

Evergreen Child Care, Inc.

CHILD CARE FOOD PROGRAM

Provider Manual

for Day Care Centers

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I. PROGRAM DESCRIPTION

What is the Child and Adult Care Food Program?

The U.S. Congress originally established the Child and Adult Care Food Program (CACFP) in 1968 as the Child Care Food Program. The purpose of the CACFP is to provide aid to child and adult care institutions/centers for the provision of nutritious foods that contribute to the wellness, healthy growth, and development of young children, and the health and wellness of older adults and chronically impaired disabled persons.

The Child and Adult Care Food Program is administered by the U. S. Department of Agriculture (USDA) and California Department of Education (CDE) in California. Licensed child care centers that meet necessary requirements may receive reimbursement each month to help pay for the meals and snacks they serve to children in their care. As a day care center, the amount of reimbursement you receive is based on the total household income of each child enrolled.

Disclaimer: Although this handbook is thorough in detail, it is impossible to cover every possibility that could occur. It is the center's responsibility to contact our agency, **Evergreen Child Care, Inc. (ECCI)**, for any information pertaining to the food program that may not be noted in this handbook and to seek guidance for their individual situation.

II. ELIGIBILITY REQUIREMENTS

Day care center must:

- Provide nonresidential care services;
- Be licensed by California Department of Social Services (for At Risk centers may be license exempt if they meet the exemption requirements described in the Child Care Center General Licensing requirements)
- Be public, nonprofit, or for-profit.

Business Entity Type

To participate in the CACFP, a center may be; private, nonprofit; or private, for-profit.

- **Private, Nonprofit**

The CACFP regulations require all nonprofit child care centers to have tax-exempt status under the IRC of 1986. Centers do not need to have “501(c)” status in order to participate as a nonprofit center; any Internal Revenue Service (IRS) nonprofit “status” is acceptable. A letter from the IRS citing the center’s name, address and the status is adequate. Churches are exempt automatically if they meet the requirements of section 501(c)(3) of the IRC under “organized for a religious purpose.” This means that they are not required to apply for or document that they have tax exempt status [CACFP 05-2013 Tax Exempt Status for Private Nonprofit Organizations in CACFP and SFSP, January 24, 2013]. A nonprofit organization must also be incorporated in the State of California.

- **Private, For-profit (must qualify by one of these two criteria)**

- a. Either 25 percent of center enrollment or licensed capacity, whichever is less, is eligible for free or reduced-price meal reimbursement according to the USDA income eligibility guidelines. Or 25 percent of center enrollment or licensed capacity, whichever is less, receives subsidized care (e.g., from CDE Child Development or CalWORKs).
- b. Private, for-profit adult care institutions may qualify as long as 25 percent of enrolled participants receive subsidized care (federal Title XIX or Title XX benefits. A for-profit center sponsor must ensure that each of its centers meets the 25-percent threshold in order to claim meal reimbursement on a monthly basis for each center. For example, a sponsor with five centers must ensure that each center meets the eligibility threshold before it claims meal reimbursement for each center. If each center does not meet the threshold, the sponsor may claim meal reimbursement only for those centers that meet the threshold for that claiming month.

- **At-Risk Centers**

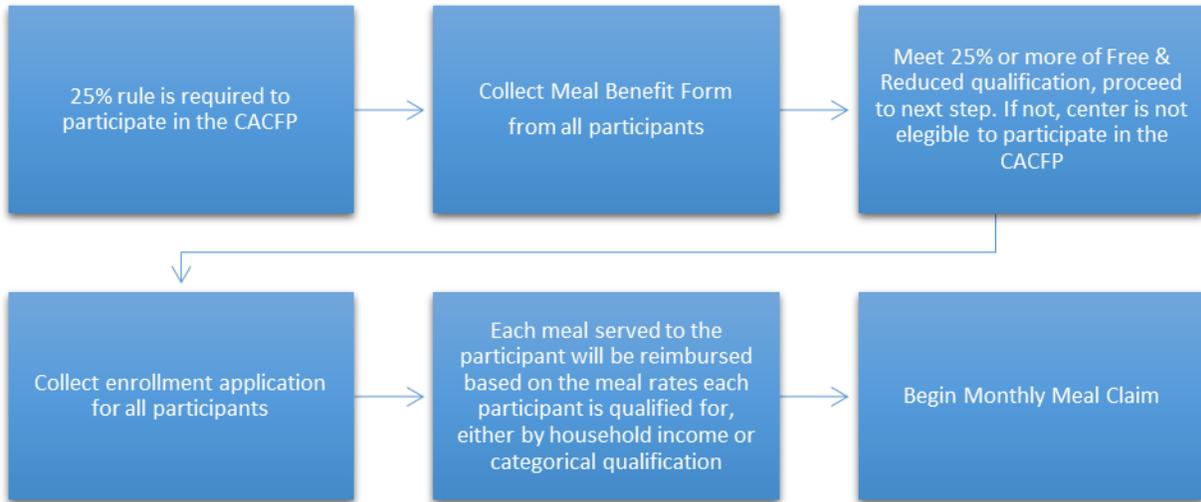
At-risk afterschool care centers are eligible to participate if they provide educational or enrichment activities for at-risk children and teenagers after school or on weekends, holidays, or school vacations during the regular school year and are located in the attendance area of a school where at least 50 percent of the children are eligible for free or reduced-price meals. An at-risk afterschool care center may not claim meals during summer vacation, unless it is located in the attendance area of a school operating on a year-round calendar.

