DEPARTMENT OF EDUCATION

SUBJECT: Questions and Answers about Afterschool Snacks in the National School Lunch Program and the At-Risk Component of the Child and Adult Care Food Program
CACFP – 40
NSLP - 43

TO: Authorized Representatives
Child Nutrition Programs

DATE: July 28, 2000

FROM: Sandra Kangas, Director

The following set questions are in response to the policy memorandum issued by USDA on January 19, 1999 in regard to reimbursement of Snacks in After School Care Programs. This is an updated version of questions and answers that have come up since that date. Therefore, some of the questions have an asterisk before the number, indicating that a) minor changes have been made to reflect current operating policies or b) the question is a new one. Also, some of the questions in the original memos have become obsolete and have thus been removed.

Should you have any questions, comments or concerns please feel free to contact our office at (605) 773-3413.

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AFTERSCHOOL SNACKS
Questions and Answers
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Implementation in the National School Lunch Program (NSLP) and the At-Risk Component of the Child and Adult Care Food Program (CACFP)

A) ELIGIBLE PROGRAMS

A-1) What are the approval criteria for afterschool care programs?

Under the NSLP, a school food authority must operate the lunch component and the school district must sponsor or operate an afterschool care program which:

(a) provides children with regularly scheduled activities in an organized, structured and supervised environment; and

(b) includes educational or enrichment activities.

Under the CACFP, a public or private nonprofit organization (including a school) must operate an afterschool care program which:

(a) provides children with regularly scheduled activities in an organized, structured and supervised environment;

(b) includes educational or enrichment activities; and

(c) is located in a geographical area served by a school in which 50 percent or more of the children enrolled are eligible for free or reduced price school meals.

[See Question A-13 for information on for-profit eligibility.]*

A-2) Are there any afterschool care programs that may not be approved?

Yes. Organized athletic programs engaged in interscholastic or community level competitive sports only (i.e., youth sports leagues such as "Babe Ruth" and "Pop Warner" baseball leagues, community soccer and football leagues, area swim teams) may not be approved. However, afterschool care programs which include supervised athletic activity may participate provided that they are "open to all" and do not limit membership for reasons other than space or security or, where applicable, licensing requirements. For example, an afterschool police athletic league program that uses sports and recreational activities to provide constructive opportunities for community youth could be approved to participate in the CACFP at-risk afterschool snack service.

A-3) Does the "open to all" criterion apply to programs other than interscholastic sports programs?

No. Afterschool care programs that are designed to accommodate special needs or that have other limiting factors, may be eligible to participate. They may include, but are not limited to programs targeted to children who have learning disabilities or programs for children who are academically gifted.

A-4) Is licensing required for an afterschool care program?

Otherwise eligible afterschool care programs do not need to be licensed in order to participate unless there is a State or local requirement for licensing. If there is no State or local requirement for licensing, then afterschool care programs must meet State or local health and safety standards. Organizations should check with their State and local health departments to determine the requirements they must meet to operate an afterschool care program in their community. Existing afterschool care programs that have not had a meal service as part of their program in the past should also check with State and local health department officials to determine whether any additional requirements apply as a result of the service of an afterschool snack.

A-5) Can a traditional child care center already participating in the CACFP qualify for at-risk afterschool snack reimbursements?

Yes. A child care center located in the attendance area of a school in which at least 50 percent of the enrolled children are eligible for free or reduced price meals may qualify for CACFP at-risk afterschool reimbursements for free snacks served to children who attend the center after their school day has ended. Children who do not attend school would continue to participate in the traditional CACFP meal service provided by the center. Centers operating both the traditional and at-risk components of the CACFP may only claim a total of 3 meals, or 2 meals and 1 snack, per child per day.

***A-6) Are programs that operate on weekends eligible for reimbursement?**

Under the CACFP at-risk afterschool care provisions, snacks may be reimbursed if they are served on weekends or holidays, including vacation periods (e.g., Spring break), during the regular school year only.

The afterschool snack component in NSLP may only operate on days that school is in session. This may include snacks served in afterschool care programs operated for children attending summer school (Refer to Question A-7 for more information), but does not include weekends, holidays, or school vacations.

