review, and an explanation that, if the Hearing Official overturns the suspension, the center/sponsor may claim reimbursement for the eligible meals served and the allowable administrative costs incurred during the suspension period.

The suspension of participation may remain in effect no longer than 120 days following the suspension review decision.

Procurement of goods and services involves a process to purchase the desired product at the lowest price possible. Achievement of this objective requires careful planning on the institution's part. The planning process must include, at a minimum, the following steps:

- Determining the purchase method;
- Developing a blue print to describe the product or service rendered. The blue print is referred to as an Invitation for Bid;
- Determining the criteria used to award the bid;
- Soliciting (recruiting) providers to supply the product;
- Evaluating the bids received;
- Awarding the bid; and
- Monitoring the contract to assure compliance.

When completing each of the above stages, it is mandatory that federal and state regulations are followed. The above steps and applicable regulations will be detailed in the following sections. Instructions and sample forms are available at:
http://health.mo.gov/living/wellness/nutrition/foodprograms/cacfp/pdf/Contracting_Food_Svc.pdf.

Regardless of the methods used for procurement, the center must assure that all procurement transactions, regardless of whether by sealed bids or by negotiation and without regard to dollar value are conducted in a manner that provides maximum open and free competition.

Competition is mandated so that Program goods, equipment, and services will be obtained at the lowest possible cost. All procurements must be made using competitive practices. In order to assure that true competition is taking place, identical specifications, identical requests for bids or identical requests for proposals must be furnished to the potential vendors. All pertinent data must be made available to potential vendors.

To the extent possible, efforts must be made to include small, minority, women's, and labor surplus area firms on the solicitation list. These firms must be solicited when they are potential sources for purchased goods and services. When economically feasible, total requirements must be divided into small quantities and delivery requirements or schedules established to permit maximum participation by these firms. When indicated, the services of the Small Business Administration and the Office of Minority Business Enterprise of the Department of Commerce should be used.

Reference: 7 CFR 226.22 Procurement standards

There are four different methods which can be used when purchasing goods or services. The methods are:

Small Purchase Threshold (Simplified Acquisition Threshold set by 41 U.S.C. 403(11))
Small purchase procedures are simple and informal procurement methods used in the purchase of services, supplies, or other property that fall below the $100,000 threshold for private, non-profit organizations. In the state of Missouri, a formal bid procedure is required for any aggregate purchases in excess of $100,000. When using the informal bid procedure, price or rate quotations shall be obtained from at least three qualified sources. While relatively simple and informal, small purchase procedures must still be conducted in a competitive manner. The items or services to be purchased must be adequately and consistently described for each prospective vendor so that each one can provide price quotes on the same merchandise or service.

Documentation of the price and rate quotations must be kept on file and available for review. The lowest and best bid shall be accepted.

Competitive Sealed Bids
Sealed bids are publicly solicited and a fixed-price contract is awarded to the bidder whose bid, conforming to all terms of the Invitation for Bid (IFB), was lowest in price. A fixed-price contract is defined as an agreement to pay a certain amount per unit of a good or service.

In order for the competitive sealed bid procedure to be feasible, these conditions must be present:

- A complete, adequate, and realistic specification or purchase description is available;
- Two or more responsible suppliers are willing and able to compete effectively for the business; and
- The procurement lends itself to a firm-fixed price contract. Selection of a successful bidder can be made principally on the basis of price.

If it is determined that competitive sealed bidding is appropriate, the following requirements must be met:

- Develop a complete, adequate, and realistic specification or purchase description. The description will be in the form of an IFB. The IFB shall clearly define the item or services needed in order for the bidders to properly respond. See Section 11.3 for more information on developing the IFB.

- Formally advertise for potential bidders. Part 226.21 of the CACFP regulations specifies that when non-profit institution contracts have an aggregate value greater than $100,000, the institution must:

  a. Publicly announce all proposed contracts at least 14 calendar days prior to the opening of the bids. The announcement shall include the time and place of the bid opening.

  b. Notify the State agency at least 14 calendar days prior to the opening of the bids of the time and place of the bid opening.

- Publicly open all bids at the time and place stated in the invitation for bid.

Once the at-risk after school facility has made a choice to award the bid, a firm-fixed price contract award shall be made by written notice to the responsive bidder whose bid, conforming to the invitation for bid, is lowest. Any or all bids may be rejected when there are sound documented business reasons in the best interest of the Program.

