# 10- DEPARTMENT OF HUMAN SERVICES

 148 BUREAU OF CHILD AND FAMILY SERVICES

CHAPTER I CHILD AND ADULT CARE FOOD PROGRAM POLICY MANUAL NONDISCRIMINATION NOTICE

 In accordance with Title VI of the Civil Rights Act of 1964, as amended by the Civil Rights Restoration Act of 1991 (42 U.S.C. § 1981, 2000e et. seq.) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 5794), the Age Discrimination Act of 1975, as amended (42 U.S.C. §6101 et seq.), Title II of the Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.), and Title IX of the Education Amendments of 1972, the Maine Department of Human Services does not discriminate on the basis of sex, race, color, national origin, disability or age in admission or access to or treatment or employment in its programs and activities.

 Ann Twombly, Affirmative Action Coordinator, has been designated to coordinate our efforts to comply with the U.S..' Department of Health and Human Services regulations (45 C.F.R. Parts 80,'84, and 91) and the U.S. Department of Education regulations (34 C.F.R. Part 106) implementing these Federal laws. Inquiries concerning the application of these regulations and our grievance procedures for resolution of complaints alleging discrimination may be referred to Ann Twombly at 221 State Street; -Augusta, Maine 04333, telephone number: (207) 287-3488 (Voice) or 1-800-332-1003 (TDD), or the Assistant Secretary of the Office of Civil Rights, Washington, D.C.

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**A. INTRODUCTION**

The Child and Adult Care Food Program (C.A.C.F.P.) is part of Section 17 of the National School Lunch Act,. as amended. The program is designed to provide assistance to non-residential Child Day Care and Head Start facilities serving preschool and certain school age children, including handicapped.

In 1988, Congress amended 'Section 17 to include participation of noninstitutionalized functionally impaired adults or persons 60 years of age or older who receive non-residential care in Adult Day Care Centers.

The program is open to any licensed or certified, public or private, non-profit, IRS tax exempt organization providing day care services to children or adults who are not maintained in residence. This includes child day care centers, head start centers, outside-school-hours centers, child day care homes, and adult day care centers. Licensed or certified proprietary centers may participate in the C.A.C.F.P. if they receive compensation under either Title XIX or under Title XX of the Social Security Act for at least 25% of the enrolled children or adults in attendance on a day-to-day basis.

The Department of Human Services is designated by the Governor of the State of Maine as the State agency responsible for 'Administering the U.S.D.A. Child and Adult Care Food Program (C.A.C.F.P.). The program is intended to enable child day care facilities, head start facilities and adult day care centers to Integrate a nutritious food service with organized non-residential care services for enrolled individuals.

**B. PURPOSE OF THE MANUAL**

The purpose of this manual is to clarify the interpretation of, and to adopt as the policy of the State of Maine, those sections and subsections of the Federal Register which are concerned with the rules and regulations pertaining to the various aspects of the Child and Adult Care Food Program (7 CFR Part 226). Where the need arises and where allowed or required by regulation,, this manual is also a statement of policy as promulgated by the Maine Department of Human Services relative to the various aspects of the Child and Adult Care Food Program.

Questions or requests for assistance regarding any portion of this manual should be addressed in writing to:

Department of Human Services Child and Adult Care Food Program Bureau of Child and Family Services State House, Station 11 Augusta, Maine 04333 Tel. # 287-5060

**C. STRUCTURE OF THE MANUAL**

This manual is structured to conform with the State of Maine Administrative Procedure Act (APA), 5 MRSA, §8001-11008, as amended. Each distinct part of this manual will be found under a "Section," further broken into "Subsection" and "Page" under the APA referencing procedure. This manual is meant to be as all encompassing as possible but at the same time must remain flexible, as periodically the laws are changed or new laws are passed by the Congress of these United States. When this occurs all old laws and relating policies are superseded by the new law and it will become necessary to revise this manual in accordance with the APA. All future substantive policy changes or revisions will be issued only after a formal policy notice, as required by the APA.

Manual Update Procedures:

1. Formal revisions to this manual shall be transmitted from the Director of the Bureau of Child & Family Services to the Executive Directors of participating organizations and other manual holders after compliance with the Administrative Procedure Act.

2. A cover memorandum which includes an explanation of the revisions and detailed instructions shall be attached to each transmittal, and shall be numbered and dated.

3. Revisions of the manual shall be published as often as necessary.

4. The issue date in the upper right hand corner of each page shall not reflect the effective date of the policy change in all instances. In these instances the effective date will be stated in the formal notice issued with the change.

**D. DEFINITIONS**

The following is a list of those terms most Commonly used in this manual which have a special meaning when used in reference to the Child and Adult Care Food Program.- (Those terms defined in 7 CFR Part 226, §226.2, Rules and Regulations for Administering the U.S.D.A. Child and Adult Care Food Program, are identified for continuity.)

"Act": See 7 CFR Part 226.

"Administrative Costs": See 7 CFR Part 226.

"Adult": See 7 CFR Part 226.

"Adult Day Care Center": See 7 CFR Part 226.

\*Adult Day Care Facility": See 7 CFR Part 226.

"Adult Participation": See 7 CFR Part 226.

"Advanced Payment": See 7 CFR Part 226.

"AFDC Assistance Unit": See 7 CFR Part 226.

"Assessment": For participants in Adult Day Care Centers means a description of the individual participant's strengths and needs based on information obtained from the participant and/or his/her family members, caregivers, physician, etc. The assessment shall include information such as a health profile.. the Individual's mental and emotional status.. daily living skills, support services available to the individual,, possible need for services from other service providers.. and a current medical examination.

 "Authorized Capacity" means the number of individuals a facility is licensed/ registered to serve at any one time, plus any other C.A.C.F.P. enrolled individuals who are not required to be counted as part of the Licensed/Registered capacity. (Also see "Licensed Capacity" and "Registered Capacity")

 "Average Daily Attendance": means the total number of enrolled participants in attendance each day 'of the reporting period divided by the total number of days of operation in the reporting period, (also see "Reporting Period").

 "Breast Milk": means only self-expressed breast milk which is provided by an infant's mother. This term does not include that which may be purchased by a provider or parent and does not include that which is supplied by the provider should she breastfeed an infant other than her own.

 "Bureau": means the Bureau of Child and Family Services.

 "C.A.C.F.P. Child Care Standards": See 7 CFR Part 226.

 "Child Care Center": means a non-residential child care facility licensed by the Department of Human Services, or by military authority if located on a military installation,, to serve 13 or more children.

 "Child Care Facility": means a child care center, head start center, child day care home, or outside-school-hours care center licensed or approved by the Maine Department of Human Services, or by military authority if located on a military installation, and operating under the auspices of a participating organization.

 "Children": See 7 CFR Part 226.

 "Claiming Month": means the period of time from the day following the final Friday of a calendar month until and including the final Friday of the next calendar month.

 "Claiming Percentage": See 7 CFR Part 226.

 "Current Income": See 7 CFR Part 226.

 "Daily Attendance": means the documentation of each enrolled adult's or child's presence or absence from the program on each day of program operation.

 "Day Care Home": means a non-residential facility licensed or registered by the Department of Human Services, or by military authority if located on a military installation to provide child care for up to 12 children.

 "Department": for purposes of this policy manual means the Maine Department of Human Services (DHS). (Also see 7 CFR Part 226 for use of the term in Federal regulation.)

 "Documentation": See 7 CFR Part 226.

 "Economic Unit": means a group of related or unrelated persons who share housing and all significant income and expenses.

 "Eligible Costs for Organizations Operating Centers or Outside-School-Hours Centers": means those expenses approved in the signed agreement\* or amendment, between the organization and the Department which are incurred by the center in the production of meals and/or supplements which meet C.A.C.F.P. component and quantity requirements.

 "Eligible Costs for Organizations Sponsoring Day Care Homes": means those expenses approved in the signed agreement, or amendment, between the organization and the Department which are incurred in the process of sponsoring day care homes for participation in the C.A.C.F.P. and which may appear on the monthly claim for reimbursement.

 "Enrolled Child": See 7 CFR Part 226.

 "Enrolled Participant": See 7 CFR Part 226.

 "Expansion Funds": See 7 CFR Part 226.

 "Family": means a group of related or unrelated individuals who are not residents of an Institution or boarding home but who are living as one economic unit.

 "Family Income": See 7 CFR Part 226.

 "Fiscal Year": See 7 CFR Part 226.

 "FNS": See 7 CFR Part 226.

 "FNSRO": See 7 CFR Part 226.

 "Food Service Equipment Assistance": See 7 CFR Part 226.

 "Food Service Management Company": See 7 CFR Part 226.

 "Food Stamp' Household": See 7 CFR Part 226.

 "Foster Child": means a child who is a ward of the State who has been placed in the care of a "Foster Family." Such an individual shall be considered to be a family of one when determining the child's eligibility for "Free" or "Reduced-Price" meals. Only income which is at the disposal of the foster child shall be considered when calculating the child's monthly income.

 "Free Meal": See 7 CFR Part 226.

 "Functionally Impaired Adult": See 7 CFR Part 226 and Section III, Subsection F of this manual.

 "Household": See 7 CFR Part 226. (Also see "Family" this section.)

 "Income": means total monetary compensation for services including wages.. salaries, commissions.. fees, net Income from no-farm and farm self-employment.. Social Securities, dividends, interest, net rents public assistance or welfare, unemployment compensation, pensions, retirements, contributions received, veterans benefits, annuities, alimony, child support, net royalties and any other income .available to pay the price of a meal.

 "Income Standards"; See 7 CFR-Part 226.

 "Income to the Program": See 7 CFR Part 226.

 "Independent Center": See 7 CFR Part 226.

 "Individual Plan of Care": means a plan designed to maintain an adult day care participant at his/her current level or to restore the participant to a level of self care. The plan must be written and must include at least the following components:

1. assessment as previously defined; and

2. plan of service.

"Infant Cereal": See 7 CFR Part 226.

"Infant Formula": See 7 CFR Part 226.

"Institution": See 7 CFR Part 226. (Also see "Organization" this section)

 "Key Element Reporting System": (KERS) See 7 CFR Part 226.

 "Licensed Capacity": means the total number of children/adults a facility is approved by license to maintain in attendance at any one time. As per Child Care Licensing rules for Child Day Care Facilities: children of staff members shall be counted in the appropriate age groups when in care at the child care facility.

 "Meals": See 7 CFR Part 226.

 "Medicaid Participant": See 7 CFR Part 226.

 "Milk": See 7 CFR Part 226.

 "Menu": means a written plan that identifies food items to be served to adults or children at a specific meal/supplement.

 "Non-Pricing Program": See 7 CFR Part 226.

 "Non-Profit": means an organization incorporated or registered as a non-profit organization with the Secretary of the State of Maine.

 "Non-Profit Food Service": See 7 CFR Part 226.

 "Non-Residential" See 7 CFR Part 226.

 "OIG": See 7 CFR Part 226.

 "Operating Costs": See 7 CFR Part 226.

 "Organization": means a sponsoring organization of child day care homes, or the organization which operates child day care centers, head start centers, outside-school-hours care centers, or adult day care centers which enters Into an agreement with the Department to assure final administrative and financial responsibility for Program operations. (Also see "Institutions" and 7 CFR Part 226.)

 "Outside-school-hours Care Center": See 7 CFR Part 226.

 "Paid": means the rate to be paid for a meal or supplement served to an enrolled participant who does not meet the U.S.D.A. family size and income requirements or to an applicant whose family declines to provide the information necessary to determine the participant's eligibility for either "Free" or "Reduced-price" meals.

 "Participant": See 7 CFR Part 226.

 "Personal Property": See 7 CFR Part 226.

 "Plan of Service": means a written plan for adult day care center participants, based on the assessment defined above which specifies:

 1. The goals and objectives of the planned care;

 2. Activities to achieve the !goals and objectives;

 3. Recommendations for therapy;

 4. Referrals to\* and follow up with other service providers as needed; and

 5. Provisions for periodic review and renewal.

 "Pricing Program": See 7 CFR Part 226.

 "Production Report": . means a report of the total quantity of each food item on the menu that is prepared and served to children and/or adults. The report must show the number of children by age group, adult participants, and other adults such as adult care givers for whom the meal or supplement was prepared.

 "Program": See 7 CFR Part 226.

 "Program Payments": See 7 CFR Part 226.

 "Proprietary Title XIX Center" . See 7 CFR Part 226.

 "Proprietary Title XX Center": See 7 CFR Part 226.

 "Provider's Own Children": (In day care homes only) means all children related or unrelated to the provider who are living as part of the economic unit of the provider's family.

 "Reduced-price Meal": See 7 CFR Part 226.

 "Registered Capacity For Child Day Care Homes which have applied for and received a certificate as a "Registered Home Baby-sitting Service" means: The number of unrelated children approved to be in care at any one time, as per the certificate.. plus the number of related children approved to be maintained in care as per the approved Sponsor-Home Agreement and Sponsor-State Agreement. (see "Related Children")

 "Reimbursement": See 7 CFR Part 226.

 "Related Children": means the child care provider's daughters, sons, step-daughters, step-sons, adopted daughters, adopted sons, granddaughters, grandsons, nieces, nephews, or first cousins. Children beyond first cousins shall not be considered to be "Related Children" for C.A.C.F.P. purposes.

 "Reporting Period": means a Claiming Month." (see "Claiming Month")

 "School Year": See 7 CFR Part 226.

 "Sponsoring Organization": See 7 CFR Part 226 and "Organization."

 "SSI Participant": See 7 CFR Part 226.

 "Start-up Payments": See 7 CFR Part 226.

 "State": See 7 CFR Part 226.

 "State Agency": for purposes of this policy manual means the Department of Human Services (also see 7 CFR Part 226 for use of the term in Federal regulations.)

 "Title XVI": See 7 CFR Part 226.

 "Title XIX": See 7 CFR Part 226.

 "Title XX": See 7 CFR Part 226.

 "Uniform Federal Assistance Regulations": See 7 CFR part 226.

 "Vendor" means a public or private non-profit school from which a child. care organization purchases food or food services under a contract which spells out the rights and responsibilities of each party. ("Vendor" is also used generically in this Manual to refer to both schools and to Food Service Management Companies acting as "vendors" to a child care organization.)

 "Verification": See 7 CFR Part 226.

 "Yogurt": See 7 CFR Part 226.

**SECTION 2 STATE ADMINISTRATIVE RESPONSIBILITIES**

1. PURPOSE:

 To delineate the specific responsibilities of the Bureau of Child and Family Services of the Department of Human Services for the administration of the Child and Adult Care Food Program.

2. STANDARDS:

The Bureau of Child and Family Services shall be responsible for:

1. Developing application/reapplication forms.

2. Annually determining an organization's preference for receiving donated commodities or cash-in-lieu of commodities.

3. Providing organizations with application forms for initial participation in the C.A.C.F.P.

4. Providing organizations with technical assistance in completing the applications.

5. Providing participating organizations at the time of renewal, the choice of receiving advanced or reimbursed meal payments.

6. Informing participating organizations of their right to appeal an adverse action.

7. Approving each organization's annual meal service and administrative budgets.

8. Determining that all meal procurements with food service management companies are in compliance with bid and contractual requirements.

9. Reviewing submitted applications for completeness, reasonability and appropriate signatures of organization officials.

10. Submitting properly completed applications to the Commissioner, Department of Human Services for final approval or renewed

11. Annually providing each non-participating licensed/registered child day care center,, adult day care center and child day care home with information describing the availability of the program and\* for each child day care home,, a list of participating sponsoring organizations.

