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CHILD AND ADULT CARE FOOD PROGRAM

State Project/Program: CHILD AND ADULT CARE FOOD PROGRAM

U. S. DEPARTMENT OF AGRICULTURE

Federal Authorization: Section 17 of the National School Lunch Act as amended by P.L. 94-105.

**N. C. Department of Health and Human Services
Division of Public Health**

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N. C. DHHS Confirmation Reports:

SFY 2019 audit confirmation reports for payments made to Counties, Local Management Entities (LMEs), Managed Care Organizations (MCOs), Boards of Education, Councils of Government, District Health Departments and DHSR Grant Subrecipients will be available by mid-October at the following web address: <https://www.ncdhhs.gov/about/administrative-offices/office-controller/audit-confirmation-reports>. At this site, click on the link entitled "[Audit Confirmation Reports \(State Fiscal Year 2018-2019\)](#)". Additionally, audit confirmation reports for Nongovernmental entities receiving financial assistance from DHHS are found at the same website except select "[Non-Governmental Audit Confirmation Reports \(State Fiscal Years 2017-2019\)](#)."

The auditor should not consider the Supplement to be "safe harbor" for identifying audit procedures to apply in a particular engagement, but the auditor should be prepared to justify departures from the suggested procedures. The auditor can consider the Supplement a "safe harbor" for identification of compliance requirements to be tested if the auditor performs reasonable procedures to ensure that the requirements in the Supplement are current. The grantor agency may elect to review audit working papers to determine that audit tests are adequate.

This compliance supplement should be used in conjunction with the OMB 2019 Compliance Supplement which will be issued in the summer. This includes "Part 3 - Compliance Requirements," for the types that apply, "Part 6 - Internal Control," and "Part 4 - Agency Program" requirements if the Agency issued guidance for a specific program. The OMB Compliance Supplement is Section A of the State Compliance Supplement.

I. PROGRAM OBJECTIVES

The objective of the Child and Adult Care Food Program (CACFP) is to integrate nutritious food service with organized day care for enrolled children and certain functionally impaired and elderly adults. Under Section 17 of the National School Lunch Act, the Secretary of Agriculture is authorized to provide cash reimbursement and commodity assistance (or cash paid in lieu of donated food), on a per meal basis, for lunches and suppers served to children in licensed/approved nonresidential childcare centers and licensed/approved family day care homes (FDCH). A

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provision of the Older Americans Act Amendments of 1987, Public Law (PL) 100-175, amended Section 17 to also provide CACFP benefits to eligible adults in adult day care centers. The Federal Government, through the United States Department of Agriculture (USDA), funds the CACFP. Funds are provided through grants to initiate, maintain, and expand nonprofit food service programs for children or adult participants in nonresidential institutions that provide care.

II. PROGRAM PROCEDURES

General Overview

The CACFP is administered by the U. S. Department of Agriculture's Food and Nutrition Service (FNS). FNS administers the program through grants to State agencies. The Department of Health and Human Services (DHHS), Division of Public Health, Women's and Children's Health Section, Nutrition Services Branch manages the program in North Carolina. DHHS enters into agreements with local institutions for the operation of the program. At the local level, the CACFP is operated by an eligible public, private non-profit or private for-profit institution. Private-for-profit child care institutions and centers can participate in the CACFP if during the preceding calendar month of initial application or reapplication, twenty-five percent of the children in care (enrolled or licensed capacity, whichever is less) are eligible for free or reduced-price meals; or twenty-five percent of the children in care (enrolled or licensed capacity, whichever is less) receive benefits from title XX of the Social Security Act and the center received compensation from amounts granted to the States under title XX. Additionally, for profit adult day care Institutions and centers can participate if during the preceding calendar month of initial application or reapplication, the center received compensation from amounts granted to the States under title XIX or title XX and twenty-five percent of the adults enrolled in care are beneficiaries of title XIX, title XX, or a combination of titles XIX and XX of the Social Security Act. These institutions can enter into an agreement with the State to assume administrative and financial responsibility for CACFP operations.