Competitive Negotiation
Proposals are requested from a number of sources and the request for proposal is publicized. Competitive negotiation may be used if conditions are not appropriate for the use of formal advertising. If competitive negotiation is used for procurement, contact the Missouri Department of Health and Senior Services – Bureau of Community Food and Nutrition Assistance (MDHSS-BCFNA).

Noncompetitive Negotiation
This form of procurement is through solicitation of a proposal from only one source. This form of procurement can only be used under the following circumstances:

- The item is available from a single source;
- Public exigency or emergency when the urgency for the requirement will not permit a delay incident to competitive solicitation;
- FNS authorizes noncompetitive negotiation; or
- After solicitation of a number of sources, competition is determined inadequate.

Under no conditions can a cost plus percentage of cost method of contracting be used.

References: 7 CFR226.21 and 226.22 and 41 U.S.C. 403(11)

Just as a construction worker needs good blueprints to build a quality home, a food service vendor or caterer needs specific instructions regarding the food you, as a buyer, want delivered.

Part 226.6(i) of the CACFP regulations requires the following minimum specifications be placed in the blueprint or Invitation for Bid (IFB):

- The contractor shall maintain such records as the center will need to support the monthly claim for federal reimbursement and shall provide invoices and daily delivery reports to the institution no less frequently than monthly. These records shall be available for inspection and audit by representatives of the State agency, U.S. Department of Agriculture, and U.S. General Accounting Office for a period of three years from the date of receipt of final payment under the agreement or until final resolution of any audits.

- The contractor shall have certification from the State health department or the local health department official deputized by the state health department for any facility in which it proposes to prepare food and/or serve meals and shall maintain this health certification for the duration of the agreement.

- The contractor shall ensure health and sanitation regulations are met at all times. The contractor shall provide meals for periodic inspection by the local health department to determine bacteria levels in the meals being prepared.

- Payment shall not be made for meals that are delivered outside of the agreed upon delivery time, are spoiled or unwholesome at the time of delivery, do not meet the requirements for each food component, or are delivered with potentially hazardous foods at temperatures between 41 to 135° Fahrenheit.

- Any federally donated commodities received by the center and made available to the contractor shall be used only for the food service program in that center.

- A delivery schedule specifying when meals will be delivered and to what location.

- A provision allowing increases and decreases in the number of meals ordered.

- A cycle menu upon which the bid will be based.

- Meals provided by the contractor shall conform to the cycle menu upon which the bid was based, and to menu changes agreed upon by the center and food service management company.

- Names and addresses of all state agency approved facilities to which food shall be delivered.

- The contractor will operate in accordance with current Program regulations.

- All meals served under the contract shall meet the requirements of Part 226.20 of the CACFP regulations.

- The duration of the contract shall not exceed one year and shall include a termination clause whereby either party may cancel upon written notification.

- Provisions or conditions that will allow for administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms.

- An estimation of the number of meals, which shall be provided over a period of one year.

All contracts and sub contracts **awarded in excess of $100,000 shall:**

- Contain a provision requiring compliance with Executive Order 11246 entitled "Equal Employment Opportunity" as amended by Executive Order 11375.

- Contain a provision which requires compliance with all applicable standards, orders, or requirements issued under Section 306 of the Clean Air Act, section 508 of the Clean Water Act, Executive Order 11738, and Environmental Protection Agency regulations (40 CFR part 15).

Part 226.21 of the CACFP regulations further state that the IFB:

- Shall not provide for loans or any other monetary benefit or terms or conditions to be made to adult day care centers by food service management companies.

- Shall not include any nonfood items except for items that are essential to the food service (Example: straws, napkins, plastic utensils).

- Shall not specify special meal requirements to meet ethnic or religious needs unless special requirements are necessary to meet the needs of the participants to be served.

Only by specifying the above items will prospective providers know exactly what the buyer wants. Forms and Instructions and sample IFBs for food service purchases are available at: http://health.mo.gov/living/wellness/nutrition/foodprograms/cacfp/pdf/Contracting_Food_Svc.pdf.

Reference: 7CFR 226.6(i)
7CFR 226.21 and 226.22

Awards for the bid can only be made to responsible contractors that have the potential ability to perform successfully under the bid conditions of the Invitation for Bid (IFB). Consideration shall be given to:

- Contractor integrity;
- Approved and licensed to provide vended (catered) meals;
- Compliance with public policy;
- Record of past performance; and
- Financial and technical resources.

