

Summary: USDA Memorandums for 2015 → DPI Guidance Memorandum Changes

June 25, 2015 ~ FDCH Sponsor Training

01-2015 Duration of Income Eligibility Determinations: Guidance and Q&As; October 31, 2014
(Supersedes CACFP 07-2014 issued January 16, 2014)

CACFP HSIS Determinations - Effective Dates of Determinations

- ❖ Can be based only on the parent signature date or the Determining Official's (DO) approval date, and **not the receipt date by the Sponsor (as allowed in CACFP 07-2014)**;
- ❖ If basing on parent signature date, if the signature date is not within the month of the DO's approval or immediately preceding month, the effective date must be the DO's approval date.



Guidance Memo I
(Household Size-Income Statements)
Modified Section D → *Effective Month of HSIS Determinations*

02-2015 CACFP – Role and Requirements of Administrative Review Officials; November 21, 2014

- ❖ Cites regulation in CFR 226.6 on the requirements of being an Administrative Review Official, the required procedures, and that State Agencies are ultimately responsible for ensuring that a review official abides by the required procedures set forth in this regulation;
- ❖ States that that it is imperative that State agencies and Sponsors provide guidance to review officials responsible for CACFP cases;
- ❖ Provides guidance on State Agencies' and Sponsors' training methods for review officials.



Guidance Memo M
(Serious Deficiency Process)
Added Section B → *The Administrative Review Process, including the requirements pertaining to administrative review officials*

USDA's Seriously Deficiency, Suspension, & Appeals for State Agencies & Sponsoring Organizations Handbook; February 2015
(Pages 30-38 for the *Serious Deficiency Process for Day Care Homes*)

- ❖ Changes the term of "Intent to Terminate and Disqualify" to "Proposed Termination and Disqualification".



Guidance Memo M
(Serious Deficiency Process)
Changed the term "Intent to Terminate and Disqualify" to "Proposed Termination and Disqualification" throughout the GM and the *Appeal Procedures, Seriously Deficient Procedures, and sample form letters*

03-2015 Written Codes of Conduct and Performance of Employees Engaged in Award and Administration of Contract; Nov 21, 2014

Sponsors' Written Code of Conduct for Employees Involved with Procurement:

- ❖ Must prohibit employees from soliciting gifts, travel packages, and other incentives from prospective contractors;
- ❖ Must prohibit employees from being involved in selection, award, and administration of contracts in which they may have financial interest;
- ❖ Set standards for employees' involvement with contracts when financial interest is not substantial or is an unsolicited, nominal gift;
- ❖ Sponsors must provide disciplinary actions when employees violate the code of conduct;
- ❖ State agencies must oversee and monitor Sponsors' written code of conduct by reviewing, investigating conflicts of interest, and require corrective action for violations.



Guidance Memo G (Procurement)
Added Section A → *Written Code of Conduct Requirements*

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11-2015 *Local Foods in the CACFP with Q&A*; March 13, 2015

- ❖ Encourages day care homes to make purchases associated with growing food for serving in meal service or nutrition education related activities in a way that promotes open and fair competition;
- ❖ Affirms that day care homes may purchase local foods from any source such as distributors, farmers markets, Community Supported Agriculture (CSA), and food hubs etc.



Guidance Memo G (Procurement)

Added Section D → *Purchasing of Local Foods*

04-2015 *Area Eligibility in the Child Nutrition Programs*; November 21, 2014 (Supersedes all prior USDA memos relating to this subject)

- ❖ Consolidates previous guidance;
- ❖ Provides guidance previously issued on making area eligibility determinations based on schools electing NSLP participation through the Community Eligibility Provision (CEP); CEP Schools must use individual school data determined by multiplying the Identified Student Percentage (ISP)(primarily obtained from the number of kids who are directly certified as receiving FoodShare) by 1.6; if the resulting percent is equal to or greater than 50%, the school % may be used to make area eligibility determinations.



Guidance Memo J (Tiering)

In February 2015:

Revised Section ID → *School Data Determinations*
The Wisconsin Public School Eligibility Data Report is now customized for FDCH sponsors; it includes CEP schools & their adjusted eligibility percentage based on the CEP criteria. Specialty schools have also been filtered out, but schools that do not have a defined attendance area or use bussing are not; so, Sponsors still must check with schools to verify that they have a defined attendance area.

