



United States
Department of
Agriculture

March 14, 2000

Food and
Nutrition
Service

3101 Park
Center Drive
Alexandria, VA
22302-1500

SUBJECT: Participation of Emergency Shelters in the Child and Adult Care Food Program (CACFP)—Questions and Answers

TO: Regional Directors
Child Nutrition Programs
All Regions

Since July 1, 1999, CACFP benefits have been extended to include meal services to children who reside with their families in emergency shelters, under the provisions of section 17(t)(1) of the National School Lunch Act (NSLA). You and your States have raised a number of questions about the approval of shelters and the meal services they provide to children in CACFP. Because the circumstances of an emergency shelter are so different from any other type of CACFP institution, we thought it would be helpful to share these questions, and our responses, with you.

In every response, we wanted to be certain that CACFP provides children in families experiencing homelessness the nutrition assistance they need. We also wanted to reduce the potential for abuse in CACFP. Participating shelters must be accountable and only claim reimbursement for eligible children. They must ensure that CACFP funds are used only for the conduct or improvement of the CACFP food service operation, principally for the benefit of participating children.

Finally, we recognize that homeless service agencies target and serve persons and families experiencing homelessness in different ways. We wanted to be flexible enough so that the program will not become so burdensome that it discourages emergency shelters from participating, or prevents eligible children from receiving the nutrition assistance they need through CACFP.

(1) Can shelters be independent institutions or must they participate through a sponsoring organization? An emergency shelter can participate as an independent institution, which takes an agreement directly with the State agency, or as a sponsoring organization of one or more shelter facilities.

(2) Which institutional provisions of the regulations apply to emergency shelters? When Public Law 105-336 added “emergency shelters” as a new category of eligible CACFP institution, it recognized the unique mission and financial circumstances of emergency shelters in the program. The law established requirements in section 17(t) of the NSLA, that are different from those for other types of institutions and facilities. For example, to be eligible to participate in CACFP, emergency shelters are not required to be licensed or approved to provide day care, although they must meet

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.

appropriate State or local health and safety standards. Shelters receive a single set of rates of reimbursement (“free”). Each day, they may serve up to three reimbursable meals—breakfast, lunch, and supper—or two meals and one snack, at no charge, to each eligible child.

(3) Besides family shelters and shelters for battered women, what are some other types of shelters which would be eligible to participate in CACFP? Any facility whose primary purpose is to provide temporary shelter to homeless families with children is eligible to participate in CACFP. In most cases, an eligible shelter is one that combines overnight facilities with day programs, such as congregate meal services, for homeless children and their parents or guardians. While we recognize that homeless service agencies target and serve homeless individuals and families in different ways, not all temporary living situations are eligible for CACFP. For example, transitional apartments, independent living facilities, single room occupancy (SRO) residences (such as SRO hotels that provide a small private room for one person), and housing units where families double or triple up with friends or relatives are generally not eligible for CACFP.

(4) Can an emergency shelter that is registered as a residential child care institution (RCCI) participate in CACFP? Yes, there are situations where a shelter that is licensed as an RCCI may be eligible for CACFP. Although a residential facility that provides services to children under court or State custody is not eligible, an RCCI that provides a distinct program for homeless families may be approved to provide meals to some children through CACFP. To maximize nutrition benefits and meet the unique needs of different groups of children, the shelter that is licensed as an RCCI could serve reimbursable school meals to some children and CACFP meals to others. For example, a battered women’s shelter that is licensed as an RCCI could continue to serve breakfast and lunch each weekday to residents, up to age 21, under the school meal programs, and begin serving reimbursable suppers to children, age 12 and younger, through CACFP.

Before approving an amendment to the RCCI’s agreement, the State agency must be convinced that the shelter has the ability to manage the recordkeeping and financial accountability requirements of the programs. This is especially critical when shelters receive assistance under several Federal programs, thus increasing the possibility of claiming the same meal served to a child under more than one program.