***A-7) Are programs that operate during the summer vacation eligible for reimbursement?**

Under CACFP, at-risk afterschool snacks may not be reimbursed during summer vacation. Organizations that wish to operate programs during the summer when school is not in session may receive reimbursement for meals and snacks through the Summer Food Service Program. In areas where schools operate on a year-round basis (i.e., the regularly scheduled school year is year-round), at-risk afterschool care programs may receive reimbursement for snacks through the CACFP all year to the extent these programs are set up to serve "on-track" children.

Under the NSLP, school food authorities may claim reimbursement for lunches (and breakfasts under the SBP) served during the summer months when operating a summer school which is an integral part of the curriculum or an extension of the local educational program. Such school food authorities may also claim reimbursement for snacks served to children in afterschool care programs during this period.

*[*See Question A-15 for restrictions on afterschool care programs switching from CACFP to SFSP.]*

A-8) May a school that does not participate in the NSLP receive reimbursement for afterschool snacks through the NSLP?

If the school food authority operates the NSLP in any of the schools under its jurisdiction, then all schools under the school food authority are eligible to provide snack service under the NSLP. If the school is not under the jurisdiction of a participating school food authority, it may be eligible to serve snacks under the CACFP. Please consult with the State agency.

A-9) May a morning or afternoon snack served in a Head Start Program be claimed under the NSLP afterschool snack service?

No. Snacks served in the Head Start Program may not be claimed for reimbursement under the NSLP afterschool snack service because the Head Start Program is not an afterschool care program. Afterschool snacks served to Head Start participants are reimbursable only to the extent that they are served <u>after</u> regular school hours (i.e., after the Head Start Program) under the auspices of an afterschool care program. Head Start Programs may also participate under the traditional center component of CACFP.

A-10) Are the licensing provisions under P.L. 105-336 also applicable to Outside-School-Hours Care Centers (OSHCC's), or are they limited to afterschool at-risk centers?

The licensing provisions apply to both OSHCC's and afterschool at-risk centers. Therefore, otherwise eligible OSHCC's or afterschool at-risk centers do not need to be licensed in order to participate in CACFP unless there is a State or local requirement for licensing. If there is no

State or local requirement for licensing, then OSHCC's and afterschool at-risk centers must meet State or local health and safety standards. (See Question A-4)

A-11) What are the differences between Outside-School-Hours Care Centers (OSHCC's) and afterschool at-risk centers in CACFP?

Requirement	OSHCC's	Afterschool At-Risk Centers
Eligible Institutions	Public; private nonprofit; or for-profit title XX centers	Public; private nonprofit; or for-profit title XX centers
Licensing	Licensing not required unless there is a State or local requirement for licensing. If there is no State or local requirement for licensing, then centers must meet State or local health and safety standards.	Licensing not required unless there is a State or local requirement for licensing. If there is no State or local requirement for licensing, then centers must meet State or local health and safety standards.
Determination of Reimbursement	Program may operate in any area. Individual free and reduced-price applications are taken to determine level of reimbursement (free, reduced price, and paid).	Program must be located in a geographic area served by a school in which 50 percent or more of the children enrolled are eligible for free or reduced price meals. All snacks are reimbursed at the free rate.
Age of Participants	12 years of age and under	School-age children up through age 18 (or 19 if the child turns 19 during the school year)
Type of Meals Eligible for Reimbursement	Breakfast, snack, and supper (lunch may also be served if center meets conditions in §226.19(b)(4)).	Snack only
Number of Reimbursable Meals	Maximum of 2 meals and 1 snack per child per day (or, 2 snacks and 1 meal).	Maximum of 1 snack per child per day
Meal Patterns	CACFP meal patterns in §226.20	CACFP meal pattern for snacks in §226.20(c)(4)
Meal Service Periods	School days, weekends, and holidays; no weekend-only programs (§226.19(b)(4))	School days, weekends, and holidays during the regular school year.
Time Restrictions for Meal Service	Three hours must elapse between the beginning of one meal service and the beginning of another, except that four hours must elapse between the service of a lunch and supper when no snack is served between lunch and supper. In addition, the service of a supper must begin no later than 7 p.m., and end no later than 8 p.m. Finally, the duration of the meal service is limited to 2 hours for lunch and supper, and 1 hour for other meals. (§226.19(b)(6))	Snacks must be served after school (except on weekends and holidays, when snacks may be served at any time of day). No other time restrictions exist unless at-risk afterschool centers also operate outside-school-hours care centers, in which case the restrictions for outside-school-hours care centers apply [see OSHCC's column, left, and §226.19(b)(6)].