12. Annually developing a State plan of anticipated expenses for the administration of the C.A.C.F.P.

13 Performing a "Supervisory Review" of each participating adult or child day care organization's compliance with meal requirements, family size, income, and Racial/Ethnic identity standards, financial management, non-discrimination policies, meal preparation procedures, food service management, food service equipment conditions and cleanliness in such a manner that:

a. Independent centers, organizations operating centers, and organizations sponsoring child day care homes with 1 to 200 homes shall be reviewed at least once every three years. The Supervisory Review shall include visits to at least 15 percent of the adult or child day care and outside-school-hours care centers and 10 percent of the child day care homes operated and/or sponsored by the organization being reviewed.

b. Sponsoring organizations with more than 200 homes shall be reviewed at least once every two years. Reviews of such organizations shall include visits to at least 5 percent of the first 1,000 homes and 2.5 percent of all homes in excess of 1,000.

c. Any organization which operates and/or sponsors five or more day care facilities at the time of acceptance into the C. A. C. F. P. shall be reviewed within the first 90 days of C.A.C.F.P. participation.

d. A pre approval visit is performed of each new organization prior to acceptance into the C.A.C.F.P.

14. Publishing and transmitting to each participating organization the reimbursement rates and eligibility guidelines, based on family size and income levels, for the "Free", "Reduced-price" and "Paid" rate categories upon receipt from U.S.D.A. Food and Nutrition Services.

15. Calculating payment to participating "non-pricing" organizations for meals served in adult day care, child day care and outside schools hours care centers on the basis of "claiming percentages." An organizations "claiming percentages" are to be determined by comparing the number of participants enrolled in each of the "Free", "Reduced-Price" and "Paid" categories to the total of these enrollments as of the last day of each organization's claiming month.

16. Calculating payment to participating "pricing" organizations on the basis of "actual meal count by eligibility category."

17. Maintaining records of all food service and administrative equipment purchased with C.A.C.F.P. funds administered by the Bureau\* The records shall contain:

a. Date and type of equipment purchased;

b. Cost of the equipment (copy of invoices showing name of vendor, allowance for traded equipment, if any, and final purchase price);

c. Location of the equipment (organization facility, etc.);

d. Serial number, model number and brand name of each item purchased;

e. The percent of C.A.C.F.P. funds to total cost; and

f. The disposition of equipment.

18. Providing an audit of the participating organization's program funds, payments and operation at least every 2 years in accordance with OMB Circulars and the Maine Uniform Accounting and Auditing practices for community agencies. (See Section V, Subsection B)

19. Recovering, from C.A.C.F.P. participant organizations, overpayments discovered by Bureau C.A.C.F.P. staff during normal monitoring procedures,, Supervisory Reviews,, or the audits of an organization. This does not relieve the participant organizations of the responsibility of recovering overpayments which may have been paid to facilities which they operate or sponsor for C.A.C.F.P. purposes.

20. Shall terminate an organization's participation in the C.A.C.F.P. by written notice, whenever it is determined by Department personnel that the organization is seriously deficient and has failed to comply with Federal or State rules governing the C.A.C.F.P. Serious deficiencies, which are grounds for disapproval of an application, or termination of an agreement, include, but are not limited to, any of the following:

a. The submission of false information to the Department;

b. Failure to return to the Department any advance payments which exceed the amount earned for serving reimbursable meals;

c. Failure to maintain adequate records;

d. Failure to adjust meal orders to conform to variations in the number of eligible participating children or adults;

e. The claiming of program payments for meals not served to eligible participating children or adults;

f. Service of a significant number of meals which did not include required quantities of all required meal components;

g. Continued use of food service management companies that are in violation of health codes;

h. Failure of a sponsoring organization to distribute payments to its facilities in accordance with its management plan;

i. A history of administrative or financial mismanagement in any Federal child or adult nutrition program;

j. Failure to maintain State or Federal licensing or certification;

k. The claiming of program payments for meals served by a proprietary Title XIX or Title XX center during a calendar month in which less than 25 percent of eligible enrolled children or adults were Title XIX or Title XX beneficiaries.

21. May require annually at least one month of menus and/or production reports from each organization to be reviewed as to the level of compliance with meal and supplement component and quantity requirements.

22. Assure that each organization operating Adult Day Care Centers understands that C.A.C.F.P. payments shall not be claimed for, or share in the cost of, any meals funded under Part C of Title III of the Older Americans Act of 1965.

23. Shall annually conduct a training conference for all participating organizations.

**SECTION 3 APPLICATION AND ADMINISTRATION**

**OF THE CHILD AND ADULT CARE FOOD PROGRAM**

**A. APPLICATION FOR PARTICIPATION**

1. PURPOSE:

 To establish the initial application and annual reapplication procedures to be followed, and the requirements for participation, in the Child and Adult Care Food Program

2. STANDARDS:

1. To qualify for participation in the C.A.C.F.P. an organization shall:

a. Be public, i.e. a federal, state or municipal agency; or

b. Be incorporated in the State of Maine as a private non-profit corporation; and hold or show evidence toward obtaining tax-exempt status under the Internal Revenue Code of 1954;

(1) An organization which provides documentation that it has applied to the Internal Revenue Service (I.R.S.) for tax-exempt status may participate in the C.A.C.F.P. while its application is pending review by the IRS;

(2) If the IRS certification has not been received by the organization within 12 months of filing the application with the IRS, the organization shall provide the Bureau documented evidence of its timely submission of all information requested by the IRS. Failure to provide evidence that the organization has provided all information requested by the IRS, shall result in the Bureau terminating the organizations participation in the C.A.C.F.P. until such time as IRS tax-exempt status is obtained;

(3) The loss or denial of IRS tax-exempt status shall be reported immediately to the Bureau. Upon such notification the Bureau shall terminate the organization's participation in the C.A.C.F.P.; or

c. Be a proprietary corporation providing non-residential adult or child day care services for which it receives compensation under Title XIX or Title XX of the Social Security Act. Such organization shall provide evidence that at least 25% of the enrolled adults or children in attendance in each center for each day of the claiming month were either Title XIX or Title XX beneficiaries during the claiming month; and

d. Continually maintain the status of (1), (2), or (3) above. The loss of this status shall cause the organization to lose its eligibility to participate in the C.A.C.F.P.

2. The organization shall be an independent center; or:

a. Operate adult day care, child day care,, or outside-school-hours care centers which have been licensed or certified by the Department, or by military authorities, if located on a military installation, over which it has financial and administrative control, or

b. Sponsor child day care homes which have been licensed or registered by the Department, or by military authorities, if located on a military installation.

3. In addition to the requirements in l.A. and l.B., organizations applying for participation must complete and provide the following:

a. (1) Child and Adult Care Food Program Agreement;

(2) Sponsoring Organization's Management Plan; and

(3) Policy Statement for organizations which do not charge separately for meals. (Pricing organizations must develop an individual statement.)

b. A site application for each adult day care center, child day care center, outside-school-hours center or child day care home to be either operated or sponsored by the organization.

c. A copy of a "Public Release" statement developed by the organization and made available to the information media serving the area from which the organization draws its attendance.

(1) A "Public Release" statement issued by an organization which operates Adult Day Care,, Child Day Care, or Outside-school-hours Care Canters which chooses not to charge separately for meals/supplements (non-pricing organizations), shall include:

(i) The availability of the meal program;

(ii) The name and location of each participating facility;

(iii) The current income eligibility guidelines for "Free" and "Reduced-price" meals; and

(iv) The statement: "meals are available at no separate charge to all enrolled participants without regard to race, color, national origin, sex, age or handicap."

(2) The "Public Release\* statement for organizations operating Adult Day Care, Child Day Care, or Outside-school-hours Care Centers which choose to charge separately for meals/supplements, (pricing organizations) shall include:

(i) The availability of the meal program;

(ii) The name and location of each participating facility;

(iii) The current income eligibility guidelines for "Free" and "Reduced-price" meals;

(iv) The statement that meals in the "Reduced-price" and "Paid" categories are available at an additional charge.

(v) The public release shall state the amount to be charged for "Reduced-price" and "Paid" meals.

(a) The charge for a "Reduced-price" lunch or supper shall not exceed 40 cents;

(b) the charge for a "Reduced-price" breakfast shall not exceed 30 cents; and

(c) the charge for a "Reduced-price" supplement shall not exceed 15 cents.

(vi) A statement announcing that children of AFDC or Food Stamp households are automatically eligible to receive "Free" meals;

or

 A statement announcing that Adult Day Care participants who are members 'of a Food Stamp household or who are SSI or Medicaid recipients are eligible to receive "Free" meal benefits;

(vii) The statement: "Meals are available to all enrolled participants without regard to race, color, national origin, sex, age or handicap."

(3) Organizations sponsoring child day care homes shall meet standard (1) above plus the following:

(i) Submit an "Application to Participate" for each Home to be sponsored;

(ii) Complete and maintain on file an "Agreement Between Sponsoring Organization and Day Care Home" for each home;

(iii) A "Public Release" statement which includes:

(a) The availability of the meal program;

(b) The name and location of each participating facility; and

(c) The statements "Meals are available at no extra charge to all enrolled children without regard to race\* colors national origin, sex, age or handicap."

4. Interstate Sponsoring Organizations shall execute a C.A.C.F.P. Agreement with the Maine Department of Human Services, meet all USDA and State of Maine C.A.C.F.P. requirements in those facilities sponsored or operated in Maine, and maintain an administrative office in the State of Maine in which all records pertaining to operations occurring within this State are maintained.

5. An organization shall not be eligible to participate in both the C.A.C.F.P. and the Special Milk Program at the same time.

**B. ORGANIZATION'S RECORDKEEPING AND FISCAL MANAGEMENT**

1. PURPOSE:

 To establish the recordkeeping and fiscal management standards an organization must meet in order to participate, or continue to participate, in the Child and Adult Care Food Program.

2. STANDARDS:

1. Each organization shall establish procedures to collect and maintain in its central administrative offices all necessary program records which shall Include:

a. A copy of the approved agreement with the Department of Human Services;

b. (1) A completed "Dear Parent" enrollment package for each child enrolled for C.A.C.F.P. participation in each child day care or outside-school-hours care center;

(2) A completed "Dear Parent" enrollment package for each child day care how provider wishing to claim meals served to her own children. 'Child day care home providers must meet the income guidelines for either "Free" or "Reduced-price" meals in order to quality to claim meals/supplements served to their own children;

(3) A completed "Dear Household Member" enrollment package for each adult enrolled for C.A.C.F.P. participation in each adult day care center;

(4) An enrollment package shall be completed no less often than once every 12 months (annually) for every child or adult for whom meals/supplements are to be claimed, regardless of the participant's category of eligibility or the type of facility in which care is being provided; and

(5) The annual enrollment requirement pertains to all participants in all facilities regardless of the requirements of any other funding source(s).

c. A C.A.C.F.P. enrollment form for each child to be claimed for meal/supplement service served in a sponsored child day care home;

d. Records indicating each enrolled individual's dates of attendance in the program;

e. Child day care centers and outside-school-hours centers wishing to claim two meals and two supplements or three meals and one supplement for any child in attendance, must maintain either:

(1) Time-in, time-out information for every child in care in the center with clear indication that two meals and two supplements or three meals and one supplement we re claimed only for those children who were documented to have been in care at least 8 hours, and during the hours of meal/supplement service for each day in question; or

(2) Records which demonstrate that at least eight hours elapse between the end of the first meal service and the beginning of the fourth meal service for each day for which reimbursement for 2 meals and 2 supplements or 3 meals and 1 supplement is claimed; and

(3) If neither criteria (e.1.) or (e.2.) is met then the Canter is limited to delivering no more than 2 meals and 1 supplement or 1 meal and 2 supplements per child per day of operation.

f. Daily records indicating the number of individuals served at each meal type;

g. Daily records indicating the number and types of meals served and claimed for each child or adult;

h. Copies of daily menus for both centers and homes, production reports for centers only.

i. Records of the daily number of meals/supplements, by type, served to adult staff members of the organization and

j. Records documenting conduct of the required annual training session. ., ,Such records shall include:

(1) The date of each session;

(2) The location of each session;

(3) An agenda showing all topics addressed; and

(4) Sign-in shoots showing the names of all participants and attendees.

2. In addition to the above requirements, organizations operating Adult Day Care centers shall maintain:

a. Records which demonstrate that each eligible enrolled person under the age of 60 meets the functional impairment eligibility requirements established under the definition of "Functional Impairment",

b. Records adequately showing that the adult day care center is a community based group program designed to meet the needs of each functionally impaired adult through an individual plan of care; and

c. Records to show the living arrangements of each enrolled adult and who receives respite while each adult is in day care.

3. Each organization shall establish procedures to collect and maintain all necessary fiscal records to include:

a. Copies of all invoices/receipts for food and non-food food service related expenditures;

b. The administrative costs of operating a food service in adult day care, child day care, and outside-school-hours centers, and of sponsoring child day care homes;

c. Operating costs claimed by the organization related to preparing the meals/supplements it serves to adults in adult day care centers, and to children in child day care or outside-school-hours centers;

d. All income to the program;

e. Copies of all claims for reimbursement submitted to the Department;

f. Receipts of all program payments received from the Department including verification that all funds were expended within five days of receipt; and

g. Records of claims received from centers and/or homes and payments of the claims.

4. Administrative and food service costs in excess of amounts budgeted in the approved agreement shall be disallowed.

a. Administrative costs,. direct or indirect, charged on the basis of a percentage of the program may only be based on the operating costs of the organization.

b. Center food costs or child day care home meal/supplement reimbursement amounts may not be included when calculating an indirect expense or other administrative amount to be charged to the C.A.C.F.P.

5. Each organization shall establish procedures for maintaining records of payments made to all operated centers or sponsored child day care homes. The records shall include:

a. Copies of all claims received from operated centers or sponsored child day care haws;

b. Amount and date of advance payment made to each operated center or sponsored child day care how;

(1) Each sponsoring organization electing to receive advance payments for child day care homes shall disburse such payments, in the form of advance payments, to each of the homes expected to operate under its sponsorship during the month in question upon receipt of the month's advance from the Departments, but not later than the fifth working day following receipt of the funds.

(2) Advance payments shall be based on the number of meals/supplements projected to be served to enrolled children at each child day care home during the period covered by the advance, multiplied by the applicable payment rate, as specified in Appendix 2 of this manual.

(3) Advance payments received by the organization shall not be used to reimburse day care homes for a prior month's earnings other than to reconcile a previous advance to match a home's earnings for the month in question.

c. Amount and date of reimbursement payment made to each operated center or sponsored child day care home.

(1) Each sponsoring organization electing to receive reimbursement payments for homes shall disburse such payments to each operating home within 5 working days of receipt from the Department.

(2) Such payment shall be based on the number of meals served to enrolled children at each home, less any payments advanced to such home.

d. A sponsoring organization shall not deduct from or withhold any payment or portion of payment earned by any child day care home under its sponsorship unless the deduction is to reimburse the organization for the cost of food supplied to the home or to reimburse the organization for an overpayment for meals/supplements made to the provider by the organization. Any such deduction may occur only if the deduction is agreed to in writing as part of the sponsor home agreement.

e. Disbursements from organizations operating adult day care, child day care or outside-school-hours care centers shall be made within five working days of receipt of payment by the organization.

f. Each organization shall maintain information concerning the dates and amounts of disbursements to each operated or sponsored facility.

g. Disbursements of advance payment by the organization may be withheld from facilities which fail to submit reports required herein.