Any criteria, other than cost, used to evaluate the bid should be clearly set forth in the IFB. Institutions must document the reason for selecting or rejecting a vendor. If the lowest bid price is not the determining factor, written justification must be maintained showing why one vendor was more beneficial than another to the Program.

Reference: 7CFR 226.22(h)(2)

All bids shall remain sealed and in a secure place prior to the bid opening. Any bids exceeding $100,000 shall be publicly opened.

Bids shall be evaluated based on cost and criteria outlined in the invitation for bid. Based on these factors, a decision shall be made to award the bid. Any bids totaling $50,000 or more must be submitted to the State agency for approval before acceptance. All bids shall be submitted to the Missouri Department of Health and Senior Services – Bureau of Community Food and Nutrition Assistance (MDHSS-BCFNA) for approval before accepting a bid which exceeds the lowest bid. State agencies shall respond to any request for approval within 10 working days of receipt.

Based on the bid evaluation, a firm fixed-price contract award shall be made by written notice to that responsible bidder whose bid, conforming to the invitation for bids, is lowest.

Reference: 7CFR226.22

The at-risk after school program facility is ultimately responsible for assuring that the food service contractor that provides vended (catered) meals is meeting all contract requirements. The center or sponsoring organization (of two or more facilities) must monitor to assure the contractor is fulfilling all requirements of the contract. Items that should be monitored on an occasional basis include:

- Meal requirements of Federal Regulations 7 CFR 226.20 are being met.
- Caterer (contractor) has a current sanitation inspection on file. Any deficiencies noted by the sanitarian are corrected.
- Caterer is using foods from an approved source.
- Caterer is charging the at-risk after school facility based on the terms of the contract.
- Caterer is maintaining all records to document costs charged to the CACFP provider to substantiate the claim for reimbursement.
- Caterer is maintaining production records to verify that minimum serving sizes are provided.
- Daily meal delivery tickets to verify the amount of food and/or number of meals provided to the center.
- Staff allocation verification, such as meals per labor hour statistics.
- Documentation of paid invoices to verify contractual accountability.
- The contractor that caterers meals shall not be paid for meals that are delivered outside of the agreed upon delivery time, are spoiled or unwholesome at the time of delivery, or do not otherwise meet the meal requirements contained in the contract.

Reference: 7CFR 226.6(i)(7)

At-risk after school program facilities contracting for services shall maintain a written code of conduct which shall govern the performance of their officers, employees, or agents involved in the administration or award of the contract. No officer, employee, or agent shall participate in the selection or in the award or administration of a contract supported by CACFP funds if a conflict of interest, real or apparent, would be involved.

A conflict of interest may occur when:

- An employee, officer or agent; or
- Any member of their immediate family; or
- His or her partner; or
- An organization which employs or is about to employ any of the above; or
- Anyone who is associated with the center

has a financial or other interest in the firm selected for award.

An at-risk after school program's officers, employees, or agents shall also not solicit nor accept gratuities, favors, or anything of monetary value from contractors, potential contractors, or parties to sub agreements.

Reference: 7CFR 226.22(d)

To the extent possible, affirmative steps must be taken to assure small and minority businesses are utilized when possible. Affirmative steps to include small minority businesses are:

- Include such businesses on solicitation lists;
- Assure such businesses are solicited when they are potential sources;
- When economically feasible, divide total requirements into smaller tasks and quantities;
- Establish delivery schedules that encourage participation by these firms;
- Use services and assistance of the Small Business Administration and the Minority Business Enterprise of the Department of Commerce;
- Require prime contractors to take these affirmative steps if any subcontracts are to be let; and
- Take appropriate affirmative action in support of women's business enterprises.

Reference: 7 CFR 226.22(f)(1-7)

During the course of the CACFP contract with an institution, the Missouri Department of Health and Senior Services - Bureau of Community Food and Nutrition Assistance (MDHSS-BCFNA) may make determinations with which the center may not agree. For actions impacting the at-risk after school program, BCFNA will advise the institution of the grounds on which the actions are based. The notice of required action shall be sent certified mail to the center's executive director and chairman of the board of directors and the responsible principals/individuals. Also included will be a statement that the institution has the right to appeal the action.

An independent center or sponsoring organization (SO) may appeal decisions made by BCFNA. Actions that may be appealed are those that affect the participation of a center in the Program or the center's claim for reimbursement.

