

**Community Nutrition Programs  
Child and Adult Care Food Program (CACFP)**

**[FDCH Sponsor Guidance Memorandums Web Link](#)**

**Applies To:** Family Day Care Home Sponsoring Organizations in the CACFP

**Revision Date:** April 2016

**Resources:** USDA's *Family Day Care Homes Monitoring Handbook* and USDA's *Seriously Deficient, Suspension, & Appeals Handbook*

**Addendums/Attachments:** *Addendum D1 - Required Procedure for Completing the Five-Day Reconciliation During Family Day Care Home Visits (new), Attachment D1 - Sample Review Form, and Attachment D2 – Instructions for Sample Review Form*

Sponsors are required to monitor all Providers participating in the CACFP under their sponsorship. Effective monitoring ensures that Providers adhere to the CACFP requirements, that they accurately maintain the required records and make these records available to justify the reimbursement they receive for serving nutritious meals to their enrolled children.

The following information details the CACFP requirements for monitoring family day care home providers. You may also refer to USDA's *Family Day Care Homes Monitoring Handbook*.

**Web Link:** [USDA's Family Day Care Homes Monitoring Handbook](#)

**A. New Providers**

**1. Preapproval Visit**

Prior to approval, Providers who have not participated in the CACFP under the sponsorship of your organization must be visited to ensure that the food service facilities in the Provider's home are adequate and to orient the Provider to the CACFP meal requirements and reporting responsibilities. The Sponsor must document preapproval visits and maintain this documentation on file.

**2. First Review**

The first review must be completed within the first four weeks of program operation. If a newly enrolled facility does not have any children in care yet, the first review must be conducted and documented within four (4) weeks of when the Sponsor has been notified that children are now enrolled in the home, or within four (4) weeks of the Sponsor receiving a first claim from the Provider, whichever event occurs first.

The first review requirement is designed to ensure that Providers **new to the CACFP** receive an early review from their Sponsor to minimize the possibility that the Provider is making critical errors that could result in large overclaims. The first review requirement also applies to a Provider who changes Sponsors or to a Provider who re-enters the CACFP after a break in Program participation.

**B. Reviews – For All Participating Providers**

**1. Frequency of Reviews**

All Providers must be reviewed three times each Federal Fiscal Year (FFY) (October 1 – September 30).

If a Provider does not operate year round, the number of reviews can be prorated based on the number of operating months (months in which a claim has been submitted) during the fiscal year. If a Provider operates one or more days in a given month, count that as an operating month. The number of reviews must be prorated as follows:

<u>Months of Operation</u>	<u>Day Care Home Reviews</u>
1-4	1
5-8	2
9-12	3

**Sponsors must make all reasonable efforts to complete the required number of reviews for each provider during each FFY.** If a Provider’s closure is anticipated in any way (for example, a pregnancy, upcoming planned surgery, indications that she will be closing “soon”), then the sponsor must complete the last review required for the FFY prior to her anticipated closure.

**Unanticipated Temporary Closures:**

When a Provider temporarily closes her child care because of unforeseen reasons and the Sponsor is unable to complete the 3<sup>rd</sup> or last review of this Provider by the end of the FFY because of her temporary closure, the Sponsor may apply discretion and not go through the formal re-enrollment process if she becomes active again soon thereafter in the subsequent FFY.

When the required number of home reviews cannot be completed for a provider due to her unanticipated closure, it is critical that the Sponsor document the dates of attempted home visits and the time line of when notifications were received from the provider regarding her closure and the events leading up to it. This documentation must be readily available for administrative review.

➔ **Applying this discretion must be an exception, not the rule.** The Sponsor must closely oversee the decisions made for applying this discretion by assessing whether the temporary closure is truly unforeseen and preventing any tendencies that may lead to this discretion being applied as a standard operating procedure or a regular occurrence. The decision to apply this discretion must only be made on a case-by-case basis.

**2. Unannounced Reviews and Required Meal Observations**

An unannounced review is defined as a review **with no prior notification**.

- At least two of the three required reviews must be unannounced;
- At least one of the unannounced reviews must include an observation of an approved meal service;

**Note:** children do not have to be present during a home review in order for the Sponsor to count the review as one of the required CACFP reviews; this is as long as the monitor is completing the home review during the Provider's hours of child care operation and all required elements of the review are completed, as specified in section B6, below, of this guidance memorandum. Home reviews only can count as meal service observations when the monitor observes a significant portion of the meal service and the enrolled children are present and served meals.