6. Each organization shall develop and maintain records of all food, service and administrative equipment purchased with C.A.C.F.P. Food Service and/or Sponsor Administrative Funds. The records shall be maintained as long as such equipment is held by the organization and shall contain:

a. A copy of the request too, and notification by the C.A.C.F.P. Program Specialist approving, purchase of equipment;

b. Invoices showing final total cost, date of purchase, description of equipment purchased (brand, serial number, and model number) and source of equipment;

c. Location of the equipment, use, and condition of equipment; and

d. Information regarding disposition of the equipment, i.e. sale price, sold to, traded for, etc.

7. Organizations shall obtain approval of the Bureau prior to purchasing, selling, moving, storing, disposing of or trading equipment purchased with U.S.D.A. funds or charged against C.A.C.F.P. advance or reimbursement payments.

8. Organizations shall retain all program and financial records for any agreement period for at least 3 years from the final date of the agreement period or until all audits pertaining to that agreement period have been completed and notice has been received stating that the agreement has been closed, whichever is later.

9. Each organization shall maintain all program payments in a non-interest bearing account between the date of receipt from the Department and the date of disbursement.

10. Organizations shall maintain racial/ethnic census data of the community(ies) served and the racial/ethnic identification of each adult or child enrolled in each facility sponsored or operated by the organization.

C. ORGANIZATION/SPONSORS RESPONSIBILITY

1. PURPOSE:

 To establish and define, as minimum, an organization's/sponsor's responsibilities to the facilities it operates/sponsors and to the Bureau of Child and Family Services

2. STANDARDS:

1. The organization shall comply with current Federal and State laws and requirements and is responsible for the submission of a completed initial or renewal application and management plan for participation for itself and the adult day care or child day care facilities it operates or sponsors to the Bureau for processing and approval.

2. The organization shall accept final administrative and financial responsibility for food service operation in all adult or child day care facilities under its jurisdiction.

3. The organization shall annually state its preference, in writing, to receive either donated commodities or cash-in-lieu of commodities. The selection shall apply to all centers or child day care homes operated or sponsored by the organization.

(a) An organization which elects to receive donated commodities for the adult day care centers or child day care centers it operates shall not be eligible to receive, cash-in-lieu of commodities payments for lunches or suppers served to enrolled participants in those centers.

(b) An organization which elects to receive donated commodities for the child day care homes under its sponsorship shall receive the current U.S.D.A. reimbursement rate for lunches and suppers served to enrolled children in approved homes less the current cash-in-lieu of commodities rate.

4. Each organization shall provide adequate supervisory and operational personnel for the effective management and monitoring of the program at all facilities under its jurisdiction. At a minimum., such program assistance shall include:

a. Pre-acceptance visits to each adult day care or child day care facility for which application is made to discuss program benefits and to verify that the proposed food service does not exceed the. capability of the facility;

b. Training for all adult day care or child day care facility staff. Such training shall address C.A.C.F.P. duties and responsibilities and shall occur prior to the beginning of C.A.C.F.P. participation.

c. Additional training sessions to be scheduled and provided for all staff and/or child day care home providers\* at least once each year. These sessions shall be documented by:

(1) an agenda of topics addressed,, showing the date and location of each session;

(2) attendance sheets showing the name of each participant and attendee; and

(3) evidence that information relating to the sessions was made available to all staff and providers who were not able to attend.

d. Reviews of food service operations to assess compliance with requirements for meal patterns and recordkeeping. Such reviews shall be patterned after the Bureau's Supervisory Review mechanism and shall be conducted at least:

(1) Three times each year at each adult or child day care center, provided at least one review is conducted during each center's first six weeks of program participation and not more than six months elapse between reviews;

(2) Three times each year at each child day care homes, provided at least one review is conducted during each home's first four weeks of program participation and not more than six months elapse between reviews; and

(3) Six times each year for each outside-school-hours care center, provided at least one review is conducted during each such center's first four weeks of program participation and not more than three months elapse between reviews.

e. The organization shall maintain information concerning the location and date of each adult and child day care facility review, any problems noted, and the corrective action prescribed and effected.

5. The sponsoring organization shall submit a copy of a signed application for each center's and child day care home's participation to the Bureau for approval.

a. An application for sponsorship of a child day care home that appears on the sponsorship lists of any other organization shall not be accepted by the Bureau unless:

(1) The child day care home gives its current sponsoring organization advance written notice of the desire to terminate the sponsor/home relationship.

(2) The current sponsor organization gives the Bureau written notice that its agreement with the child day care home is being terminated. Such notice must specify the effective date of the termination and must be submitted to the Bureau upon receipt of the advance written notice from the child day care home.

(3) The start date of a previously sponsored home does not occur in the same claiming month as the termination from the previous sponsor. The State may not pay sponsor administrative expense funds to two sponsors for the same home in the same month.

b. No sponsor shall be approved by the State to accept more than two (2) child day care homes per claiming month which appear on the sponsorship list of any other organizations. This allows an organization to accept a maximum of 24 transfers during any agreement period. The only exceptions to this policy shall be at the discretion, of the State and only in situations such as, but not limited to, the termination of a sponsoring organization from the C.A.C.F.P.

c. An organization shall not claim for reimbursement meals/supplements served in a center or child day care home until approval and effective date for operations of the center or sponsorship of the child day care home has been received from the Bureau.

d. A sponsoring organization shall not claim administrative reimbursements for, or show as operating, any home that does not provide service or reimbursable meals/supplements to children during the month being reported.

6. An organization shall maintain records of attendance for each facility it operates or sponsors.

a. A licensed center or child day 'care home may not claim in excess of its licensed capacity for any meal/supplement unless documentation is made available monthly to the organization which shows the times-in and times-out of all participants in order to clearly demonstrate the licensed capacity was not exceeded at any one time.

b. A registered child day care home is limited to serving the number of unrelated children cited on the registration certificate plus related children. A registered child day care home may only claim up to the number of children cited on the registration certificate for any meal/supplement type unless documentation is made available monthly to the sponsor which shows the times-in and times-out of all unrelated children in order to clearly demonstrate the registered capacity was not exceeded at any one time. A child related to the provider in accordance with the previously stated definition of "Related Children" may be claimed without regard to the registered capacity only if such child's relationship to the provider is clearly indicated on the child's C.A.C.F.P. enrollment form and on the provider's daily meal count and attendance forms. The provider's own children may only be claimed if the provider has completed a "Dear Parent" enrollment package as described in subsection B, standard(b) (ii) of Section III of this manual.

7. A sponsoring organization may terminate an agreement with a child day care home to participate in the C.A.C.F.P. for cause or convenience only by written notice.

a. The written notice shall give the child day care home provider the effective date of the action and the reason(s) for the termination.

b. If the termination is for cause, the notice shall cite the appropriate section of the C.A.C.F.P. policy manual that has been violated, the corrective actions that were attempted and the technical assistance provided.

c. A copy of the termination action shall be forwarded to the Department of Human Services, C.A.C.F.P. Program Specialist.

8. An organization proposing to develop a home sponsorship or to increase the number of child day care homes sponsored may make application to the Bureau for "Start-Up Funds." An organization applying for "Start-up Funds" shall:

a. Meet the requirements stated in Section III, Subsection A;

b. Submit a management plan detailing:

(1) the number of recruitment contacts to Prospective day care homes being proposed;

(2) the timelines for project start and finish, (such time lines may not extend into a second agreement period);

(3) the names of home providers already contacted who are expected to participate in the program; and

(4) plans for training new home providers.. and the number of pre-approval visits.

c. Sponsor fewer than 50 child day care homes at the time of application for "Start-up Funds" and receive funds to start no more than the difference between 50 homes and the number sponsored at the time of application;

d. Submit a budget detailing the costs expected to be associated with the start-up of child day care homes. The total amount of "Start-up Funds" to be advanced shall not exceed twice the current monthly sponsor administrative payment rate multiplied by the number of homes expected to be started during the project period;

e. Maintain program and financial records for the start-up project separate from any other program records;

f. Provide documentation of start-up activities performed, and related costs incurred, by the sponsoring organization to the Bureau;

g. Not receive more than one approved agreement for "Start-up Funds";

h. Not claim as part of the "Start-up Funds" project:

(1) any expenses incurred for a child day care home after the effective date of adding that home to its sponsorship;

(2) expenses related to recruiting any homes already sponsored by the organization already participating in the C.A.C.F.P. under other sponsorship, or which at some time in the past participated In the C.A.C.F.P. and

(3) any expenses incurred prior to start or after the expiration date of the project.

i. Repay, upon demand by the Bureau\* any "Start-up Funds" not expended in accordance with the approved agreement or funds advanced in excess of actual project expenditures.

9. Sponsoring organizations which are not eligible for "Start-up Funds" because they have already completed a "Start-up Funds" project or because they already sponsor 50 or more child day care haws which wish to further expand their sponsorships may make application to the Bureau for an "Expansion Funds for Low-Income or Rural Areas" project. An organization applying for "Expansion Funds" shall:

a. Meet the requirements stated in Section III, Subsection A.

b. Submit a management plan detailing:

(1) the number of recruitment contacts to prospective child day care homes being proposed;

(2) the time lines for project start and finish (such project shall not exceed 12 consecutive calendar months);

(3) the names of those home providers already contacted who are expected to participate in the C.A.C.F.P.; and

(4) Plans for training new home providers and the number of pre-approval visits.

c. Allow at least one full year to elapse if the organization has already received "Start-up Funds", since the organization satisfied all Its obligations under such project.

d. Submit a budget detailing the costs expected to be associated with the "Expansion Funds" project.

e. Be advanced "Expansion Funds" in an amount not less than the current sponsor administrative expense reimbursement rate for one month multiplied by the number of child day care homes anticipated to be recruited as part of the "Expansion Funds" project, and not more than twice the current sponsor administrative expense reimbursement rate multiplied by the number of homes anticipated to be recruited as part of the project.

f. Maintain all records related to the "Expansion Funds" project separate from all other program or project records.

g. Provide documentation of "Expansion Funds" activities performed and of all related costs incurred to the Bureau. The amount of "Expansion Funds" ultimately received by the organization may not exceed the amount actually expended by it.

h. Not receive more than one approved project for "Expansion Funds."

i. Not claim as part of the "Expansion Funds" project:

(1) any expenses incurred for a child day care home after the effective date of addition of that home to its sponsorship;

(2) expenses related to recruiting any homes already sponsored by the organization, already participating in the C.A.C.F.P. under other sponsorship, or which at some time in the past participated in the C.A. C. F. P. ; and

(3) any expenses incurred prior to the start or after the expiration dates of the project.

j. "Expansion Funds" may only be expended for activities directed towards reaching homes in "rural" or "low-income" areas.

(1) "Rural" is defined as any area in a county which is not a part of a Metropolitan Statistical Area (MSA) or any "pocket" within a NSA which,, at State agency option,, and only with USDA Regional Office approval, is determined to be geographically isolated from urban areas,

(2) "Low-income" is defined as an area in which poor economic conditions exist. In order to determine if an area is "low-income" 50% or more of the children enrolled in the school or schools serving the children who live in the area where the C.A.C.F.P. expansion is to occur must be eligible for "Free" or "Reduced-Price" meals under the National School Lunch or School Breakfast Programs.

In order to determine if an area is "low-income" the sponsor shall directly contact the local school or schools serving the area in order to acquire and provide to the Bureau the following:

(1) The name and location of the school(s) serving the children who reside within the "Expansion Funds" project area;

(2) The number of children who are eligible for "Free" or "Reduced-Price" meals who are enrolled in the school(s); and

(3) The total number of children enrolled in the school(s).

k. When determining if an area is "rural", that is, outside a Metropolitan Statistical Area, the following information must be considered. In Maine the Federal Government recognizes four MSA's. They are as follows and include the towns and cities listed:

(1) Bangor, Maine:

 Bangor City, Brewer City, Eddington Town, Glenburn Town, Hampden Town, Hermon Town, Holden Town, Kenduskeag Town, Old Town City, Orono Town, Orrington Town, Penobscot Indian Island Indian Reservation, Veazie Town, Winterport Town.

(2) Lewistor-Auburn, Maine:

 Auburn City, Greene Town, Lewiston City, Lisbon Town, Mechanic Falls Town, Poland Town, Sabattus Town.

(3) Portland, Maine:

 Buxton Town, Cape Elizabeth Town, Cumberland Town, Falmouth Town, Freeport Town, Gorham Town, Gray Town, Hollis Town, Portland City, Raymond Town, Scarborough Town,, South Portland City, Standish Town, Westbrook City, Windham Town, Yarmouth Town.

(4) Portsmouth-Dover-Rochester New Hampshire, Maine:

 Berwick Town, Eliot Town, Kittery Town, North Berwick Town, Ogunquit Town, South Berwick Town, Wells Town, York Town.

10. Once an application for "Expansion Funds" has been received the Bureau shall:

a. Notify the applicant organization of approval or disapproval of the project within 30 calendar days.

b. If an application is incomplete the Bureau shall so notify the organization within 15 calendar days and provide technical assistance as needed.

c. The Bureau may approve too organizations to expand into the same area provided there is no overlap of child day care homes and so long as "Expansion Funds" are not approved twice for recruitment of the same home.

d. Encourage "Expansion Funds" projects to be directed to "unserved areas." An "unserved area" is one in which child day care homes may wish to participate In the C.A.C.F.P. but are not able to because no sponsor organization serves that area.

11. Any organization which is approved for an. "Expansion Funds" project must repay, upon demand by the Bureau, any "Expansion Funds" not expended in accordance with the approved agreement or funds advanced in excess of actual project expenditures.

12. Organizations shall distribute no less often than annually, the "Dear Parent" or "Dear Household Member" package, updated yearly and provided by the Bureau, to each adult day care center applicant or to the parent(s), guardians of each child enrolled in a center or to those child day care home providers wishing to claim meals/supplements served to their own children. The "Dear Parent" and "Dear Household Member" package shall be used to:

a. Enroll all applicants for C.A.C.F.P. participation in all centers.

b. Inform applicants, or parents/guardians of the current enrollment requirements and income eligibility guidelines for "Free" and "Reduced-Price" meals/supplements;

c. Annually update each adult's or child's eligibility status through completion of the enrollment form included in the "Dear Parent" or "Dear Household Member" package; and

d. Acquire the required Racial/Ethnic identity information for each child or adult for whom C.A.C.F.P. meal/supplement payment will be claimed.

**D. CHILD CARE AND OUTSIDE-SCHOOL-HOURS**

**CENTERS RESPONSIBILITY**

1. PURPOSE:

 To establish requirements for child day care and outside-school-hours care center participation in the Child and Adult Care Food Program.

2. STANDARDS:

1. A child day care or an outside-school-hours care center may participate in the program as either an independent center or under the auspices of a sponsoring organization; provided, however, that public and private non-profit centers may not participate in the C.A.C.F.P. under the auspices of a for-profit sponsoring organization. Independent centers shall comply with the same provisions as sponsoring organizations.

2. Child day care and outside-school-hours care centers shall be licensed by the Department of Human Services or by military authorities, if located on a military installation. A child day care or outside-school-hours care center which is complying with licensing laws and which is in the process of license renewal may,, if the Department is reasonably sure the license will be renewed, participate or continue to participate in the C.A.C.F.P.

3. Child day care and outside-school-hours care centers shall complete no less often than annually a "Dear Parent" package, updated yearly and provided by the Bureau, for each child for whom meals/supplements will be claimed.

a. When a parent/guardian applies for C.A.C.F.P. participation on behalf of a child who Is a member of a food stamp family or an AFDC assistance units only the sections requesting the child's name, age, racial/ethnic identity, food stamp or AFDC case number, and the applicant parent/guardian's signature, social security number, and date of signature need be completed. Such child shall be automatically eligible for "Free" meals.

b. Applicants who are not eligible for "Free" meals based on membership in a food stamp family or an AFDC assistance unit, shall complete the "Dear Parent" application as follows:

(1) If the application is for a "Foster Child" the child shall be considered to be a family of one and only funds available to the child shall be listed as income. The application shall also indicate this is a "Foster Child." . All other portions of the application shall be completed.