LICENSING

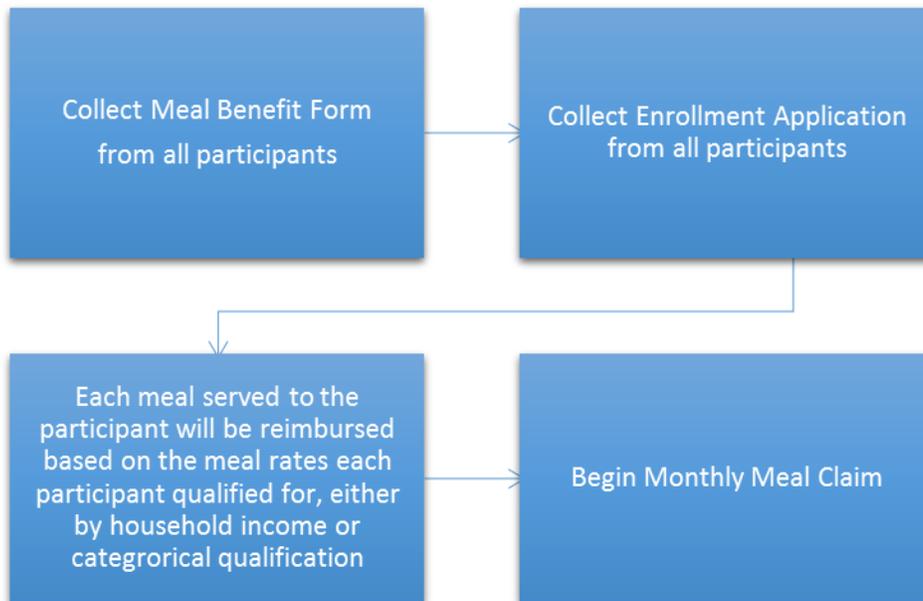
A child care center must be licensed in the following manner:

- Either have a current license to operate a child care center from the California Department of Social Services (DSS) or one of its delegate licensing agencies. For a nonprofit center, the license for a center must be issued in the name of the nonprofit. For a for-profit center, the license must be issued to the current owner, individual, business, or corporation.
- Possess a Certification of Operation from the CDE's Child Development Division providing a 60-day approval to operate pending the transfer of license by DSS or one of its delegate licensing agencies. However, there are the following exceptions to the licensing requirement:
 - a) Child care centers, such as at-risk, afterschool centers may be license exempt if they meet the exemption requirements described in the Child Care Center General Licensing Requirements, Title 22, Division 12, of the California Code of Regulations.
 - b) Child care centers on military bases may provide a Department of Defense (DOD) child care license or a letter from the base commander or appropriate military official stating that the center meets DOD child care requirements.
 - c) Child care centers on Indian reservations may provide appropriate documentation from the Bureau of Indian Affairs or other applicable federal agency.
 - d) An emergency shelter must submit the appropriate local health and safety certifications to operate a shelter in lieu of a child care license.

Steps for Private, For-Profit Centers



Steps for Private, Nonprofit Centers (25% rule does not apply)



Non-pricing and pricing programs

There are two optional systems for charging CACFP meals, both of which are tied to the program's free and reduced-price meal policy. These systems are known as "Nonpricing" and "Pricing" Programs.

Nonpricing Programs

Nonpricing Programs are those in which the center assigns no separate charges for meals served to enrolled children. Since most centers charge fees or tuition covering all areas of their day care services, the majority of centers participating in the CACFP are Nonpricing Programs. The children's meals are covered by the tuition payments and no money is exchanged at mealtime. If all enrollees pay tuition, no portion of which is specifically earmarked for food service, it is a Nonpricing Program. Likewise, if enrollees pay different tuition fees for reasons other than meal service fees, it is a Nonpricing Program. The policy statement that must be submitted for such centers consists of an assurance that all enrolled children are served the same meals at no separate charge, regardless of race, color, national origin, sex, age, or disability, and that there is no discrimination in the course of the center's food service [7 CFR 226.23(b)].

Pricing Programs

Pricing Programs are those in which enrolled children who do not qualify for free meals are charged separate fees for their meals. This may be direct payment from the child at the time each meal is served; a separate daily, weekly, or monthly food charge or meal ticket payment; a specifically earmarked portion of the tuition payment for food service; or an identifiable reduction from the standard tuition rate for meals provided by parents. Centers which charge separately for meals must develop and submit a policy statement that:

- Sets forth the criteria and form that will be used to determine free and reduced-price eligibility for enrolled children;
- Describes the procedures used to accept free and reduced-price statement forms from each child's household;
- Describes the method used to collect payments from children paying the full price of the meal without overtly identifying those paying the reduced-price or those receiving a free meal;
- Provides for a hearing procedure for a child's household to appeal a free and reduced price eligibility determination;
- Provides assurances that there will be no disclosure or overt identification of children eligible for free and reduced-price meals and no discrimination against any participant on the basis of race, color, national origin, sex, age, or disability; and
- Provides assurance concerning the maximum charges that will be made free or reduced price meals [7 CFR 226.23(c)].

The institution will choose which free and reduced-price policy it wishes to use for CACFP meals: pricing or non-pricing policy. Pricing Programs charge the family for the child's meal; this means the

institution must have systems for taking meal fees in a manner that does not identify what category of meal the family is paying for. The institution must also have systems for claiming children's meals in the appropriate category without allowing others to know what category the child's meal will be claimed in. The benefit of a Pricing Program may be that by taking in additional funds specifically for meals, the institution can reduce the fees it charges parents for child care.

III. MEAL BENEFIT FORMS & ENROLLMENT APPLICATIONS

Eligibility (Meal Benefit Form)

Eligibility documentation/Meal Benefit Form (MBF) allows centers to determine how many enrolled participants are eligible for free and reduced-price meal reimbursement. The numbers of participants by eligibility category (free, reduced-price, and base), in conjunction with claimed meals, serve as the basis for the monthly reimbursement claims.

Due Date:

It is the center's responsibility to submit a current, completed, and certified Meal Benefit Form (MBF) for each child that is claimed in the free or reduced-price eligibility category at least 15 days prior to their first claim month.

A completed MBF must contain the following household information:

- Name of each child
- Names of each household members and their sources of income, if applicable
- Categorical eligibility, if applicable
- Signature and the last four digits of the Social Security Number of the adult household member completing the application, or verification that the adult household member does not have a Social Security Number.

Meal Benefit Form Renewal

All centers participating in the Child and Adult Care Food Program (CACFP) may submit the meal benefit renewal forms to ECCI in the month of August (August 1 – August 30) of each year. ECCI will renew all MBF'S in the month of August and the information will be effective as of September 1st. If Centers fail to submit the MBF(S) by the due date, the child(ren) will automatically be categorized under "Base" rate until a completed MBF is submitted.

Enrollment Applications

It is the child care center's responsibility to collect and submit enrollments for each child to ECCI. All meals served to children who are not enrolled for care are not reimbursable.