Actions which <u>may be appealed</u> include, but are not limited to:

- Denial of a center's application for participation;
- Denial of an application submitted by a sponsoring organization on behalf of a facility;
- Notice of proposed termination of the participation of a center;
- Notice of proposed disqualification of a responsible principal or responsible individual;
- Suspension of an center's contract;
- Denial of all or part of a claim for reimbursement;
- Demand for the remittance of an overpayment;
- Denial by the MDHSS-BCFNA to forward to the USDA Food and Nutrition Service (USDA-FNS) an exception request by the center or SO for payment of a late claim or a request for an upward adjustment to a claim, or demand for remittance of an overclaim; and
- Any other action of the state agency affecting a center's participation or its claim for reimbursement.

Actions not subject to appeal include:

- A decision by FNS to deny an exception request by a center for payment of a late claim or for an upward adjustment to a claim;
- A determination that a center is seriously deficient;
- Disqualification and placement on the National Disqualified List (NDL); and
- Termination of a participating center's contract based on the disqualification of the center by another State Agency or FNS.

Reference: 7 CFR 226.6(k)(2) and (3)

Appeals are conducted before a duly appointed administrative Hearing Officer. There are two types of appeals as follows:

- **Administrative review** is an in-person, verbal hearing at which testimony and evidence is submitted by the participant or participant's legal counsel (required if incorporated or LLC) and the Missouri Department of Health and Senior Services (MDHSS).

- **Abbreviated administrative review** is a review of written material only. Written evidence is submitted to the Hearing Officer for consideration in the appeal. An appellant cannot request an administrative review after the abbreviated administrative review has taken place.

An appeal is limited to the abbreviated administrative review for the appellants under the following scenarios:

- Submission of false information on the application; or

- The participant(s) or one of its principals or one of its facilities is ineligible to participate; or

- The participant(s) or one of its principals or one of its facilities has been convicted for any activity that indicates a lack of business integrity.

The appeal request **must** state whether the sponsor/center wants an in-person administrative review (oral hearing) or an abbreviated administrative review (submission of written evidence).

Reference: 7 CFR 226.6(k)(4) and (9)

An independent institution or sponsoring organization can appeal any of the actions listed in Section 12.1 by filing a written request for appeal.

Filing the Request

The request for an administrative review must be submitted in writing and received by the hearing official and in the BCFNA office no later than 15 days after the date the notice of action is received by the institution. The counting of the 15 days allotted for the request to be received by the Hearing Official and the state agency begins on the fifth day after the date of mailing of the state agency notice, or on the date of e-mail or fax by the state agency, or on the date the institution receives the notice of findings, whichever is earliest. Late requests will not be accepted. Refer to the *"What to do if you decide to appeal"* flyer which is included with monitoring reports sent from the BCFNA.

The request for an appeal **must** state whether the sponsor/center wants an in-person administrative review (oral hearing) or an abbreviated administrative review (written evidence). The request for an appeal **must** be submitted and received in a timely manner. The request for an appeal must be mailed to the:

Missouri Department of Health and Senior Services
Bureau of Community Food & Nutrition Assistance
P.O. Box 570
Jefferson City, MO 65102
Fax 573-526-3679*

The appeal request must:

- Include the name, phone number, and mailing address of your institution.
- Clearly identify the findings that are being appealed, the basis of the appeal, and the remedy sought.
- Include written information to support the appeal (abbreviated review only).
- Include a copy of the notice from the State agency that gives rise to the review request.
- **State whether the participant is requesting an administrative review (in-person oral hearing) or an abbreviated administrative review (submission of written evidence).** A party or entity requesting a review may elect to have an abbreviated administrative review even though entitled to a full hearing.
- Be signed by the authorized representative of the institution and have the name and the title of the person who signed the request, if other than the authorized representative.

Notification and Scheduling of Administrative Review (in-person appeal hearing)

1. You will receive a docketing letter giving the date, time, and location of the administrative hearing by mail within days of receipt of the request.

2. Either the Missouri Department of Health and Senior Services (MDHSS) or the party requesting the review may thereafter seek a continuance (rescheduling) of the hearing. Such requests must be in writing and should state the reason for the continuance request. The continuance request must be sent to the State agency (MDHSS). Note: A request of a continuance by the appealing party may waive the right to decision within 60 days of the State agency (MDHSS) notice.