(5) Can a day shelter that does not provide overnight accommodations participate in CACFP? Yes, the day shelter may be eligible to participate in CACFP. For purposes of determining CACFP eligibility, we recognize that temporary housing is not just limited to providing a safe place to sleep. Although it may not offer overnight services, a day shelter provides a safe place and an address for the homeless, for a temporary period of time. Before approving a day shelter for CACFP, the State agency must have

assurances that the shelter is a legitimate provider of services to homeless children, and that it is able to certify that the children who receive meals and snacks are residents of emergency shelters.

(6) Can a shelter that provides congregate meals to homeless families participate even if the clients receive vouchers from the shelter to stay at motels? Yes, a shelter may be eligible for CACFP even if it offers housing in a different location from where it provides meal services. Again, there must be assurances that the shelter is a legitimate provider of services to homeless children, and that it is able to document that the children who receive meals and snacks are residents of emergency shelters.

(7) Can a shelter that allows residents to prepare and serve their own meals participate in CACFP? Yes, if the shelter provides the food and supervises the residents as they prepare and serve their meals, it may be eligible for CACFP. Some shelters encourage residents to prepare their own meals, to help them feel at home and assist them in transitioning to permanent housing. To be eligible for CACFP, the shelter must provide supervision to ensure that meals and snacks are served and consumed in a congregate meal setting, that the meals meet the meal pattern requirements, and that records to justify its claims for reimbursement are kept (i.e., a roster of children receiving meals, total meal counts by type; and menus for infant meals and meals served to children, each day.)

(8) Does health and safety certification apply only to the meal service? No, although shelters do not have to meet child care licensing standards to participate in CACFP, they must comply with all applicable State or local health and safety standards. The shelter premises must have proper permits or certificates to show that health, sanitation, fire, and safety codes have been met.

(9) When a battered women's shelter applies to participate in CACFP, must it comply with CACFP media release requirements? No, due to the secrecy needed to ensure the safety of residents, a media release is not required for a battered women's shelter. Providing safe, emergency shelter to battered women and their children is the first step in meeting the needs of women fleeing domestic violence. If the location of the shelter is kept secret to ensure the safety of its residents, it is not necessary to apply this requirement.

(10) If the children of an adult resident of a shelter visit or stay with the parent overnight, are their meals reimbursable through CACFP? Yes, meals and snacks served to children who reside with their parents or guardians in an emergency shelter, even if it is only for a single day or night, may be reimbursable through CACFP. Many times, members of families experiencing homelessness may be separated. Children may receive reimbursable meals and snacks at the shelter where a parent resides, as long as

the shelter can document that the children are residents of emergency shelters.

(11) How does a shelter certify that a child is eligible for free meals and snacks?

Children who reside in emergency shelters are automatically eligible for free meals and snacks without further application. The shelter must certify that each child served is a resident of an emergency shelter. The easiest way to document a child's eligibility may be for the shelter director to maintain a list of eligible children that includes each child's name, date of birth, and period of residency.

(12) If an emergency shelter runs an afterschool care program, can snacks served to children who are not residents of the shelter be claimed for reimbursement?

Yes, a shelter may be approved to serve CACFP snacks, if it provides organized activities to school-aged children through a structured afterschool care program, at an area eligible site. The shelter would be able to serve reimbursable snacks to all children enrolled in the afterschool care program, through age 18. Refer to the January 14, 1999, memorandum, *Reimbursement for Snacks in After School Care Programs (SP99-4)*, (CACFP 99-4), for more guidance about the at-risk afterschool care snack component of CACFP.

(13) Can emergency shelters claim CACFP reimbursement for meals that are supported with funds from other Federal programs?

Yes, although shelters participating in CACFP are not allowed to supplement the reimbursement they receive for a meal with funds from another USDA child nutrition program, they may obtain funds from other Federal program sources to support their food service operations. Shelters which receive grants through FEMA's Emergency Food and Shelter Program (EFSP), HUD's Emergency Shelter Grant Program, and other "non-child nutrition" programs may continue to use them to purchase food, even for meals for which they claim CACFP reimbursement, and to operate more than one Federal program, independently, at the same facility. In many cases, those sources of funds are less restrictive than child nutrition program funds.