Note: The Meal Benefit Form is not an enrollment application.

Enrollment applications are completed on Minute Menu CX (Software information is discussed further in this manual)

Child's enrollment document must:

- Be signed by the child's parent or guardian;
- Document normal days and hours of care;
- Document meals to be served during the hours of care.
- Be updated annually (In the month of August, ECCI will mail centers a renewal report used to renew the children's enrollment);

How to enroll children on Minute Menu CX

Type & complete all required fields under the **ENROLL CHILD** button in your assigned Minute Menu (MM) CX account. **Enrollment information cannot be finalized or saved properly if any required field is incomplete.** Please refer to training video for Enroll New Child:

<https://www.youtube.com/watch?v=jzimJMZnQyc>

Enrollment Date/ Parents' Signature

Centers can start claiming meals for children **only after receiving a completed enrollment form, signed and dated by parents.**

Each child will be eligible for meal reimbursement as of the date the parent/guardian sign the enrollment.

If enrollment forms have not been completed/signed by the parent at the time of the monitoring visit, meals for that child will be disallowed.

Enrollment due date- All completed enrollment applications must be submitted to ECCI **within 5 calendar days** from the date that the parent and/or guardian signed the enrollment. If, for any reason, enrollments are submitted after 5 days, that child will be eligible for the food program as of the date that ECCI receives the enrollment form.

All completed enrollment applications must be submitted to ECCI within **5 calendar days** from the date that the parent and/or guardian had signed.

Keeping a copy of enrollment application- The center must retain a copy of each child's enrollment form and enrollment renewal form on site. These records must be kept for three program years plus the current year.

Updating enrollments-Any changes on the enrollment application, such as hours in care, days and meal types, the center must print out the existing enrollment on MMCX and make these changes in **red** pen. Any information that is not updated, the child becomes ineligible for the food program until the updated enrollment is submitted. Any incorrect spelling of name and/or incorrect birth dates, centers must submit name and age verification, such as; copy of Immunization record, birth certificate, and passport. A center cannot alter the child's enrollment information through MMCX once the form has been finalized.

Previously enrolled children returning to the daycare- If a child that was previously enrolled in the daycare returns, the center must contact ECCI to reinstate the child's status as "pending" on MMCX. Thereafter, the center may print out the enrollment for the returning child.

Withdrawing children from the food program- The center may withdraw an active child from MMCX directly. Ensure to assign the date when the child has been withdrawn from care.

Foster children: One enrollment application per foster child is required. For Meal Benefit Form, a center is not required to have a MBF for a foster child, as long as the center has a document from the appropriate agency verifying the status of the child as a foster child whose care and placement are the responsibility of the state, or that the foster child has been placed with a caretaker household by a court. If such a document is not available, the child care center must have the foster child's household complete a MBF that includes the foster child. In this case, the foster child is still categorically eligible for free meal reimbursement.

Enrollment Application Renewal

Centers are required to renew their daycare children's enrollment every year in September through the "Enrollment Renewal Report" generated by ECCI. This report will include information of each child enrolled in your daycare and must be certified (signature, date of signature, and enrollment information update if needed) by each child's parent or guardian. All completed enrollment renewals will be activated as of October 1st of every year. If centers fail to submit the enrollment renewal form(s) by the due date, the child(ren) will not be eligible for meal reimbursement until the completed enrollment renewal form(s) is submitted to ECCI.

Household Contacts

ECCI reserves the right to call the parents of those children participating in the food program to verify the child's enrollment. If parent contact numbers are not valid, meal claims may not be reimbursable for that child until all information has been updated. It is center's responsibility to notify ECCI of any changes related to the information on enrollment application. ECCI may also conduct household contacts via mail to parents/guardians of children who are enrolled in the food program (Centers will be randomly chosen).

IV. PLANNING, PREPARING, AND SERVING ALLOWABLE MEALS

Meal pattern for older children, food buying guide & required meal components

Meal pattern is available on ECCI's Website:

http://evergreencacfp.org/uploads/1507155693cacfp_childmealpattern.pdf

Food Buying Guide

The USDA Food Buying Guide (FBG) for Child Nutrition Programs serves as the principal tool to determine how much food to purchase and prepare. The FBG also identifies each food item's contribution to the meal pattern requirement. It provides average yields for over 1,200 foods.

All meal components that the centers use in their reimbursable meals must be listed in the Food Buying Guide.

Interactive Food Buying Guide is available at:

<https://foodbuyingguide.fns.usda.gov/Home/Home>

Required Meal Components

Vegetables and Fruits

Vegetables and fruits are considered two separate categories in all creditable meals. Breakfast requires either a vegetable or a fruit. Snack may include a vegetable and a fruit, but not two servings of vegetables or two servings of fruits only. Lunch and dinner require a vegetable and a fruit, or two different vegetables, to be reimbursable. It is highly suggested to serve a variety of whole, fresh vegetables and fruits are. Frozen, jarred, and canned vegetables and fruits are also creditable as long as they meet minimum serving size requirements.

Vegetables or fruits served as a combination item (e.g., fruit cocktail, succotash, peas and carrots, mixed vegetables, and vegetables used in soups or stews) may be credited to meet only one of the two required items for lunch and supper.

Beans and legume vegetables may be counted as either a meat alternate or as legume vegetable but not as both simultaneously. This includes roasted beans such as roasted chickpeas (garbanzo beans).

Fruit juice or vegetable juice may only be used to meet the vegetable or fruit requirement at **one meal or snack per day**.

Any liquid or frozen product labeled “juice,” “full-strength juice,” “single-strength juice,” “100 percent juice” or “reconstituted juice” is considered full-strength juice. To be used in meeting a part of the vegetable requirement, the product must be 100% full-strength juice.

Full-strength vegetable juice may be used as one component of a snack when the other component is not fluid milk.

The following products do not contribute to the vegetable component in any meal served under the Child Nutrition Programs:

- Snack-type foods made from vegetables such as potato chips, banana chips, or popcorn;
- Pickle relish, jam, or jelly;
- Tomato catsup and hot sauce (ex. Tabasco, Tapatio, Serracha) ;
- Home canned products (for food safety reasons); or
- Dehydrated vegetables used for seasoning.