- The timing of the unannounced reviews must vary so they are unpredictable to Providers;
- Unannounced reviews must be made only during the home's normal hours of child care operations; and
- Monitors must have photo identification and proof of affiliation with the Sponsor when conducting unannounced reviews.

### 3. No more than six months must elapse between reviews

### 4. Averaging of Home Reviews

Sponsors, at their discretion, may "average" the reviews of their Providers. The intent of this allowed discretion is to permit Sponsors to focus their review efforts on Providers who are more likely to commit errors (i.e., newer Providers and Providers with a history of operational problems). Sponsors electing this option must conduct the same total number of annual reviews (three times the number of day care homes they sponsor) as before, but may arrive at that number by reviewing some Providers less frequently than three times per year, and other Providers more frequently than three times per year. The Sponsor must also conduct an average of two unannounced reviews of all of its Providers that year.

- The Sponsor must inform the DPI that it will use the "review averaging" option and, to facilitate the DPI review of sponsor monitoring, must also describe how it plans to implement the review averaging option.

When using the "review averaging option", if a Sponsor conducts one unannounced review of a Provider in a year and finds no serious deficiencies, the Sponsor may choose not to conduct a third review of that Provider that year, and may make its second review announced. That one unannounced review must observe an approved meal service and that Provider's first review in the next FFY must occur no more than nine months after the previous review.

### 5. Oversight of All Meal Types Claimed by Providers

Sponsors with Providers who claim breakfasts, suppers, evening snacks, and/or weekend meals must provide oversight of all types of meal services being claimed by the Providers (*Sponsor Monitoring of Facilities – CACFP 04-2006*). Sponsors can meet this requirement in various ways:

- Conduct its reviews so that the percentage of specific meal observation reviews may be roughly proportional to the percentage of each type of meal being claimed by its Providers;
- Conduct household contacts for Providers claiming these meals in order to have parents verify their children's attendance at these meal services; (Refer to Guidance Memo P)
- Monitor these meal types in the context of the five-day reconciliation during a home review; and/or

- Conduct a more detailed analysis of the monthly claims for specific Providers claiming these meals.

#### 6. Required Review Elements

If the requirements referred to in points “e” through “l” directly below are not being met by the Provider, they are considered findings of noncompliance and require some form of corrective action. The monitor must document these findings, the required corrective actions, and then the follow-up done to confirm whether the Provider properly implemented the corrective actions on the review forms.

Sponsors may either use the attached *Sample Review Form (Attachment D1)* or submit their own form to DPI for approval prior to implementation of the form.

Web Link: [Attachment D1 - Sample Review Form](#)

Web Link: [Attachment D2 – Instructions for Sample Review Form](#)

Review forms must include, at a minimum, documentation of the following information in order to comply with federal regulation:

- a. Date of review;
- b. Time of review - beginning and ending;
- c. Type of review (announced or unannounced and if/what type of meal service observation);
- d. Assessment of whether the Provider has corrected problems noted on the previous reviews;
- e. Assessment of compliance with record maintenance requirements;  
*Refer to Guidance Memorandum K for recordkeeping requirements.*
- f. Reconciliation of the Provider’s meal counts with enrollment and child care attendance records for a five (5) day period by **enrolled child**; refer to *Addendum D1* titled *Required Procedure for Completing the Five-Day Reconciliation During Family Day Care Home Visits*.

Web Link: [Addendum D1 - Required Procedure for Completing the Five-Day Reconciliation During Family Day Care Home Visits](#)

- g. Assessment of the Provider’s compliance with meal service and CACFP meal pattern requirements when observing a meal/snack;
  - (1) **Observe a Significant Portion of the Meal Service:**

At a minimum, the monitor must see a significant portion of the meal service; **the monitor must see that all required food components are served to all children present, ages 1 to 12 years of age.** This required observation does not apply to infants.

→ At least one enrolled non-residential child must be present for the meal served in order to count the review as one with a meal observation.

**(2) Serving Amounts of Required Meal Components:**

Monitors must observe enough of the meal service to assess whether the Provider is offering enough of each food item being served for providing at least the minimum serving sizes of each meal component according to the CACFP meal pattern requirements, to each child participating in the meal service.

- When serving meals or only some food items of the meal by the family-style method, **the amount of each food prepared and placed on the serving table in common serving dishes and pitchers** must be enough to provide at least the minimum required serving sizes of each of the meal components to all children being served at the table;
- When the Provider serves meals or only some foods of the meal by the pre-plated method, the Provider must give each child at least the minimum serving size required for each meal component on their plates and/or within their bowls and drinking cups.