3. The Hearing Officer will notify both parties as to whether or not the continuance is granted or denied. If it is denied, the hearing will be held as originally scheduled. If it is granted, a new hearing date will be sent by the Hearing Officer. It is extremely helpful if a request for a continuance also contains a statement as to what dates for a new hearing are not available to the party requesting the continuance.

4. MDHSS has the right to file an objection to the continuance.

5. The institution can request copies of the information in the Bureau of Community Food and Nutrition Assistance's files upon which the adverse action was based.

6. **Representation by an attorney:** Missouri state law prohibits employees of a corporation (LLC or Inc.) from acting as an attorney on behalf of the employing corporation. An employee may participate in an administrative review on behalf of a corporation, but participation is limited to testimony about the relevant facts related to the appeal. A non-attorney may **not** file motions, briefs, or make legal arguments or examine witnesses.

7. MDHSS will have legal counsel representation at all in-person oral hearings.

ALL SUBMISSIONS OF WRITTEN MATERIAL MUST BE SUBMITTED BY MAIL.
***REQUESTS FOR *CONTINUANCES* MAY BE SUBMITTED BY FAX TO 573-526-3679.**

The Hearing Officer shall make a written determination based upon written information submitted by the Bureau of Community Food and Nutrition Assistance (BCFNA), written information submitted by the center in support of its position, additional information as may be obtained by the Hearing Officer from any other person or persons having relevant and pertinent information, and information presented orally at the hearing.

The Hearing Officer will make a determination on the action under appeal within 60 calendar days from the date of notice of the adverse action in accordance with the regulations governing the CACFP. This determination is the final administrative decision on the matter. It is not subject to further administrative review or reconsideration.

The Hearing Officer's determination will be sent by certified mail, return-receipt requested, to the appellant's institution or its representative. A copy will also be sent to the BCFNA. It will take effect immediately upon receipt by the appellant institution or its representative.

In the case of a denial of a center's application to participate in the Program, the determination of the Hearing Officer will either sustain the denial or shall direct that the institution or center be approved for participation.

In the case of a denial of all or part of a claim for reimbursement, or demand for refund of an overpayment, the determination of the Hearing Officer will either sustain the action under appeal, or specify the amount of the claim for reimbursement, or refund of overpayment to be paid.

In the case of the termination of a center's participation in the Program, the determination of the Hearing Officer shall either sustain the termination or shall direct that the center be permitted to continue participation in the Program.

If an appeal and request for administrative review involves any doubtful questions of law, the Hearing Officer will obtain the advice of the Office of General Counsel, Missouri Department of Health and Senior Services.

Reference: 7CFR 226.6(k)

A center and responsible principals and responsible individuals that receive a notice of a serious deficiency have the right to appeal the findings leading to the serious deficiency rating, but **not** the serious deficiency notice. See Sections 8.2 and 8.6 for serious monitoring findings and review grading information.

Institutions and responsible principals with serious deficiencies have 90 days to demonstrate "full and permanent" corrections by:

- Submission of a Corrective Action Plan that is deemed by MDHSS-BCFNA to adequately address the seriously deficient citations

A copy of the notification of serious deficiency is forwarded to the United States Department of Agriculture – Mountain Plains Regional Office (USDA-MPRO) for tracking.

If it is determined, based on the Corrective Action Plan, that the center has adequate measures in place to fully and permanently correct/eliminate the serious deficiency findings, MDHSS-BCFNA will temporarily defer the serious deficient determination. The temporary deferment of the serious deficient determination letter is forwarded to USDA-MPRO.

An unannounced follow-up monitoring review will be conducted to evaluate the effectiveness of the corrective actions taken by the center. When a follow-up monitoring review demonstrates that limited or no corrections have been made, MDHSS-BCFNA will notify by certified mail, e-mail or fax of the "proposed termination" of the CACFP contract and disqualification of the responsible principals and responsible individuals. A proposal to terminate determination can be CACFP contract can be appealed. See Section 10.1 for specific details.

Regulations require that, in every instance, both the chairperson of the institution's board of directors, as well as the executive director or other person responsible for the CACFP receive the notice of serious deficiency as well as any other principals or individuals named as **"responsible"** for the serious deficiencies. Typically, the executive director, owner, or other person with overall responsibility for the CACFP within the institution would be named as "responsible" for the institution's serious deficiency. **"Responsible principals"** are those organization officials who, by virtue of their management position, bear responsibility for the institution's serious deficiency. These management officials also bear responsibility for the poor performance of non-supervisory employees which may have caused the serious deficiency. Non-supervisory employees include contractors and unpaid staff, are named **"responsible individuals"** only when they have been directly involved in egregious acts, such as filing false reports or actively participating with institution principals in a scheme to defraud the Program.