Fruits that are fresh, frozen, dried, canned (packed in water, full-strength juice, or light syrup) and full-strength fruit juice may contribute toward the fruit requirement.

To help meet nutritional standards from the Dietary Guidelines for Americans, the fruit requirements are based on the following recommendations:

Include a variety of fruits each week;

- Serve a variety of fruit choices, as each fruit differs in nutrient content.
- At least half of the recommended amount of fruits should come from whole fruits.
- Fruit juice is lower than whole fruit in dietary fiber and when consumed in excess can contribute extra calories.
- Select fruits with more potassium often, such as bananas, prunes and prune juice, dried peaches and apricots, cantaloupe, honeydew, melon, and orange juice.
- When choosing canned fruits, select fruit canned in 100% fruit juice or water rather than syrup.
- Keep saturated fat and added sugars low when preparing fruit dishes.

The following products may not be credited as a fruit requirement in any meal served under the Child Nutrition Programs:

- Snack-type foods made from fruits such as fruit strips, fruit drops, or fried banana chips.
- Pickle relish, jam, or jelly; or
- Home canned products (for food safety reasons).

Grains, Breads and Bread Alternates

The following types of ingredients are considered creditable grains in Child Nutrition Programs:

- Whole grains (i.e. whole wheat, whole wheat meal/flour, brown rice, rolled oats)
- Enriched grains (i.e. enriched wheat meal/flour, enriched rice)

Foods that contribute to the grains requirement in all Child Nutrition Programs include the following items when made from above specified ingredients, but are not limited to:

- Breads, biscuits, bagels, rolls, tortillas, crackers, cereal grains (cooked) such as rice, bulgur, oatmeal, corn grits, wheat berries or couscous
- Must be made from grains that are enriched, whole grain (and/or bran or germ for CACFP, SFSP and afterschool snacks), or meet the whole grain-rich criteria: a blend of whole-grain meal and/or flour and enriched meal and/or flour of which at least 50 percent is whole grain with remaining grains, if any, being enriched.

Ready-to-eat (RTE) breakfast cereals

- Must be fortified, enriched, or list a whole grain as the primary ingredient. If the product includes enriched ingredients, or the product itself is enriched, the ingredients or the product must meet the Food and Drug Administration's standards of identify for enrichment.
- All breakfast cereals served in the CACFP must contain no more than 6 grams of sugar per dry ounce.

Macaroni, pasta, noodle products (cooked)

- Must be made from grains that are enriched, whole grain, or that meet the whole grain-rich criteria: made from a blend of whole-grain meal and/or flour and enriched meal and/or flour of which at least 50 percent is whole grain with remaining grains, if any, being enriched.
- CACFP regulations allow enriched macaroni products that have been fortified with protein to be counted toward the grains requirement only.
- Pasta products made with bean flours do not count toward the grain requirements.

Whole Grain-Rich

At least one serving of grains per day must be whole grain-rich. Foods that meet the whole grain-rich criteria are foods that contain 100 percent whole grains, or that contain at least 50 percent whole grains and the remaining grains in the food are enriched. This whole grain-rich requirement only applies to meals served to children and adults; it does not apply to infant meals.

There are four simple ways to determine if a grain product meets the whole grain-rich criteria. The following checklist can be used to decide if a grain is whole grain-rich. The food must meet at least one of the following:

The food is labeled as “whole wheat”. Grain products that are specifically labeled as “whole wheat bread”, “entire wheat bread”, “whole wheat rolls”, “entire wheat rolls”, “whole wheat buns”, and “entire wheat buns” are 100 percent whole wheat and meet the whole grain-rich criteria.

A whole grain is listed as the first ingredient on the food’s ingredient list (or second after water), and the next two grain ingredients are creditable (whole or enriched grains, bran, or germ). Some examples of whole grain ingredients are whole wheat, brown rice or wild rice, oatmeal, bulgur, whole-grain corn, and quinoa.

The product includes one of the following Food and Drug Administration approved whole-grain health claims on its packaging:

“Diets rich in whole grain foods and other plant foods and low in total fat, saturated fat, and cholesterol may reduce the risk of heart disease and some cancers.”

OR

“Diets rich in whole grain foods and other plant foods, and low in saturated fat and cholesterol, may help reduce the risk of heart disease.” FNS is allowing the FDA whole grain health claims to be sufficient documentation to demonstrate compliance with the whole grain-rich criteria in the CACFP, only. The FDA whole grain health claims are not sufficient documentation to demonstrate a grain is whole grain-rich in the School Meal Programs.

Proper documentation (from a manufacturer or a standardized recipe) demonstrates that whole grains are the primary grain ingredient by weight. When a whole grain is not listed as the first ingredient, the primary ingredient by weight may be whole grain if there are multiple whole-grain ingredients and the combined weight of those whole grains is more than the weight of the other ingredients. For example, bread may be made with three grain ingredients: enriched wheat flour (40 percent of grain weight), whole-wheat flour (30 percent of grain weight) and whole oats (30 percent of grain weight). The combined weight of the two whole-grain ingredients (whole wheat and whole oats at 60 percent) is greater than the enriched wheat flour (at 40 percent), even though the enriched wheat flour is listed first on the ingredient list. This bread could meet the whole grain-rich criteria with proper documentation from the manufacturer or a standardized recipe, for foods prepared by a CACFP center.

Breakfast Cereals

Breakfast cereals served to infants, children, and adults must contain no more than 6 grams of sugar per dry ounce (21.2 grams of sugar per 100 grams of dry cereal). Breakfast cereals include ready-to-eat cereals and instant and hot cereals. All breakfast cereals are reimbursable for the child and adult meal patterns. However, breakfast cereals must meet the sugar limit and be whole grain-rich, enriched, or fortified to be creditable in the CACFP.

Please refer to ECCI's Breakfast Cereal List which is available on ECCI website under Policies and regulations.

Grain-Based Desserts

Grain-based desserts are NOT creditable in the CACFP. Please see page 25-26 regarding grain-based desserts.

Sweet crackers

Sweet crackers (e.g., graham and animal crackers) are only allowed to be served during snacks. Centers may want to occasionally serve grain-based desserts, such as for celebrations or other special occasions. As a reminder, centers and day care homes continue to have the flexibility to serve grain-based desserts as an additional food item that does not contribute to the meal components required for reimbursement.