A-12) May schools that already claim suppers under CACFP also claim afterschool snacks through NSLP?

Yes. Schools that are already participating and claiming suppers through CACFP also may claim afterschool snacks through NSLP provided they meet the eligibility criteria for an afterschool care program.

A-13) Are for-profit centers eligible to receive reimbursement for afterschool snacks through CACFP?

Yes. For-profit centers may receive reimbursement for at-risk afterschool snacks if:

(a) they meet all at-risk afterschool eligibility requirements (e.g., area eligibility; afterschool care program with educational/enrichment activities); and

(b) they are eligible to receive reimbursement as a proprietary title XX center through the traditional child care component of CACFP.

Thus, if a for-profit child care center meets the criteria for a *Proprietary Title XX Center* set forth in the regulations, it may also receive reimbursement for afterschool snacks through CACFP if it operates an afterschool care program. To be eligible for CACFP reimbursement, a for-profit center must provide nonresidential child care services for which it receives compensation from amounts granted to the States under title XX of the Social Security Act for at least 25 percent of its enrolled children or 25 percent of its licensed capacity, whichever is less, during the calendar month preceding initial application or annual reapplication for Program participation. In addition, in order to claim reimbursement in any calendar month, the center must meet the 25 percent criterion in that month.

In determining a for-profit center's eligibility for afterschool snack reimbursement, only the enrollment/licensed capacity of the traditional child care component of the center should be considered in calculating whether the center meets the 25 percent criterion. For example, a for-profit child care center has 32 pre-school children enrolled for care, and also operates an afterschool care program for school-age children. The center would be able to claim reimbursement through CACFP, for meals served under the traditional child care component and for afterschool snacks, in any month in which at least 8 of the 32 pre-school children are title XX recipients.

A-14) May 21st Century Community Learning Center schools that have been claiming reimbursement for snacks as Outside-School-Hours Care Centers under CACFP now switch to NSLP?

Yes. Schools operating afterschool care programs funded through the Department of Education's 21st Century Community Learning Centers (CLC) grants may switch from CACFP to NSLP. However, 21st Century CLC schools wishing to switch Programs must amend their agreement with the State agency, and meet the eligibility requirements for NSLP. Their

agreement with the State agency must also be amended if they want to continue operating under CACFP and expand snack service to children through the age of 18.

A-15) Question A-7 states that organizations receiving reimbursement for at-risk snacks through the CACFP during the school year may participate in SFSP during the summer months. Are there any restrictions on afterschool care programs switching from CACFP afterschool snack service during the school year to SFSP during the summer when school is not in session?

Yes, there are restrictions. Question A-7 applies to an organization which only serves afterschool snacks to children under CACFP during the school year. Such an organization could serve meals to all children through age 18 under SFSP during the summer months, subject to approval of their SFSP application by the State agency.

However, a traditional child care center that also serves at-risk afterschool snacks (i.e., the center has enrolled pre-school children in care during the day, but also serves at-risk afterschool snacks to school-age children) must comply with FNS Instruction 782-4, rev. 2. This instruction states that traditional child care centers may only claim some or all of their meals under SFSP during the summer when there is a substantial change in program activities or a significant increase in enrollment. Thus, if a traditional child care center substantially changes its activities or significantly increases its enrollment during the summer months, it has the option of:

(1) claiming all meals served to children through the age of 18 under SFSP; or
(2) claiming meals served to children in formal child care during the summer under CACFP, and claiming meals served to other children under SFSP.

