

MARCH-APRIL 1998
VOL. 31 ■ NOS. 11-12

CLEARINGHOUSE REVIEW

JOURNAL OF POVERTY LAW

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Child Support as an Income Source for Low-Income Families

The Child and Adult Care Food Program: A Resource for Communities

by Lynn Parker and Geraldine Henchy

Advocates and legal services providers face the difficult task of finding ways to help low-income communities struggling with poverty in the face of ever-diminishing resources. Given the limited resources available for working parents or for parents returning to work, how can communities provide a safe and supportive place for children after school?

I. Introduction

An underutilized federal entitlement program, the Child and Adult Care Food Program (CACFP), can be a key resource for meeting this challenge.¹ Operating under the auspices of the U.S. Department of Agriculture (USDA) through state education, health, and social services agencies, CACFP reimburses food- and meal-preparation costs and subsidizes ongoing training in the nutritional needs of children. Except for the removal of an outreach requirement² and the addition of an immigrant provision,³ the Personal Responsibility and Work Opportunity Reconciliation Act of 1996⁴ left this program untouched.

CACFP ensures that snacks and meals meet nutrition standards and thus fosters good eating habits to last a lifetime. The food program adds funding to the after-school program, thereby freeing up dollars for additional staff and programming.

The after-school snacks and meals through CACFP enormously contributes to the expansion of quality after-school care. The Carnegie Council on Adolescent Development convened a national meeting of after-school program experts to define an effective program. Food was considered a key element: "Programs should provide food (snacks) to attract young people as an occasion for relaxation and socializing as well as providing sound nutrition."⁵

Unfortunately many current after-school programs generally do not measure up nutritionally. In *School-Age Child Care: An Action Manual for the 90's and Beyond* Michelle Seligson estimates that nearly one in five school-age after-school programs makes "no regular provision for children's hunger, counting instead on parents to send along something."⁶

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¹ 42 U.S.C. § 1766.

² Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. No. 104-193, § 708(a), 110 Stat. 2105, 2299.

³ *Id.* § 742, 110 Stat. 2307.

⁴ Pub. L. No. 104-193, 110 Stat. 2105.

⁵ Carnegie Corp. of N.Y., Council on Adolescent Dev., *Consultation on Afterschool Programs* (1994).

⁶ MICHELLE SELIGSON & M. ALLENSON, *SCHOOL-AGE CHILD CARE: A MANUAL FOR THE '90S AND BEYOND* (1993).

The growing need for after-school care enlarges the potential for expanding the after-school use of the CACFP. However, at this time the CACFP is an underutilized entitlement. Based on data from USDA and the U.S. Department of Education's National Before and After School Study (1993), of the approximately 50,000 formal before- and after-school programs in this country, only an estimated 25 percent of programs serving low-income children are participating in the food program.⁷

This article reviews the administration, eligibility, benefits, and participation in the CACFP for outside-school-hours care, which includes both before- and after-school care.⁸

II. Administration

The CACFP is administered by USDA's Food and Consumer Service through regional offices. The program stemmed from the growing need for child care in areas with high concentration of working mothers and poor families. USDA administers federal law, writes regulations, issues guidance material to the states, disburses cash and agricultural commodities to the state agencies, and collects statistics on program participation.

At the state level the education, health, or human services agency usually administers the CACFP. State agencies have some flexibility in interpreting federal regulations and guidance for the CACFP as long as they comply with the federal rules—thus the importance of discussing with the state administering agency what specific procedures and regulations for operating the CACFP are in place in each state.

The CACFP provides reimbursement for nutritious meals and snacks served to children, aged 12 and under, in before-school- and after-school-hour settings. It enables after-school programs to serve meals and snacks to children according to nutrition

standards set by USDA. CACFP cash reimbursements may be sought for outside-school-hours care provided in family child care (nonresidential) and child care centers.⁹ Center-based care may include after-school programs in public and private nonprofit schools as well as after-school programs operated by community organizations. Eligible community-based after-school care includes many of the programs offered by organizations such as the YMCA, the Boys and Girls Clubs, and the local park and recreation departments.