Program Funding

Federal assistance to institutions takes the form of cash reimbursement for meals served, and donated commodities or cash in lieu of commodities. An institution's entitlement to cash reimbursement is generally computed by multiplying the number of meals served, by category and type, by prescribed per-unit payment rates called "reimbursement rates." For meals served in centers, "category" refers to the economic need of the household of the child or adult to whom a meal is served; such meals are categorized as free, reduced or paid. Meals served in day care homes are categorized by the tiering structure (Tier I or II) described under "Participant Eligibility and Program Benefits" below. "Type" refers to the kind of meal service for which the institution seeks reimbursement (breakfast, lunch, snack, and/or supper). Under this formula, an institution's entitlement to funding from the State agency is a function for the categories and types of services provided. An institution establishes its entitlement to reimbursement payments by submitting monthly claims for reimbursement to the State agency.

Independent centers, sponsoring organizations of centers, and sponsoring organizations of day care homes may be approved to claim reimbursement for up to two reimbursable meals (breakfast, lunch or supper) and one snack, or two snacks and one meal, each day per participant. The specific types of meals for which an institution may claim reimbursement payments are stated in its application with the State agency. At-risk centers may claim one snack and one meal per child per day. Emergency shelters can claim up to three meals per day.

Documentation Requirements

An institution operating the CACFP must have procedures in place to collect and maintain the documentation required at 7 CFR 226.15(e). Examples of such documentation include: the

institution's application and supporting documents submitted to the State agency; records of enrollment for each participant at centers (except for outside-school-hours care centers, emergency shelters, and at-risk after school care centers) and day care homes; records supporting the free and reduced price eligibility determinations for children and adults enrolled in centers and for providers' own children in day care homes; daily records indicating the number of participants in attendance and the daily meal counts; daily records indicating the number of meals, by type served to adults performing labor necessary to the food service; copies of invoices, receipts, and other records required by the State agency; copies of claims for reimbursement submitted to the State agency; dates and amounts of disbursements to facilities from sponsoring organizations; copies of menus; copies of reviews and corrective actions required; training information; documentation of non-profit operation of food service; and for sponsoring organizations, records documenting the attendance at training of each staff member with monitoring responsibilities.

Participant Eligibility and Required Meal Components

Eligible Population

7 CFR 226.2 defines adults and children as the population eligible for the CACFP meal benefits.

Determining Eligibility for Free and Reduced Price Meals – Centers

While an independent center or sponsoring organization of centers receives Federal cash reimbursement for all meals served in centers, it receives higher levels of reimbursement for meals served to children and adults who meet income eligibility criteria for free or reduced price meals stated at 7 CFR 226.23. Income eligibility information is published at <http://www.fns.usda.gov/school-meals/income-eligibility-guidelines>.

Determining Eligibility – Day Care Homes

Day care homes can participate in the CACFP only through an eligible sponsoring organization. To be eligible to participate, the sponsoring organization must be a public agency or a private nonprofit organization. Requirements for sponsoring organizations are contained in 7 CFR 226.15-16.

Income requirements for children in day care homes are contained in 7 CFR 226.15 (f).

Required Meal Components

In order to be claimed for reimbursement, meals must meet the meal pattern requirements in 7 CFR 226.20. Meal patterns were updated by the USDA as required through the Healthy Hunger-Free Kids Act of 2010, Public Law 111-296 to ensure that meals and snacks served include a greater variety of vegetables and fruit, more whole grains, and less added sugar and saturated fat. Centers and day care homes participating in the Child and Adult Care Food Program (CACFP) were required to comply with the updated meal standards by October 1, 2017. USDA granted a one-year transition period to allow CACFP Institutions and facilities to adjust to the updated requirements in the first year of implementation without having fiscal actions imposed or being found seriously deficient. In the second year, USDA allowed State agencies to extend the transition period an additional year. North Carolina has adopted this State agency option. Meals must meet USDA meal patterns which include five food components in specified amounts: fluid milk, vegetables, fruits, grains, and meat/meat alternate. All breakfasts served must contain fluid milk, vegetable or fruit, and a grain product. A meat/meat alternate may be provided in place of a grain at breakfast up to three times per week. Lunches and suppers must contain fluid milk, meat or meat alternate, vegetable, fruit or second vegetable, and a grain product. Snacks must contain at least two of the five food components.

