

ACTION BY: Regional Directors
Special Nutrition Programs

SOURCE CITATION: Section 226.4(j) Section 226.20(i)
Section 226.6(c) Section 226.22(c)
Section 226.6(h) Section 226.22(i) (4) (iii)

Delegation of Responsibility
in the Child and Adult Care Food Program

This Instruction clarifies those areas in the Child and Adult Care Food Program (CACFP) regulations where the approval of the Food and Nutrition Service (FNS) is required before an action can be initiated. In some cases, the FNS regional office (FNSRO) will grant final approval. In others, final approval will be retained by headquarters to ensure consistency or because coordination with other Divisions is needed. When final judgment on specific items rests with the Child Nutrition Division (CND), regional recommendations should be forwarded with the approval request to CND.

(a) Section 226.4(j). Special Developmental Projects. Section 10 projects will be approved in writing by CND to ensure national funding control, avoid duplication and ensure viability under the regulations and law. FNS Instruction 781-6 outlines the delegations of responsibilities for these projects at the various administrative levels.

(b) Section 226.6(c). Reinstatement After Termination. The State agency may enter into an agreement to participate in the CACFP with an applicant institution which was previously identified as seriously deficient when the State agency, with CND concurrence, determines that the deficiencies have been corrected.

A determination that an institution has been seriously deficient may be made by FNSRO independent of the State agency with CND concurrence.

All FNSRO and State agency termination decisions based on serious deficiencies shall be communicated to CND for inclusion of the terminated institution in the nationwide listing of institutions ineligible to participate in the program.

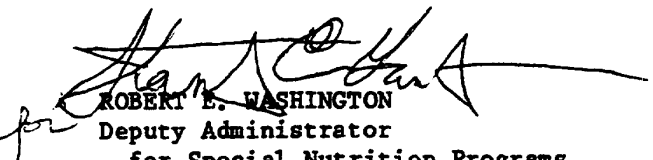
(c) Section 226.6(h). Commodity Distributions. If the State agency demonstrates to FNSRO that the distribution of commodities to its participating institutions which have elected to receive commodities would be impracticable, cash-in-lieu of commodities may be provided for all institutions with FNSRO concurrence.

DISTRIBUTION: 5, 6, 11, 12	MANUAL MAINTENANCE INSTRUCTIONS: Remove FNS Instruction 755-1, Rev. 1, from Manual. Insert this Instruction.	RESPONSIBLE FOR PREPARATION AND MAINTENANCE:	Page 1 12-19- 91
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(d) Section 226.20(i). Special Variations. Variations in meal components, in accordance with the provisions of this section, must be approved by FNS (Nutrition and Technical Services Division). Specific guidelines to be followed by State agencies and FNSROs on exceptions to meal requirements are addressed in FNS Instruction 783-2, Meal Substitutions for Medical or Special Dietary Reasons, as well as FNS Instruction 783-13, Variation in Meal Requirements for Religious Reasons: Jewish Schools and Institutions, and FNS Instruction 783-14, Variation in Meal Requirements for Religious Reasons: Seventh-Day Adventist Schools and Institutions.

(e) Section 226.22(c). Procurement Procedures. States may establish additional requirements outlined in regulations governing procurements with the approval of FNSROs to prevent fraud, waste and abuse in the Program. Since regulations establish optional requirements, it is not felt that further involvement by CND is needed.

(f) Section 226.22(i)(4)(iii). Noncompetitive Negotiations. Contracts may be awarded by noncompetitive negotiation if authorized by the FNSRO and consistent with the provisions of this section. The Division believes the FNSRO is in the best position to evaluate such situations.


for **ROBERT E. WASHINGTON**
Deputy Administrator
for Special Nutrition Programs