

FEB 10, 1997

Subject: Child and Adult Care Food Program (CACFP) Improved Targeting of Day Care Home Reimbursement - Provision of Elementary School Attendance Area Information

To: Regional Directors  
Child Nutrition Programs  
All Regions

In response to concerns expressed by regional staff, State agencies and sponsoring organizations of day care homes, we are issuing this memorandum to help ensure that sponsoring organizations have access to elementary school attendance area information for the purpose of classifying day care homes as tier I day care homes for the CACFP.

In accordance with section 17(f)(3)(E) of the National School Lunch Act, as amended by section 708(e) of P.L. 104-193, the interim rule published in the *Federal Register* on January 7, 1997, added Section 210.9(b)(20) to the National School Lunch Program (NSLP) regulations to require that school food authorities (SFAs) provide to NSLP State agencies a list of elementary schools in which 50 percent or more of enrolled children have been determined to be eligible for free or reduced price meals. The interim rule further added Section 210.19(f) to the NSLP regulations to require NSLP State agencies to annually provide this information to CACFP State agencies for dissemination to day care home sponsoring organizations. In addition, Section 210.19(f) requires NSLP State agencies to provide such information to sponsoring organizations upon request. Although the interim rule did not specifically require NSLP State agencies or SFAs to provide attendance area information along with the list of eligible elementary schools, we assumed that such information would be publicly available to sponsoring organizations. However, we have heard that some SFAs have already expressed reluctance to respond to expected requests by sponsoring organizations to provide this information.

Given that attendance area information is essential to making tier I day care home classifications using school data, we are requesting that all NSLP State agencies immediately contact their SFAs to urge them to provide this information to requesting sponsoring organizations. We anticipate this information will typically consist of boundary maps or other boundary-identifying data. As public information, attendance area information should be readily available. We are attempting to minimize any associated burden by asking SFAs to provide this information directly to requesting sponsoring organizations, rather than asking the State agencies to gather this information for all SFAs with schools in which 50 percent or more of the enrolled children have been determined eligible for free or reduced price meals. This approach should ensure that only those SFA serving those areas in which a sponsoring organization has indicated an interest will have to gather and provide the information.

The contents of this guidance document do not have the force and effect of law and are not meant to bind the public in any way. This document is intended only to provide clarity to the public regarding existing requirements under the law or agency policies.

To alleviate any concerns about the release of attendance area information to sponsoring organizations, NSLP State agencies should assure SFAs that they will not be held financially or otherwise liable by FCS if erroneous tier I day care home classifications are made, whether due to a sponsoring organization's misuse of attendance area information or due to an inadvertent error by a SFA.

We intend to address this issue in the final CACFP tiering rule. However, we are issuing this memorandum now since this information is essential to making tier I day care home classifications prior to July 1, 1997.

Please disseminate this information to all NSLP and CACFP State agencies as soon as possible. If you have any questions on this memorandum, you may contact Ed Morawetz or Melissa Rothstein at 703-305-2620.

**Original Signed**

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