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Adult day care programs may substitute yogurt in place of milk once per day. Juice may not be served more than once per day. At least one whole grain-rich grain must be served over the course of the day. Ready-to-eat cereal must not exceed sugar limits of 6 grams of sugar per dry ounce; yogurt must not exceed sugar limits of 23 grams of total sugars per 6 ounces.

Foods served must be approved as creditable in the North Carolina CACFP as outlined in the *Crediting Handbook for the Child and Adult Care Food Program* and the *Food Buying Guide for Child Nutrition Programs*, available online and at the State office. The amounts required to be served are outlined in the CACFP Meal Patterns found on the Nutrition Services Branch website <http://nutritionnc.com/snp/meal-patterns.htm> and at the State office. Meals that do not follow all of these requirements cannot be claimed for reimbursement.

The Healthy, Hunger-Free Kids Act of 2010, Public Law 111-296 included specific requirements for fluid milk and fluid milk substitutions in the CACFP. Milk served must be consistent with the most recent version of the Dietary Guidelines for Americans. The 2010 Dietary Guidelines recommended that persons over two years of age and older consume fat-free (skim) or low-fat (1%) milk. This was repeated in the 2015 Dietary Guidelines for Americans. Therefore, fluid milk served in CACFP to participants two years of age and older must be fat-free or low-fat, fat-free or low-fat lactose-reduced milk, fat-free or low-fat lactose-free milk, fat-free or low-fat buttermilk, or fat-free or low-fat acidified milk. Milk served must be pasteurized fluid milk that meets State and local standards. Children ages 12 months to 23 months must be served whole milk. Flavored, fat-free milk may be served to participants 6 years of age and older.

Participants who cannot consume fluid cow's milk due to medical or other special dietary needs may be served non-dairy beverages in lieu of cow's milk. Non-dairy beverages must be nutritionally equivalent to cow's milk and meet the nutritional standards for fortification of calcium, protein, vitamin A, vitamin D, and other nutrients to levels found in cow's milk, as outlined in the National School Lunch Program (NSLP) regulations at 7 CFR 210.10 (m)(3).

Parents or guardians may request in writing non-dairy milk substitutions, as described above, without providing a medical statement. The written statement must identify the medical or other special dietary need that restricts the diet of the child. Participants who have a documented medical disability and who submit a medical statement signed by a licensed medical physician may be served non-dairy beverages that are not nutritionally equivalent to cow's milk. The updated CACFP Meal Patterns allow parents to provide one component of the meal, provided it meets meal pattern requirements.

Breastfeeding is encouraged in the Child and Adult Care Food program; the meal patterns allow programs to be reimbursed for infant meals when the mother breastfeeds her child onsite. The requirements related to milk or food substitutions for a participant who has a medical disability and who submit a medical statement signed by a licensed physician remain unchanged.

III. COMPLIANCE REQUIREMENTS

In addition to the compliance requirements and suggested audit procedures provided in this program Compliance Supplement, Title 2 Code of Federal Regulations, Part 200 and Part 400, 415, and 416).

A. ACTIVITIES ALLOWED OR UNALLOWED

1. Reimbursement for Meals

Four types of meal services are authorized in the program: breakfast, lunch, snack, and supper. The center's application specifies which of these types the center will serve.

Subject to the agreement, an institution may receive reimbursement payments for any two of the three principle meal services (breakfast, lunch, or supper) plus one snack, or two snacks and one principle meal service, for each participant in attendance each day of operation, if the participant received the meals. All meals that an institution reports to the State agency for reimbursement must (1) be approved by the State agency, (2) contain the food components prescribed by program regulations, (3) be supported by accurate meal counts and records, and (4) be served to eligible persons. (7 CFR 226.2, 226.15 (e), 226.20 (a))

2. Reimbursement for Sponsoring Organization’s Administrative Cost

a. Sponsoring Organization of Day Care Homes

Sponsoring organizations of day care homes receive reimbursement for administrative costs of planning, organizing, and managing the food served under the CACFP (7 CFR 226.2).