(2) Households not meeting the Requirements of (a) and (b.1) but whose total household income does not exceed the maximum "Reduced-Price" guidelines shall complete all portions of the application.

(3) Households whose total income places them above the guidelines for "Free" or "Reduced-Price" meals may indicate "Over income" in the family size and income portion of the application and shall complete all other portions.

4. Child day care and outside-school-hours care centers shall keep daily meal count/attendance records of all. enrolled children. A meal count/attendance record may cover a period of one day, one week.. or one month. The report shall be completed at the time of meal/supplement service for each center and include:

a. The day, month and year of the report;

b. The name of the center;

c. The name and age of each child enrolled in the program;

d. Each enrolled child's presence or absence in the program for each day the center operated; and

e. The meals and/or supplements claimed for reimbursement for each child in attendance each day.

5. Child day care and outside-school-hours care centers may claim only two meals and one supplement or one meal and two supplements per child per day of operation, unless one of the following standards is met:

a. If time-in, time-out documentation is maintained for every child in attendance each day the center is in operation, and at least 2 hours elapse between the service of any two meal types, two meals and two supplements or three meals and one supplement may be claimed for each child who was in care at least 8 hours and during each meal service claimed on the day(s) In question; or

b. If the center's documented and adhered to meal service pattern shows a lapse of at least 8 hours between the end of the first meal service of the day and the beginning of the fourth meal service of the day, and at least two hours elapse between the service of any two meal types, two meals and two supplements or three meals and one supplement may be claimed for any child who was in care during each meal service claimed on the day(s) in question.

6. Child day care and outside-school-hours care centers shall maintain daily menus, food production reports, and records, by age group, of the number of meals by type prepared for service to enrolled children and to adults performing labor necessary to the food service.

a. A menu shall:

(l) Be completed for each meal and supplement provided to children enrolled in the C.A.C.F.P.;

(2) Contain the date and day of the week for which the meal/supplement is planned;

(3) List each component of the meal/supplement separately; and

(4) Be conspicuously displayed for parental or Supervisory review.

b. A Food Production report shall:

(1) Be completed for each meal and supplement prepared;

(2) Contain a list of food items prepared;

(3) Specify the total quantity prepared of each food item;

(4) Show the number of children, by age group, the meal was prepared to serve; and

(5) The number of attendant adults to be served.

7. Child day care and outside-school hours care centers shall ensure that meals are planned on the basis of one meal/supplement per child expected to be in attendance plus double the U.S.D.A. defined minimum portion size for children in the 3 through 5 age group for each adult expected to be served. If the number of children and/or adults in attendance exceeds the number planned the quantity of each food item prepared must be adjusted upwards and documented accordingly.

8. Child day care and outside-school-hours care centers may utilize existing school food service facilities or other vendor service to obtain meals. The responsibilities and requirements of each party shall be embodied in a written contract between the child day care center and the vendor. The center shall maintain responsibility for all financial and program requirements set forth in this manual. A copy of each vendor contract shall be submitted to the Bureau for inclusion as part of the Bureau's C.A.C.F.P. agreement with the .organization.

9. Child day care centers or outside-school-hours care centers shall be responsible for ensuring that meals/supplements received from vendors meet or exceed the minimum component and quantity requirements spelled out in Section IV of this manual.

10. Child day care centers shall ensure that each meal/supplement served is supervised by an adequate number of staff.

11. Organizations which contract for food service or meal delivery with other than public or private non-profit schools are considered to be dealing with a Food Service Management Company and must assure all provisions of 7 CFR Part 226, §226.21 are met in their entirety.

12. A child day care center participating in the C.A.C.F.P. shall serve one or more of the following meal types: Breakfast, A.M. Supplement, Lunch, P.M. Supplement, Supper, Evening Supplement. A participating center:

a. Shall only claim the meal types specified in Its approved agreement and served in compliance with meal pattern requirements of Section IV of this manual; and

b. Shall plan for meals and supplements so that there are at least 2 hours between the beginning of each meal and/or supplement service.

13. Outside-school-hours care centers participating in the C.A.C.F.P. shall serve one or more of the following meal types: Breakfast, A.M. Supplement, P.M. Supplement, Supper, and Evening Supplements to enrolled children outside of school hours. Outside-school-hours care centers:

a. Shall not claim for reimbursement more than two meals and one supplement or one meal and two supplements provided daily to each enrolled child in attendance.. unless the requirements relating to claiming two meals and two supplements or three meals and one supplement which were spelled out in Section III, Subsection D, page #2, item #5, and the meal hour requirements spelled out in item #14 below are met.

b. Shall only claim the meal types specified in its approved agreement and served in compliance with meal pattern requirements of Section IV of this manual.

14. Outside-school-hours care centers shall ensure that each meal service is supervised by an adequate number of operational personnel trained in C.A.C.F.P. requirements. Operational personnel shall ensure that:

a. Meals are served only to children enrolled for care and to adults who perform necessary food service labor;

b. (1) Three hours shall elapse between the beginning of one meal service and the beginning of another, except that 4 hours shall elapse between the services of a lunch and supper when no supplement is served between lunch and supper.

(2) The service of a supper shall begin no later than 7:00 P.M. and end no later than 8:00 P.M.

(3) The duration of a meal service shall be limited to two hours for a lunch or a supper and one hour for any other meal/supplement;

c. Reimbursement shall not be claimed for meals served to children who are not enrolled, or for meals served to children at any one time who are in excess of the center's authorized capacity;

d. Meals are served and consumed on the premises of the center;

e. Meals are planned on the basis of average daily attendance;

f. Outside-school-hours care centers may serve lunch on weekdays to enrolled children attending schools which do not offer a lunch program. Lunch may be served to all enrolled children during periods of school vacation, including weekends and holidays; and

g. Outside-school-hours care centers may not operate under the program on weekends only.

**E. DAY CARE HOME RESPONSIBILITY**

1. PURPOSE:

 To establish requirements for child day care home participation in the Child and Adult Care Food Program.

2. STANDARDS:

1. A Child Day Care Home is a facility licensed or registered by the Department for the provision of child day care services which has a capacity of 12 or fewer children. A home which is complying with State of Maine licensing/registration laws and which is in the process of license/ registration renewal may, if the Department is reasonably sure the license will be renewed, participate or continue to participate in the C.A.C.F.P. Child day care homes located on military installations shall meet the standards established by the appropriate military authority and maintain appropriate certification.

2. Child day care homes participating in the C.A.C.F.P. shall participate only under the auspices of a participating public or non-profit sponsoring organization.

3. The child day care home and the sponsoring organization shall enter into agreement by completing and signing Form BSSFP-433.

a. Either the child day care home provider or the sponsoring organization may terminate the agreement for participation in the C.A.C.F.P. The notice of termination shall be in writing giving the date the action is requested and the reason(s) for the termination.

b. If termination action is initiated by the sponsor due to "cause or convenience" the standards spelled out in Section III, Subsection III, Standard #7 must be met.

4. The child day care home shall serve one or more of the following meal types: Breakfast, A.M. Supplement, Lunch, P.M. Supplement,, Supper, Evening Supplement.

5. The child day care home shall ensure that at least 2 hours elapse between the service of any two meal types. If a meal/supplement is served in shifts the beginning of service of the next meal/supplement may not begin less than two hours following the service of the final shift of the previous meal type.

6. The child day care home shall not claim for reimbursement more than one meal and two supplements or two meals and one supplement provided daily to each enrolled child in attendance.

7. Child day care homes shall serve meals and supplements which meet or exceed the meal pattern requirements specified in Section IV of this manual.

8. A child day care home may not charge a separate and identifiable amount for any meal or supplement served to an enrolled child.

9. A child day care home provider shall not claim for reimbursement meals served to enrolled children in excess of the home's licensed/registered capacity unless the attendance pattern demonstrates that no more than the hornets licensed/registered capacity will be in attendance at any one time and the attendance pattern is approved by the sponsoring organization.

10. Child day care homes shall prepare and maintain menus on a daily basis. The menu shall:

a. Be completed for each meal/supplement provided to children in the home;

b. Contain the date and day of the week for which the meal/supplement is planned.

c. List each component of the meal/supplement separately; and

d. Be conspicuously displayed or provided for parental or sponsor review at least one day in advance of the meal/supplement service.

11. Child day care hams shall maintain daily records of the number of children in attendance and the number of meals, by type, claimed for each enrolled child. The meal count/attendance record may cover a period of one day, one week, or one month, but shall be completed daily and include:

(1) The day(s), month and year of the report;

(2) The name of the child day care home provider;

(3) The name and age of each child enrolled in the program;

(4) In registered homes the relationship of any "related children" to the provider;

(5) Each enrolled child's presence or absence in the program for each day the home was in operation; and

(6) The meals/supplements claimed for each child in attendance for each day the home was in operation.

12. Meal count/attendance records and menus shall be submitted to the sponsor at least monthly. The meal/count attendance record shall serve as the billing form from the home to the sponsor. The meal count/attendance form shall be signed, dated by the participating home provider,, and contain the following certification:

"I HEREBY CERTIFY that all of the above information is true and correct. I understand that this information is being given in connection with the receipt of Federal funds and that deliberate misrepresentation may subject me to prosecution under applicable State and Federal criminal statutes."

13. The child day care home shall complete, no less often than annually, an enrollment form for each child, which shall include:

(1) the child's name, age, and racial/ethnic identification,

(2) a statement that the child receives child day care services in the home of (Provider's Name) and will participate in the Child and Adult Care Food Program, and

(3) the parent or legal guardian's signature and date of signature.

14. Payment may be made for meals served to the provider's own children only when:

a. Such children are enrolled and participating in the child day care program during the time of the meal service;

b. Enrolled nonresident and unrelated children are present and participating in the child day care program; and

c. A "Dear Parent" enrollment package,, as used to enroll children in child day care centers, has been completed showing:

(1) the provider's children meet the C.A.C.F.P. age requirements,

(2) either the provider's family meets the family size, income, social security number, and racial/ethnic identity standards to qualify for "Free" or "Reduced-price" meals, or the provider's children are categorically eligible for "Free" meals because of membership In a food stamp household or an AFDC assistance unit,

(3) enrollment forms must be signed and dated by the provider and completed no less often than annually.

15. Reimbursement may not be claimed;

a. for meals served to children who are not enrolled;

b. for meals served at any one time to children in excess of the home's authorized capacity;

c. for meals served to the provider's children who are not eligible for "Free" or "Reduced-price" meals; or

d. for meals served to a child whose enrollment form was completed more than 12 months prior to the date of meal service.

16. Child day care homes participating in the C.A.C.F.P. shall not be required to report home operating costs to sponsoring organizations.

17. A "Foster child" residing in the provider's home may participate In the C.A.C.F.P. provided:

a. The foster child is enrolled in the program as a family of one using the C.A.C.F.P. "Dear Parent" enrollment package; and

b. The provider only claims meals/supplements served to such child when at least one other enrolled child.. who is not a resident of the provider's household, is present for child care purposes,, and is in attendance for the meal/supplement.

**F. ADULT DAY CARE CENTER RESPONSIBILITY**

1. PURPOSE:

 To establish requirements for adult day care center participation in the Child and Adult Care Food Program.

2. STANDARDS:

1. Adult day care centers may participate In the C.A.C.F.P. either as independent centers or under the auspices of a sponsoring organization; provided, however, that public and private non-profit centers may not participate in the C.A.C.F.P. under the auspices of a for-profit sponsoring organization. Independent centers shall comply with the same provisions as sponsoring organizations.

2. Adult day care centers shall be licensed or approved by the State of Maine to provide day care services to functionally impaired adults, (as defined in 7 CFR §226.2) or to individuals 60 years of age or older, in a group setting outside their home on less than a 24 hour basis. An adult day care center which is complying with the state licensing rules and which is in the process of license renewal may, if the Department is reasonably sure the license will be renewed, participate or continue to participate in the C.A.C.F.P.

3. Adult day care centers shall not enroll individuals in the C.A.C.F.P. who reside in an Institutional setting, such as a nursing home, a boarding homes, etc., or individuals whose placements are supplemented by Title XIX of the Social Security Act.

4. Meals served in adult day care centers which are reimbursed all or in part by Title III, Subsection C. of the Older Americans Act of 1965 shall not be claimed for reimbursement under the C.A.C.F.P.

5. Adult day care centers shall maintain annually completed "Dear Household Member" enrollment applications provided by the Department for determining eligibility for "Free" or "Reduced-price" meals.

a. When a household applies for "Free" meal eligibility on behalf of an adult who is a member of a food stamp household or who is a SSI or Medicaid participant such information shall consist of the Food Stamp case number or SSI or Medicaid identification number of the adult for whom application is being made, plus the applicant's name, age, racial/ethnic identification, the signature of a responsible individual and the date of the signature.

b. Applicants who are not eligible for "Free" meals based on membership in a food stamp household or due to receipt of SSI or Medicaid benefits shall complete the entire enrollment application.

6. The adult day care center shall maintain annual documentation of enrollment of participants not eligible for "Free" or "Reduced-price" meals because of family size and income or refusal to provide information on family size, income, or social security numbers.

7. Adult day care centers shall maintain records on the age of each enrolled person. In addition,, the adult day care center shall maintain records which demonstrate that each enrolled person under the age of 60 meets the functional impairment eligibility requirement established under 7 CFR, Part 226, §226.2 which states:

"Functionally impaired adult means chronically impaired disabled persons 18 years of age or older, Including victims of Alzheimer's disease and related disorders with neurological and organic brain dysfunction, who are physically or mentally impaired to the extent that their capacity for independence and their ability to carry out activities of daily living is markedly limited. Activities of daily living include, but are not limited to.. adaptive activities such as cleaning, shopping, cooking, taking public transportation, maintaining a residence caring appropriately for one's grooming or hygiene., using telephones and directories, or using a post office. Marked limitations refer to the severity of impairment, and not the number of limited activities, and occur when the degree of limitation is such as to seriously Interfere with the ability to function independently."

8. The adult day care center shall ensure that each adult participant has an Individual Plan of Care that includes an assessment of the individual's strengths and needs and a plan of service. See definitions, Section l, Subsection D.

9. Adult day care centers shall keep daily meal count and attendance records of all eligible enrolled adults. The attendance record may cover a period of one day, one week, or one month. The report shall be completed at the time of each meal/supplement service for each center, and include:

a. The day, month and year of the report;

b. The name of the center;

c. The name and age of each eligible adult enrolled in the C.A.C.F.P.;

d. Each eligible enrolled adult's presence or absence in the program for each day the center operated; and

e. The meals and/or supplements claimed for reimbursement for each eligible adult in attendance each day.

10. Adult day care centers shall maintain daily menus, food production reports, and records of the number of meals, by type, prepared for service to eligible enrolled adults and to staff performing labor necessary to the food service.

a. A Menu shall:

(1) Be completed for each meal/supplement provided to adults enrolled in the program;

(2) Contain the date and day of the week for which the meal/supplement is planned;

(3) list each component of the meal/supplement separately; and

(4) Be conspicuously displayed for participant or Supervisory review.

b. A Food Production Report shall:

(1) Be completed for each meal/supplement prepared at the adult day care center;

(2) Contain a listing of each prepared food item;

(3) Specify the total quantity prepared of each listed food item;

(4) Show the number of participants the meal was prepared to serve; and

(5) The number of staff the meal was prepared to serve.

