CACFP
Child and Adult Care Food Program

Policies and Procedures

Sponsor Agreement No. 1903

Chautauqua Child Care Council
Child Care Keeps Chautauqua County Working

A DIVISION OF Chautauqua Opportunities, Inc.

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Welcome to the Child and Adult Care Food Program!

Thank you for joining us! As a sponsor agency, the Chautauqua Child Care Council (of Chautauqua Opportunities, Inc.) welcomes registered, licensed, and legally exempt providers to participate in the Child and Adult Care Food Program (CACFP). By joining the CACFP, child care providers can receive help paying for the meals and snacks they serve to the children in their care. There is an added benefit for child care providers who have children of their own. If providers qualify, they can be reimbursed for meals and snacks served to their own children when day care children are present. Foster children are automatically eligible to participate.

Participating in the CACFP has many benefits. Meal requirements are easy to follow and allow for a variety of foods to be served including ethnically and culturally diverse foods. Studies show that when young children are served nutritious foods, they tend to form healthy eating habits that can follow them throughout their lives. Parents enjoy the peace of mind that their children are eating well while they are in care and do not have to pack meals and snacks for their children every day. Child care providers receive one hour of CACFP training plus civil rights training annually. Trainings conducted by the Child Care Council are FREE and designed to be interactive, informative and fun. One hour of training is required annually.

There are just a **few easy steps to participating in the CACFP**. **Step 1** is to schedule a visit. A monitor will come to a provider's home and explain the program as well as conduct an inspection of the kitchen and area where the children will eat. **Step 2** is to complete the necessary enrollment forms. **Step 3** is to record meals and attendance every day. **Step 4** is to submit the attendance and meal records either by using the software mobile app - **My Food Program** - or by turning in the paper forms at the end of the month. **Step 5 is to get paid!**



Let's Get Started!



A Continuous Application and Agreement (form no. DOH-5160) will be completed by the provider and sponsor when the provider enrolls in the CACFP. This form is a provider's contract with the CACFP and includes important information such as hours of day care operation, tier qualifying information and meal times. It is important for the CACFP staff to know meal service times to ensure that monitoring visits are conducted at meal and snack times. Once the DOH-5160 is completed, the New York State Department of Health (NYS DOH) will need to approve the form. **Note: Providers are responsible for notifying the sponsor about any changes in their program such as meal/snack times, hours of operation, etc**.

In addition, providers must provide the **sponsor agency with a current registration for Family Child Care providers or a license for Group Family Child Care Providers or a Notice of Enrollment (NOE) for Legally-Exempt child care providers.**





Once a child care provider is enrolled in the CACFP, the children will need to be enrolled. All children enrolled in licensed or registered Day Care Programs in New York State are eligible to participate in the Child and Adult Care Food Program until they turn 13 years old. Children over 13 years may participate under certain circumstances. Legally Exempt providers may also be eligible to participate in the CACFP depending on whether they meet certain criteria. An enrollment form (paper or electronic) must be completed and dated and signed by the parent. **Note: the effective date of enrollment forms and infant feeding statements is dependent upon the date the parent signs the form. For example: if a child enrolls in a child care program in July, but the parent doesn't sign the CACFP enrollment form until August, that child cannot be claimed in July.** If providers wish to enroll their own children in the CACFP, they must complete a **DOH-4161 Income Eligibility form**. Once determined to be eligible, providers can claim their own children when day care children are also present for the snacks/meals served. **Foster children are automatically eligible to participate** in the CACFP with the completion of a DOH-4161 form. **At the time of enrollment, parents must be given a copy of the "Building for the Future with CACFP" and "Ready, Set, Grow…with WIC" flyers. Paper flyers or an electronic copy of the flyers can be given to parents.**

For infants in the CACFP (any child under the age of 1 year), a separate **Infant Feeding Statement (CACFP-121)** must be completed and dated and signed by the parent. The infant feeding statement indicates whether the provider or parent will supply the food or the breastmilk/formula. **Note: Providers must offer an iron-fortified formula, but the parent has the right to choose and supply a different formula or breastmilk.** Parents can supply both the formula and food until the child is developmentally ready for solid food - generally around 6 months of age. Once a child is ready for solid foods, the parent may supply only one component for a meal or snack. If the parent supplies more than one component, the meal cannot be claimed. **Providers must give the sponsor a copy of an infant menu with meals and snacks for at least one week showing meal components that will be served to the infant BEFORE the sponsor will approve the infant's enrollment.**

The foods that will be served to children in care are called meal components in the CACFP. There are **5 meal components**: **1.** Meat/Meat Alternate **2.** Vegetable **3.** Vegetable/Fruit **4.** Bread/Grain **5.** Milk. A **Creditable Meal or Snack** is a meal or snack that contains the required number, type, and amount of meal components. Only creditable meals/snacks qualify for payment.