If a traditional child care center did not substantially change its activities or significantly increase its enrollment during the summer months, it could only receive reimbursement through SFSP for meals served to children who participate in the afterschool care program during the school year. Such a center would receive free, reduced price, and paid reimbursement through CACFP for all other children enrolled for care (through the age of 12). Per FNS Instruction 782-4, rev. 2, the determination to either approve the institution for participation in both the CACFP and SFSP or solely for the CACFP should be based on the institution's program objectives.

Child care centers and outside-school-hours care centers which are licensed to provide child care are advised to check with their State or local licensing agency before expanding their meal service to include SFSP during the summer months, or before switching entirely from CACFP to SFSP for the summer.

A-16) May a school food authority which vends afterschool snacks to a private nonprofit sponsor claim those snacks under the NSLP?

No. A school food authority that vends afterschool snacks to a private nonprofit sponsor may not claim those snacks under the NSLP. In order for the school food authority to claim those snacks, the school food authority must have an agreement with the State agency and must assume full responsibility for meeting Program requirements. However, snacks vended to a private nonprofit sponsor could be claimed by the sponsor under CACFP.

***A-17) Must a school receiving reimbursement for afterschool snacks "manage" the day-to-day activities of the afterschool care program?**

No. While the afterschool care program must be sponsored or operated by a school or school district, this does not mean that the school or school district must carry out the day to day managment of the program. A school or school district may contract with another organization to manage the afterschool program on its behalf. However the school food authority must retain administrative and fiscal responsibility for the snack service. Furthermore, the school food authority must be the party that enters into the agreement with the State agency and must assume responsibility for meeting all snack service requirements, including ensuring that snacks are served in eligible sites.

A-18) Are charter schools eligible to participate?

Charter schools are eligible to participate if they: (a) meet the definition of "school", as cited in §210.2, and (b) meet the approval criteria for afterschool care programs specified in Question A-1.

B) AREA ELIGIBILITY FOR REIMBURSEMENT PURPOSES

B-1) How does an afterschool care program site qualify as area eligible?

For the NSLP and CACFP, an afterschool care program site qualifies as area eligible if it is located in the attendance area of a school (i.e., elementary, middle or high school) which has at least 50 percent of its enrollment eligible for free or reduced price meals. For example, if a high school with less than 50 percent free or reduced price school enrollment is located in the attendance area of a middle school that has 50 percent or more of the enrolled children eligible for free or reduced price meals, then the high school's afterschool care program would be area eligible.

B-2) How should organizations operating afterschool care programs that want to participate through the CACFP obtain free and reduced price school enrollment data?

These organizations should contact the State agency that administers CACFP. The State agency receives free and reduced price enrollment data on an annual basis for purposes of

administering the family day care home component of CACFP. Section 210.19(f) of the NSLP regulations requires each State agency that administers the NSLP to annually provide to the CACFP State agency a list of all elementary schools in the State in which 50 percent or more of the enrolled children have been determined eligible for free or reduced price meals. For middle school and high school data, we recommend that the CACFP State agency coordinate with the NSLP State agency to obtain a list of eligible schools. If that information is not available at the State level, then organizations should go directly to the appropriate school district or private nonprofit school.

B-3) Can school district wide data be used to establish area eligibility, or must data from individual school buildings be used?

Only data from the appropriate individual school(s) may be used to establish a site's area eligibility.

B-4) If a school district has mandated busing of students, can free and reduced price school data be used to determine a site's area eligibility?

Yes. An afterschool care program located in an area which has mandated busing of students should use free and reduced price school data from the individual school building (elementary, middle, or high school) in whose attendance area the afterschool site is located.

B-5) If schools have unassigned attendance areas (i.e., parents can choose where to send their children from among several schools), what data should be used to determine a site's area eligibility?

In areas with unassigned school attendance areas, afterschool care programs located in school buildings should use the free and reduced price enrollment data from that particular school for purposes of determining area eligibility. We will work with State agencies on a case-by-case basis to determine the area eligibility of afterschool care programs operating in non-school sites in areas with unassigned attendance areas. State agencies should contact their regional office if they encounter this situation.

B-6) Is there a particular month of school data that must be used?

Under the NSLP, a site's area eligibility must be based on the total number of children approved for free and reduced price meals as of the last day of operation for the most current October, or another month at the State agency's discretion. If the State agency decides to choose another month, it must do so for the entire State.