These outside-school-hours care centers may operate the CACFP as an independent center or under the umbrella of a sponsoring organization. The responsibilities of independent centers and sponsoring agencies participating in the CACFP include accepting final administrative and financial responsibility; submitting applications; completing agreements with each sponsored center; offering training and technical assistance to sponsored centers; ensuring that meals served meet the meal pattern requirements; providing adequate supervisory and operational personnel for monitoring; collecting, and maintaining appropriate records; and according proper storage and use of donated commodities.¹⁰

Maintaining accurate records is one of the keys to a center's successful participation in the CACFP. These records comprise the record keeping required for the CACFP: daily meal counts, menus, and attendance records; enrollment and eligibility records; operating- and administrative-cost records; center-review records; and reimbursement records.¹¹

III. Eligibility

Children and youth in eligible centers may participate in the CACFP if they are 12 years of age or younger. Two exceptions allow older children to participate: children of

⁷ P.S. SEPPANEN ET AL., U.S. DEPARTMENT OF EDUCATION, NATIONAL STUDY OF BEFORE AND AFTER SCHOOL PROGRAMS (1993).

⁸ Throughout this article the term "after-school" is used to cover both before- and after-school care. "Outside-school-hours care" also refers to both before- and after-school care.

⁹ 42 U.S.C. § 1766(h).

¹⁰ *Id.* § 1766(a)(2).

¹¹ *Id.* § 1766(m).

migrant workers up to 15 years of age and physically or mentally disabled children and youth up to 18 years of age.¹² (The program used to serve all children through age 18, but in 1981 the age eligibility was lowered to age 12.) The welfare act allows states the option of enforcing immigration restrictions for CACFP participants.¹³ However, so far no state has implemented this option.

The Child and Adult Care Food Program adds funding to the after-school program, thereby freeing up dollars for additional staff and programming.

Households applying for the CACFP must complete and sign an application with the following documentation:¹⁴ (1) the names of all household members; (2) the social security number of each adult member of the household or indication that an adult household member does not possess one; and (3) household income, identified by source of income and total income, received by each household member

Households with children participating in the Food Stamp Program or the Temporary Assistance for Needy Families (TANF) program need only complete and sign an application with the names and appropriate food stamp or tanf case number for the participants. (This documentation establishes categorical eligibility.)

As mentioned earlier, child care centers and after-school programs are eligible to participate as independent centers or as centers under the umbrella of sponsoring organizations. A center is defined as a

public or private nonprofit nonresidential child care community-based after-school program; a Head Start center; or an outside-school-hours care center such as a school-based after-school program.¹⁵ In only one instance may for-profit centers participate in the CACFP—those for-profit centers that receive Title XX funding for 25 percent or more of enrolled children or 25 percent of licensed capacity.¹⁶

To be eligible, centers must provide regularly scheduled nonresidential preschool and/or outside-school-hours child care services and be licensed or approved in accordance with state child care standards or alternate approval standards. These child care services must be distinct from a school's athletic and scholastic extracurricular activities.¹⁷

Sponsoring agencies must be public agencies, private nonprofit organizations, or certain private for-profit organizations, and must accept ultimate financial and administrative responsibility for CACFP operations in their sponsored centers.¹⁸

At the end of 1996 the Food Research and Action Center conducted a survey of state-administering agencies to determine how the CACFP was being used in after-school settings across the country. The survey confirmed the considerable variation across states on the requirements and standards governing the CACFP and after-school care. However, since federal law mandates it, all states require outside-school-hours care programs to be licensed or alternately approved to be eligible to serve CACFP-reimbursed meals and snacks to children.¹⁹

A state agency must require an after-school program to be licensed unless licensing is not available. When outside-school-hours-care licensing standards are not available, a state agency must offer the program the option of alternate approval.²⁰

¹² *Id.* § 1766(a).

¹³ Pub. L. No. 104-193, § 742(b), 110 Stat. 2307.

¹⁴ 42 U.S.C. § 1766(c)(4).