Reference: CACFP Improving Management and Program Integrity, Final rule effective July 13, 2011
Federal Register, Vol. 76, No. 113
7 CFR 226.6(4)(i)

Any person alleging discrimination based on a protected class: race, color, national origin, sex, age, or disability has a right to file a complaint within 180 days of the alleged discriminatory action.

To file a complaint of discrimination, write USDA Director, Office of Adjudication 1400 Independence Avenue, SW, Washington, DC 20250-9410 or call toll free (866) 632-9992 (voice). Individuals who are hearing impaired or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339; or (800) 845-6136 (Spanish).

The complaint should contain the following information:

- Name, address, and telephone number or other means of contacting the complainant;
- The name(s) and business addresses of the person(s) discriminated against if different than above;
- The agency and department or program that discriminated and any individual, if known;
- *Non employment complaint*: discrimination in the delivery of services or in other discriminatory actions in the department or agency in its treatment of you or others; or
  Employment complaint: discrimination in employment by the department or agency
- The base(s) on which the complainant believes these discriminatory actions were taken (race/color, national origin, sex, religion, age and/or disability);
- The date on which the alleged discrimination occurred. Indicate the earliest date of discrimination to the most recent date of discrimination; and
- Explain as clearly as possible what happened, why you believe it happened, and how you were discriminated against. Indicate who was involved. Be sure to include how other persons were treated differently from you.

The complaint can only be accepted when it is signed and dated.

References: FNS Instruction 113-1
http://www.fns.usda.gov/cr/justice.htm
http://www.ascr.usda.gov/complaint_filing_program.html

An approved at-risk after school program may receive CACFP reimbursement and United States Department of Agriculture (USDA) donated food (commodities) or cash-in-lieu of commodities for the supper meal served to participants.

Donated food is foods purchased by the USDA in large quantities. Products purchased may include beef, canned or fresh fruits and vegetables, grain products, peanut butter, or other available products. USDA distributes these products, through state outlets, to eligible agencies.

At-risk after school programs receiving donated food must sign a contract with the Missouri Department of Social Services, Family Support Division (FSD). Signature on this contract indicates that the center agrees to abide by terms and conditions contained within the contract.

Cash-in-lieu of commodities is a monetary payment for each lunch or supper served. A center receiving cash-in-lieu of commodities will receive a per lunch/supper meal reimbursement. This payment is equivalent to the dollar value of the donated food allotment.

Each year during the application update process, the Missouri Department of Health and Senior Services – Bureau of Community Food and Nutrition Assistance's (MDHSS-BCFNA) is responsible for asking each institution if they would rather receive cash in lieu or actual donated food (commodities). If less than one-third of the institutions choose donated food, MDHSS-BCFNA will require that all institutions receive cash-in-lieu of commodities (additional money). If more than one-third of the institutions wish to receive donated food, MDHSS-BCFNA will provide donated food or cash (cash-in-lieu of donated food) based on the institution's preference.

Reference: 8/18/1999 CACFP Memorandum

MISSOURI DEPARTMENT OF HEALTH AND SENIOR SERVICES
COMMUNITY FOOD AND NUTRITION ASSISTANCE
CHILD AND ADULT CARE FOOD PROGRAM

AGREEMENT BETWEEN SPONSORING ORGANIZATION AND AT RISK AFTER SCHOOL PROGRAMS

INSTRUCTIONS

An original and two (2) copies of this Agreement must be completed and signed by the at-risk center (provider) and the sponsoring organization (SO). A representative of the sponsoring organization must sign all forms, retain original, return a copy to the facility and submit a copy with the application to Community Food and Nutrition Assistance.

SPONSORING ORGANIZATION NAME AND ADDRESS	CENTER OWNER/DIRECTOR NAME, ADDRESS AND BIRTHDATE

This Agreement is entered into between the above named Sponsoring Organization and provider. This Agreement specifies the rights and responsibilities of the SO and the Provider as participants in the Missouri Department of Health and Senior Services' Child and Adult Care Food Program (MDHSS-CACFP).