Under the CACFP, NSLP data collected in the most current October, or another month selected by the NSLP State agency, must be used to establish a site as area eligible.

For example, if a site applies for area eligibility in August, 1999, the most current October data would be October, 1998. If a site applies for area eligibility in December, 1999, the most current October data would be October, 1999.

B-7) How long is a determination of a site's area eligibility valid?

Under the NSLP, the site's area eligibility is valid for the entire school year. For example, a determination of a particular site's area eligibility made on April 20, 1999, is valid for snacks served for the remainder of school year (SY) 1998-1999, i.e., from April 20, 1999 through June 30, 1999. Similarly, a determination of a site's eligibility made on August 30, 1999 is valid for the remainder of SY 1999-2000, i.e., from August 30, 1999 through June 30, 2000.

Unlike the NSLP, a site's area eligibility determination made under CACFP is valid for three years from the beginning of the month in which the determination was made. For example, a determination of a particular site's area eligibility made on April 20, 1999, is valid for snacks served from April, 1999 through March, 2002. Additionally, whenever a determination of a site's eligibility is made, the most recent data available at that time must be used. Thus, if an afterschool care program wants to begin CACFP afterschool snack service in September, 2000, then the most recent data available at that time would be data from October, 1999.

B-8) May afterschool care programs use private school free and reduced price enrollment data to qualify as area eligible sites?

If an afterschool care program site is located in a private school, then that site may use the free and reduced price enrollment data for that private school, or free and reduced price enrollment data for the public school in whose attendance areas the private school is located, to qualify as an area eligible site. However, since most private schools do not have defined attendance areas, a public school may not use private school free and reduced price enrollment data for purposes of determining area eligibility unless the public school's afterschool care program is actually located in the private school.

B-9) How is reimbursement determined when a school receives children from other schools for the afterschool care program?

For area eligible afterschool care program sites, reimbursement is based on the area eligibility of the site, regardless of which schools the children attend. For afterschool care program sites that are not area eligible (NSLP only), reimbursement is based on the individual eligibility of the children, regardless of which school they attend. Current eligibility determinations made for the lunch and/or breakfast service should be used for those children participating in an afterschool care program.

C) APPLICATIONS/AGREEMENTS

C-1) How do interested schools and organizations participate in these programs?

The State agency must establish application procedures for interested school food authorities/districts and organizations. At a minimum, the application must enable the State agency to determine whether the eligibility criteria for the NSLP or CACFP (as specified in Question A-1) are met. Additionally, the application must identify all afterschool care program sites and, for area eligible sites, provide documentation of the attendance area within which the applicant sites are located. If the school food authority or organization is approved, they must enter into an agreement with the State agency which specifies the terms and conditions of participation.

C-2) For a school or organization that is already participating in the NSLP or CACFP and now wants to provide afterschool snacks, does its agreement with the State agency need to be amended?

Yes. Once the State agency approves the school food authority's or organization's application to provide afterschool snacks, the agreement with the State agency needs to be amended to reflect this additional meal service and its requirements. This amendment could be as simple as a letter specifying the terms and conditions of expanded participation in afterschool snack service.

D) REIMBURSEMENT

D-1) What records are required to receive reimbursement for snacks served October 1, 1998 or later?

In the NSLP, the following records must be maintained:

- For sites that are not area eligible, free and reduced price applications for all children for whom free and reduced priced snacks are claimed.
- Meal counts (total for sites qualifying for free reimbursement for all children; meal counts by type for other sites).
- Documentation for each day of a child's attendance.
- Documentation of compliance with meal pattern requirements and production records.

In the CACFP, the following records must be maintained:

- Total meal counts.
- Documentation for each day of a child's attendance.
- Documentation of compliance with meal pattern requirements.

D-2) Are eligible afterschool care programs that served snacks on or after October 1, 1998, entitled to receive CACFP or NSLP retroactive reimbursement for these snacks?

Yes, if the school food authority or organization meets all eligibility requirements (as specified in Question A-1) for the period of time during which the snacks were served and documentation was maintained (as specified in Question D-1), then it is entitled to receive retroactive reimbursement through the NSLP or through the at-risk component of the CACFP, as appropriate.