11. Adult day care centers shall ensure that meals are planned on the basis of one meal per participant expected to be in attendance, plus staff persons expected to be served.

12. Adult day care centers may utilize existing school food service facilities or other vendor service to obtain meals. The responsibilities and requirements of each party shall be embodied in a written contract between the adult day care center and the vendor. The center shall maintain responsibility for all financial and program requirements set forth in this manual. A copy of each vendor contract shall be submitted to the Bureau for Inclusion as part of the Bureau's Child and Adult Care Food Program agreement with the organization.

13. Adult day care centers shall ensure that each meal/supplement served is supervised by an adequate number of staff.

14. An organization may contract with a Food Service Management Company for meal service In adult day care centers provided that all provisions of 7 CFR Part 226, §226.21 are complied with in their entirety.

15. Adult day care centers participating in the C.A.C.F.P. shall serve one or more of the following meal types: Breakfast, A.M. Supplement, Lunch, P.M. Supplement, Supper, Evening Supplement. A participating center:

a. Shall not claim for reimbursement more than two meals and one supplement or one meal and two supplements, provided daily to each eligible enrolled adult in attendance;

b. Shall only claim the meal types specified in its approved agreement and served in compliance with meal pattern requirements of Section IV of this manual; and

c. Shall plan for meals and supplements so that at least 2 hours elapse between the beginning of each meal and/or supplement service.

**G. PRICING ORGANIZATIONS**

1. PURPOSE:

 To establish guidelines for any organization participating in the Child and Adult Care Food Program as a "Pricing Organization".

2. STANDARDS:

1. An adult day care center, a child day care center, an outside-school-hours center, or an organization operating such, and participating in the C.A.C.F.P. may declare itself to be a "Pricing Organization" and thereby charge a separate and identifiable price for breakfasts, lunches, suppers and supplements served to any adult or child enrolled in its centers whose family size, income and provision of Social Security number information places that person in either the "Reduced-price" or "Paid" reimbursement category. Pricing organizations shall also meet the standards in Section III, Subsection D, or Subsection F as appropriate.

2. Child day care homes and their sponsors shall not assess a separate and identifiable charge for any meal or supplement served to a child enrolled in the program.

3. Adult day care centers, child day care centers and outside-school-hours care centers receiving Federal and State funds for the provision of day care or head start shall not be eligible to participate as pricing organizations if Federal and/or State restrictions placed on such funds would prohibit that participation.

4. Centers shall not charge a separate fee for meals served to enrolled children or adults who meet the eligibility guidelines for meals/supplements in the "Free" category.

a. Pricing organizations serving children shall verify the categorical eligibility of a child listed as a member of a food stamp family or an AFDC assistance unit. Verification shall consist of a current "Notice of Eligibility". for Food Stamp benefits, or equivalent documentation for a Food Stamp Household. An AFDC assistance unit may show an AFDC check stub, or a Medicaid card showing the applicant child's name as a member of the AFDC assistance unit. Categorically eligible children shall be enrolled in the "Free" category. A Food Stamp, AFDC, or Medicaid identification card is not acceptable unless it contains an expiration date and is currently valid.

b. Verification that an adult day care participant is a member of a Food Stamp household shall consist of a current "Notice of Eligibility" for Food Stamp benefits, or equivalent documentation, issued by a Food Stamp or Welfare Office which shows that the adult applicant is a member of a household currently certified to participate in the Food Stamp Program. A Food Stamp identification card is not acceptable unless it contains an expiration date and is currently valid.

c. Verification that an adult day care participant is a SSI or Medicaid recipient shall consist of official documentation issued by an appropriate SSI or Medicaid office which shows that the adult participant currently receives SSI or Medicaid assistance. A SSI or Medicaid identification card is not acceptable as verification unless it contains an expiration date and is currently valid.

5. An organization electing to participate in the C.A.C.F.P. as a pricing organization shall be required to report each month and be reimbursed for the actual number of meals served daily to participants from families meeting the family size and income standards for "Free" meals; to participants from families meeting the family size and income standards for "Reduced-price" meals; and to participants from families not meeting either guideline "Paid” meals.

6. An organization shall apply to the Bureau for approval to participate in the C.A.C.F.P. as a pricing organization. An organization shall submit a written policy statement, at the time of application,, stating its intention to uniformly charge a separate fee for participants enrolled in the "Reduced-price" and "Paid" categories in all adult day care or child day care centers under its jurisdiction. The policy statement shall include:

a. A statement that the organization will determine eligibility for "Free" and "Reduced-price" meals using the family size and income guidelines shown in Appendix 2;

b. A description of the method or methods to be used to assure applications are accepted from households on behalf of children who are members of A.F.D.C. assistance units or for Food Stamp households or, for adult day care center participants who are members of a Food Stamp household or who are S.S.I. or Medicaid participants.

c. A description of the method or methods to be used to collect payments from those participants paying the full or reduced-price of the meal which will protect the anonymity of the participants receiving "Free" or "Reduced-Price" meals;

d. An assurance that there will be no overt identification of "Free" and "Reduced-Price" meal recipients and no discrimination against any person on the basis of race, color, national origins, sex, age or handicap; and

e. An assurance that separate charges for a "Reduced-price" lunch or supper will not exceed 40 cents, that the charge for a "Reduced-price" breakfast will not exceed 30 cents, and that the charge for a "Reduced-price" supplement will not exceed 15 cents.

7. A Pricing Organization shall establish a hearing procedure for use when benefits are denied or terminated as a result of verification. It shall contain:

a. A simple, publicly announced method for an individual or a family to make an oral or written request for a hearing;

b. A provision that households which have been approved for benefits and which are subject to a reduction or termination of benefits later in the same year shall receive continued benefits if they appeal the adverse action within 10 days of receipt of the notification;

c. An opportunity for the individual or family to be assisted or represented by an attorney or other person, in presenting its appeal;

d. An opportunity to examine, prior to and during the hearings the documents and records presented to support the decision under appeal;

e. A provision that the hearing shall be held with reasonable promptness and convenience to the individual or family and that adequate notice shall be given to the individual or family as to the time and place of the hearing;

f. An opportunity for the individual or family to present oral or documentary evidence and arguments supporting its position;

g. An opportunity for the individual or family to question or refute any testimony or other evidence and to confront and cross-examine any adverse witness;

h. A provision requiring the organization to notify the appellant, in writing, of the date and time of the hearing and the name of the hearing officer.

i. A provision that the determination of the hearing official shall be based on the oral and documentary evidence presented at the hearing and made a part of that hearing record;

j. A provision that the individual or family and any designated representatives shall be notified in writing of the decision of the hearing official;

k. A provision that a written record shall be prepared with respect to' each hearing, which shall include the decision under appeal, any documentary evidence and a summary of any oral testimony presented at the hearing,, the decision of the hearing official.. including the reasons therefore and a copy of the notification to the individual or family of the decision of the hearing official; and

l. A provision that such written record of each hearing shall be preserved for a period of three years and shall be available for examination by the family or its representatives at any reasonable time and place during such period.

8. The Fair Hearing officer shall be an independent and impartial official who is not accountable to the decision making authority.

**IV NUTRITION REQUIREMENTS**

**A. MEAL COMPONENTS**

1. PURPOSE:

 To establish, as a minimum, the meal components and quantities prepared that organizations are required to make available to individuals enrolled in the Child and Adult Care Food Program.

2. STANDARDS:

1. Each meal served in the program shall contain, as a minimum, the following food components for participants age one year and older:

a. Breakfast shall contain:

(1) A serving of fluid milk as a beverage or on cereal, or used in part for each purpose;

(2) A serving of vegetables or fruit(s) or full-strength vegetable or fruit juice, or an equivalent quantity of any combination of these foods;

(3) A serving of whole-grain or enriched bread; or an equivalent serving of cornbread, biscuits, rolls, muffins, etc. made with whole-grain or enriched meal or flour; or a serving of whole-grain or enriched or fortified cereal; or a serving of cooked whole-grain or enriched pasta or noodle products such as macaroni, or cereal grains such as rice, bulgur, or corn grits; or an equivalent quantity of any combination of these foods.

b. Both Lunch and supper shall contain:

(1) A serving of fluid milk as a beverage;

(2) A serving of loan meat, poultry or fish; or cheese; or an egg; or cooked dry beans or peas; or peanut or other nut butters and/or tree nuts or seeds, or an equivalent quantity of any combination of these foods. These foods must be served in a main dish, or in a main dish with one other menu item to meet this requirement. Cooked dry beans or dry peas may be used as the meat alternative or as part of the vegetable/fruit components, but not as both food components in the same meal. Nuts and seeds and their butters listed in program guidance are nutritionally comparable to meat or other meat alternates based on available nutritional data. Acorns, chestnuts, and coconuts shall not be used as meat alternates due to their low protein content. Nut or seed meals or flours may be used as an ingredient in a bread/bread alternates, but shall not be used as a meat alternate.. except as defined in Subsection D. Nuts or seeds may be used to meet no more than one-half of the meat/meat alternate requirement. Therefore, nuts or seeds must be combined with another meat/meat alternate to fulfill the requirement;

(3) A serving of two or more vegetables or fruits, or a combination of both. Full-strength vegetable or fruit juice may be counted to meet not more than one-half of this requirement;

(4) A serving of whole-grain or enriched bread; or an equivalent serving of cornbread, biscuits, rolls,, muffins, etc., made with whole-grain or enriched meal or flour. or a serving of whole-grain or enriched pasta or noodle products such as macaroni, or cereal grains such as rice, bulgur, or corn grits; or an equivalent quantity of any combination of these foods.

c. Supplementary foods shall be served between other meal types and must contain no less than two of the following four components:

(1) A serving of fluid milk as a beverage or on cereal, or used in part for each purpose;

(2) A serving of meat or meat alternate;

(3) A serving of vegetables or fruit(s) or full-strength vegetable or fruit juice, or an equivalent quantity of any combination of these foods.

(a) Juice may not be served when milk is served as the only other component;

(b) A supplement may not consist of only 2 fruit/vegetable items.

(4) A serving of whole-grain or enriched bread; or an equivalent serving of cornbread, biscuits, rolls, muffins, etc., made with whole-grain or enriched meal or flour, or a serving of cooked whole-grain or enriched pasta or noodle products such as macaroni, or cereal grains such as rice, bulgur, or corn grits; or an equivalent quantity of any combination of these foods.

2. In order to Improve the nutrition of participating children, over I year of age, facilities may serve additional food with each meal or supplement.

3. Individual substitutions\* because of medical or handicapping conditions, shall be made only when prescribed by a medical authority. The statement must identify the food or foods to be omitted from the individual's diet and the food, or choice of foods which may be substituted. The authority's statement shall be kept on file in the participants record.

4. Special variations may be approved by the Bureau and by U.S.D.A.'s Food and Nutrition Services on an experimental or continuing basis in any organization where there is evidence that such variations are nutritionally sound and are necessary to meet ethnic, religious, economic or physical needs. Such substitutions will first be approved by the Bureau and Food Nutrition Services Regional Office (FNSRO) by way of the organization's submission of such request to the Bureau and the State's application for allowing claim for such variation to FNSRO. The answer from FNSRO related to the variation will be forwarded to the organization immediately upon receipt by the Bureau.

5. Organizations shall plan for and prepare or order meals with the intention of providing only one meal per enrolled participant in attendance at each meal service. Records of participation and ordering or preparing meals shall be maintained to demonstrate positive action towards this objective. Receipts for ordered meals shall be dated and signed.

6. Organizations shall prepare and serve only those food items listed in Subsection D as reimbursable items. The items listed as non-reimbursable, if served, shall not be counted towards meeting the minimum meal/supplement components.

7. Withholding of meals/supplements shall not be used as a form of disciplinary action. Disciplinary action which indirectly results in the loss of meal(s) because of being suspended from the entire program is allowable, but the suspension of meal(s)/supplements as a means of disciplinary action while a participant is in attendance is not.

**B. INFANT MEAL PATTERN**

1. PURPOSE:

 When infants from birth through 11 months participate in the C.A.C.F P., an infant meal shall be offered. Foods within the infant meal pattern shall be of a texture and consistency appropriate for the particular age group being served, and shall be served during a span of time consistent with the infant's eating habits.

 For infants 4 through 7 months of age, solid foods are optional and should be introduced only if the infant is developmentally ready. Whenever possible the child care facility should consult with the infant's parent in making the decision to introduce solid foods. Solid foods should be introduced one at a time on a gradual basis with the intent of ensuring health and nutritional well-being.

 For infants 8 through 11 months of age, the total amount of food described in the meal patterns set forth must be provided in order to qualify for reimbursement. Additional foods may be served to infants 4 months of age and older with the intent of improving their overall nutrition.

 Breast milk, provided by the infant's mother, may be served in place of infant formula from birth through 11 months of age. However, meals/supplements containing only breast milk or formula provided by the parent do not qualify for reimbursement. Meals/supplements containing breast milk or formula provided by the parent, served to infants 4 months of age or older, may be claimed for reimbursement only when the other required food component or components are supplied by the child day care facility.

 Although it is recommended that either breast milk or iron-fortified infant formula be served for the entire first year, whole milk may be served beginning at 8 months of age as long as infants are consuming one-third of their calories as a balanced mixture of cereal, fruits, vegetables, and other foods in order to ensure adequate sources of iron and vitamin C. In order to develop behaviors that may prevent baby bottle tooth decay, juice should not be offered to infants until they are ready to drink from a cup.

 The infant meal pattern shall contain, as a minimum, each of the following components in the amounts indicated for the appropriate age group in order to be reimbursable.

1. Birth through 3 months:

a. Breakfast: 4 to 6 fluid ounces of iron-fortified infant formula;

b. Lunch or Supper: 4 to 6 fluid ounces of iron-fortified infant formula;

c. Supplemental Food: 4 to 6 fluid ounces of iron-fortified infant formula.

2. 4 through 7 months:

a. Breakfast: 4 to 8 fluid ounces of iron-fortified infant formula or breast milk; and 0 to 3 tablespoons of iron-fortified dry infant cereal;

b. Lunch or supper: 4 to 8 fluid ounces of iron-fortified infant formula or breast milk; 0 to 3 tablespoons of iron-fortified dry infant cereal; and 0 to 3 tablespoons of fruit or vegetable of appropriate consistency or a combination of both;

c. Supplemental food: 4 to 6 fluid ounces of iron-fortified infant formula.

3. 8 through 11 months:

a. Breakfast: 6 to 8 fluid ounces of iron-fortified infant formula or breast milk, or 6 to 8 fluid ounces of whole fluid milk; 2 to 4 tablespoons of iron-fortified dry infant cereal; and 1 to 4 tablespoons of fruit or vegetable of appropriate consistency;

b. Lunch or supper: 6 to 8 fluid ounces of iron-fortified infant formula or breast milk, or 6 to 8 fluid ounces whole fluid milk; 2 to 4 tablespoons of iron-fortified dry infant cereal and/or 1 to 4 tablespoons of meat, fish.. poultry.. egg yolk, or cooked dry beans or peas, or 1/2 to 2 ounces (weight) of cheese or 1 to 4 ounces (weight or volume) of cottage cheese or cheese food or cheese spread of appropriate consistency; and 1 to 4 tablespoons of fruit or vegetables of appropriate consistency,, or a combination of both.

 NOTE: Commercially prepared infant/toddler foods containing items from more than one food group shall not be creditable for reimbursement under the Child and Adult Care Food Program.

c. Supplementary food: 2 to 4 fluid ounces of iron-fortified infant formula or breast milk, whole milk, or full strength fruit juice; and 0 - 1/2 slice of crusty bread or 0-2 cracker type products made from whole-grain or enriched meal or flour which are suitable for an infant for use as a finger food.