Lunch and **Supper** must always include **5** meal components: **milk, bread/grain component, meat/meat alternate (for example: meat, fish, cheese, eggs, tofu, yogurt**), a **vegetable and a second vegetable or fruit**. **Breakfast** must always include 3 meal components: **milk**, a **fruit or vegetable or 100% juice, and a bread/grain component**. Up to three times a week, a bread/grain component can be substituted for a meat/meat alternate. **However, a fruit or vegetable must always be served with breakfast. Snacks** must always include 2 meal components. **Milk must always be served with breakfast, lunch or dinner.** Water does NOT count as a meal component; however, **water must be available all day to children and can be served with a snack. A whole grain must be served at least once a day. Note: The CACFP allows up to 2 meals and 1 snack OR 2 snacks and 1 meal per day to be "reimbursed" or paid.** Refer to the **"Crediting Foods in CACFP"** booklet for more detailed information or contact your sponsor for assistance.





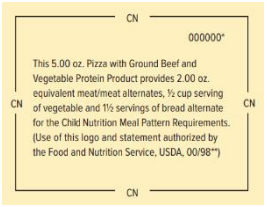


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All meals and snacks and attendance must be recorded DAILY! A provider has two options for recording meals and snacks and attendance. **My Food Program** is a software and mobile app. that can be used on a computer, smart phone or tablet. The program is **FREE** to providers who participate in the CACFP with the Chautauqua Child Care Council. In addition, the software and mobile apps Brightwheel and Playground interface with My Food Program. Meals and snacks and attendance are recorded daily and then submitted at the end of the month through My Food Program. Providers who prefer to use paper to record meals and attendance can use "Daily Menu Attendance and Meal Count" sheets. These providers submit the written menus and attendance along with a "Manual Claim Information Form" that the provider signs. **The CACFP reimbursement rates for breakfast, lunch, dinner and snacks are set by the NYS DOH**. Providers are NOT required to submit receipts for the food that they purchase. However, providers might consider saving receipts for income tax purposes. **Note: Menus and attendance records must be kept for three years. Records are reviewed during monitoring visits.**

Planning meals and snacks served to children is encouraged and helps to save time and money on grocery bills. **Menus should reflect a variety of foods.** Offering different foods helps providers to ensure that they are meeting children's daily nutritional needs. **A whole grain must be served at least once a day - unless a program serves only one snack a day. However, if that one snack contains a grain, the grain must be a whole grain. Using the same menu every day or every week is not acceptable, and meals will be disallowed**. Providers may use cycle menus as long as at **least six-weeks of rotating menus** are planned out and approved by the sponsor. **Cycle menus must always to be posted and dated so that monitors and auditors may clearly see which cycle menu is being used during a visit.**

If a provider serves commercially prepared items such as chicken nuggets, pizza, etc., the items must have a Child Nutrition (CN) label or a Product Formulation Statement (PFS). For chicken nuggets, double the portion must be served if there is no CN label. Breading on these items cannot be counted as a grain unless there is a CN label or PFS. Commercially prepared pizza is not creditable without a CN label or PFS. Only the crust is creditable without the CN label or PFS. Refer to the "Crediting Foods in CACFP" handbook for more information or check with your sponsor.





Combination dishes can count for a maximum of 3 meal components, and the meal components are recorded separately. For example, if a provider serves homemade pizza bagels with mozzarella cheese, green peppers, apple slices, and milk at lunch to a group of 3 - 5 year-old children, the provider would record the components as: **Meat/Meat Alternate:** 1 ½ oz. Mozzarella Cheese; **Grain/Bread:** 1/2 oz. equivalent bagel; **Vegetables:** 1/4 cup peppers (**Note:** Pizza sauce and tomato sauce **CANNOT** be counted as a vegetable when served on pizza); **Vegetables/Fruits:** ¼ cup apples; **Milk** ¾ cup 1%, 2%, skim or whole milk.



Children with food allergies or intolerances or any other condition which may result in the substitution to the Child Meal Pattern that would make the meal or snack not creditable must have a statement from a proper medical authority. The medical authority must list the problem food items and what food items should be substituted or avoided. If a parent prefers a substitute food be offered and that food offers the same nutrients as a CACFP-approved food, then only a signed note from the parent is required. Parents may provide one component for substitution.

When planning meal times, providers should use the following guidelines: **Breakfast should be no later than 9:30 AM; Lunch 11:00 AM - 1:30 PM; Dinner 5:00 PM - 7:00 PM.** In addition, providers must plan holiday and vacation closings. **Holiday forms** are completed and given to the sponsor at the time of enrollment and then completed annually.