D-3) Must organizations that want to receive retroactive reimbursement for snacks served on or after October 1, 1998, already have been participating in the CACFP or NSLP at that time?

Retroactive reimbursement to October 1, 1998, is available for all afterschool care programs that met the eligibility requirements (as specified in Question A-1) and maintained documentation (as specified in Question D-1). Note that school food authorities must operate the lunch component of the NSLP in order to receive reimbursement.

***D-4) What are the reimbursement rates for snacks served in afterschool care programs?**

Under the CACFP at-risk afterschool care component, all snacks are reimbursed at the free rate.

Under NSLP, snacks served in area eligible afterschool care program sites are reimbursed at the free rate. Afterschool care programs that are not area eligible receive free, reduced price, and paid reimbursements depending on the eligibility status of participating children.

The reimbursement rates are adjusted annually every July 1. For the period of July 1, 1999 through June 30, 2000, the reimbursement rate is 54 cents for free snacks, 27 cents for reduced price snacks, and 5 cents for paid snacks (reimbursement rates are higher for Alaska and Hawaii).

D-5) How does a child care center which uses claiming percentages or blended rates claim free snacks for its at-risk afterschool care component in CACFP?

All organizations participating in the at-risk afterschool care component of CACFP must submit separate meal counts for afterschool snack service. This includes child care centers that are currently participating in CACFP and using claiming percentages or blended rates. State agencies are responsible for amending their reimbursement forms and payment systems to recognize a separate entry for afterschool snacks.

***D-6) Obsolete**

***D-7) Obsolete**

D-8) Can afterschool care programs that have been charging participants for snacks receive retroactive reimbursement for those snacks?

In order to receive retroactive reimbursement, afterschool snacks must be made available to children free, at a reduced price or paid, as applicable. If an otherwise eligible afterschool care program has been charging participants for snacks, retroactive reimbursement may be provided only if the program provides each household with a refund.

***D-9) If a school is participating in Provision 2 or 3, can base year percentages of the number of students eligible for free and reduced price benefits be used to determine area eligibility for snack reimbursement in subsequent years?**

Schools implementing Provision 2 or 3 may use the percentage of students eligible for free and reduced price meals in the NSLP (not the School Breakfast Program) during the base year to determine area eligibility for the duration of the provision. When the school establishes a new base year, or drops the provision, the new eligibility data must be used for determination of area eligibility.

E) ELIGIBLE CHILDREN

E-1) Are afterschool snack reimbursements restricted to children ages 13-18?

No. Reimbursement may be claimed for snacks served to all children through the age of 18 in eligible afterschool care programs. Reimbursement may also be claimed for those children who turn age 19 during the school year.

E-2) Are afterschool care programs eligible to receive reimbursement for snacks served to pre-primary children?

Snacks served to children who are attending classes of preprimary grade in a school (e.g., Head Start or Even Start) and who are participating in an eligible afterschool care program after their regularly scheduled school program may be claimed for reimbursement.

F) MEAL SERVICE REQUIREMENTS

F-1) Are point of service meal counts and production records required?

Meal counts taken at the point of service are not required for afterschool snack service though individual State agencies may require them. However, accurate meal count records must be

maintained. Production records are required for programs operating through the NSLP and documentation of compliance with the meal pattern is required under CACFP.

F-2) Must a certain amount of time elapse between meal services when schools or organizations operate other nutrition programs in addition to afterschool snacks under NSLP or CACFP?

In NSLP, there are no restrictions on the amount of time that must elapse between meal services (e.g., lunch and afterschool snack). State agencies may, at their discretion, establish reasonable timeframes for the service of afterschool snacks in their State.

In CACFP, there are no time restrictions for snack service except for centers that serve meals and/or snacks as outside-school-hours care centers and afterschool snacks as at-risk afterschool care centers. These centers must abide by the time restrictions for meal service set forth for outside-school-hours care centers in §226.19(b)(6). (See Question A-11)

F-3) Is there any length of time tied into the conclusion of school and the service of a snack?

