

Section 12000

Frequently Asked Questions

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12000 **Frequently Asked Questions**

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Frequently Asked Questions

Below are frequently asked questions sorted by topic. The current topics include:

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- Oversight, Training and Monitoring;
- Edit Checks (flag items);
- Claims;
- Procurement;
- Administration; and
- Feeding Infants in the CACFP.

Additional questions and/or topics will be added as needed.

Travel

1. Can staff leaving from their home, to conduct monitoring reviews and pre-approval visits be paid for mileage and per diem?

Answer: Yes. Travel costs are expenses for transportation, lodging and food for employees performing program work.

2. Can sponsors include meals and lodging expenses for staff traveling out-of-town to conduct monitoring?

Answer: Yes. See #1 above.

3. Monitors work from their homes. They monitor, attend training, give workshops, etc. from home. There is no desk or workplace available for them at the office. Is their mileage to the office to pick up supplies or attend training reimbursable? We do not consider them commuters.

Answer: You may use IRS guidelines to claim travel for these employees.

4. Our organization's handbook has a statement that meals are reimbursable if the employee is 50 miles from home or office – is this allowable?

Answer: Yes. Costs for program travel may be charged at a rate consistent with those

allowed by the organization in its non-program operations.

5. An organization pays a set amount each month that is reasonable and necessary for the use of an individual's auto – is this allowable?

Answer: No. Regulations and policy do not provide for this type of compensation.

Budgets/allowable costs/Income to the Program

1. We do not know the specific training opportunities for the next year, but we can submit some documentation. We also have a history of what these meetings cost. Can we submit the entire budget for approval and then the specific meeting agenda as available?

Answer: Yes. You must submit your entire estimated budget for approval. You must submit budget amendments as necessary during the course of the program year. You will only need to submit meeting agendas when you are requesting specific prior written approval to attend an event when the CACFP is only a portion of the larger agenda. All other meeting agendas should be maintained in your records for inspection during an administrative review.

2. In order to remain CACFP eligible, providers must comply with TDFPS licensing regulations and standards. Are these considered non-CACFP for newsletters and workshops?

Answer: Yes. Remember that minor amounts incurred for participant training on non-CACFP requirements or subjects, when the costs are incidental, are allowable.

3. An organization pays a set amount each month that is reasonable and necessary (\$20.00 - \$30.00) for use of a cell phone that is owned by the individual – is this allowable?

Answer: No. Supplies or services leased or purchased by individuals are unallowable communication expenses. In addition, the amount paid to the individual is not based on actual program and non-program use.

4. It costs \$25 - \$50 per session to rent a room for training. If we join the Chamber of Commerce for \$60.00 a year we can use their room free for unlimited times per year. Would this be allowable?

Answer: Yes. With specific prior written approval from Food & Nutrition Services Regional Office, costs for public and non-profit organization memberships in civic or

community organizations is allowable.

5. Printed Materials that are printed for your organization such as envelopes and letterhead forms that have to be altered from their original printed state (i.e. statement marked out & new statement stamped on form). Question – Expensing of these items immediately since they are not returnable to the printer should be proper?

Answer: When expendable material and supply purchases exceed more than one month's usage, allowable material and supply costs are limited to the cost of the item actually used for the program during the month.

6. If you purchase items (supply cost) such as forms for 6 months may we assume that the forms will be used equally each month and expense the same amount each month until entirely costed?

Answer: When expendable material and supply purchases exceed more than one month's usage, allowable material and supply costs are limited to the cost of the item actually used for the program during the month.

7. If we rent a building & need new carpet & the Landlord won't put it in, is this expense allowable? Do we need prior written approval? (Not a capital improvement).

Answer: The cost for any rearrangement and alteration to rental space is an unallowable cost. See page 35 of the FNS Ins. 796-2, Rev. 3.

8. How do we handle small grants of a few hundred dollars to reimburse for National CACFP Forum Board meeting? For example, our organization pays for my conference/ workshops, hotel, and meals. My grant pays the \$325.00 airfare. My organization reaches its per home cap reimbursement at actual + \$225.00 of the airfare. Do we have a problem? Our reimbursement should be cap rate - \$100.00 with the \$325.00 as income to the program right?