Section 334 of The Healthy, Hunger-Free Kids Act of 2010 (the Act), Public Law 111-296, amends section 17(f)(3) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(f)) to eliminate the “lesser of” cost and budget comparisons for calculating administrative payments to FDCH sponsoring organizations. Instead, effective October 1, 2010, administrative reimbursements are determined only by multiplying the number of family and group day care homes submitting a claim for reimbursement during the month by the appropriate annually adjusted administrative reimbursement rate.

b. Sponsoring Organizations of Centers

There is no provision for sponsoring organization of centers to receive separate reimbursement for administrative cost. However, sponsoring organizations of centers may retain the lesser of actual costs or up to 15% of the center’s meal reimbursement payment for administrative costs as authorized by its administering agency under 7 CFR 226.6(f)(1)(iv) when the center’s annual budget is approved. The State agency has authority to reduce the amount of administrative cost retained by the sponsoring organization of centers. If a sponsoring organization wishes to retain more than the allowed 15%, a waiver must be submitted to and approved by FNS per 7 CFR 226.7(g).

3. Use of Reimbursements

The sponsor must operate a non-profit food service. Reimbursements shall be used solely for the conduct of the food service operation or to improve such food service operations, principally for the benefit of the enrolled participants (7 CFR 226.15(e)(13)).

B. ALLOWABLE COSTS / COST PRINCIPLES

All grantees that expend State funds (including federal funds passed through the N. C. Department of Health and Human Services) are required to comply with the cost principles described in the N. C. Administrative Code at 09 NCAC 03M .0201.

To be allowed, cost must meet the following criteria:

1. Cost must be a bona fide operating or administrative expense incurred in conducting the program. The costs may be reported on an accrual basis, cash basis, or a modified accrual basis of accounting; however, the institution’s accounting system must treat all costs consistently.
2. The cost must be allowable, necessary and reasonable for proper and efficient administration and operation of the program.

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3. Cost must be authorized or not prohibited under State or local laws, or regulations.
4. Cost must conform to any limitation or exclusions set forth in Federal laws, or in the governing regulation of generally accepted accounting principles.
5. Costs are not assignable or included as a cost to any other Federal financed program in either the current or prior periods.
6. Costs are net of all applicable credits.
7. Costs are properly allocated.
8. Costs are adequately documented.

Allocation of Cost

Some costs benefit both allowable and unallowable activities. These costs must be allocated so that only the portion of the cost related to allowable activities are assigned to the program. Allowable cost may require allocation between operating and administrative activities.

Operating and Administrative Cost

Operating cost are allowable expenses incurred by an institution, in serving meals to eligible participants. Specific examples of operating costs are food, food service labor and non-food supplies.

Administrative costs are expenses incurred by the institution for planning, organizing, and managing a program. Examples of administrative cost are reviewing and approving free and reduced price applications, providing nutrition education to food service staff, and conducting CACFP monitoring visits to sponsored facilities.

C. CASH MANAGEMENT

A sponsoring organization must disburse meal reimbursement payments to centers and day care homes under its sponsorship within five working days of their receipt from the State agency (7 CFR 226.16(g) and (h)).

E. ELIGIBILITY

The Child and Adult Care Food Program (CACFP) is authorized at Section 17 of the National School Lunch Act (42 U.S.C. 1766), as amended. Program regulations are issued by the U.S. Department of Agriculture (USDA) and codified at 7 CFR 226. Organizations eligible to administer the CACFP are defined in 7 CFR 226.2. At the local level, an eligible institution that has entered into an agreement with the State Agency (SA) to assume administrative and financial responsibility for CACFP operations operates the CACFP. To be eligible for Federal reimbursement, meals must be served to enrolled children or adults, and must be supported by accurate meal counts and records indicating the number of meals served by category and type. Requirements for meal reimbursement payments are contained in 7 CFR 226.11 and 226.13.