Tiering in the CACFP refers to different reimbursement rates for meals and snacks: Tier 1 or Tier 2. Tier 1 is the higher reimbursement rate. Most providers will qualify as Tier 1 by school district or census. If they don't, sponsors will work with providers to help them qualify for Tier 1 rates by other means such as the provider's or the parents' incomes.

Monitoring visits, required by federal regulations, are another way that providers receive additional support. During monitoring visits, monitors provide technical assistance and review attendance and meal records. They also ensure that food is prepared in a sanitary kitchen, and children eat in a clean environment. These visits will be conducted at **least three times each year** for every CACFP participant. At least two of the required three visits must be unannounced (no prior notice given). At a minimum, one of the unannounced visits must include observation of a mealtime. All monitoring visits will be made during day care meal hours. Providers who are new to the CACFP must have one additional visit (called a 28-day visit) during the program's first four weeks of participation in the CACFP. It is required that providers allow the Chautauqua Child Care Council, CACFP representative of NYS/DOH and USDA representatives into the home to monitor the CACFP operation and review records. **Note: It is extremely important that attendance as well as meals and snacks served are recorded daily because failure to do so will result in disallowances. For example, what happens if a provider did not record the last 3 days of meals and/or the attendance, and a sponsor arrives at the program to conduct an unannounced visit? That provider will lose those last 3 days of meals and snacks because they will have to be disallowed.**

There are other reasons that meals and snacks might be disallowed. If a provider is not home or a monitor is not allowed to enter the provider's home, meals and snacks at the time of the visit will be disallowed. **Note: providers should let their sponsor know if they will be away on vacation or are closed due to illness, etc.** If a provider decides to take children on a walk or a picnic, a note should be posted by the door that lets the monitor know when the provider will return. If the provider uses **cycle menus and the menu for the current week is not dated and displayed,** meals and snacks may be disallowed. Discrepancies between what the provider submits on his/her monthly claim and what is observed and recorded at monitoring visits will result in meal/snack disallowances. Providers must also never be over capacity. Reimbursement will not be allowed if providers are found to be operating over capacity at the time of a monitoring visit or if the provider is found to be over capacity on Menu and Attendance Records submitted to the sponsoring agency. The issue may be reported **immediately** to the New York State Office of the Children and Family Services (NYS OCFS), and a warning will be given to the provider to correct the over capacity problem. A provider found to be over capacity a second time may begin the serious deficiency process which will include a corrective action and follow-up visits. Visits will be made on any day and at any time the program is open including weekends and holidays and evenings.

One VERY IMPORTANT requirement for participating in the CACFP is TRAINING! Child care providers are **required by federal regulations to complete 1 hour of CACFP-approved training each year along with civil rights.** CACFP training sessions are available free of charge to providers who participate in the CACFP. In-person trainings are offered throughout the year. In addition, providers have access to **Thirty on Thursdays** trainings which are approved CACFP trainings. This is the link to access these online trainings: https://www.chautauquaopportunities.com/cacfp/. **Note: failure to obtain the required annual training is a serious deficiency matter.**





Serious Deficiencies

The Chautauqua Child Care Council must initiate action to terminate the agreement of any day care home for cause if it is determined that the home has committed one or more serious deficiencies under CACFP Federal Regulations 226.16 (1)(2). This process does allow for corrective action and, in the case of proposed termination or suspension, an appeal.

Serious Deficiencies for day care homes are cited in the regulations governing CACFP at 7 CFR 226.16(l)(2)(i-ix).

(i) submission of false information on CACFP applications and/or required forms;
(ii) submission of false claims for reimbursement;

(iii) simultaneous participation under more than one sponsoring organization;
(iv) non-compliance with the current CACFP meal pattern;

(v) failure to keep required records;

(vi) conduct or conditions that threaten the safety of a child(ren) in care, or the public health or safety (imminent threat to health and safety);

(vii) a determination that the day care home has been convicted of any activity that occurred in the last seven years and that indicated a lack of business integrity;

(viii) failure to participate in training; or

(ix) any other circumstance related to non-performance under the agreement (DOH-5160), as specified by the sponsor or NYS CACFP (e.g., policies related to CACFP).

Note: If a provider is found to be seriously deficient based on one or more of the criteria, Chautauqua Child Care Council will send a Serious Deficiency Notice to the provider, that:

•Identifies all serious deficiencies

•Specifies the corrective action that must be taken

•Establishes a deadline for corrective actions to be completed

•Notifies that a Serious Deficiency determination is not subject to appeal

No more than ten [10] days should lapse between the Sponsor's identification of a Serious Deficiency and the issuance of a Serious Deficiency Notice to the home.

All notices of Serious Deficiency must follow the NYS-CACFP letter format.