Answer: In the month that the grant is received you would report \$325.00 as income to the program since the grant is specifically for the CACFP. Per CACFP DCH Handbook, Item 3222, Administrative Payments; we reimburse your organization the least of the following amounts (1) actual administrative costs, (2) standard monthly rate per eligible home, (3) approved budget, or (3) 42.9% of the total value of food service payments earned by your providers. Per CACFP DCH Handbook, Item 4350, Nonprofit Food Service; you must operate a nonprofit food service program. To determine that your food service is nonprofit, we compare your operating costs to your program income. Based on your example above, if your organization reported all actual expenses (including the

airfare) you would be over the standard monthly rate per eligible home by \$225.00. When the \$325.00 grant is reported as income to the program your CACFP reimbursement would be reduced by \$100.00 to ensure that you operate a nonprofit program. You would not be short any funding as all your actual expenses were covered by the CACFP reimbursement and the grant. Note: You need to ensure that your organization has included the National CACFP Forum Board meeting expenses in the approved budget.

9. If additional income is needed to operate the program, it was my understanding that any additional income would be deducted from the administrative amount. Is this no longer the situation? For example, our organization held a fund raiser to assist with our printing costs. We raised \$1000.00. I was told in the past that \$1000.00 must be declared so that the amount raised would be removed from the administrative reimbursement. Is this no longer the situation?

Answer: You must report on Form H1532, *Claim for Reimbursement*, any and all funds, except CACFP reimbursement, received during the claim month intended to pay for the administrative costs of operating the CACFP. If you have a fundraiser in October 2008, to pay for CACFP printing costs, you must report the amount raised in item #4 on the Form H1532 submitted for October 2008. We will pay you the lesser of (1) actual administrative costs, (2) standard monthly rate per eligible home, (3) approved budget, or (3) 42.9% of the total value of food service payments earned by your providers.

10. With function based accounting why would an employee's rate per hour be required to be the same between programs? Functions are different.

Answer: The employees hourly rate, by function, must be the same between programs. For example, you have an accountant that performs the same duties in your CACFP for day homes and your CACFP for child care centers. If your accountant makes \$20.00 per hour while working in the CACFP for child care centers they must make \$20.00 per hour while working in the CACFP for day care homes. It would be a program violation if you paid your accountant only \$10.00 per hour while working in the CACFP for day care homes and \$20.00 per hour while working in the CACFP for child care centers.

11. Amended Budgets: How often during a program year?

Answer: Amended Budgets can be submitted as often as reasonable and necessary. However, excessive submittal of amended budgets may be an indicator that your organization is not financially viable. Occasional submittal is to be expected.

Oversight, Training and Monitoring

1. It is my understanding that each Sponsor must train their own Providers and that we cannot do training for other providers from other sponsorships.

Answer: Each Sponsor is responsible for ensuring that his/her own providers receive required training each year. However, the actual person who presents the training does not have to be an employee of the provider's sponsoring organization.

2. When a provider goes off the program then comes back on with the same sponsor, does the provider have to be re-trained before she can start to claim? Does it matter how long she has been off the program? Which training is she required to have?

Answer: A provider who stops participating and then starts up again, may have to receive training prior to eligibility for program reimbursement. Whether a provider requires training and the type of training required is dependent on prior training received and participation in, or approval for, the CACFP Program.

3. A provider has been inactive for eight months and then resumes participation. Is the sponsoring organization still required to do three (3) reviews in the existing monitoring cycle or does the cycle have to be changed?

Answer: The sponsor would not need to do three (3) reviews in the existing monitoring cycle. If the sponsoring organization has sufficient documentation on file to show that the provider did not participate for a period of time, the sponsoring organization would not be held responsible for not meeting the monitoring requirements for that period. However, as soon as the provider begins participating again, the sponsor is responsible for completing the monitoring based on the "participation" of the provider. The cycle would be modified to reflect the new amount of time that the sponsoring organization has to complete the reviews.

4. Will a signed statement from a parent or a printout sent to the provider by the sponsor constitute annual update of the child's enrollment?