Children and adults who may be eligible to receive meals under the program are identified in 7 CFR 226.2 as: (a) any person who has not reached his/her 13th birthday; (b) any dependent of a migrant worker who has not reached his/her 16th birthday; or (c) a person with a physical or mental disability (as defined by the State) of any age, who is enrolled in an eligible child care facility where the majority of persons are 18 years of age or under, (d) for at-risk after school centers, a child who has not reached his/her 19th birthday or became 19 years of age during the current school year. In addition to children, the CACFP serves adults enrolled in eligible adult day care institutions: (a) adults 60 years of age or older, and (b) functionally impaired adults over 18 years of age.

Public and private nonprofit organizations, which are licensed or approved to provide nonresidential day care services, are eligible to receive CACFP benefits. Private nonprofit organizations must have tax-exempt status under the Internal Revenue Code of 1986. (Internal Revenue Code Section 501(c)(3)): The exempt purposes set forth in section 501(c)(3) are charitable, religious, educational, scientific, literary, testing for public safety, fostering national or international amateur sports competition, and preventing cruelty to children or animals. The term *charitable* is used in its generally accepted legal sense and includes relief of the poor, the distressed, or the underprivileged; advancement of religion; advancement of education or science; erecting or maintaining public buildings, monuments, or works; lessening the burdens of government; lessening neighborhood tensions; eliminating prejudice and discrimination; defending human and civil rights secured by law; and combating community deterioration and juvenile delinquency.

Private for-profit, nonresidential day care institutions, which receive compensation under Title XIX or Title XX of the Social Security Act, may also qualify to participate in CACFP. To be eligible for the program, for profit adult day care centers are eligible if during the preceding calendar month of initial application or reapplication, the center received compensation from amounts granted to the States under title XIX or title XX and twenty-five percent of the adults enrolled in care are beneficiaries of title XIX, title XX, or a combination of titles XIX and XX of the Social Security Act. For-profit child care centers are eligible if during the preceding calendar month of initial application or reapplication, twenty-five percent of the children in care (enrolled or licensed capacity, whichever is less) are eligible for free or reduced-price meals; or twenty-five percent of the children in care (enrolled or licensed capacity, whichever is less) receive benefits from title XX of the Social Security Act and the center received compensation from amounts granted to the States under title XX.

The State agency may disburse program funds only to public and nonprofit private child care and adult care centers and day care home sponsors, and to proprietary Title XX child care centers and proprietary Title XIX adult day care centers. The State agency must make the program available to any such institution that applies and meets program criteria (7 CFR 226.2, 226.4, 226.6, 226.15-19).

To qualify a person for meals served free or at reduced price under the program, the person's family must submit an income eligibility application to the institution. The application must be approved and maintained on file. The application establishes that the person's family income and family size place him/her within income eligibility standards issued by the State agency in accordance with guidelines published by FNS. In family day care homes, the provisions of 7 CFR 226 with respect to Tier I and Tier II classifications must be followed.

H. PERIOD OF PERFORMANCE

The grant-funding period for the CACFP is October 1 through September 30. Funds are made available to Institutions for expenses incurred and obligated for this period only.

I. PROCUREMENT AND SUSPENSION AND DEBARMENT

Institutions that procure food from a food service management company or commercial vendor should be aware and adhere to the procurement provisions governing the Child and Adult Care Food Program in regulation 2 CFR 200 (§ __.318 to § __.326)(Procurement Standards). All procurements exceeding \$150,000 must be formally advertised for a contract. This procurement also includes an Invitation to Bid from a minimum of three (3) suppliers. The Invitation to Bid must specify the exact purpose of the contract. Institutions are also subject to local laws that may require formal procurement on purchases under \$150,000. The auditor should determine if there are local requirements that are below the federal threshold.

Non-federal entities are subject to the non-procurement debarments and suspension regulations, restricting awards, subawards, and contracts with certain parties that are debarred, suspended, or otherwise excluded from ineligible for participation in Federal assistance programs or activities (2 CFR 200.313). The auditor should determine if subawards, contracts, etc. were provided during a time of debarment and suspension.

N. SPECIAL TESTS AND PROVISIONS

1. Compliance Requirement

Accurate and complete records must be maintained with respect to the receipt, distribution and use of CACFP funds. Failure to maintain records and comply with the applicable procedures as contained in 7 CFR 226.6(d) shall be considered prima facie evidence of improper use of funding.