The Food Program Specialist has the authority to sign the Serious Deficiency Notice.

Corrective Action Procedures

A corrective action must ensure prompt and permanent resolution of the problem(s) and must be completed in **30 days or less.** If the provider completes the appropriate corrective action in the period specified, the serious deficiency will be temporarily deferred indicating that no further action will be necessary.

TERMINATION PROCEDURES

If the provider fails to document or permanently correct the serious deficiency, a Notice of Proposed Termination and Disqualification will be sent to the day care home. This will inform the provider that:

• They have **15 days** from the receipt of the notice to request an appeal of the proposed termination in writing

• Failure to request an appeal in writing within 15 days will result in the Chautauqua Child Care Council issuing a notice of termination and disqualification

•Termination, either voluntarily or following the loss of appeal, will result in disqualification from future CACFP participation.

When disqualified, a provider's name is placed on the National Disqualified List. While on the list, a provider is unable to participate in the CACFP as a day care provider, as a principal employee in any CACFP sponsor or child care facility.

A provider will remain on the list for seven years after the date of disqualification. If any debt relating to the serious deficiencies has not been repaid, the provider will remain on the list until the debt has been repaid in full.

SUSPENSION PROCEDURES

A provider will be suspended from the CACFP if it is determined that there is an imminent threat to the health or safety of children or the public at large. A provider that is suspended from participation does not have the opportunity for corrective action. The provider will be sent a Suspension Notice that:

•Identifies all serious deficiencies that constitute the imminent threat

•Informs them that CACFP participation is suspended as of date of notice

•Proposes to terminate the provider's agreement for cause

•Proposes to disqualify the home and the provider

•Outlines the procedures for appealing the suspension, proposed termination and disqualification.

Appeal Procedures

A provider may request an appeal when the Chautauqua Child Care Council issues a notice of Proposed Termination for Cause and Proposed Disqualification or a Suspension Notice. **A provider cannot appeal a serious deficiency determination. A provider may ask to review the entire record on which the suspension or the proposed termination was based, and refute the basis for these actions in writing or request an in-person hearing.**

A request for an appeal must be made to the Chautauqua Child Care Council CACFP Hearing (Review) Official, Food Program Specialist within **15 days** from the receipt of the Notice of Proposed Termination and Disqualification, or a Suspension Notice. This request must:

•Include all documentation that the provider wishes to use to support their appeal

•Include a request for copies of Chautauqua Child Care Council documentation if applicable

• Specify if the provider wants an in-person hearing and if they choose to be represented by another individual, who that individual will be.

The hearing (review) official must be independent and impartial and make their decision based only on information provided by the Sponsor and the Provider and on Federal and State laws, regulations, policies, or procedures. The hearing official will render a final decision no more than **15 days** after the in-person hearing or no more than **15 days** from the receipt of the appeal request and any supporting documentation, if an in-person hearing is not requested.

In the case of termination and disqualification, if the provider wins the appeal, the Chautauqua Child Care Council will send a Removal of Proposed Termination and Disqualification Notice. This will inform the Provider that:

•The provider's Serious Deficiency has been temporarily deferred

•The provider's agreement is not terminated

•The provider is not disqualified, and can continue to claim eligible meals

If the provider loses the appeal or fails to appeal, the Chautauqua Child Care Council will send a Notice of Termination and Disqualification. This will inform the provider that:

•The provider's agreement to participate in CACFP is terminated

•The provider is disqualified from future participation effective the date of the hearing decision

•Provider's name will be placed on the National Disqualified List

Status of Program Payment

During the serious deficiency process, a sponsoring organization must continue to pay a day care home's valid claims. The Sponsoring organization must continue to pay any valid claims for reimbursement for eligible meals served until the serious deficiency is corrected or the day care home's agreement is terminated, including the period of any appeal.

In the case of a Suspension, no claim will be paid during the suspension period beginning with the date of the Suspension Notice.

If the provider wins the appeal to a suspension, any eligible meals claimed during the suspension period will be paid. A provider must continue to maintain records of menus, meal counts, and attendance for a claim to be paid if an appeal is won.

Re-Activation

CACFP regulations require that a disqualified provider remains on the National Disqualified List unless it is determined by the Chautauqua Child Care Council, NYS CACFP, and USDA that the serious deficiencies have been corrected, for seven years or until any outstanding debts are repaid, whichever is longer. When both the seven years have elapsed and the debt repaid, the provider will be removed from the National Disqualified List.

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Revisions

July 2026 – format and some content

January 10, 2025 – Updated the language from “Food Components” to “Meal Components”

December 2022 - Updated Serious Deficiency Policy and Procedures and Appeal Procedures

August 2022 - Tagline changed