Answer: No. A signed statement from a parent that did not also certify that the child's days, hours, and meals received in care had not changed would be insufficient. We may permit providers to provide parents with the previous year's enrollment form, and to ask parents to indicate any changes and to sign and date the form. In that way, parents have an opportunity to indicate a change to their child's days, hours, and meals received in care.

5. Must all enrollments expire on the same date?

Answer: No. Enrollment forms do not have to expire at the same time. The only limitation is that enrollment forms cannot be in effect for more than 12 months.

6. Does the new requirement for normal days and hours in care on the enrollment form mean that the provider cannot claim meals served to a child at other times?

Answer: No. The expanded information on the enrollment form is intended to serve as a red flag for CACFP monitors during on-site reviews. We understand that there are many legitimate discrepancies between a child's projected schedule and the actual attendance and meal counts recorded by providers. Asking parents to estimate when their children will be in care provides the monitor with information that will make it easier to detect when meal counts are being inflated.

7. How should parents fill out an enrollment form when their work schedule (and child care needs) varies from one week to the next?

Answer: When parents work swing or rotating shifts, we would expect them to indicate on the enrollment forms that they work multiple shifts, and that their children would be in care for different hours on different days. Although their schedules may be unpredictable, we would ask the parents to estimate the hours and days they expect that their children will most often be in care.

8. For the provider's own children, must enrollment forms be updated annually and must the provider note the normal days, hours, and meals their children receive on the forms (since providers can only claim their children's meals when other children are present)?

Answer: Yes. Signed and completed enrollment forms, containing the newly-required information on days, hours, and meals received in care, are required for every enrolled child who receives at least one Program meal, including the provider's own. If the State's licensing rules exempt provider's own children from being enrolled for care, the relevant information must still be captured and updated annually to comply with CACFP requirements. In this case, annually updated information on the child's expected days, hours, and meals received in care might be captured on a form other than an "enrollment" document.

9. What is the definition of an enrolled child? Is it a child who attends a child care facility at least once during the month, or is it a child who may attend, based on the yearly enrollment update?

Answer: An enrolled child is defined as a child whose parent has submitted a signed document indicating that the child is enrolled for child care. Any child who could be in attendance, for the purpose of receiving child care and at least one CACFP meal, would be an enrolled child.

10. If a provider provides transportation does it still need to include normal hours of care on the enrollment forms?

Answer: Yes. The enrollment forms must still include the children's normal days and hours in care.

11. How can information from household contacts be used in appeals? Should a sponsor initiate the serious deficiency process based on a household contact conducted by telephone? What if the parents initially report that their children were not in care, without documenting it in writing, and later, change their story?

Answer: When household contacts are conducted over the telephone, the sponsor should ask the parent to sign and date a statement to verify the details of the telephone conversation. Even if the parents later change their account, the existence of the original signed statement will be useful if the provider later appeals a proposed termination.

12. Must a day care home sponsor conduct a five-day reconciliation in the home, during the onsite review, or could the reconciliation be conducted in the sponsor's office prior to the review?

Answer: To conduct the reconciliation, the reviewer would need access to all current enrollment forms, and daily attendance records and meal counts for the current or previous month. If this information is available in the sponsor's office, the reviewer could perform the reconciliation in the office prior to arriving at the home and then complete any necessary follow-up work on the reconciliation during the visit to the home.

13. How can a sponsor monitor conduct a five-day reconciliation if the enrollment forms have not been updated as required?

Answer: The initial step in conducting a five-day reconciliation is to determine whether the enrollment and attendance data are current and accurate. If the monitor determines that the enrollment data are not current or accurate, then attendance data should be used to conduct the reconciliation. In this case, the monitor would require corrective action to bring the facility into compliance with the enrollment requirements. Depending on the

facility's previous record, the corrective action might or might not be part of a declaration of a serious deficiency.

14. In order for an onsite review to count as one of the three required annual reviews, must a five-day reconciliation be performed? What if the review is conducted between the 1st and 5th of the month, and the provider has mailed all of its prior month's documentation to the sponsor?