¹⁵ *Id.* § 1766(a).

¹⁶ *Id.*

¹⁷ 7 C.F.R. § 226.19(b)(3)(i).

¹⁸ 42 U.S.C. § 1766(a)(2).

¹⁹ *Id.* § 1766(a)(1).

²⁰ 7 C.F.R. § 226.6(d)(3).

The minimum federal alternate approval standard requires after-school centers to pass health and safety inspections. Some state agencies implement a more stringent federally defined alternate approval standard that includes specific child-to-staff ratios. A state with no outside-school-hours care licensing statute may not force after-school centers to comply with the state child care licensing requirements but should instead offer the opportunity to apply for CACFP alternate approval. Complicated child care licensing standards are frequently inappropriate for after-school-center-type care and represent a barrier to participation in the CACFP.

Centers and sponsoring organizations applying for the CACFP must submit (1) a completed application and the necessary accompanying documentation; (2) evidence of public or private nonprofit status (for a Title XX center, this means certification that nonresidential child care services during the most recent month were compensated under Title XX of the Social Security Act for at least 25 percent of its enrolled children, or 25 percent of its licensed capacity, whichever is less); (3) an administrative budget; (4) documentation of compliance with licensing or approval requirements; (5) nondiscrimination and free and reduced-price policy statements; and (6) a public release to the local media announcing the availability of the program.²¹

IV. Reimbursements

Reimbursements for the meals and snacks served in after-school programs come from USDA through the CACFP state agency.²² The CACFP can be used to reimburse the cost of food and meal preparation, ongoing training on the nutritional needs of children and food safety, and technical assistance in meeting the program's nutrition requirements.

The after-school program or the sponsoring agency must submit a claim for payment to the appropriate state department administering the CACFP. The claim is based on the actual meal counts of the number of children eligible for free, reduced-price, and paid meals. The application procedures and reimbursement formulas for after-school centers are patterned after the National School Lunch Program's free and reduced-price eligibility requirements; eligibility is based on the household size and income of each enrolled child.²³ The after-school program may choose to claim all meals for all of the children at the paid reimbursement rate; otherwise the after-school program needs to determine each enrolled child's eligibility for free, reduced-price, or paid meal categories.²⁴

At least once a year individual eligibility information must be collected for all children enrolled in the after-school program participating in the CACFP. This income information submitted by each child's household is used to determine meal reimbursements from the federal government to the programs.

Table 1 shows the payments for meals served in outside-school-hours care centers.²⁵

Table 2 shows the income guidelines used by USDA to determine eligibility for the paid, free, and reduced-price categories in the child nutrition programs including the CACFP.²⁶

V. Benefits

Participating CACFP centers must serve meals that meet the program's meal-pattern requirements.²⁷ These requirements help ensure that all meals are nutritious and well balanced. CACFP meal patterns are designed so that children are served meals that meet their daily energy needs and build and maintain strong bodies and minds.

²¹ 42 U.S.C. § 1766(d)(1).

²² *Id.* § 1766(f)(1).

²³ *Id.* § 1766(c).

²⁴ *Id.* § 1766(c)(4).

²⁵ 62 Fed. Reg. 37701 (July 14, 1997).

²⁶ *Id.* at 11811 (Mar. 13, 1997).

²⁷ 42 U.S.C. § 1766(g)(1).

TABLE 1: Child and Adult Care Food Program Reimbursement Rates Per Meal for Outside-School-Hours Care Centers*
(In dollars or fractions thereof)
 Effective July 1, 1997–June 30, 1998

		Breakfast	Lunch or supper	Supplement (snack)
Contiguous States, D.C., and U.S. Territories	Paid	.2000	.1800	.0400
	Reduced Price	.7450	1.4900	.2600
	Free	1.0450	1.8900	.5175
Alaska	Paid	.2900	.2900	.0700
	Reduced Price	1.3575	2.6600	.4200
	Free	1.6575	3.0600	.8400
Hawaii	Paid	.2200	.2100	.0500
	Reduced Price	.9125	1.8100	.3025
	Free	1.2125	2.2100	.6075

*New rates are published in July of each year in the *Federal Register*.