→ **If the provider does not serve enough of each food to meet the serving size requirements, the monitor must:**

- ❖ **Immediately address the issue with the Provider during the meal service by providing guidance on the required serving sizes, with the intention of assisting the Provider to properly offer the children the required amounts before the end of the meal; and**
- ❖ **Document this as a noncompliant finding that requires corrective action to be followed up on at the next home visit.**

**(3) Serving all Required Meal Components:**

If the correct type(s) of milk are not provided according to the ages of the children present, and/or other required meal components are not provided, **the monitor must disallow the incomplete meals served for that observed meal service.**

(For (2) and (3) directly above, refer to *Guidance Memorandum L* for further information the CACFP meal pattern requirements, including serving meals by the family-style and pre-plated method.)

**(4) Present and Participating in the Meal Service:**

All children who will be claimed for a meal must be present and participating in the meal service. Present and participating means that they must be seated at the serving table together during the meal service. **If a child is not present and participating, she must not be claimed for reimbursement for that meal.**

**(5) Meal Service Times:**

Sponsors should not restrict Providers from serving and claiming meals/snacks outside of their scheduled meal service times when reasonable variations occur (i.e. children's schedules vary because of doctor appointments, their hunger needs, and the provider's flow of activities for the day). Monitors do not have to disallow meals served outside of the Provider's scheduled meal service times if the variation is reasonable and the child is actually served that specific meal type.

**h. Assessment of the Provider's compliance with Licensing and Certification rules;**

- (1) If the Provider's home is over-capacity or over the staff-to-child ratio as defined by their applicable regulation, the Sponsor must document the over-capacity or over-ratio concern as a finding on the review form and require corrective action. If the Provider served meals with the intent to claim all of them for reimbursement, the difference in the number of meals served and the authorized capacity must be disallowed;
- (2) Compliance with health and sanitation standards: Providers must be monitored during home visits by the sponsor for compliance with DCF licensing and certification regulations for sanitation and health standards with regard to storing, preparing, and serving food. [7 CFR §226.20(l)]

**i. Assessment of the Provider's compliance with the CACFP training requirements (*Guidance Memo E*);****j. Assessment of the Provider's compliance with the requirements for recording meal counts (*Guidance Memos B and K*);**

**Providers must record the children served at each meal and snack, by child's name or assigned number, (meal counts) by the end of the day for the meals she will be claiming for reimbursement.**

- (1) Meals must be disallowed when meal counts are not up-to-date or complete for the month(s) that are being reviewed during the home review, through the day prior to the monitor's home review.
- (2) Meal counts that have been recorded in advance must be erased or deleted and the monitor must cite this as a review finding requiring corrective action.

**k. Assessment of the Provider's compliance with the requirements for maintaining menu records (*Guidance Memos K and L*);**

Providers must record their menus by the end of each day, for all meals and snacks that she will be claiming for reimbursement.

- (1) Meals must be disallowed when dated menus are not up-to-date or complete for the month(s) that are being reviewed during the home review, through the day prior to the monitor's home review;
- (2) It is acceptable for Providers to record their menus in advance so long as this practice is strictly used for planning purposes, and if changes are made, the menus are corrected by the end of the respective day.

**l. Assessment of the Provider's compliance with the CACFP requirements for annual updating and content of enrollment forms (*Guidance Memo O*).****7. Documentation of Noncompliance Cited During a Review**

The noncompliance cited during the review must be documented on the review form that is signed by both the monitor and Provider and then discussed with the Provider. The review form documentation must include:

- A summary of the finding(s) (or problem, issue, concern etc.)
- A plan for corrective action and a deadline for completion;

- At the next review, the monitor must record a summary of the action taken and whether that action corrected the previously cited noncompliance;
  - A copy of each completed review must be maintained in the Sponsor's files and a copy should be given to the Provider.

#### 8. Automated Claim Errors and Deductions:

Claim errors and deductions should not be considered as part of the monitoring process and used for citing findings of noncompliance, requiring corrective action, and/or requiring the Provider to submit supporting documentation. However, as a best practice, monitors should discuss claim errors with the Provider during home visits for providing technical assistance and training in these problem areas.

**The following claim error detections and/or deductions should only be treated as noncompliant findings when observed and identified during the onsite home review process:**

**a. Over-Capacity and Exceeding Child to Provider Ratio Requirements**

**b. School-Agers Claimed for A.M. Snacks and Lunches**

The burden of proof should not be on the Provider to submit justification for why school-agers are claimed for these meals or otherwise be automatically deducted by the Sponsor's claim processing system.