Audit Objective

The objectives of the audit are: (1) to determine that documentation on file is sufficient to support the claims for reimbursement, (2) to determine the integrity of the program and participation data reported by the institution on which claims for reimbursement are based, and, (3) to test if the institution is in compliance with applicable laws and regulations.

Suggested Audit Procedures

- Verify documentation to support claims reimbursements.
- Verify that program and participation data reported by the institution is accurate and based on valid documentation.
- Verify that institution is in licensing compliance with 7 CFR 226.6(d).

2. Compliance Requirements

Conflict of Interest and Reporting Requirements

All non-State entities (except those entities subject to the audit and other reporting requirements of the Local Government Commission) that receive, use or expend State funds (including federal funds passed through the NC DHHS are subject to the financial reporting requirements of G. S. 143C-6-23 and 09 NCAC03M for fiscal years beginning on or after July 1, 2007. These requirements must be submitted online at www.ncgrants.gov The Conflict of Interest will be accepted by a certification statement online. All private nonprofit sponsors who desire to participate in the North Carolina CACFP are required to submit the Conflict of Interest Statement online. All non-State entities that provide State funding to a non-State entity (except any non-State entity subject to the audit and other reporting requirements of the Local Government Commission) must hold the sub-grantee accountable for the legal and appropriate expenditure of those State grant funds.

Certification of No Overdue Tax Debts

Every grantee shall file with the State agency or department disbursing funds to the grantee a written statement completed by that grantee's board of directors or other governing body stating that the grantee does not have any overdue tax debts, as defined by G. S. 105-243.1, at the federal, State, or local level. The written statement shall be made under oath and shall be filed before the disbursing State agency or department may disburse the grant funds. A person who makes a false statement in violation of this subsection is guilty of a criminal offense punishable as provided by G. S. 143C-10-1. This statement is provided to DHHS during the application process. Each year, the grantee

certifies that the statement is still current. If the statement is not current, the grantee is required to submit a current statement.

Tax Exemption – Non-profit Organizations

All private non-profit sponsors who desire to participate in the North Carolina CACFP are required to submit documentation of tax-exempt status under the Internal Revenue Code of 1986 to the State Agency and retain on file documentation of tax-exempt status.

Contractor Certifications Required by North Carolina Law

Pursuant to G. S. 143-59.1(b), the sponsor must certify that they are not an “Ineligible Vendor” as set forth in G. S. 143-59.1(a). G. S. 143-59.1(a) identifies ineligible vendors as those who either have refused to collect the use tax levied under Article 5 of Chapter 105 of the General Statutes on its sales delivered to North Carolina when the sales met one or more of the conditions of G. S. 105-164.8(b); and/or has incorporated or reincorporated in a tax haven country as set forth in G. S. 143-59.1(c)(2) after December 31, 2001, when the United States is the principal market for the public trading of the stock of the corporation incorporated in the tax haven country.

Dun and Bradstreet Number

Congress passed the Federal Funding Accountability and Transparency Act (FFATA) in 2006 with the objective to promote open government by enhancing the Federal Government’s accountability for its stewardship of public resources. Therefore, all institutions participating on the Child and Adult Care Food Program (CACFP) are required to obtain a Dun & Bradstreet Data Universal Numbering System (DUNS) number. This DUNS number must be obtained in order to do business with the NC DHHS under Federal assistance programs. No institution or sponsor can receive a subgrant from the NC DHHS unless that institution or sponsor has furnished a DUNS number and the NC DHHS is prohibited from awarding a sub grant to any institution or sponsor that has failed to furnish a DUNS number (2 CFR Part 25, Appendix A, Section I.B.) Additionally, institutions or sponsors that have obtained a DUNS number must register annually in the System for Award Management (SAM).

Suggested Audit Procedures

- Review the grantee’s tax-exempt status documentation.
- Ascertain that the grantee has a written conflict of interest policy.
- Check the policy and verify through board minutes that the policy was adopted before the grantee received and disbursed State funds.
- Request copies of filed reports from [DHHS Office of Internal Audit](#).