4. The minimum amounts and food components to be served as breakfast, lunch, supper or supplement as set forth above are as follows:

INFANT MEAL PATTERN

|  |  |  |  |
| --- | --- | --- | --- |
|  | Birth through 3 months | 4 through 7 months | 8 through 11 months: |
| Breakfast | 4-6 fl. oz. formula1 | 4-8 fl. oz. formula 1 or breast milk | 6-8 fl. oz. formula 1 breast milk, or whole milk |
|  |  | 0-3 TBS. infant cereal2 | 2-4 TBS. infant cereal 2 |
|  |  |  | 1-4 TBS. fruit and/or vegetable |
| Lunch or Supper | 4-6 fl. oz. formula 1 | 4-8 fl. oz. formula 1 or breast milk | 6-8 fl. oz. formula1 breast milk, or whole milk. |
|  |  | 0-3 TBS. infant cereal2 | 2-4 TBS. infant cereal2 and/or |
|  |  | 0-3 TBS. fruit and/or vegetable | 1-4 TBS. meat, fish.. poultry, egg yolk or cooked dry beans or peas, or 1/2-2 oz. cheese or 1-4 oz. cottage cheese\* cheese food or cheese spread |
|  |  |  | 1-4 TBS. fruit and/or vegetable |
| Supplement: | 4-6 fl. oz. formulal1 | 4-6 fl. oz. formula1 | 2-4 fl. oz. formula,1 breast milk., whole milk, or fruit juices3 |
|  |  |  | 0-1/2 slice crusty bread, or |
|  |  |  | 0-2 crackers.4 |

(1) Shall be iron-fortified infant formula.

(2) Shall be iron-fortified dry infant cereal.

(3) Shall be full-strength fruit juice.

(4) Shall be from whole-grain or enriched meal or flour.

**C. MEAL PATTERNS FOR CHILDREN AGE ONE THROUGH TWELVE**

**AND ADULT DAY CARE PARTICIPANTS (8)**

1. PURPOSE:

 When individuals age one or older participate in the Program, at least the total amount of food prescribed in the meal patterns set forth below shall be provided in order to qualify for reimbursement.

1. BREAKFAST

 The minimum amounts of food and components to be served as breakfast as set forth in Subsection A, paragraph l.a. of this section, are as follows:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Food Components | Age 1 and 2 | Age 3 through 5 (8) | Age 6 through 12 (1) | Adult Day Care Participants |
| MilkMilk, fluid (as a beverage or over cereal | (2) 1/2 cup | 3/4 cup | 1 cup | 1 cup (7) |
| Vegetables and FruitsVegetable(s) and/or fruit(s)or | 3 1/4 cup | 1/2 cup | 1/2 cup | 1/2 cup |
| Full-strength vegetable or fruit juice or an equivalent quantity of any combination of vegetable(s), fruit(s) and juice. | 1/4 cup | 1/2 cup | 1/2 cup | 1/2 cup |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| FOOD COMPONENTS | Age 1 and 2 | Age 3 through 5 (8) | Age 6 through 12 (1) | Adult Day Care Participants(6) |
| Bread and Bread Alternates (4) |  |  |  |  |
| Bread | 1/2 slice | 1.2 slice | 1 slice | 2 slice |
| or Cornbread, biscuits, rolls, muffins, etc. | (5) 1/2 serv. | 1.2 serving | 1 serving | 2serving |
| orCold dry cereal | 1/4 cup or1/3 oz. | 1/3 cup or 1/2 oz. | 3/4 cup or 1 oz. | 1-1/2 cup or2 oz. |
| orCooked cereal | 1/4 cup | 1.4 cup | 1.2 cup | 1 cup |
| or Cooked pasta or noodle prod. | 1/4 cup | 1.4 cup | 1.2 cup | 1 cup |
| or Cooked cereal grains or an equivalent quantity of any combination of bread/bread alternate | 1/4 cup | 1.4 cup | 1.2 cup | 1 cup |

(1) Children age 12 and up may be served adult-size portions based on the greater food needs of older boys and girls, but shall be served not less than the minimum quantities specified in this section for children age 6 through 12.

(2) For purposes of the requirements outlined in this subsection, a cup means a standard measuring cup (8 fl.oz.). 1 cup may be a volume (solid foods) or fluid ounces (liquid).

(3) When two or more fruits, juice, or vegetable items are served in order to meet these minimum quantity requirements the minimum quantity of any fruit., juices, or vegetable item which may be counted towards meeting these quantity requirements is 1/8 cup per person. Any quantity less than 1/8 cup per person shall be considered non-creditable. 1/8 cup may be volume (solids) or 1 fluid ounce (liquids).

(4) Bread, pasta or noodle products, and cereal grains, shall be wholegrain or enriched, cornbread, biscuits, rolls, muffins, etc. shall be made with whole-grain or enriched meal or flour; cereal shall be whole-grain or enriched or fortified.

(5) Serving sizes and equivalents to be published in guidance materials by FNS.

(6) Adult day care center participants may be served larger size portions based on the greater food needs of older persons, but shall not be served less than the minimum quantities specified for adult day care participants.

(7) For adult day care participants only.. 8 fluid ounces of yogurt, 1 1/2 ounces (weight) of natural cheese or 2 ounces (weight) of processed cheese may be substituted to meet the milk requirement. However, one serving each day must be fluid milk. Further, it is recommended that no more than two servings of milk/milk alternate be provided in a day. When cheese is used to fulfill the dairy requirement, it may not be used as a meat/meat alternate at the same meal service.

(8) Adult child day care center attendants shall be offered at least twice the quantity requirements for each food item listed for children in the 3 through 5 age group.

2. LUNCH OR SUPPER

 The minimum amounts of food and components to be served as lunch or supper, as set forth in Subsection A, paragraph l.b. of this section, are as follows:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| FOOD COMPONENTS | Age 1 and 2 | Age 3 through 5 (11) | Age 6 through 12 (1) | Adult Day Care Participants (6) |
| MilkMilk, fluid (as a beverage) | 1/2 cup | 3/4 cup | 1 cup | 1 cup (10) |
| Vegetables and Fruits (3)Vegetable(s0 and/or fruit(s) (Must be from at least 2 sources | 1/4 cup total | 1/2 cup total | 3.4 cup total | 1 cup total |
| Bread and Bread Alternates (5) |  |  |  |  |
| Bread  | 1/2 slice | 1/2 slice | 1 slice | 2 slices |
| orCornbread biscuits, rolls, muffins, etc. | 1/2 serving | 1/2 serving | 1 serving | 2 servings |
| orCooked pasta or noodle prod. | 1/4 cup | 1/4 cup | 1/2 cup | 1 cup |
| orCooked cereal grains or an equivalent quantity of any combination of bread/bread alternate. | 1/4 cup | 1/4 cup | 1/2 cup | 1 cup |
| Meat and Meat AlternatesLean meat or poultry or fish (7) | 1 oz. | 1 1/2 oz. | 2 oz. | 2 oz. |
| orCheese | 1 oz. | 1 1/2 oz. | 2 oz. | 2 oz. |
| orEggs | 1 egg | 1 egg | 1 egg | 1 egg |
| orCooked dry beans or peas | 1/4 c | 3.8 c | 1/2 cup | 1/2 cup |
| orPeanut butter or soynut butter or other nut or seed butters  | 2 TBS | 3 TBS | 4TBS | 4 TBS |
| orPeanuts or soynuts or tree nuts (8)or seedsor An equivalent quantity of any combination of the above meat/meat alternates. | 1/2 oz. = 50% 3/4 oz. = 50% 1 oz. = 50% |

(1) Children age 12 and up may be served adult-size portions based on the greater food needs of older boys and girls, but shall be served not less than the minimum quantities specified in this section for children age 6 through 12.

(2) For purposes of the requirements outlined in this subsection, a cup means a standard measuring cup (8 fluid oz.). 1 cup may be volume (solid foods) or fluid ounces (liquids).

(3) Serve 2 or more kinds of vegetables) and/or fruit(s). Full-strength vegetable or fruit juice may be counted to meet not more than one-half of this requirement.

(4) When two or more fruit, juice, or vegetable items are served in order to meet these minimum quantity requirements, the minimum quantity of any fruit, juice,. or vegetable item which may be counted towards meeting these quantity requirements is 1/8 cup per person. Any quantity less than 1/8 cup per person shall be considered non-creditable. (1/8 cup volume (solid foods) or 1 fluid ounce (liquids.)

(5) Bread, pasta or noodle products, and cereal grains shall be wholegrain or enriched; cornbread, biscuits, rolls, muffins, etc. shall be made with whole-grain or enriched meal or flour.

(6) Serving sizes and equivalents to be published in guidance materials by FNS.

(7) Edible portion as served (not raw or uncooked weight or with bone included.)

(8) No more than 50% of the requirement shall be met with nuts or seeds. Nuts or seeds shall be combined with another meat/meat alternate to fulfill the requirement. For the purpose of determining combinations, 1 oz. of nuts or seeds is equal to 1 oz. of cooked lean meat, poultry or fish.

(9) Adult participants may be served larger-size portions based on the greater food needs of older persons, but shall not be served less than the minimum quantities specified for adult participants.

(10) For adult day care participants only: 8 fluid ounces of yogurt, 1 1/2 ounces (weight) of natural cheese or 2 ounces (weight) of processed cheese may be substituted to meet the milk requirement. However, one serving a day must be fluid milk. Further, it is recommended that no more than two servings of milk/milk alternate be provided in a day. When cheese is used to fulfill the dairy requirement, it may not be used as a meat/meat alternate at the same meal service.

(11) Adult child day care center attendants shall be offered at least twice the quantity requirements for each food item listed for children in the 3 through 5 age group.

3. SUPPLEMENTAL FOOD

The minimum amounts of food and components to be served as supplemental food, as set forth in Subsection A, paragraph l.c. of this section, are as follows. Select at least two of the following four components. (Juice may not be served when milk is served as the only other component.) Two items from the same food component group do not constitute a reimbursable supplement.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| FOOD COMPONENTS | Age 1 and 2 | Age 3 through 5 (11) | Age 6 through 12 (1) | Adult Day Care Participants (6) |
| MilkMilk, fluid (as a beverage) or over cereal) | 1/2 cup | 1/2 cup | 1 cup | 1 cup (9) |
| Vegetables and Fruits Vegetable(s)and/or fruit(s) orFull-strength vegetable or fruit juice of an equivalent quantity of any combination of vegetable(s), fruit(s) and juice. | 1/2 cup total1/2 cup | 1/2 cup1/2 cup | 3/4 cup 3/4 cup | 1/2 cup 1/2 cup |
| Bread and Bread Alternates (3) |  |  |  |  |
| Bread  | 1/2 slice | 1/2 slice | 1 slice | 1 slice |
| orCornbread biscuits, rolls, muffins, etc. (4)orCold dry cereal (5) | 1/2 serving1/4 cup or1/3 oz. | 1/2 serving1/3 cup or1/2 oz. | 1 serving3/4 cup or1 oz. | 1 servings3/4 cup or 1 oz. |
| orCooked cereal | 1/4 cup | 1/4 cup | 1/2 cup | 1/2 cup |
| orCooked pasta or noodle prod. | 1/4 cup | 1/4 cup | 1/2 cup | 1/2 cup |
| orCooked cereal grains or an equivalent quantity of any combination of bread/bread alternate. | 1/4 cup | 1/4 cup | 1/2 cup | 1/2 cup |
| Meat and Meat AlternatesLean meat or poultry or fish (6) | 1/2 oz. | 1/2 oz. | 1 oz. | 1 oz. |
| orCheese | 1/2 oz. | 1/2 oz. | 1 oz. | 1 oz. |
| orEggs | 1/2 egg | 1/2 egg | 1 egg | 1 egg |
| orCooked dry beans or peas | 1/8 cup | 1/8 cup | 1/4 cup | 1/4 cup |
| orPeanut butter r soynut butter or other nut or seed butters  | 1 TBS | 1 TBS | 2 TBS | 2 TBS |
| Peanuts or soynuts or tree nuts or seeds (7) | 1/2 oz. | 1/2 oz. | 1 oz. | 1 oz. |
| orYogurt, Plain or sweetened and flavored | 2 oz. or 1/4 cup | 2 oz. or 1/4 cup | 4 oz. or1/2 cup | 4 oz. or 1/2 cup |
| .An equivalent quantity of any combination of the above meat/ meat alternates. |  |

(1) Children age 12 and up may be served adult-size portions based on the greater food needs of older boys and girls, but shall be served not less than the minimum quantities specified in this section for children age 6 through 12.

(2) For purposes of the requirements outlined in this sections, a cup means a standard measuring cup (8 fl. oz.). 1 cup may be volume (solid foods) or fluid ounces (liquids).

(3) Bread, pasta or noodle products, and cereal grains shall be wholegrain or enriched; cornbread, biscuits rolls, muffins, etc. shall be made with whole-grain or enriched meal or flour.

(4) Serving sizes and equivalents to be published in guidance materials by FNS.

(5) Either volume (cup) or weight (oz.), whichever is less.

(6) Edible portion as served. (Cooked, boneless weight.)

(7) Tree nuts and seeds which may be used as meat alternates are listed in Section IV, Subsection D, Reimbursable/Non Reimbursable Food Items. For the purpose of determining combinations, 1 oz. of nuts or seeds is equal to 1 oz. of cooked lean meat, poultry or fish.

(8) Adult participants may be served larger size portions based on the greater food needs of older persons, but shall not be served less than the minimum quantities specified for adult participants.

(9) For adult day care participants only, 8 fluid ounces of yogurt, 1 1/2 ounces (weight) of natural cheese or 2 ounces (weight) of processed cheese may be substituted to meet the milk requirement. However, one serving a day must be fluid milk. Further, it is recommended that no more than two servings of milk/milk alternate be provided in a day. When cheese is used to fulfill the dairy requirement, it may not be used as a meat/meat alternate at the same meal service.

(10) Adult child day care center attendants shall be offered at least twice the quantity requirements for each food item listed for children in, the 3 through 5 age group.

(11) Yogurt may only be credited as a meat/meat alternate item, and is reimbursable only as a supplement food item in child day care centers and child day care homes.

**D. REIMBURSABLE/NON-REIMBURSABLE FOOD ITEMS**

1. PURPOSE:

 To identify those food items in each component that may or may not be counted towards meeting the minimum requirements for reimbursement under the Child and Adult Care Food Program. The food items listed as reimbursable may be counted only when served to participants in at least the quantities specified in Subsection A of this section. Those items listed as non-reimbursable (no-count) shall not be served or counted towards meeting the minimum requirements.