Meat and Meat Alternates (M/MA)

Meats and meat alternates (M/MA) include meat, poultry, fish, cheese, yogurt, dry beans and peas, whole eggs, alternate protein products, soy yogurt, tofu, peanut butter or other nut or seed butters, and nuts and seeds. Child Nutrition Program operators must serve meals that contain the amount of M/MA required in the lunch and supper Meal Pattern Charts as found in this manual book. Serving sizes on the Menu Pattern Chart are cooked amounts.

A meat or meat alternate may be used to meet the entire grains component at breakfast no more than three times per week. Tofu and soy yogurts may be used to meet the meat/meat alternate component at any meal or snack.

Nuts and seeds may fulfill no more than one-half of the meat/meat alternate requirement for lunch, supper and breakfast. You also should be aware of potential food intolerances or allergies with some populations. In such circumstances, you should make appropriate accommodations under the medical substitution requirement. Soy nuts may be used as a meat/meat alternate but not as a vegetable. Nuts and seeds should be served to 2- to 3-year-olds and some elderly participants with caution as they may cause choking. Always supervise participants during meals and snacks.

As a general guidelines, commercial, frozen and fast foods including pizza, restaurant food, boxed macaroni and cheese, frozen supermarket raviolis, taquitos, mini-quiches etc. may not be creditable because the meat quantities do not provide sufficient protein per serving size. Homemade items are creditable if they meet the minimum quantities and should be marked as such ("HM").

Alternate Protein Products (APPs) [formerly Vegetable Protein Products] are processed from soy or other vegetable protein sources and may be in a dehydrated granule, particle, or flake form. They are generally used as part of a formed meat patty or in a vegetarian patty, resembling a meat product. Meat/meat alternate products with APPs are currently being used successfully in large Child Nutrition Programs when a CN Label or product formulation statement is present. Before using products containing APPs, contact your State agency for information and assistance on the service and crediting of these products.

Main dish products which contribute to the meat/meat alternate component of the meal pattern requirements. Examples of these products include but are not limited to beef patties, cheese or meat pizzas, meat or cheese and bean burritos, egg rolls, and breaded fish portions.

Commercially processed meat and fish products (such as chicken nuggets, fish sticks, corndogs, egg rolls, potpies, etc) may be counted as meal components only if they have the Child Nutrition Label. The Child Nutrition (CN) Labeling Program is operated by the USDA's Food and Nutrition Service (FNS) directly with commercial food processing firms. Manufacturers may choose to put these labels on a food product indicating the contribution that product makes toward meal pattern requirements in the Child Care Food Program. Processed meat and fish products which contribute to the meat/meat alternate component of the meal pattern requirements are eligible for CN Labels. For example, the label will state exactly how much meat is on each nugget and how many nuggets must be served to each child. Products without the CN Label may not be counted towards the meal pattern.

*****put picture of a CN label here*****

**** Please see our updated Evergreen's Approved Processed Foods & Commercial Combination Food Products**

Milk

Regulations for Child Nutrition Programs require that fluid milk be offered at each breakfast, lunch, or supper meal service. The fluid milk may be served as a beverage, on cereal, or both; however, in a lunch or a supper meal, the fluid milk must be served as a beverage. Program operators have the option to serve fluid milk as one of the two components of a snack served in the Child and Adult Care Food Program (CACFP). The milk must contain vitamins A and D at levels specified by the U.S. Food and Drug Administration, and must be consistent with State and local standards.

- Milk served to one year olds must be unflavored whole milk.
- A one-month transition period is allowed for children 24 months to 25 months old. They may have whole or reduced fat (2%) milk as they transition to low-fat (1%) or fat-free (skim) milk.
- Flavored milk, including flavored non-dairy beverages, cannot be served to children 1 through 5 years old.
- Fat-free flavored milk and flavored non-dairy beverages can be served to children 6 years and older, as well as adult participants.

Transition Month

USDA recognizes that switching immediately from whole milk to low-fat or fat-free milk when a child turns two years old may be challenging. Therefore, USDA is allowing a one-month transition period. This means that meals served to children 24 months to 25 months old containing whole milk or a mixture of milks may be claimed for reimbursement.

Child unable to drink cow's milk

If a child is unable to drink cow's milk due to a medical or other special dietary need that is not considered a disability, their parent may request a non-dairy milk substitute, nutritionally equivalent to milk. The parent must complete our "Milk Substitute" form, choosing a creditable milk substitute (Milk substitution form can be found in ECCI website under the "forms" tab), in order for the child's meals to be reimbursed. Children with a disability that require food substitutions will need a signed Medical statement from a medical authority (physician or physician's assistant) in order for that child's meals to be reimbursed. Contact Evergreen for more information.

Non-Dairy Beverages

Participants who cannot consume cow's milk for a medical reason or life-style choice may be served a non-dairy beverage that is nutritionally equivalent to milk.

- When served for life-style choice, the parent/guardian or the adult participant (or a person on behalf of the adult participant) must provide a written request for serving the non-dairy beverage; a medical statement is not required.
- Non-dairy beverages that are not nutritionally equivalent to cow's milk are only reimbursable when a medical statement is on file.
- Programs may claim the meal for reimbursement when either the program or a parent/guardian or adult participant supplies a non-dairy beverage nutritionally equivalent to cow's milk.
- Non-dairy beverages served to children 1 through 5 years old must be unflavored.

*Non-dairy milk that are nutritionally equivalent to milk:

- 8th Continent Soymilk (Vanilla)
- Kikkoman Pearl Organic Soymilk (Vanilla and chocolate)
- Pacific Natural Foods Ultra Soy (Plain and vanilla)

Water Availability

Water should be made available to all children throughout the day, including meal times. Although drinking water must be made available to children during meal times, it is not part of the reimbursable meal and may not be served instead of fluid milk. Make sure centers do not serve young children too much water before and during meal times because it can reduce the amount of food and milk consumed by the children. If drinking water is not available to children, this would result in a finding.