Answer: Yes. Sponsors must conduct a five-day reconciliation of enrollment or attendance records to meal counts as part of the onsite review. When scheduling onsite reviews, the sponsor should consider factors such as the availability of information needed for the review.

15. In a five-day reconciliation, what constitutes a discrepancy? Enrollment, attendance, and meal counts will rarely be the same.

Answer: When conducting a five-day reconciliation, the monitor's task is to determine whether the meal counts were accurate when compared to the daily or shift attendance for all meal types for the selected five-day period. Enrollment data serves as a check on the attendance data. If attendance exceeds enrollment, for any day or for any shift (if shift care is provided), the monitor must determine the source of the error (e.g., inaccurate attendance records, missing enrollment forms) before the five-day reconciliation can be completed, and the nature of the required corrective action can be determined.

16. Do all three reviews of each provider conducted annually by sponsors have to be conducted onsite?

Answer: Yes. Even though monitors may review many records in the sponsor's office prior to the review, an onsite review must still be conducted.

17. During a meal service observation, is a sponsor monitor required to be in the provider's home for the entire meal service period?

Answer: Not necessarily. If the monitor has completed all of the necessary review elements, the monitor may leave. If the monitor has come to review a provider at a scheduled meal time and no one is present, the monitor can either wait for the entire meal service to verify that the provider is missing the meal service, or they can conduct a review at another nearby provider's home and return before the end of the meal service, either to conduct the review or to verify that the provider missed the meal service.

18. If the sponsor is notified by the State licensing agency of a problem at one of its Day Care Homes, will the subsequent review count as one of the three required reviews?

Answer: Yes. It will count as long as it covers all of the required review elements.

19. Please clarify the term “annual training.” Does it mean that training must be given within a 12-month period?

Answer: No. Annual training may be scheduled at slightly different times each year. The basic requirement is that, during each program year (PY), the sponsor’s key staff and providers must be trained. For example, a sponsor that conducts training in September 2007 and April 2008 is complying with the requirements because training was held during PY 2007 and PY 2008.

20. Please clarify: do the new regulations cover only provider training, or are sponsors also required to attend training?

Answer: Providers and sponsors are all required to attend training. FND provides training and technical assistance to sponsors. Provider-level training requirements are addressed in Item 4330, Training, of this handbook.

Edit Checks (flag items)

1. Flag items: Why not have all salaries paid with CACFP funding? If there is outside income available, doesn’t that go against the amount of administrative funds received? If you have only CACFP funding is the answer the same?

Answer: The “Flag Chart” is an indicator of potential or existing problems. It may not be a problem, in your organization, to have all salaries paid out of CACFP funding. However, it is something that you, as a sponsoring organization, must monitor very closely to ensure that a program violation does not occur. Outside funding, specifically designated for CACFP expenses, has the potential to affect the amount of administrative funds received. Whether you have only CACFP funding or other sources of funding does not change the answer to this question.

2. Why is it a red flag to be consistently claiming at or near the approved budget? It was stated that having an accurate budget shows viability.

Answer: The “Flag Chart” is an indicator of potential or existing problems. The “Flag Chart” does not indicate that “consistently claiming at or near your approved budget” is an indicator of potential or existing problems.

It specifically states “consistently claiming at or near the approved budget amount for an administrative cost item” may be an indicator.

3. Once a legitimate reason is documented for a provider to submit a block claim, does the legitimate reason have to be re-documented each year?

Answer: Yes. The sponsor’s determination that a legitimate cause exists for block claiming by the provider must be established and documented in the provider’s case file for each annual review period.

4. Would FND provide more guidance on what would constitute a “legitimate” explanation of a block claiming pattern? Would you provide a list of reasons?

Answer: A general rule to follow in determining whether a block claim may be legitimate would be:

The lower the number of nonresidential children in the home, or the lower the number of nonresidential families being served, the more likely it is that the home could trigger a block claim.

Although it is neither possible nor desirable to provide a comprehensive list of the circumstances that could justify a block claim, we have previously identified the following situations as examples of legitimate explanation of a block claim:

- a. A day care home caring for one or two nonresidential children whose single parent has no sick leave benefits;
- b. A day care home located near a low-wage factory that specializes in care for sick children of the factory workers; and
- c. A day care home that offers drop-in care and is always filled to capacity.

