



United States
Department of
Agriculture

Food and
Nutrition
Service

3101 Park
Center Drive
Alexandria, VA
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DATE: July 26, 2013

MEMO CODE: CACFP 14-2013

SUBJECT: Monitoring of Licensing Requirements in the Child and Adult Care Food Program

TO: Regional Directors
Special Nutrition Programs
All Regions

State Directors
Child Nutrition Programs
All States

We are aware that some States require monitors employed by Child and Adult Care Food Program (CACFP) sponsoring organizations to conduct licensing reviews. This memorandum clarifies that, while use of CACFP monitors to review licensing requirements is permitted and may be beneficial, it may not be required by State agencies and is not an allowable use of CACFP funds.

CACFP administrative funding provided to sponsors supports a variety of oversight functions, including monitoring, training, technical assistance, eligibility determinations, claims processing, enrollment paperwork, and Program outreach. These requirements are supported with CACFP funds.

We understand that State and local licensing agencies may want to leverage resources by utilizing CACFP monitors to monitor for licensing requirements. To the extent that licensing and CACFP requirements overlap, CACFP sponsors may share information on those items with licensing authorities. Additionally, CACFP sponsors are permitted to contract with State or local licensing agencies to conduct oversight of requirements specific only to the licensing agency and not required for CACFP. However, costs related to monitoring for such requirements may not be supported with CACFP administrative funds.

Because monitoring and performing other oversight functions for child care licensing agencies are not CACFP requirements, State agencies may not require CACFP sponsors to monitor a facility's compliance with State or local licensing requirements or report licensing violations to the State licensing agency, except for health and safety violations where an imminent threat is present.

Responding appropriately and in a timely manner to an imminent threat to the health and safety of children or adults in care is an important responsibility for CACFP monitors.

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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.

Regional Directors

State Directors

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Monitors that discover conduct or conditions that pose an imminent threat to the health and safety of participants or the public must immediately notify the appropriate State or local licensing, health, or law enforcement authorities and take action that is consistent with the recommendations and requirements of those authorities [7 CFR 226.16(d)(viii)]. See CACFP 13-2013, *Health and Safety in the Child and Adult Care Food Program*, July 26, 2013.

State agencies are reminded to distribute this information to Program operators immediately. Program operators should direct any questions regarding this memorandum to the appropriate State agency. State agency contact information is available at <http://www.fns.usda.gov/cnd/Contacts/StateDirectory.htm>. State agencies should direct questions to the appropriate Food and Nutrition Service Regional Office.

Original Signed

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Director

Child Nutrition Division