V. MENU PLANNING KEY REMINDERS

Menu Planning/Recording menus/Meal Production Records/Creating Menu Templates in Minute Menu CX

Refer to the Minute Menu CX Training Workbook for detail on how to plan your menus and meal production records. Training videos are also available:

Video 1: Recording menu: <https://youtu.be/XJ6AB0jWqxk>

Video 2: Menu Production Record: <https://youtu.be/wjZvKmqbtM>

Video 3: Creating Menu Templates: <https://youtu.be/0y8-iybeBeE>

Manual for Milk Audit and entering & verifying receipts

*Manual for Milk Audit:

<http://www.training.minutemenu.com/Portals/0/Documents/pdf/cx/MilkAuditInformation1.pdf>

*Manual for entering & verifying receipts:

http://www.training.minutemenu.com/Portals/0/Documents/pdf/cx/Receipts_Help_Document.pdf

Meal Service Styles

The two meal service styles that can be used in CACFP are pre-portioned and family style. Pre-portioned means that the minimal requirement (or more) of food for each required component is prepared by an adult and given to each child on a plate or tray.

Family style meal service means that the food is placed on each table for each child to help him/herself. Children may then select the foods they want and the amount of each food they want. During your review, you must ensure that minimum portions (or more) of each required component for all children are available for the children at the table. During the meal, it is the responsibility of the center to encourage each child to accept the full required portion for each food component of the meal pattern. For example, if a child does not want a food component, or does not want the full required portion of a meal component, the center should offer the food component to the child again. If minimum portions are not available to each child, the meals would be disallowed.

- Centers must to maintain sufficient amount of required food components to serve to children at the center at all times.
- All required components must be served at the same time.
- Menus must be preplanned at least 2 hours prior to the next mealtime.
- Any changes to the menu must be made at least 2 hours prior to the meal service.
- ECCI recommends planning your menu a week in advance.

- Serving identical menu items within the same week is not creditable. (Ex. Serving MILK, BANANA, and TOAST on March 21st for breakfast and serving exact same menu on March 22nd; Breakfast for March 22nd will be disallowed.)
- Any food items provided by parents and/or any meals sent with children to school or other locations including field trips are not reimbursable.
- Processed foods manufacturer name and/or homemade must be indicated in the menu comment section.
- Approved processed foods list and tortilla list are available in Evergreen's website under the policies and regulations tab.
- If you find a new creditable processed food item, ensure to provide ECCI with a copy of the Child Nutrition (CN) label along with the manufacturer's name.
- Corn Chips, Cakes, puddings, pepperoni, popcorn, and spam, are not creditable for CACFP.
- Deep fat-frying is not allowed as a way of preparing foods on-site. Centers are may sauté the food in a small amount of oil.

Fruits/Vegetables

- MUST serve a fruit and vegetable OR two vegetables for all major meals, but NOT 2 fruits.
- For snacks: a fruit and vegetable can be served as a complete AM or PM snack.
- Juice- You can only serve 100% juice once a day (per whole day menu). It doesn't matter if different children are being served different meals, it is per daily menu, not per child.
- All juices served must be 100% juice not 100% vitamin C. Always list 100% on the menu. (e.g. 100% Apple Juice, 100% Orange Juice, H.M Strawberry Juice....)
- Homemade juices must be made with fruits and 100% Juices to be reimbursable. If water and/or other type of liquids are used to blend the fruits, it is not 100% fruit juice!!
- If water is the 1st ingredient, it's NOT 100% juice.

Bread/Bread Alternate

All breads or alternate must be made of Enriched flour or whole grain.

Grain based desserts are NOT creditable. What are grain-based desserts?

Grain-based desserts include, but are not limited to:

- Cookies
- Brownies
- Doughnuts
- Pastries
- Granola bars
- Cereal/ breakfast sweet bars
- Sweet rolls
- Pop tarts
- Sweet pie crust

Please be advised, although grain-based desserts are not subject for reimbursement, you may still serve them, but not claim them.

Whole Grain Requirement

Centers must claim at least one serving of whole grain-rich per day.

Examples of whole grain-rich products:

- Whole-grain cereal
- Whole-grain corn tortilla
- Whole wheat bread
- Whole wheat pasta
- Whole oats/Oatmeal
- Brown rice
- Whole rye
- Whole-grain barley
- Wild rice
- Buckwheat
- Triticale
- Bulgur (cracked wheat)
- Millet
- Quinoa
- Sorghum
- 100% whole wheat flour

Please be advised, if you do not serve at least one whole-grain rich product on your menu per day, you will automatically be disallowed a meal for that day.

In order to receive credit, centers must do the following:

Ensure to click “yes” on the question “Is this a whole-grain rich product?” on the particular menu you which you will be serving the whole-grain rich product in MM CX. Also, in the event that the button is not working in your account, you MAY indicate on the comment section which meal has a whole-grain rich product.

Corn Tortillas (are bread alternates)

Corn tortillas must be made and labeled as either “whole” corn or “Enriched” corn under the first ingredient to receive reimbursement. Even if the bag shows 100% corn does not mean it’s labeled as whole corn. Always check the first ingredient before purchasing the item to see if it’s creditable. Must indicate and/or update its manufacturer’s name and the first ingredient on menu comment section to receive reimbursement.

Breakfast Cereal (are bread alternates)

Breakfast cereals must contain no more than 6 grams of sugar per dry ounce. Write the names of cereals, cookies, and crackers on the menu under comment section if you cannot find the brand under food list (e.g. Cheerios, Kix, E.F Chips Ahoy chocolate chip cookie, Graham Crackers, etc.).

Meat/Meat Alternate

Meat/Meat alternates may be served in place of the entire grains component at breakfast for a maximum of three (3) times per week.

Menu example:

- Egg (Meat/Meat Alt.)
- Mixed berries
- 1 % Milk

Tofu

Tofu is creditable and may be counted as a meat alternate.

- Tofu must be easily recognized as a meat substitute.
- Tofu must meet protein requirement: at least 5 grams per 2.2 ounces by weight.

Non-creditable Tofu:

- Tofu in smoothies
- Tofu used to add texture or enhance nutrients in foods.
- Tofu noodles (not easily recognized as meat substitute).
- Homemade Tofu (non-commercial, non-standardized tofu and soy products).