No. There is no Federally mandated time limit between the end of school and snack time, but the service of a snack must occur during the operation of the school's afterschool care program.

F-4) Is there a particular time of day that CACFP at-risk afterschool care centers must serve snacks during weekends and holidays?

No. Although snacks served on weekdays when school is in session must be served after the child's school day has ended, snacks served through CACFP on weekends or holidays may be served at any time of day.

F-5) Are point of service meal counts required?

No. Afterschool care programs in NSLP and the at-risk component of CACFP must maintain a roster or sign-in sheet which documents the total number of children in attendance in the afterschool care program. The roster or sign-in sheet is not intended to be used to identify which individual children receive snacks; rather, it is intended to establish the maximum number of snacks that can be claimed on a given day, and to document that a site has an eligible afterschool care program (i.e., organized, supervised, and regularly scheduled). Please note that accurate counts of snacks served must be maintained to support claims for reimbursement. (See Question F-1)

F-6) Is there an offer versus serve option for afterschool snacks?

No. There are four components to the snack meal pattern. The school or institution must serve at least two of the required components to each child.

F-7) May USDA commodities be used in snacks?

Yes. Afterschool care programs operating under NSLP or CACFP may use USDA commodities in their afterschool snack service. Please note, however, that the school or organization will not earn additional entitlement commodities as a result of serving afterschool snacks. The amount of entitlement commodities earned will continue to be based solely upon the number of reimbursable lunches (and suppers, in CACFP) served to children.

F-8) Is the afterschool snack to be included in the week's SMI nutrient analysis?

No.

G) REPORTING

***G-1) What data must State agencies submit for the FNS-10 and FNS-44 forms?**

The FNS-10 and FNS-44 have been revised to permit reporting of afterschool snacks. The revisions permit collection of data regarding the number of afterschool snacks served, by type, and, for the month of October, the number of sites offering afterschool snack service.

H) MONITORING

***H-1) What are the monitoring requirements for sponsors receiving reimbursement for snacks in afterschool care programs?**

In CACFP, sponsors of sites participating as afterschool care centers must review their sites at least six times each year. At least one of these reviews must be made during each site's first four weeks of Program operations, and not more than three months may elapse between reviews. These are the same monitoring requirements that are currently in place for sponsors of outside-school-hours care centers (§226.16(d)(4)(iii)). [Note: On January 11, 1993, we issued a policy memorandum which permits schools operating OSHCC's to reduce their monitoring visits to each of their facilities to three times each year. This policy is still in effect for OSHCC's, but does not apply to at-risk afterschool care centers in CACFP unless they are operated by schools.]

In NSLP, each afterschool care program must be reviewed by the school food authority two times per year (§210.9(c)(7)). The school food authority must make the first review during the first four weeks of snack service each school year. [Refer to August 11, 1999 memorandum for additional information.]

In both Programs, these reviews must assess each site's compliance with counting and claiming procedures, and the snack meal pattern. We will address these monitoring requirements further in the regulation implementing afterschool at-risk snacks.

H-2) What are the State administrative review requirements for school food authorities and organizations?

When conducting an administrative review of a school food authority for NSLP, State agencies are required to conduct a review of the lunch service. If a follow-up review is required and the State agency did not evaluate the certification, meal or milk count method. and meal or milk service procedures for the SBP, the SMP and snack service in afterschool care programs (§210.18(i)(4)(iv)) during the administrative review, it must do so for those schools selected for the first follow-up review.

In CACFP, State agencies must comply with §226.6(l) in conducting reviews of afterschool care centers. For purposes of these reviews, afterschool care programs should be considered to be child care centers. Therefore, State agencies must annually review 33.3 percent of all institutions. Included as institutions are those organizations that have agreements with the State agency to operate afterschool at-risk centers. In addition to the 33.3 percent requirement, the current regulations require that State agencies ensure that:

- Independent centers and sponsors of centers are reviewed at least once every four years;
- Reviews of sponsors include reviews of 15 percent of their child care centers; and
- Reviews are conducted for newly participating sponsoring organizations with five or more child care facilities within the first 90 days of Program operations.

