



Agriculture

Food and
Nutrition
Service

DATE: April 8, 2011

MEMO CODE: CACFP 19-2011

3101 Park
Center Drive
Alexandria,

SUBJECT: Child Nutrition Reauthorization 2010: Child and Adult Care Food Program Applications

22302-1500

TO: Regional Directors
Special Nutrition Programs
All Regions

State Directors
Child Nutrition Programs
All States

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). The purpose of this memorandum is to provide guidance on the implementation of this modification to the CACFP.

Section 331(b) of the Act amends Section 17(d) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(d)) with regard to institution application requirements in the CACFP. Under previous statutory and regulatory requirements, renewing institutions were required to re-apply at intervals of between 12 and 36 months after their initial application was approved by the State agency. Section 331 of the Act stipulates that institutions will no longer be required to re-apply after submitting the initial application; rather, they will be required to submit annually information as described below.

Thus, the requirements set forth at 7 CFR §226.6(b)(1) for new institutions submitting an initial application remain unchanged. However, renewing institutions are no longer required to submit a renewal application. Instead, renewing institutions will be required to annually submit:

- Updated licensing information for each independent center and facility participating in CACFP (this represents no change from current regulations at 7CFR §226.6(f)(1)(vi)). The State agency may choose to obtain this information directly from the State licensing agency rather than requiring submission by the institution;

- A single certification that any information previously submitted to the State to support all of the eligibility requirements set forth in 7 CFR §226.6(b)(2) for the institution, its facilities and all of its current principals is current, or that the institution has submitted any changes or updates to the State. This certification must address all required elements. We have attached a prototype certification that includes the elements that will be required until the issuance of a final rule. State agencies may add to this list other information required annually for proper administration of the Program, including but not limited to the information described in 7 CFR §226.6(f)(3)(iv);
- For sponsoring organizations, a budget for the upcoming year and, if required by the State agency, a budget for independent centers (this represents no change from current regulations at 7 CFR §§226.6(f)(1)(iv) and 226.6(f)(3)(iv)(A)).

All annual responsibilities contained in 7 CFR §226.6(f)(1) continue to apply.

FNS plans to issue a proposed rule implementing these and other changes. However, until we analyze comments on the proposed rule and issue a final rule, participating institutions are required to submit only the updated information specified above.

State agencies should direct any questions concerning this guidance to the appropriate FNS Regional Office. Regional Offices with questions should contact the Child Nutrition Division.

Original Signed

Cynthia Long
Director
Child Nutrition Division

Attachment: Prototype annual certification of information

**Prototype: Child and Adult Care Food Program (CACFP)
Annual Information Certification**

Note: State agencies may add to this list other information required annually for proper administration of the Program.

This is to certify that (Name of Institution) meets all of the requirements for renewing institutions contained in 7 CFR §226.6(b)(2). This means (Name of Institution) certifies that:

For Sponsoring organizations only:

- The management plan 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 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).

Any of the above information that has changed since the initial application has already been submitted to the State agency or is being submitted with this certification.

I certify that the above information is true and correct.

Name of Board Chair, Executive Director,
or individual with comparable title

Date

Title