USDA's *Seriously Deficiency, Suspension, & Appeals for State Agencies & Sponsoring Organizations Handbook*; February 2015

- ❖ Adds a few more examples to the list of circumstances that may be considered as imminent threat to health and safety.



Guidance Memo D (Monitoring Requirements)

Added to Section B10 under *Imminent Threat to Health and Safety* →

- (1) Inadequate or incompetent supervision;
- (2) Unsanitary conditions for food service or unsanitary water;
- (3) Inadequate light, ventilation, sanitation, or heating;
- (4) Failure of the home's fire detection and prevention system

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05-2014 (Re-issued) *Smoothies Offered in the Child Nutrition Programs*; January 14, 2015

- ❖ **Modifies previous guidance on smoothies to allow the crediting of vegetables and yogurt, and clarifies using fruit concentrates.**
 - Yogurt in smoothies can credit as a meat/meat alternate for lunch.
 - Fresh, frozen, or canned vegetables, 100% vegetable juice, and 100% vegetable and fruit juice blends from any vegetable subgroup can credit as juice (fruit/vegetable component).
 - Fruit juice or fruit puree concentrate can only be used to credit as a fruit/vegetable if it is reconstituted to full strength.



**Guidance Memo L
(Meal Pattern Requirements)**
Added Section B3 → *Smoothies*

13-2015; *Statements Supporting Accommodations for Children with Disabilities in the Child Nutrition Programs*; March 30, 2015

- ❖ **Expands the list of acceptable medical professionals who may sign a medical statement for children whose special dietary needs are the result of a disability**, from just a licensed physician to medical professionals who are authorized to write medical prescriptions under State law.
- ❖ **WI statutes, section 118.29, permits the following practitioners to write medical prescriptions:** physicians, dentists, optometrists, physician assistants, advanced practice nurse prescribers, and podiatrists.



**Guidance Memo L
(Meal Pattern Requirements)**
Modified Section F1 → *Special Dietary Needs resulting from a disability*

14-2015; *Infant Feeding in the CACFP*; April 10, 2015

- ❖ **Consolidates and supersedes previously issued memorandums.**
- ❖ **Reiterates the requirement to offer meals to all children, including infants** and that Providers cannot avoid this obligation by stating that the infant is not “enrolled” in the CACFP, or by citing logistical or cost barriers to offering infant meals.
- ❖ **Breastmilk Storage:** Extends the length of time that fresh breastmilk may be stored in the refrigerator from 48 hours to 72 hours, as long as the refrigerator temperature is kept at 39 degrees Fahrenheit or below. This is in-line with the most current guidelines established by the Academy of Breastfeeding Medicine. The *Feeding Infants: A guide for Child Nutrition Programs* will be updated to reflect this change.
- ❖ **Reiterates the Food and Drug Administration’s (FDA) definition of iron fortified infant formula**, provides information to access its required nutrient specifications, and states that if the formula is purchased outside of the US, it most likely is not regulated by the FDA and may not meet the FDA’s definition and not be creditable.
- ❖ **In order for Providers to claim infant meals that serve exempt formulas, low-iron formulas, regular cow’s milk, or any other substitute for iron fortified infant formula, they must have a medical statement on file signed by a licensed physician or a State licensed health care professional who is authorized to write medical prescriptions.**
- ❖ **List of Creditable Formulas and List of Exempt Formulas:**
 - **Creditable Formulas** (*those that do not require a medical statement*)– USDA no longer maintains this list due to continuous updates and changes in products
→ **Note:** Iron fortified infant formulas that are not approved by WIC may be creditable to serve on the CACFP; *WIC requires a slightly higher iron content than FDA’s specification for formula to be labeled as “iron fortified infant formula”.*
 - **Exempt Formulas** (*intended for infants who have inborn errors of metabolism, low birth weight, or unusual medical or dietary problems*): The FDA maintains a list of exempt infant formulas currently marketed in the US.
- ❖ **DHA Enriched Infant Foods:** USDA now allows single-ingredient infant foods containing DHA to be creditable for serving infants. DHA itself cannot cause allergic reactions.