**c. Discrepancies between the Child(ren)'s Enrollment Information (days, hours, and meals) and Claimed Meals**

These discrepancies should not result in automatic deductions from the Provider's claims. They also should not result in disallowances when identified during home visits without obtaining further documentation or information verifying that the children were actually not present during the claimed meals.

*Remember that the CACFP enrollment information is only required to be updated annually by the parents. The monitor should note any changes within the children's schedules on their review forms when completing the 5-day reconciliation; Refer to Addendum D1 - Required Procedure for Completing the Five-Day Reconciliation During Family Day Care Home Visits, of this guidance memorandum for further instruction in this area.*

#### 9. Serious Deficiencies

If one or more serious deficiencies are identified when assessing a Provider's compliance with the CACFP requirements, the next review of that Provider must be unannounced (*Guidance Memo M*).

**Serious deficiencies for Providers are:**

- a. Submission of false information on the application;
- b. Submission of false claims for reimbursement;
- c. Simultaneous participation under more than one Sponsor;
- d. Non-compliance with the CACFP meal pattern;
- e. Failure to keep required records;
- f. Conduct or conditions that pose imminent threat to the health or safety of a child(ren) in care, or the public health and safety;

- g. A determination that the Provider has been convicted of any activity that occurred during the past seven years and that indicated a lack of business integrity;  
*A lack of business integrity includes fraud, antitrust violations, embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, receiving stolen property, making false claims, obstruction of justice, or any other activity indicating a lack of business integrity as defined by the State agency, or the concealment of such a conviction.*
- h. Failure to participate in training;
- i. Any other circumstance related to non-performance under the sponsoring organization-day care home agreement (P1-1425), as specified by the Sponsor and/or the State agency.

#### 10. Imminent Threat to Health or Safety

- a. **Sponsors must train their monitors to recognize conditions that pose an imminent threat to the health and safety** of the participants, child care staff, and/or the public and to respond to these conditions appropriately.

The source of the following list of circumstances that could rise to the level of imminent threat is from USDA's *Seriously Deficient, Suspension, & Appeals Handbook*

**Web Link:** [USDA's Serious Deficiency, Suspension, & Appeals for State Agencies & Sponsoring Organizations Handbook](#)

**Circumstances that rise to the level of imminent threat include:**

- Lost or missing child;
- Suspected maltreatment of a child;
- Suspected sexual, physical, or emotional abuse of staff, volunteers, or family members occurring while on the premises of the child care facility;
- Injuries to children requiring medical or dental care;
- Illness or injuries requiring hospitalization or emergency treatment;
- Mental health emergencies;
- Health and safety emergencies involving parents or guardians and visitors to the child care facility;
- Death of a child or staff member (including a death that occurred outside of child care hours that had resulted from serious illness or injury at the child care facility);
- The presence of a threatening individual who attempts or succeeds in gaining entrance to the facility;
- The presence of accessible firearms;
- Inadequate or incompetent supervision;
- Unsanitary conditions for food service or unsanitary water;
- Inadequate light, ventilation, sanitation, or heating;
- Failure of the home's fire detection and prevention system.



**b. Required Action by the Sponsor**

- (1) The Sponsor must notify the relevant child care regulator (DCF license specialist and/or County certifier) and/or health or law enforcement authorities whenever a home sponsor representative observes an imminent threat to the health or safety of children, child care staff or to the public in the Provider's home. If a monitor determines that a child is in imminent danger, the proper authorities must be contacted immediately and (s)he must stay at the site until the authorities have arrived. The Sponsor representative must take action that is consistent with the recommendations and requirements of those authorities.
- (2) The event of the imminent threat and the notification to the regulators/authorities must be documented and retained within the Provider's file.
- (3) Sponsors must initiate the suspension and serious deficiency process; immediate action must be taken to stop payments, suspend the Provider's CACFP participation, and declare the Provider as seriously deficient, regardless of any formal procedures pending or underway by the licensing authorities to revoke the Provider's license or certificate. Refer to *Guidance Memorandum M* for the suspension and serious deficiency procedures.

**11. Health and Safety Issues that are not an Imminent Threat**

Sponsors **are not required** to monitor Providers for compliance with state or county regulation (except as specified in this guidance memorandum) or to report violations to the regulating agency(ies) which are not considered to be an imminent threat to health and safety.