Outside-school-hours care centers may be approved to serve one or more of breakfast, snack, or supper. Lunch also may be served to enrolled school-age children during school vacation, including weekends and holidays.

These meal patterns (table 3) allow combinations of foods attractive to chil-

dren, such as casseroles, salads, soups, stir-fry, and pizza. Some examples of snacks are apples and wheat crackers; milk and cookies; saltine crackers and cheese; apples and peanut butter; rolls and applesauce; cereal mix and orange juice; celery with peanut butter and milk; carrot sticks and dip; vanilla wafers and bananas; ham sandwich; cereal with milk; tortilla and refried beans; bagel and peanut butter; egg on toast; cheese taco; cornbread and milk; spaghetti; waffle and melon; pineapple, grapes and a muffin; baked potato topped with cheese; and orange and cottage cheese.

In general after-school programs are more likely to serve just an afternoon snack and not dinner. However, dinner is gaining in popularity as children stay later in the afternoon while their parents work, and program directors see the need for a full meal or a more substantial snack. The program must serve meals or snacks at regularly scheduled times each day. Meals must be served so that adequate time is allowed between meals and/or snacks²⁸—defined as at least a three-hour lapse between the beginning of snack service and the beginning of dinner service.²⁹ USDA, state administering agencies, the state's extension service, and child care

TABLE 2: The Child Nutrition Programs
 Income Guidelines for Child Nutrition Meals 1997–98

Household Size	Free Meals: 130% of Poverty	Reduced-Price Meals: 185% of Poverty
	Year	Year
1	\$10,257	\$14,597
2	\$13,793	\$19,629
3	\$17,329	\$24,661
4	\$20,865	\$29,693
5	\$24,401	\$34,725
6	\$27,937	\$39,757
7	\$31,473	\$44,789
8	\$35,009	\$49,821
Each additional +	\$3,536	\$5,032

Note: This is relevant for the continental United States only and does not include Alaska and Hawaii, which are slightly higher. After-school programs receive the "paid" reimbursement for children whose family incomes are above 185%.

²⁸ *Id.* § 1766(f)(2)(B).

²⁹ 7 C.F.R. § 226.19(b)(6).

TABLE 3: The Child and Adult Care Food Program
Meal Pattern for Children Aged 6-12*

Components	Quantity (serving size)
<i>Breakfast</i>	
Fluid milk	1 cup
Vegetable and/or fruit or full-strength fruit or vegetable juice	1/2 cup
Bread, cereal, rice, or pasta	1 slice or 1 cup
<i>Supplement (snack) (serve two food items selected from any two of these four components)</i>	
Fluid milk	1 cup
Vegetable and/or fruit or full-strength fruit or vegetable juice	3/4 cup
Bread, cereal, rice, or pasta	1 slice or 1/2 cup
Meat and meat alternatives: Lean meat or poultry or fish or cheese or	1 ounce
Eggs or	1 egg
Cooked dry beans or peas or	1/4 cup
Peanut butter or soynut butter of other nut or seed butters or	2 tablespoons
Yogurt	4 ounces
<i>Lunch or Supper</i>	
Fluid milk	1 cup
Vegetable and/or fruit or full-strength fruit or vegetable juice	3/4 cup
Bread, cereal, rice, or pasta	1 slice or 1/2 cup
Meat and meat alternatives: Lean meat or poultry or fish or cheese or	2 ounces
Eggs or	1 egg
Cooked dry beans or peas or	1/2 cup
Peanut butter or soynut butter or other nut or seed butters	4 tablespoons

*7 C.F.R. § 226.20

resource and referral agencies may suggest varied items for snacks and meals.

VI. Conclusion

Advocates and legal services providers, working in collaboration with other con-

cerned individuals and organizations, can help communities take full advantage of the important nutrition resources of the CACFP so that more children enter the new century well nourished, healthy in mind and body, and ready to learn and thrive.