No doubt there are other circumstances that could legitimately explain a block claim. These situations can only be determined by the sponsor, which has knowledge of the specific circumstances occurring in its facilities.

5. Can a sponsor employ an edit check that is more restrictive than the minimum edit checks required by the regulations?

Answer: Yes. However, the sponsor would always have to ensure that, whatever edit checks they employ, they include the minimum requirements for edit checks set forth in Item 4340, Monitor Reviews, of this handbook.

6. Does “15 consecutive days” refer to calendar or operating days?

Answer: The term “consecutive days” refers to operating days. If a provider is providing child care every day of the week, a block claim could occur in just over two weeks of claiming the same number of meals for a meal type (e.g., breakfasts). However, if a provider operates 5 days a week, Monday through Friday, the same block claiming pattern would be established at the end of the third week.

7. Must the “15 consecutive days” occur in one claiming month to constitute a “block claim,” or must sponsors track a block claim across two months?

Answer: The definition of a block claim identifies a block claim as the same number of meals claimed per meal type for a 15-day period within the claiming period (emphasis added). In most cases, a claiming period will coincide with a calendar month.

8. If a child leaves on day 5 of a 15-day period, and another child comes in, is it still a block claim?

Answer: Yes. The edit check identifies the same number of meals per meal type served over a consecutive 15-day period in a claiming period. The meals do not have to be tracked to each child. The identification of a block claim does not automatically signal a false claim. Rather the edit check functions as a “red flag” to alert the sponsor to a possible problem with the claim that requires sponsor follow-up.

9. Since the definition of a block claim is based on the total number of each meal type served, can FND “refine” that definition in situations where the sponsor’s claiming system allows them to track the meals received by each child?

Answer: We must not “modify” the regulations definition of what constitutes a block claim, and the unannounced follow-up review would still need to be conducted, even if the sponsor’s claiming system allows them to discern that different children received the meals on different days. However, if the sponsor’s claiming system allows them to track the meals received by each child each day, that information can be a part of the sponsor’s documentation of the reason the provider submitted a block claim in a particular month.

10. How will an unannounced follow-up review help prevent block claiming?

Answer: The unannounced follow-up review can help by allowing the sponsor to:

- compare the number of meals served on the day of the review to the number of meals typically being claimed by the provider; and

- **assess whether there is a legitimate reason for the block-claiming pattern that was detected.**

11. If a sponsor does not have an automated claim system, how can it check for block claims?

Answer: If the sponsor does not have an automated system, the sponsor's staff will have to manually check the claims submitted by providers each month.

12. Does a sponsor with a manual system need to apply each of these three edit checks to every provider's meal count? Our sponsors with manual systems check 25 percent of the claims each month, and then more if at least 2 percent are in error.

Answer: Yes. The edit checks specified must be applied to each provider's claim each month. Checking a percentage of the sponsor's providers is not an acceptable method of complying with these requirements.

13. Should sponsors inform providers of the block claim requirements? If they do, it seems likely that providers who are submitting fraudulent claims will simply avoid triggering the block claim edit check.

Answer: Each sponsoring organization can make this determination. It is likely that providers will find out about the edit checks anyway. Furthermore, if a sponsor detects a suspicious claiming pattern and suspects that a provider is submitting false claims, even if the number of consecutive days is less than 15, the sponsor should schedule an unannounced review as soon as possible.

14. Do sponsors' edit checks have to be able to separately track different types of snacks?

Answer: Sponsoring organizations are required to have edit checks that differentiate between types of snacks. If they did not, it would be difficult to tell whether a provider was claiming for three meals (e.g., breakfast, lunch and PM snack) or four meals (e.g., breakfast, lunch, AM snack and PM snack). Therefore, sponsor edit check systems should be designed to capture information on each meal type, and therefore must be capable of distinguishing between AM, PM and Evening snacks.

15. In examining the reasons for a block claim, if the provider states that she always care for sick children, how should the sponsor document the accuracy of her statement?

Answer: The sponsor will be able to assess this statement when it conducts the unannounced follow-up review, examines the enrollment forms, and observes the number of children in care.