Yogurt

Yogurt may be counted as a meat alternate. Yogurt must contain no more than 23 grams of sugar per 6 ounces.

Sugars/serving size = threshold
Threshold should be 3.83 or less

Milk

Milk is required for all major meals (Breakfast, lunch and dinner). The type of milk served must be documented on the menu and must include the % fat content.

- Unflavored whole milk must be served to children under the age of 2
- Children ages 2-5yrs old: **MUST** be served UNFLAVORED 1% or fat-free (non-fat).
- Children ages 6 years and above may be served the following:
- Unflavored 1% or fat-free (non-fat) milk
- Flavored fat-free (non-fat) milk

Soy Milk (Requires milk substitution form)

Soy milk may be offered if a child does not have a disability, but the parent or legal guardian is requesting a fluid milk substitute due to a medical or other special dietary need. The child's parent or legal guardian must sign the **PARENTAL REQUEST FOR A FLUID MILK SUBSTITUTION FOR CHILDREN IN CHILD CARE**

(Available in Evergreen's website under the Forms section).

The above mentioned form is not intended to accommodate children who drink fluid milk substitutions, such as soy milk, due to taste preferences. The child care center has the discretion to select a specific brand of milk substitute, since acceptable products must meet specified nutrient requirements. Prior to completing the form, please contact Evergreen to verify if the child's milk substitution product is acceptable.

The following soy milk products have been approved by our agency, which are:

- 8th Continent Soymilk (Vanilla)
- Kikkoman Pearlo Organic Soymilk (Vanilla and chocolate)
- Pacific Natural Foods Ultra Soy (Plain and vanilla)

VI. RECORDING DAILY MEAL COUNTS AND ATTENDANCE ON MINUTE MENU CX

Video 2: Recording meal counts and attendance: <https://youtu.be/q0SgJNxmWRY>

1. It is Center's responsibility to edit check by logging in to the Minute Menu CX and check attendance before end of each day to ensure that all meals served are recorded & saved accurately.
2. Claim no more than two major meals and one supplement or one major meal and two supplements per day per child (Major meals are: breakfast, lunch & dinner).
3. Head count the children during the meals to ensure that the meal claim is recorded correctly. Meal claims must be recorded at the time of each meal service and/or right after the each meal service (no more than 30 mins) to receive the reimbursement. You may choose to log in the meals to Minute Menu CX directly by using your computer, tablet, and/or smart phone or may choose to print out the daily or weekly worksheet to write the daily claim on the worksheet and log in the meals before 8PM on the same day.)
4. School Age: School age children (6 years or older) cannot be claimed for lunch or am snack unless centers submit a reason for claiming lunch or am snack while claiming meals for the child. School age note box is located right next to meal claiming box as sick or school out. Please click the appropriate reason for claiming the school age child. You may also use the child's calendar to log in the school age note for extended vacation/holiday schedules. AM snack and/or lunch meal will not be reimbursable for school-age children if no explanation is provided with the monthly claim.
5. On any occasions, when you are unable to log in the meals on the CX due to technical issues (power outage, internet down, computer down, and etc.) before the end of each day, center must do the following in order for ECCI to consider logging in the meals:
 - Call Evergreen Child Care Inc. (ECCI) on the same day before 10:00 pm and/or leave a message on our voicemail (#0) and report the problem that you have encountered.
 - Fax or e-mail (joinecci@gmail.com) weekly menu & daily/weekly worksheet for that day before midnight. (Our fax machine will record the date & the time when the form was faxed).

- ECCI must have the appropriate reason why the daily records were not recorded by the center on the same day in order to log in the meals. ECCI will not log in the meals if you fail to inform us of the problem on the same day and/or meal forms are not faxed or e-mail to us before midnight. If you do not have an access to the fax machine nor e-mail, you may leave a voice message first on the same day and fax or e-mail the document on the following morning.
 - "I forgot to log in meals" is not an acceptable reason to ask ECCI to log in the meals for the center.
6. Daily counts of meals served to "Program adults" working in the center's food service and to any other non-enrolled persons must also be recorded. Although they cannot be claimed for reimbursement, costs of these meals are part of food costs reported by the center.

Recording Daily Attendance (Time in & out) in Minute Menu CX

Recording your daily attendance is separate from your meal counts. You may create your own attendance forms or use the attendance forms on Minute Menu CX. The attendance must be recorded daily, weekly, or monthly attendance form. Sign in/out sheets are required by community care licensing to substantiate a child's daily attendance.

Centers must submit their daily attendance sheet (time in & out) for the entire month to Evergreen at the end of each month. It will be due by the 5th day of the following month (in order for us to process your claim). You may scan it onto Minute Menu CX. However, you submit the original time sheet to our office by the 5th calendar day of the following month. For example, October 2017 daily attendance sheets are due no later than November 5, 2017.

Meal Service Time

Meals should be served on the meal time agreed with our agency.

- Breakfast: after 7AM and before 9 AM
- AM Snack: Two hours after breakfast and/or two hours before lunch)
- Lunch: between 11 AM to 1:30 PM
- PM Snack: two hours after Lunch or two hours before dinner
- Dinner: after 4 PM to 7PM

** Must have at least 2 hour space between each meal and 3 hour space between each major meals.

Meals that are being claimed need to have a specific meal time within the meal time frame and need to be documented for Evergreen's records. Anytime meal service schedules are changed, Evergreen must be notified in writing and/or by call-in prior to the date that such changes will take in place. Failure to notify ECCI for changes in advance will result in disallowance of meals on the day of the visit and/or may lose the privilege to claim the certain meal types that ECCI cannot observe during the visitations. As a CACFP sponsor, we are required to monitor at least two meal time visits in every fiscal year. By knowing your meal schedule, we can visit your facility at the proper times to observe your actual meal service.

VII. MEDICAL OR NON-MEDICAL FOOD SUBSTITUTIONS

Medical Statement

It must be submitted for any of the following reasons:

- Participant has a disability or a medical condition that requires a special meal and/or accommodation.
- Participant does not have a disability, but is requesting a special meal or accommodation due to a food intolerance or other medical reason. This form must be completed in its entirety and submitted to Evergreen before the Center can make any meal substitutions for child.

Centers are required to accommodate the special dietary needs of participants with disabilities.