**Guidance Memo L
(Meal Pattern Requirements)**

Modifies the Following Sections:

- (1) Section A2 → *Definition of Infant Formula*
- (2) Section A3 → *Purchasing Infant Formula and Foods*
- (3) Section A5 → Added a few points under the dot point on *Breast Milk*

Breast milk storage: Providers must still adhere to the DCF rules for child care.
- (4) Section A6 → Added section *Serving Formula to Infants 12 months or older*
- (5) Section A7 → *Solid Infant Foods*
Added points on *DHA Enriched Infant Foods* and *Foods Considered to be Highly Allergic*

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❖ **Highly Allergic Foods:** The American Academy of Pediatrics now states that there is no convincing evidence to delay the introduction of foods considered to be highly allergic, including eggs. As is always the case, child care providers should check with the parents/guardians before introducing any new foods to infants.

09-2015 and 10-2015 CN Labels Copied with a Watermark – Acceptable documentation; Administrative Review Process; 3.11.15

❖ Lists acceptable forms of documentation for the CN label and product formulation statements and includes a tip sheet for determining whether the documentation for a processed product is acceptable.



**Guidance Memo L
(Meal Pattern Requirements)**
No Changes to CACFP policies

12-2015 Guidance on Prohibition of Separation by Gender during Child Nutrition Program Meal Service; March 20, 2015 (Supersedes 16-2012)

❖ Separation of children by gender during meal service is prohibited unless approved by DPI or USDA for certain circumstances.



**Guidance Memo H
(Civil Rights)**
Will be added to GM; pending revision.

05-2015 Health and Safety Inspection Requirements; December 10, 2014

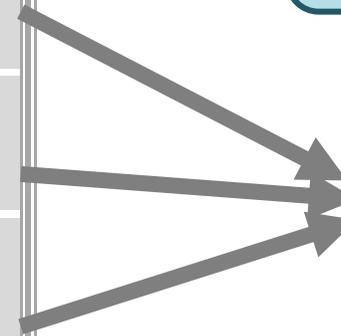
❖ Reiterates that Sponsors may use up to \$300 in administrative funds per home to enable Tier 1 home meet licensing or certification requirements, with specific prior written approval by DPI

08-2015 Assessing Costs in the CACFP; February 25, 2015

Provides a tip sheet (*same title as this memorandum*) with guidance on the process to use when considering proposed uses of your nonprofit food service account funds for CACFP-related costs. *The tip sheet highlights points found in FNS Instruction 796-2 (Rev. 4).*

15-2015 Allowable Costs Related to Physical Activity and Limiting the Use of Electronic Media in the CACFP; April 17, 2015

- ❖ The HHFKA of 2010 directed USDA to encourage child care centers and day care homes to provide opportunities for physical activity and to limit the use of electronic media. USDA now encourages State agencies, CACFP institutions, and facilities to adopt best practices to promote health and wellness of CACFP participants.
- ❖ Sponsors may use administrative funds and day care home providers may use CACFP reimbursement for wellness efforts, including the promotion of physical activity and limiting use of electronic media. Further information on allowable use of CACFP funds on these types of efforts and State agency monitoring is also provided in this memo.



FNS Instruction 796-2

06-2015 FY 2015 Reallocation of SAE Funds & 07-2015 Guidance on Reallocation of CACFP Audit Funds; February 19, 2015

❖ Applicable to DPI administrative responsibilities



No Action Required by Sponsors

17-2015 Voluntary Menu Labeling in the National School Lunch and School Breakfast Program; May 19, 2015

- ❖ The FDA published a new regulation requiring restaurants and retail store operators to print calorie statements on their menus for all standard menu items and make nutrition information available on total calories, calorie from fat, total fat, saturated fat, trans fat, cholesterol, sodium, total carbohydrates, dietary fiber, sugar, and protein.
- Schools and institutions operating under the CACFP are excluded from this new rule and are therefore not required to implement the requirements.



N/A to the CACFP