The only restriction on the use of those funds, for food or for other purposes, is in the definition of "income to the program" in section 226.2 of the regulations. The shelter cannot claim a meal under two programs, but it can use other available funds to enhance the meal service. In most cases, the shelter will be able to shift its other Federal grants to support the types of functions which are not reimbursable under CACFP. For example,

the shelter could use its EFSP funds to serve meals to adults or to nonresidential children whose meals would not be eligible for CACFP reimbursement.

(14) Some shelters may be authorized to accept food stamps from some of their meal clients. Can a shelter that accepts food stamps as payment for meals accept food stamps and claim reimbursement for the meals served to eligible children through CACFP? Yes, if an emergency shelter provides services in exchange for a specific portion of a family's food stamps, and there is no separate charge for individual meals, the shelter can participate in CACFP and claim reimbursement for serving meals and snacks to eligible children. However, the shelter cannot collect food stamps as payment for specific meals, and still claim those meals under CACFP. That would be equivalent to making a family pay cash for its child's meals, when the meals must always be served free.

(15) Can shelters serve children meals donated by restaurants and claim reimbursement for them? Yes, donated prepared meals served to eligible children may be claimed for reimbursement, as long as they meet CACFP meal pattern requirements. Many shelters are charitable institutions that may depend entirely on donations of food—from USDA, food banks, corporations, restaurants, caterers, private charities, and individual donors. Reimbursable meals and snacks made from donated foods must contain creditable amounts of each required food component. The shelter may have to add other food items to the meal service to ensure that it contains the minimum amounts of meat or meat alternate, vegetables or fruit or both, grains or breads, and fluid milk to be eligible for reimbursement.

Similarly, children's meals and snacks prepared with TEFAP commodities may be claimed under CACFP. As charitable institutions, emergency shelters may receive and use USDA commodity foods to prepare meals and snacks to serve to children in CACFP and to their other clients. Our only concern is that the shelter be able to accurately document the number of meals served to eligible children in CACFP. At a minimum, the shelter must maintain menus, meal counts, and daily rosters (of children receiving meals), to justify its claims for reimbursement. All CACFP reimbursement must be used to maintain or enhance the food service for children.

(16) How do you determine that restaurant or donated prepared meals are eligible for CACFP reimbursement? CACFP meals and snacks must be based upon a meal pattern that offers children minimum amounts of meat or meat alternate, vegetables or fruit or both, grains or breads, and fluid milk, to meet the nutritional needs of growing children. When a day care center plans to purchase prepared meals from a vendor, the center can write food specifications based on CACFP menus and meal pattern requirements. However, with donations of prepared foods, it is unlikely that dietary information about the food substances or ingredients in the meals will be available.

Because there is no guarantee that a meal donated by a restaurant meets the program's nutritional standards, we look for assurances that each reimbursable meal served to a child meets CACFP meal pattern requirements. The shelter may have to supplement the donated meal with additional food items to ensure that the meal is eligible for reimbursement through CACFP.

To show that each meal served is eligible for reimbursement, we expect the shelter to maintain a daily roster of children receiving meals, and to record the menu and meal count for each meal service. At the Federal level, we do not require production records or weighted estimates of donated foods.

(17) Does the requirement to maintain a "nonprofit food service" (226.2) apply to emergency shelters? We recognize that shelters are often run by volunteers and operate on a "shoestring," and we therefore do not wish to create undue record keeping burdens. A simple record of revenues and expenditures for food service operations is all we are seeking. These records will serve to ensure that reimbursement is used only to support food service to eligible children.

SUMMARY

This memorandum has addressed a number of the issues that have been raised about the approval and participation of emergency shelters in CACFP. We want to emphasize that it is acceptable for States to set requirements that are different for emergency shelters than those for CACFP centers, as long as they are consistent with our guidance.

In fact, we encourage State agencies to reduce any State requirements that impose additional burdens to emergency shelters.

Please share this memorandum, and the one we issued on March 30, 1999, with your State agencies. If you have any questions about them, please contact Melissa Rothstein or Susan Ponemon.

Original Signed

STANLEY C. GARNETT
Director
Child Nutrition Division