I. Meat and Meat Alternate Components

|  |  |
| --- | --- |
| Reimbursable Items | Non-reimbursable Items |
| Lean meat, poultry, or fish (4) | Bacon and sausages (including sizzlelean, polish sausages, salami, pepperoni, kielbasa, etc. |
| Bologna (5) | Beef Jerky |
| Frankfurters (5) | Canned pressed luncheon meats |
|  | Commercially prepared infant/toddler foods containing items from more than one food group |
|  | Kidney, liver or other organ meats |
| Cheese-natural and processed including cottage cheese | Cream cheese |
| specified cheese alternate product (1) | Commercially prepared soups containing meat, fish or poultry |
| Eggs (cooked only) | Meat or cheese included in commercially prepared pasta products, such as canned or frozen ravioli, macaroni and cheese, spaghetti and hot-dogs, stuffed ziti, etc. |
| Cooked dry beans or peas | Tofu |
| Homemade soups containing meat, fish, or poultry - provided that required amounts of meat, fish or poultry per serving are known and identified on the production report. | Yogurt (except as a supplement or as specified for adult day care center participants) |
|  | Imitation meats (2) |
|  | Imitation cheese (3) Powdered cheese included in ready to make pasta and cheese mixes. |
| The following nuts: almonds, brazil nuts, cashews, filberts (hazelnuts), macadamia nuts, peanuts, pecans, pine nuts (pinyons), pistachio nuts, soynuts and walnuts. | All other nuts. |
| The following seeds: pumpkin, sesame, squash and sunflower. | All other seeds. |
| The following nut and seed butters: almond butter, cashew nut butter, peanut butter, sesame seed butter and sunflower seed butter. | All other nut and seed butters. |
| Yogurt commercially prepared or sweetened and Flavored. (For supplements only) | Yogurt - at breakfast, lunch, or supper.Homemade Yogurt, commercially available frozen yogurt, or yogurt flavored or coated products/ |

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1. Cheese alternate products which comply with the applicable regulations prescribed by FDA, USDA are credited at only 1/2 the amount used, that is, a 3 ounce serving is credited as 1 1/2 ounces.

2. Programs administered by the Seventh Day Adventist Church have permission to use meat analogs made from vegetable proteins.

3. Imitation cheese - those products which have not been accepted as meeting the requirements as a cheese alternate product.

4. Fish, wild and domestic animals:

a. Fish - home caught - not creditable under the C.A.C.F.P. Can be a safety hazard because of the danger of pollution and contamination.

b. Game - e.g., venison, squirrel, rabbit, moose, ducks, geese, pheasants, etc. - For safety reasons not creditable under the C.A.C.F.P. Use of these items is not recommended because of the potential health hazard.

c. Home Grown Meat - not creditable under the C.A.C.F.P. unless inspected and approved by State or Federal Department of Agriculture. Use of non-approved meats is not recommended because of potential health hazard.

5. Must be all-meat or poultry products that do not contain by-products, cereal or extenders.

II. Vegetable and Fruit Components

|  |  |
| --- | --- |
| Reimbursable ItemsA. Fruits ( 1Fresh canned, frozen or dried fruitsFull strength fruit juiceHomemade fruit crisp, pie, or cobbler provided that at least 1/8 cup (volume) of fruit per serving is supplied.Salads or desserts made with fruit pieces and/or fruit juice in gelatin - containing at least 1/8 cup of full-strength juice or fruit per serving. | Non-reimbursable ItemsJuice drinks containing less than 100% full strength juiceBeverages made from fruit-flavored powders and syrupsBaked goods containing small amounts (less than 1/8 cup per person) of fruit garnishes-including muffins, pies, crisps, cobblers, fritters, pancakes, etc.Commercially prepared infant/toddler foods containing items from more than one food groupFruit cakeFigs in Fig Bars and the fillings of other fruit filled cookies, bars, popovers, etc.Rice (see also bread/bread alternates)Fruit candy and dried fruit used in trail mix, gorps, granolas, etc. unless the mix includes at least 1/8 cup of fruit per personFrozen juice bars, ice sickles and other frozen juice products.Dairy and refrigerated products which are fruit-flavored including: pudding, sherbet, ice cream, Jell-O, yogurt |

|  |  |
| --- | --- |
| Reimbursable ItemsB. Vegetables (1)Fresh, frozen or canned vegetables Full-strength vegetable JuiceTomato sauce for spaghetti, pizza, etc., provided that at least 1/8 cup per serving is suppliedCanned vegetable soups including clam chowder,, minestrone, and tomato may be credited at the rate of 1 cup soup 1/4 cup vegetablesHomemade vegetable soups provided the quantity of each vegetable used is listed on the production report and at least 1/8 cup per person of each type of vegetable is included-in the soup.Tomato soup with other basic components such as rice (see comment on can vegetable soups) | Non-reimbursable ItemsNectar, canned apricot, pear, pea peach, etc.Snack foods made from vegetable or fruit such as: potato chips or potato  sticks corn chips, taco chips, tortilla chips or corn curls popcorn banana chips fruit roll-ups or fruit leathersCondiments and seasonings such as:catsup, jams, mustard, jellies, pickle relish, preserves, Bar-B-Q sauce, sauces, Gravy beans,Salad dressingChopped vegetables such as onions, celery, etc. used to flavor stuffings, meatloaf, etc. when less than 1/8 cup per person is included in the recipeMayonnaiseSauce in canned pasta products such as Spaghetti-O's, etc.Commercially prepared infant/ toddler foods containing items from more than one food groupOlives |
| Vegetable (all vegetables)-Vegetable with other basic components such as meat or poultry provided the quantity of vegetable included is listed in the production report, and at least 1/8 cup per person of each type of vegetable is included. | Pickles (all types) |

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(1) a. Home canned foods of all types For safety, home canned foods are not allowed in meals reimbursed under the C. A. C. F. P. Because clostridium botulinum is dangerous, it can produce an extremely potent toxin in the canned food. This poison can be present in food when there is no evidence of spoilage.

b. Home frozen fruits and vegetables are creditable under the C.A.C.F.P. if cleaned, prepared and stored properly.

c\* Home grown fresh fruits and vegetables are creditable under the C.A.C.F.P. if cleaned and prepared properly.

III. Bread and Bread Alternate Components

The bread/bread alternate must contain whole-grain or enriched flour as the primary ingredient by weight and must serve the customary function of bread in the meal type being served.

|  |  |
| --- | --- |
| Reimbursable ItemsGroup 1 serving sizes listed below are specified for children under 6 years of age. The serving sizes specified below should have a minimum weight of 13 grams (0.5 ounces.) | Non-reimbursable ItemsGroup ICakes (lunch & supper only)Cupcakes (lunch & supper only) |

|  |  |
| --- | --- |
| Reimbursable ItemsBagels 1/2 bagelBiscuits 1 biscuitBoston brownbread 1/2 oz.)Buns 1/2 bunCakes, cupcakes,coffee cake 1/2 oz.(snack only)Cornbread 1/2 oz.Englishmuffins 1/2 muffinFrench orVienna bread 1/2 sliceItalian broad 1/2 slice"Fry" bread 1/2 sliceMuffins 1/2 muffin, 1/2 oz. if serving "bite size" muffinsPumpernickel 1/2 sliceRaisin bread 1/2 sliceRolls 1 rollRye bread 1/2 sliceStuffing (bread) 1/2 oz. | Non-reimbursable Items Cake Donuts (lunch & supper onlyCoffee Cakes (lunch & supper only)Raised DonutsSweet Rolls (lunch & supper only)Pretzels (all typesPotatoes in any form |

|  |  |
| --- | --- |
| Non-reimbursable ItemsSyrian (Pita) 1/2 of small pocket or 1/4 of bread a large pocketWhite bread 1/2 sliceWhole wheat bread 1/2 sliceGroup IIServings listed below are specified for children under 6 years of age. The serving sizes specified below should have a minimum weight of 13 grams (0.5 ounces)Bread sticks (dry) 2 sticksBread sticks (homemade) 1/2 ounceCracker, (bite size 1/2 oz.or miniGraham crackers 2 crackersMelba toast 3 piecesPilot crackers 1 pieceRice Cakes (2) 2 cakesRitz and otherRitz type crackers 4 crackersRye wafers (whole grain) 2 wafersSaltine crackers 4 crackers.Soda crackers 2 crackers)Taco shells 1 shell Reimbursable ItemsWheat crackers 1 serving (1/2 oz.)Zwieback 2 pieces | Reimbursable ItemsGroup IICrisp snack items including: Pretzels (all types)Corn chips, taco chips,tortilla chipsPopcornPotato chips, potato sticksCheese balls, cheese twistsor curlsBanana chipsCrackers purchased as cheese, peanut butter or sandwich cookiesFig Newtons and any other fruit filled cookies or barsPopcorn cakesGranola Bars (all typesWheat Germ |

(1) Crackers, bite size or mini, such as cheese-its animal crackers, etc., may be offered to participants provided at least 1/2 oz. per child aged 3 through 5 in attendance is provided. The requirement for participants age 6 and over, to include adults, 1 oz. per person in attendance.

(2) Rice cakes must contain whole-grain, or enriched meal or flour, as the primary ingredient by weight. Brown rice is a whole grain.

|  |  |
| --- | --- |
| Group IIIServing sizes listed below should have a minimum weight of 15 grams (0.6 ounces)Dumplings 1/2 dumplingHush puppies 1/2 servingPancakes 1/2 pancakePizza crust 1/2 servingPopovers 1/2 popover | Pie crust for dessert items including cobblers and crispsBatters and bread coatings of all types. (Unless the product package is specifically marked with the “CN” label and the product contribution to the bread/bread alternate group is clearly identified.)meat or meat alternate pie or turnover crustsQuick breads (banana, carrot, pumpkin, zucchini, etc.) at lunch and supper |

Quick Breads

(Bananas carrot,

pumpkin, and

zucchini etc. 1 serving

Snack-only)

Sopaillas 1/2 serving

Spoonbread 1/2 serving

Tortillas 1 tortilla

Waffles 1/2 serving

Group IV Group IV

Serving sizes listed below are specified

for children under 6 years of age.

The serving sizes specified below is

1/4 cup cooked food.

Reimbursable Items Non-reimbursable Items

Pasta and cooked cereal grains Noodles or rice in canned soups.

enriched or whole grain including:

 All cooked cereal and pasta

Bulgur 1/4 cup products which are not made from

Corn grits 1/4 cup whole grain cereals or not made

Macaroni 1/4 cup with enriched flour.

Spaghetti 1/4 cup

Noodles 1/4 cup

Rice 1/4 cup

Farina 1/4 cup

Rolled oats or rolled All pre-sweetened cereals (2)

wheat cereal 1/4 cup

Other whole grain

cooked cereals 1/4 cup

Group V Group V

Serving sizes listed below are specified All ready to eat pre-sweetened

for children under 6 years of age. The cereal. (2)

serving sizes specified below is 0.5 ounces.

All ready to eat unsweetened enriched

or whole grain cereals (3)

(2) Pre-sweetened cereal (hot or cold) is defined as having more than six (6) grams of sucrose or other sugars per ounce of dry cereal.

(3) Ready to eat dry cereals are allowed as a bread item in breakfasts and snacks only.

Group VI Cookies

USDA recommends that cookies be served as a snack item no more than twice a week. They may be used for a snack only when whole grain or enriched meal or flour is the predominant ingredient as specified on the label or according to the recipe; and the total weight of a serving for children under 6 years of age Is a minimum of 18 grams (0.6 ounces).

IV. Fluid Milk Components

Reimbursable Items Non-reimbursable Items

 Raw milk (non-pasteurized)

All types of fluid milk meeting Dairy products derived from milk

the Maine Milk Commission other than fluid milk including:

Regulations

Whole milk Yogurt (1)

Lowfat milk All types of cheeses

Reimbursable Items Non-reimbursable Items

Skim milk ice cream, ice milk and sherbets

Cultured buttermilk Sour cream, sweet cream

 Commercially prepared milk shake

 mix

 Commercially prepared flavored milk

 Soups and chowders which contain

 milk as a fluid ingredient.

(1) Except as specified in the requirements specific to Adult Day Care Meals.

**E. CHILD NUTRITION (CN) LABELED FOOD ITEMS:**

1. PURPOSE:

 To Identify requirements as they pertain to the use of Child Nutrition (CN) Labeled food items.

The Child Nutrition (CN) Labeling Program is a voluntary technical assistance program administered by the Food and Nutrition Service (FNS) in conjunction with the Food Safety and Inspection Service (FSIS) of the U.S. Department of Agriculture (U.S.D.A.) and National Marine Fisheries Service of the U.S. Department of Commerce for the Child Nutrition Program. This program essentially involves the review of a manufacturer's recipe or product formulation to determine the contribution a serving of a commercially prepared product makes toward meal pattern requirements and a review of the CN Label statement to ensure its accuracy.

Products eligible for CN labels are:

1. Commercially prepared food products that contribute significantly to the meat/meat alternate component of meal pattern requirements and are served in the main dish; and

2. Juice drinks and juice drink products that contain a minimum of 50 percent full strength juice by volume. (Not applicable in Maine C.A.C.F.P.)

The following definitions apply:

1. "CN Label": means a food product label that contains a CN statement and CN logo.

2. "CN Logo": means a distinct border (as shown below) which is used around the edges of a "CN Label Statement."

3. The "CN Label Statement" includes the following:

(a) A 6 digit FNS assigned product identification number located in the upper right hand corner;

(b) A statement of the product's contribution toward meal pattern requirements for the child nutrition programs. This identifies the contribution of a specific portion of a meat/meat alternate product toward the meat/meat alternate, bread/bread alternate, and or vegetable/fruit component of the meal pattern requirements. It also identifies the contribution that juice drinks and juice drink products make toward the vegetable/fruit component of the meal pattern requirements;

(c) A statement that use of the CN logo and the CN statement was authorized by FNS; and

(d) The approval date.

An example of a CN label statement is as follows:

|  |  |  |
| --- | --- | --- |
|  |  000000 This 3.00 oz. serving of raw beef patty provides, when cooked,, 2.00 oz. equivalent meat/meat alternate for Child Nutrition Meal Pattern Requirements (Use of this logo and statement authorized by the Food and Nutrition Service, U.S.D.A.02-92.) |  |

 CN

The CN label appears on many items received through the USDA Donated Commodities Program and is now appearing on products being acquired through wholesale food distributors. CN labels do not seem to be appearing on items readily available in grocery stores.

Because of the assurances relating to a food item's contribution to the various food components, certain items which are listed as non-reimbursable (no-count) in Section IV., Subsection D of this manual, with the exception of juices or juice drinks which are less than 100% juice may be considered reimbursable if the item is received as a CN labeled product and clear evidence is maintained on file to show the contribution being made by the food item In question. The only acceptable evidence shall be the CN logo and label statement from the product. If a product is not CN labeled or if the CN label statement and logo are not maintained on file then all regulations relating to non-reimbursable food items listed in Section IV,, Subsection D, remain in effect.

**SECTION V C.A.C.F.P. ADMINISTRATION**

**A. REPORTING AND CLAIMING REQUIREMENTS**

1. PURPOSE:

 To establish the reporting and claiming for reimbursement requirements organizations must follow when participating in the USDA Child and Adult Care Food Program.

2. STANDARDS:

1. Organizations participating in the C.A.C.F.P. shall submit to the Bureau a claim for reimbursement on a form designed by the Bureau. The claim for reimbursement shall be based on actual data and shall contain the following information for the period being reported/claimed:

a. The current year's agreement number;

b. Identification of the organization submitting the report/claim;

c. Number assigned to the organization by IRS including letter designations if appropriate,

d. The period being reported/claimed (month and year);

e. Identification of whether the report/claim is original or revised;

f. The number of facilities operated or sponsored by type;

g. The number of facilities which operated during the claiming month,, by type;

h. The number of days the facilities were open;

i. The average daily attendance;

j. Adult day care Centers, child day care centers and outside-school-hours centers shall report the number of participants in each of the "Free", "Reduced-price" and "Paid" categories who are enrolled in the program on the last day of the month being claimed;

k. The number of meals claimed, by type (breakfast, lunch, A.M. and P.M. Supplements, Supper and Evening Supplement) served to enrolled participants who were in attendance at the time of meal service;

l. Sponsors of child day care homes shall report their actual administrative costs for the claiming month by line item. Costs shall only be reported/claimed for line items which appear in the signed original agreement or approved amendment;

m. Sponsors of child day care homes shall report the total amount of the administrative budget that appears In their signed agreement or approved amendment.

n. Each organization shall certify that the claim is correct and that records are available to support the claim.