In addition, even if the sponsor determines that the provider has a legitimate reason for the block claim, the subsequent unannounced review will allow the sponsor to observe the number of children present and further confirm, or refute, the provider's statement. The sponsor may also wish to use household contacts to obtain additional information about the number of children typically in care for a particular meal service.

16. If sponsors only collect the aggregate monthly number of meals served by their providers, they can't check for a block claim, except when they are conducting a review.

Answer: All sponsors and providers have been required (since long before the second interim rule) to keep daily meal counts, by meal type. In order to implement the block claim edit check, the sponsor must collect these daily meal counts, by meal type, for each provider they sponsor. The delayed implementation of this provision (the rule was published on September 1, 2004, but the edit check provisions took effect on October 1, 2005) was designed to give sponsors time to make any changes necessary to bring their payment and edit check systems into compliance with the new requirements.

17. If a seriously deficient provider submit a block claim, can the sponsor combine its block claim follow-up review with its follow-up to determine whether corrective action was taken on the serious deficiency?

Answer: Yes. The sponsor should gather as much information as possible during any unannounced review.

Claims

1. May sponsors claim meal types (e.g., a supper or a post-supper snack) that they do not intend to monitor?

Answer: No. Although it would be impractical for the sponsor to review each meal service at each facility every year, sponsors must provide reasonable oversight of each meal service claimed by their providers.

Procurement

1. We often see guaranteed returns in contracts between Child and Adult Care Food Program (CACFP) Day Care Home (DCH) Sponsors and their subcontractors and would like to know what they are.

Answer: When dealing with procurement contracts involving the Sponsor there are two basic variations of guaranteed returns.

One involves the subcontractor guaranteeing a return to the nonprofit food service account at the end of the program year if certain agreed upon conditions in the contract are met. For example, if conditions x, y, and z are met the FSMC agrees at the end of the year to increase the nonprofit food service account by an amount specified in the contract.

A second type of guaranteed return involves an agreement between the subcontractor and the Sponsor. If the predetermined return amount is not met at the end of the program year, the subcontractor will cover the amount by reducing its management fee, up to the amount of the fee. As with all terms and conditions, the guaranteed return provision must be specified in both the solicitation and contract documents.

2. What if the management fee doesn't cover the predetermined return amount? This is a possibility if at the end of the program year the loss exceeds the agreed upon predetermined return amount.

Answer: This is a potential problem, which is why the Sponsor should review the guaranteed return provision carefully. If the guaranteed return provision requires the subcontractor to provide a guarantee that they will repay an amount up to the agreed upon management fee, but not to exceed the fee if the terms and conditions of the agreement are not met, then the Sponsor is essentially agreeing to limit the subcontractor's liability. Sponsors should consider that any agreement to limit the subcontractor's liability places the nonprofit food service account at great risk should a substantial to catastrophic loss be experienced that program year.

3. If the Sponsor enters into a contract containing such a guaranteed return, does this mean they do not have to pay the subcontractor for any losses incurred in the prior year?

Answer: No. It simply means they cannot pay for them out of the nonprofit food service account. If the Sponsor entered into a contract that included a guaranteed return provision requiring that any losses incurred by the contractor in one year would have to be paid by the Sponsor in the subsequent year, then the Sponsor would have to pay with funds other than the nonprofit food service account funds.

4. When can a Sponsor pay bonuses?

Answer: Generally, bonuses paid to employees are allowable costs and nonprofit food service account funds may be used to pay the costs of bonuses for efficient performance or as a result of a suggestion or safety improvement. However, the bonuses can be paid to employees only as long as the overall compensation is determined to be reasonable and such costs are paid or accrued pursuant to a formally established labor agreement. Thus, this generally requires that such payments be a standard personnel practice.

5. A subcontractor is telling a Sponsor that they have to cover the costs of bonuses the subcontractor pays to its own employees. Can the Sponsor pay the bonuses for these employees?