In conducting these reviews, State agencies should ensure that schools and organizations are operating eligible afterschool care programs (i.e., programs that provide children with regularly scheduled activities in an organized, structured, and supervised environment).

I) Residential Child Care Institutions

***I-1) Are all residential child care institutions including juvenile detention centers eligible for the afterschool snack provision or just residential child care institutions which also have a day care component?**

Any residential child care institution that participates in the NSLP/SBP may participate as long as the residential child care institution operates an afterschool care program with enrichment or education activities like those described in our January 14, 1999, memo.

***I-2) When determining the reimbursement status of residential child care institutions, should the State agency consider the percentage of free and reduced price children enrolled in the institution or the percentage of free and reduced price children enrolled in the local public school?**

As schools, residential child care institutions will routinely receive free reimbursement for all snacks based on the fact that more than 50 percent of their enrolled children are eligible for free or reduced price school meals. In the unlikely event that a residential child care institution

cannot qualify for the free rate for all snacks based on its enrollment, the residential child care institution could still qualify by using enrollment data from a school serving the area in which the institution is located.

***I-3) Can afterschool care programs operated by residential child care institutions claim reimbursement for snacks served during weekends, holidays and school vacations?**

Congress intended this provision to apply to snacks served in schools after an educational activity. If no regularly scheduled education activity is taking place, as is generally the case on weekends, holidays and vacations, reimbursement cannot be claimed for snacks served on those days. In this respect, residential child care institutions are subject to the same provisions as any other school. They may not claim reimbursement for snacks served on weekends, holidays or vacation periods unless the snack is served during an activity that takes place after an education activity that is determined to be an integral part of the curriculum or an actual extension of the local education system. This limitation on snack eligibility differs from the general authorization of reimbursement for lunches and breakfasts served in residential child care institutions due to the special nature of the afterschool snack benefit.

***I-4) Can preschool children enrolled in residential child care institution afterschool care program have reimbursable snacks?**

Yes, just as in any other school.

***I-5) Under the current lunch/breakfast program regulations, residential child care institutions may be reimbursed for meals served to children who have not yet reached their 21st birthday. However, children who turn 19 during the school year may continue to participate in the snack program rather than becoming ineligible immediately upon reaching their 19th birthday. Is this inconsistency intentional?**

The age requirements for participation under the afterschool snack provision are somewhat different from those established for the NSLP and SBP in general. The law limits participation in the snack provision to children 18 years old and under. However, to reduce paperwork and ease administrative burdens on local administrators, Congress, in the conference report, authorized schools to continue receiving reimbursement for snacks served to children who become 19 during the school year ending the following June 30. This provision applies to residential child care institutions as well as all other schools. It must be emphasized that, under no circumstances, can a residential child care institution continue to be reimbursed for snacks served to children after the school year in which they become 19, and students continue to become ineligible for reimbursable lunches or breakfasts as soon as they reach 21.

***I-6) Can a residential child care institution claim reimbursement for a snack served to a child who did not attend school that day (e.g., the child was ill)?**

It would depend on whether the child is participating in an approved afterschool care program on that day. If the child is participating in the approved afterschool care activity, it doesn't

matter that he may not have been in school. As with other schools, there is no requirement or expectation for tracking whether or not the child actually attended school on any given day.

***I-7) If the afterschool care activities occur late in the afternoon and coincide with the evening meal service, may the residential child care institution claim that meal as a snack?**

Congress intended the afterschool snack to be an additional food benefit that, in all likelihood, would not otherwise be available to children. Therefore, if a residential child care institution already has a scheduled evening meal service, as would generally be the case, it would have to serve a separate snack as an additional offering at some other time during the afternoon or evening in order to receive reimbursement. The snack can be served either before or after the supper.

***I-8) Does the September 30, 1999 deadline for retroactive reimbursement specified in Question D-7, apply to residential child care institutions?**

No. Residential child care institutions that have been serving snacks that meet program patterns and have been properly counting these meals may claim reimbursement retroactively. Residential child care institutions in this situation have until December 31, 1999 to submit claims for snacks served between October, 1998 and July, 1999 to allow them sufficient time to submit claims after the State agency notifies them of their eligibility. [Refer to August 18, 1999 memorandum]