RIGHTS AND RESPONSIBILITIES OF THE SO

1. In accordance with CACFP regulations, the SO agrees to accept financial and administrative responsibility for management of an effective food service. The SO agrees to:
   a. Train providers before they begin participating in the CACFP.
   b. Offer additional training sessions scheduled at a time and place convenient to their centers and personnel not less than annually.
   c. Respond to a center's request for technical assistance.
   d. Provide CACFP record keeping forms to the center.
   e. Distribute reimbursement to the center within 5 working days after the SO has received payment from the MDHSS.
   f. Assure that all meals claimed for reimbursement are served to eligible participants without regard to race, color, national origin, age, sex, or disability and that all meals meet the meal requirements in the CACFP regulations.
   g. Perform monitoring visits at least 3 times a year to insure Program regulation compliance.

2. The SO, MDHSS, the U.S. Dept. of Agriculture, and other State and Federal officials have the right to make announced or unannounced reviews of the center's operations and to have access to its meal service and records during its normal hours of operations. Anyone making such reviews must show photo identification.

3. The SO or the center may terminate this agreement to participate in the CACFP for cause or convenience by written notice.

4. Fees charged to the center for CACFP administrative services shall not exceed $_____ per (month/year).

5. The SO will reimburse the center for meals served using the current CACFP reimbursement rates for centers.

6. The SO agrees to inform the provider of their option to participate directly in the CACFP as an independent center.

7. The sponsor shall provide adequate supervisory and operational personnel for the management and monitoring of the CACFP to assure successful operation by the center/provider.

THIS CENTER HAS BEEN APPROVED TO SERVE MEAL UP TO

_____ PARTICIPANTS /DAY (license capacity, fire and safety, sanitation inspections reports).

We, the sponsoring organization, CERTIFY that the provider is not participating in the Child and Adult Care Food Program under any other sponsoring organization or as an independent center. WE FURTHER CERTIFY that all of the above information is true and correct to the best of our knowledge, and that we will comply with the rights and responsibilities outlined in the Agreement. We understand that this information is being given in connection with the receipt of Federal Funds; that Department officials may, for cause, verify information; and that deliberate misrepresentation may subject us to prosecution under applicable State and Federal criminal statutes.

RIGHTS AND RESPONSIBILITIES OF THE CENTER

1. The center is required to keep daily record of:
   a. Daily records indicating the children in attendance and the number of meals, by type (supper, snacks), served to children Only one meal per child may be claimed at each meal service.
   b. Daily records indicating the number of meals, by type, served to adults performing labor necessary to the food service.
   c. Copies of invoices, receipts, or other records as needed to show administrative and operating costs claimed by the center for the food service operation. All CACFP reimbursements shall be used solely for the operation of a non-profit food service.
   d. Copies of daily dated menus.

2. The center staff must attend at least one training session as required/provided by the SO each year.

3. The provider must allow representatives from the SO, MDHSS, the U.S. Dept. of Agriculture, and other State and Federal officials access to the center for the purpose of reviewing the CACFP operations. This will be done at least three times a year and will primarily be unannounced. Such representatives must show photo identification.

4. The provider must notify the SO, without delay if there are any changes in the center's license or approved status.

5. The provider must submit the meal count, attendance and menu records to the SO by the _____ day of each month. Failure to do so may result in loss of payment for that month.

6. The provider must serve meals that meet the CACFP requirements for the ages of children being served. Meals must be served at no separate charge to the children.

7. The provider will not receive reimbursement for meals served to children who are over 18 years of age. Adult meals are not reimbursed.

8. The provider or the SO may end this agreement to participate in the CACFP for cause or convenience.

9. The provider must serve meals to all children without regard to race, color, national origin, sex, disability, or age.

10. The provider may apply to the MDHSS as an independent center upon termination of this agreement.

11. The At risk center will only operate during the normal school year (August/September to May/June).

I understand that this At risk center can participate in the Child and Adult Care Food Program as an independent center but I choose to be sponsored by the above organization and I will comply with the rights and responsibilities outlined in this agreement. I understand that this information is being given in connection with the receipt of Federal Funds; that Department officials may, for cause, verify information; and that deliberate misrepresentation may subject me to prosecution under applicable State and Federal criminal statutes.

STARTING DATE	This center has been approved to serve the following meals: ☐P.M. Snack ☐Supper

This center's operating hours are: From_____ to _____.

REPRESENTATIVE OF SPONSORING ORGANIZATION SIGNATURE	DATE	PROVIDER'S SIGNATURE	DATE
►		►	