Answer: Generally, no. Bonuses go to the Sponsor's employees and not to their subcontractor's. Neither the subcontractor nor its employees are employees of the sponsor. One exception might entail a Sponsor paying for such bonuses if in its bid documents the Sponsor had explicitly included as a cost a subcontractor's total compensation package for its employees that included bonuses (i.e., total compensation includes rate plus incentives). Sponsor should be aware that if language does not exist in the Request for Proposal and in subsequent contracts to allow for such costs to be paid, then the Sponsor does not have to cover these costs. Sponsors should be aware that the payment of such costs should be consistent with standard personnel practices. Also, such a provision should be considered very carefully as the incentive for a subcontractor to perform well should be inherent in the awarding of the contract and not based on bonuses at the end of the contract period.

6. In light of the disaster stemming from Hurricanes Katrina and Rita, what would be an appropriate length of time available to conduct an emergency procurement?

Answer: During a disaster situation noncompetitive contracts may be awarded only when a public exigency or emergency exists that will not permit a delay in contracting that would result from a competitive solicitation. The Sponsor should contact Food and Nutrition Division (FND) on what constitutes an emergency situation and whether the provision discusses timeframes. Clearly these would qualify as emergency situations but not all disasters are clear. FND has to make the determination as to whether the emergency condition exists in the entire State or certain locales. The Sponsor must also check with FND to determine the length of the emergency situation so that any noncompetitive contracts comply with the timeframes associated with the designated emergency situation.

7. Does FND have a provision in place that allows a Sponsor to use a noncompetitive contract due to an emergency situation such as the situations created by the hurricanes?

Answer: Yes, as long as a Sponsor has received approval from FND regarding emergency designation.

Administration

1. Does the Supplemental Nutrition Assistance Program (SNAP)(formerly Food Stamp Program) list consist of current participants only (i.e., providers participating at the time that the list is submitted)?

Answer: Yes.

Feeding Infants in the CACFP

1. How often must a sponsor update documented exceptions to the Infant Meal Pattern requirements?

Answer: Sponsors must update documented exceptions (for disabilities and medical or special dietary needs) to the Infant Meal Pattern requirements each time the infant transitions from one category to the next. The Infant Meal Pattern consists of three categories:

- 0 - 3 months;
- 4 - 7 months; and
- 8 - 11 months.

2. An infant has been ill and returns to the provider's home with a statement from the doctor to feed Pedialyte. Is this infant considered an infant with special dietary needs and the provider must purchase the Pedialyte or because this is only a temporary condition is the parent responsible for providing the Pedialyte?

Answer:

If the Pedialyte is ...	Then the ...
Being served as a substitution to a meal component in the Infant Meal Pattern due to the infant's disability ¹ ,	Provider is required to provide the Pedialyte as a meal component substitution to the infant.
Being served as a substitution to a meal component in the Infant Meal Pattern due to the infant's medical or special dietary need ¹ ,	Decision as to whether or not the provider will provide the substitution is at the discretion of the provider. Providers are not required to satisfy the unique dietary needs of each infant. FND urges providers to make every effort to satisfy the unique medical or special dietary needs of each infant; however, we recognize that this may not always be possible due to operational and financial constraints. As a result, if the provider chooses not to provide the Pedialyte, then it is the parent's (or guardian's) responsibility to provide the provider with the Pedialyte.
Not being served as a substitution to a meal component in the Infant Meal Pattern,	Infant is not considered to have a disability or a medical or special dietary need, and it is the parent's (or guardian's) responsibility to provide the provider with the Pedialyte.

¹ Reference Item 4112.4, Meals for Children/Infants with Disabilities and Item 4112.5, Meals for Children/Infants with Medical or Special Dietary Needs, for additional guidance.

3. Some Special Dietary Formulas are very expensive. Do providers have the option to not take a child for care because they cannot provide the "required special diet"?

Answer: The FND does not regulate child care requirements, so whether or not a provider has the option to not take a child for care because they cannot provide the "required special diet" would be a question that would need to be asked of the Texas Department of Family and Protective Services – Child Care Licensing.

A provider that is participating in the CACFP is required to serve meals that meet CACFP meal pattern requirements. In the case of meeting a child's special dietary need, the decision as to whether or not the provider will provide the special dietary formula is at the discretion of the provider. A provider is not required to satisfy the unique formula needs of every infant. Although we urge providers to make every effort to satisfy the unique formula needs of each infant with a formula that meets program requirements, we recognize that this may not always be possible due to operational and financial constraints.