2. The original claim for reimbursement shall be submitted to the Bureau by the 10th day of the month following the month being claimed.

3. A late original or a revised claim for reimbursement shall be submitted so that it arrives in the Bureau within 60 calendar days following the last day of the month for which the original or revised claim is being submitted.

a. An original claim or an upwards revision of a previously submitted al claims, if submitted to the Bureau after the 60 calendar day deadline.. shall be rejected and returned to the submitting organization without processing unless the cause of the late claim is beyond the control of the organization and the late claim or revision is accompanied by a letter of explanation which addresses the following:

(1) The problem contributing to the lateness;

(2) A description of the action taken to prevent future late or incorrect claim submission; and

(3) A statement that the organization understands that if the exception request is granted it is a one-time exception and any late original or late revised claims submitted within the next three.(3) agreement periods will be returned without processing or allowance for request of an exception.

b. The Bureau, upon receipt of a late original claim or upwards revised claim and letter of explanation shall:

(1) Review the claim and explanation and, if the claim is an original submitted after 60 days following the last day of the month being claimed, may approve the payment of the late original claim provided the organization agrees to the one-time exception; and

(2) All other late original or upwards revised claims, and the letter of explanation, will be forwarded to USDA Food and Nutrition Services (FNS) Regional Office for their review and decision. The, Food and Nutrition Service decision shall be final.

4. A late downwards revised claim may be submitted and accepted for processing at anytime.

5. Organizations shall claim for reimbursement only those meals/supplements served to enrolled participants who are in attendance at the time of the meal/supplement service. Organizations may also claim any additional meals ordered or prepared for participants reasonably expected to be in attendance based on documented daily attendance for no less than the previous month and provided the meals were served to enrolled participants who were in attendance as a complete second meal. It is expected that meals will be ordered with the objective of providing only one meal per participant at each meal service. Second meals may not be claimed by an organization sponsoring centers, if the center serves meals in a family style meal service.

6. Organizations shall. not claim for reimbursement meals served to participants in excess of the facility's licensed/registered capacity, unless the organization has attendance records showing that not all participants were in attendance at the same time.

7. Organizations shall not claim for reimbursement meals served to adult staff members, to adults, or to children who are not enrolled or not eligible to participate in the program.

**B. AUDITS**

1. PURPOSE:

 The purpose of an audit is to verify the accuracy and consider the appropriateness of costs claimed and services rendered for the audited period. In considering the appropriateness of costs claimed, a review of their allowability, allocability and reasonableness will be made based on the terms/conditions of the Child and Adult Care Food Program agreement and regulations in force during the period being reviewed.

2. STANDARDS OF CONDUCT:

1. Auditors shall notify the organization to be audited prior to the start of the audit.

2. Auditors shall perform an audit of terminated C.A.C.F.P. agreements within 2 years of termination based on the requirement of the Maine Uniform Accounting and Auditing Practices for Community Agencies.

3. Auditors shall complete C.A.C.F.P. Agreement audits using the following rules, regulations and policies applicable to the type of organization being audited:

a. All Organizations

(1) 7 CFR Part 226, Child and Adult Care Food Program.

(2) Bureau of Child and Family Services, Child and Adult Care Food Program Policy Manual.

(3) Department of Human Services exceptions to Office of Management Budget (OMB) circulars.

(4) Department of Human Services signed contracts and related documents.

b. Public entity

1. OMB Circular A-87, Cost Principles for States and Local Governments.

2. OMB Circular A-102, Uniform Administrative Requirements for Assistance to State and Local Governments.

3. Common Rule (7 CFR Part 3015, Uniform Administrative Requirements for Assistance Grants and Cooperative Agreements to State and Local Governments.)

4. OMB Circular A-128, Audit Requirements for State and Local Governments.

c. Non-profit entity

1. OMB Circular A-110, Uniform Administrative Requirements for Grants and Other Agreements with Institutions of Higher Education, Hospitals and Other Non-profit Organizations.

2. OMB Circular A-122, Cost Principles for Non-profit Organizations.

3. OMB Circular A-133, Audits of Institutions of Higher Education Hospitals and Other Non-profit Organizations.

d. Educational entity

1. OMB Circular A-21, Cost Principles for Educational Institutions.

2. OMB Circular A-88, Indirect Cost Rates, Audit and Audit Follow-up at Educational Institutions.

3. OMB Circular A-110, Uniform Administrative Requirements for Grants and Other Agreements with Institutions of Higher Education, Hospitals and Other Non-profit Organizations.

e. For Profit entity

1. OMB Circular A-87, Cost Principles for States and Local Governments.

2. OMB Circular A-102, Uniform Administrative Requirements for Assistance to State and Local Governments.

3. Common Rule.

4. Auditors shall audit C.A.C.F.P. agreements to the compliance requirements found in C.F.D.A. 10.558.

5. Organizations shall comply with the requirements of Maine Uniform Accounting and Auditing practices for Community Agencies (MAAP).

6. Funds Due to the Organization:

 If an audit reveals additional funds are due an organization from the State Agency,. these funds may be held for up to 30 days by the Bureau pending notification of the organization's agreement or disagreement with the audit report.

a. If the organization concurs with the audit findings and accepts the amount due as correct, the organization shall indicate written agreement within 30 days of receipt of the notice to the Director, Bureau and request payment of the funds.

b. If the Bureau concurs with the audit payment request notice of agreement will be forwarded to the Department's Division of Financial Services and a request made for immediate payment to the organization.

c. Written concurrence by the organization will indicate satisfaction with the audit, forfeiture of any further right of appeals, and will cause the audit to be closed.

7. Funds Due to the Department

 Any amount due the Department from an organization as a result of an audit, shall be paid in full by check made payable to the Treasurer.. State of Maine\* or by a request for repayment schedule tendered within 30 days of receipt of the report of audit, unless contested and an appeal is registered.

a. Requests to repay the amount by monthly payments or monthly withholdings from current C.A.C.F.P. earnings shall be made.. in writing, to the Director, Bureau of Child and Family Services, State House.. Station 11, Augusta, Maine 04333.

b. If an organization contests an audit report of an overpayment, the amount due to the Department which is the subject of the appeal, may be held by the organization pending the conclusion of an appeal.

**C. APPEALS AND HEARING**

1. PURPOSE:

 The purpose of this policy is to establish an appeal procedure to be followed by an organization contesting an adverse action taken by the State administering agency. This policy has been established in accordance with Federal Rules and Regulations published in 7 CFR Part 226 and State of Maine Administrative Procedures Act, 5 M.R.S.A. §§8001-9064.

1. Standards of Conduct

 In accordance with 7 CFR Part 226, an organization, including a sponsoring organization on behalf of a facility under its jurisdiction, may appeal the following adverse actions:

a. Denial of an organization's application for participation In the C.A.C.F.P.;

b. Denial of an application submitted by a sponsoring organization on behalf of a facility;

c. Termination of the participation of an organization or facility;

d. Suspension of an organization's agreement;

e. Denial of an organization's application for "Start-up Funds" payments;

f. Denial of an organization's application for "Expansion Funds" payments;

g. Denial of an advance payment;

h. Denial of all or part of the claim for reimbursement (except for late submissions under Section VP Subsection A);

i. State agency decision not to forward request for payment of a late claim to U.S.D.A. Regional Office;

j. Demand for the remittance of an overpayment (including audit recall of funds); or

k. Any other action of the Bureau affecting the participation of an organization in the C.A.C.F.P. or the organization's claim for reimbursement.

(1) The Department shall not be required to provide a hearing to an organization for State action taken on the basis of a Federal audit determination. Appeals filed as a result of an adverse action in response to a Federal audit determination shall be forwarded to USDA Food and Nutrition Services for a hearing.

2. Notification of An Adverse Action

 The Bureau of Child and Family Services or the Division of Audit of the Department of Human Services shall notify organizations of an adverse action, outlined in A through L above, in writing; such notice shall be by certified mail, return receipt requested, and shall contain a description of the organization's rights and responsibilities.

3. Manner of Filing a Request for a Fair Hearing

 A C.A.C.F.P. participating organization aggrieved by an adverse action of the Bureau or the findings contained in a single audit report may appeal such action by filing a timely request for a fair hearing on or before the 30th calendar day after receipt of the notice of adverse action.

a. The request for a fair hearing as a result of an adverse action initiated by the Bureau shall be mailed to or filed with the Commissioner, Department of Human Services, State House Station 11, Augusta, Maine 04333. Requests for a fair hearing as a result of adverse findings or conclusions of a single audit report or an Agency-wide audit report shall be submitted to the lead State agency.

b. The request shall be in writing and must contain the name and address of the organization and the name and title of the person who signed the request. The request must be signed by an authorized representative of the organization.

c. An organization that has filed an appeal and request for a fair hearing shall be afforded the opportunity to examine and copy the information in the Bureau's files upon which the adverse action was based.

d. An organization may represent itself during the fair hearing process,, or be represented by legal counsel or by another person at the organization's expense.

 Upon acceptance, the request will be assigned to a Departmental Fair Hearing Officer. The Departmental Fair Hearing Officers are independent and impartial officials who are not accountable to the decision making authority.

4. Content of Request for Fair Hearing

a. A request for a fair hearing must clearly identify the adverse action being appealed, the basis of the organization's appeal, and the relief or remedy sought. It must also cite the date of the letter or other such written communication from the Department notifying the organization of the proposed adverse action and the name and title of the official signing the letter or communication.

b. An organization may submit written information in support of its .position at the time it files its appeal and request a hearing with a Fair Hearing Officer,, or the organization may state that it intends to submit additional written information to the designated Fair Hearing Officer up to 30 calendar days after receipt of the State Agency notice of adverse action.

5. Procedure for Handling a Fair Hearing

a. The Office of the Commissioner will receive and log each appeal and request for a fair hearing. If the appeal is timely, the appeal will be assigned to a Fair Hearing Officer.

b. The Department shall acknowledge all appeals in writing within 10 calendar days of receipt. The Department shall notify an organization that is entitled to a hearing which Fair Hearing Officer has been assigned to review the appeal and where the organization may send additional information. The Department shall also notify the organization of the scheduled date, time, and place of the hearing by certified mail, return receipt requested, at least 10 calendar days in advance of the hearing. The Fair Hearing Officer may reschedule the hearing if, within 10 days, the organization presents information that the hearing officer determines to constitute good cause for failure to appear. If the organization fails to appear at the scheduled date, time and place, the Fair Hearing Officer shall proceed to render a final determination based on available written information.

6. Determination of the Fair Hearing Officer

a. The Fair Hearing Officer shall make a written determination based upon:

(1) Written information submitted by the State Agency;

(2) Written information submitted by the organization in support of its position;

(3) Such additional written information as may be obtained by the Fair Hearing Officer from any other person or persons having relevant and pertinent information, provided that the organization has the opportunity to review that information and to challenge it at a Fair Hearing;

(4) Information presented orally at a Fair Hearing;

(5) Federal laws, rules and regulations applicable to the CACFP; and

(6) State laws, rules and State policies applicable to the CACFP.

b. The written determination shall be issued within 120 days from receipt of the appeal and request for a Fair Hearing. The determination is the Department's final administrative decision on the matter and is not subject to further review or reconsideration within the Department.

c. The Fair Hearing Officer's decision shall be sent by certified mail, return receipt requested, to the organization or its representative the State Agency initiating the adverse action and the Bureau of Child and Family Services. The decision by the Fair Hearing Officer will take effect immediately upon receipt by the organization unless otherwise stipulated in the decision letter.

7. Termination/Suspension of Agreement:

 Organizations electing to continue operating while appealing a notice of termination or suspension from the C.A.C.F.P. shall not be reimbursed for any meals served during the appeal period if the Bureau action Is upheld.

8 Judicial Review

 The written decision of the Fair Hearing Officer shall include notice of the organization's right to judicial review by the Superior Court under Maine Rules of Civil Procedure, Rule 80C, if the organization is dissatisfied with the fair hearing decision.

**APPENDIX 1 INCOME ELIGIBILITY GUIDELINES**

JULY 1, 1993 - JUNE 30, 1994

ELIGIBILITY SCALE FOR “FREE” MEALS

|  |  |  |  |
| --- | --- | --- | --- |
| FAMILY SIZE | ANNUAL | MONTHLY | WEEKLY |
| 1 | $ 9,061 | $ 756 | $175 |
| 2 |  12,259 |  1,022 |  236 |
| 3 |  15,457 |  1,289 |  298 |
| 4 |  18,655 |  1,555 |  359 |
| 5 |  21,853 |  1,822 |  421 |
| 6 |  25,051 |  2,088 |  482 |
| 7 |  28,249 |  2,355 |  544 |
| 8 |  31,447 |  2,621 |  605 |
| Each Additional Household Member | + 3,198  | + 267 | + 62 |

ELIGIBILITY SCALE FOR “REDUCED PRICE” MEALS

|  |  |  |  |
| --- | --- | --- | --- |
| FAMILY SIZE | ANNUAL | MONTHLY | WEEKLY |
| 1 | $ 9,062 - $ 12895 | $ 757 - 1,075 | $176 - 248 |
| 2 |  12,260 - 17,446 |  1,023 - 1,454 |  237 - 336 |
| 3 |  15,458 - 21,997 |  1,290- 1,834 |  299 - 424 |
| 4 |  18,656 - 26,548 |  1,556 - 2,213 |  360- 511 |
| 5 |  21,854 - 31,099 |  1,823 - 2,592 |  422 - 599 |
| 6 |  25,052 - 35,650 |  2,089 - 2,971 |  483 - 686 |
| 7 |  28,250 - 40,201 |  2,356 - 3,351 |  545 - 774 |
| 8 |  31,448 - 44,752 |  2,622 - 3,730 |  606 - 861 |
| Each Additional Household Member | + 4,551  | + 380 | + 88 |

**APPENDIX #2 ADMINISTRATIVE AND MEAL**

**REIMBURSEMENT RATES**

July 1, 1993 June 30, 1994

ADULT DAY CARE, CHILD DAY CARE, HEAD START, AND OUTSIDE-SCHOOL-HOURS CARE CENTERS:

 FREE: REDUCED-PRICE: PAID:

BREAKFASTS:. . . . . . . . . . . . . . $ .9600 $ .6600 $ .1900

LUNCHES & SUPPERS:. . . . . . $ 1.7250 $ 1.3250 $ .1650

SUPPLEMENTS. . . . . . . . . . . . . $ .4750 $ .2375 $ .0425

The Cash-in-Lieu of Donated Commodities rate for Lunches and Suppers served in Centers has been set at $ .1400.

CHILD DAY CARE HOMES:

BREAKFASTS:. . . . . . . . . . . . . . $ .8150

LUNCHES & SUPPERS:. . . . . . $ 1.4800

SUPPLEMENTS:. . . . . . . . . . . . $ .4400

CHILD DAY CARE HOME SPONSORS:

Sponsors will receive the lessor of their net costs for administration of CACFP for Homes they sponsor or the following:

FIRST 50 DAY CARE HOMES:. . . . . . . . . . . . . . . . . $ 67.00 per operating Home

NEXT 150 DAY CARE HOMES:. . . . . . . . . . . . . . . . $ 51.00 per operating Home

NEXT 800 DAY CARE HOMES:. . . . . . . . . . . . . . . . . $ 40.00 per operating Home

ADDITIONAL DAY CARE HOMES:. . . . . . . . . . . . . . $ 35.00 per operating Home

APAO WORD VERSION CONVERSION (IF NEEDED) AND ACCESSIBILITY CHECK: July 16, 2025