4. In order to claim an infant meal that has component(s) other than breast milk/formula, does the provider have to provide all of the other components?

Answer: If the infant is developmentally ready for solid foods, it is required that those solid food meal component(s) be provided to the infant. The required meal component(s) may be provided by the provider and/or the parent (or guardian). However, in order to claim reimbursement, the provider must provide at least one of the required meal components in the minimum quantity specified in the infant meal pattern.

5. Instead of purchasing pre-packaged baby food can the provider blend their own strained vegetables, fruits, etc.?

Answer: Yes, a provider may blend their own strained vegetables and/or fruits. Additional information regarding infant meals and blending foods is available in the "Feeding Infants: A Guide for Use in the Child Nutrition Programs" publication at www.fns.usda.gov/TN/Resources/feeding_infants.html. You can also access other resources on the TDA website at www.snptexas.org, and click on "Nutrition Links".

6. Does the provider have to offer a variety of infant formulas or is offering one formula sufficient?

Answer: No, a provider is not required to offer a variety of infant formulas. It is sufficient to offer one standard formula that meets CACFP requirements (i.e., iron fortified). Reference Section 11000, Resources, for a list of Iron Fortified Infant Formulas that Do Not Require a Medical Statement, that meet program requirements.

7. If the parent signs a waiver stating they are declining the infant formula offered by the provider, and provides their own infant formula, is the provider still required to claim that infant?

Answer: No, a provider is not required to claim meals. However, providers are required to serve meals that meet CACFP requirements to all children/infants enrolled for child care.

If the parent signs a waiver declining the formula offered by the provider, and ...	Then the provider may claim that meal when the ...
Infant formula or breast milk is the only required component,	meal is fed to the infant by the provider. Reference Item 4112.1, Meal Pattern Charts – Infants, for additional guidance.
There are other meal components,	provider provides all other required meal components that the child is developmentally ready to accept.

8. The infant pattern has "optional" components that the provider may feed. Since it is optional, would a provider have to include it on the meal production record when they served it?

Answer: Yes, the provider is required to include “optional” components on the meal production record when they are served. Although the infant meal pattern indicates “Optional” components, a serving of this component becomes a requirement if the infant is developmentally ready to accept it. As a result, any item that is used toward meeting the CACFP meal pattern requirements must be included on the meal production record.

9. If an infant age 13 months or older still must stay on the infant feeding pattern due to dietary concerns and the doctor has provided a statement, is that child kept on the infant meal production record or moved to a separate meal production record because of their age?

Answer: The provider would record the meal on the meal production record appropriate for the child’s age group, and make a note that the doctors’ statement is in the child’s file.

Refer to Item 4112.4, Meals for Children/Infants with Disabilities and Item 4112.5, Meals for Children/Infants with Medical and Special Dietary Needs for more guidance and information.

10. The parent and child are participants of Women, Infants, and Children (WIC) and are receiving infant formula, which they cannot use due to the excess of formula received. The parent does not want the infant formula to be wasted, so therefore, the parent declines the infant formula provided by the provider but brings the same infant formula from home. Can the sponsor claim the meal for reimbursement?

Answer: Yes, as long as the provider has a statement from the parent declining the infant formula offered by the provider.

11. The child turns one year old and the parents have infant formula and iron-fortified infant cereal they would like to give to the provider as a donation. Can the provider use the infant formula and iron-fortified infant cereal and claim reimbursement?

Answer: Yes, the provider can use the infant formula and iron-fortified infant cereal and claim reimbursement as long as the sponsor documents that the donations were used for use in the CACFP.

12. Can the sponsor claim reimbursement if parent volunteers come to the day care home and feed the infants?

Answer: Yes, the sponsor can claim reimbursement if the parent volunteers are feeding the infants infant formula and/or iron-fortified infant cereal provided by the provider. If the parent volunteer is breastfeeding their infant at the day care home or brought their own infant formula and/or iron-fortified infant cereal, the sponsor cannot claim reimbursement.