An individual with a disability is defined as any person who has physical or mental impairment that substantially limits one or more major life activities or is regarded as having such an impairment. Major life activities include caring for one's self, eating performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

For participants who do not have a disability, Centers may, at their discretion, accommodate special needs. However, any menu substitutions made for non-disabled participants must meet the CACFP meal pattern requirements in order to claim meals and snacks for reimbursement. Requests for special meals or accommodations must be documented by a medical statement.

The medical statement must specify:

- The participant's disability or medical condition
- The specific diet prescription or accommodation requested
- Specific foods to be omitted and suggested substitutions

The medical statement must be signed by:

- A licensed physician for participants with a disability
- A licensed physician, physician's assistant, or nurse practitioner for participant without a disability.

Milk Substitution Form

Parents or guardians may ask for non-dairy milk substitutions without providing a medical statement. For example, if a parent has a child who follows a vegan diet, the parent may submit a written request to the child's caretaker asking that soy milk be served in lieu of cow's milk. The written request must identify the medical or other special dietary need that restricts the diet of the child.

*Medical statement must be reviewed and updated annually.

The medical statement form and non-dairy milk substitution form are available at Evergreen website under the Forms section

VIII. MONITORING VISITS

During each fiscal year, minimum of three monitoring visits are required for daycare centers participating in the Child and Adult Care Food Program (CACFP). Two out of the three monitoring visits conducted are unannounced and must be in observance of a meal service.

Reminder: Evergreen's fiscal year begins in October and ends in September of the following year.

Saturday Visitation: Saturday monitoring visitation will be conducted for centers who are approved for Saturday cares. (Saturday registration form must be on file and approved by ECCI.)

Monitors will check for:

- License, capacity, enrollment applications, declining forms (if applicable), tiering status, record retention, license renewal fee payment record, and medical statements (if applicable).
- Full names of all children present. All recorded meals will be compared with enrollment forms. If completed enrollment application for both new and/or updated child(ren) are not available for review, the meal claims for that child will be disallowed.

**Please note that ECCI has right to call the parents of the child to verify the enrollment status.

- Menus, Meal Production Records, Recorded meals, and Daily In & Out records (if applicable) to ascertain that records are up-to-date. Any changes to the menu must be made in red pen on the printed weekly menu plan prior to its meal service not after; Menu must be posted in a prominent place. All required documents must be readily & immediately available to monitors for review at all times.
- Income Eligibility Forms (Meal Benefit Form): Evergreen must verify the accuracy of the center's determination of each child's free, reduced-price, or paid category for claiming meals. For non-pricing Programs, Evergreen will review 100 percent of the free, reduced-price, and denied income eligibility applications to ensure their accuracy
- All foods used in preparation of a meal must be readily available for monitors to see.
- Meals being served to children accordingly to center's meal time schedule.
- Any non-creditable food is being used.
- For meal visits, ECCI will compare between the number of children being claimed on daily basis in the claim month and the number of children ECCI observes during the meal service. If 85% of the average number of children claimed are not seen more than two time during the same fiscal year, you may lose the privilege of claiming that meal type where we are unable to observe the 85% of attendance and you may be found as a Serious Deficient Center

- License Capacity Compliance
- Over capacity situations and incompliance of the adult staff-child ratio would be reported to the Department of Social Services. All the meal claims for the month will be disallowed.
- CACFP Meal Pattern Chart (Meal Pattern Chart (Food Chart) must be posted in the kitchen and center must serve adequate serving sizes based on the child's age for each component that are being served.
- Sanitation and safety of the facility.

Failure to Comply with Regulations during a Monitoring Visit:

1. Center shall receive a disallowance of any meals that relate to the deficiency found.
2. Technical Assistance shall be given to the center on site by the field specialist conducting the visit.
3. Serious Deficiency letter will be mailed out with the detail information of all findings (if needed).

In order to verify information, Evergreen may contact the households to obtain source documentation to support their reported income. If the application contains a SNAP, FDPIR, or TANF case number for a child or a SNAP, FDPIR, SSI, or Medicaid number for an adult participant, the verification shall consist only of a confirmation that the child or adult is certified eligible for the relevant program. Otherwise, households must be informed in writing that they have been selected for verification process and that they are required to submit documentation to verify their eligibility for free or reduced-price meals. This letter must include the types of documentation that Evergreen has deemed to be sufficient for the purposes of verification.

IX. PROGRAM POLICIES

RECORD KEEPING

All information on the claiming records (Menu planning for infant/non infants, Recording meals, and enrollment applications) must support your daily meal claim. Please double check your record before end of each day to ensure accuracy of your meal claims.

Why Record Keeping is important?

- Records kept on a daily basis will ensure accurate reports of attendance and meal counts for both the center and sponsor.
- Logging meals and attendance on a daily basis at the time of each meal service will help to prevent objections between centers and sponsors.
- It is mandatory in accordance with CACFP regulations.
- Requesting document: ECCI will do our best to replenish centers with proper documentation; however should a shortage in documentation occur, it is up to the center to request necessary document at least one month prior to the next claim period.

Record Keeping Violation for menus, meal production record, meal counts and attendance.

- On the first offense, if a center fails to update any daily documents including menus, meal counts, meal production record and attendance for less than two days, ECCI will document the finding on the monitoring report and provide on-site training (any meals related to the finding will be disallowed). However, if the finding is more than two days, ECCI will initiate the Serious Deficiency (SD) process.
- On the second offense, if the center fails to update any daily documents including menus, meal counts and attendance for less than two days, ECCI will document the finding in the monitoring report and failure to implement permanent corrective action will result in the initiation of the Serious Deficiency (SD) process. A letter notifying the finding(s), corrective action and the consequence will be sent to the center. If the finding is more than two days, ECCI will initiate the SD process
- On the third offense, if the center is found with similar or same finding in future visit, ECCI will initiate the SD process.

Record Keeping Violation Related to Internet and/or Computer Issues

- On the first offense, if a center fails to record the claim (meal attendance, menu and time in & out if applicable) or unable to show records due to internet and/or computer issues, ECCI will warn the center in the monitoring report that failure to implement permanent corrective action will result in the initiation of the SD process. A letter including finding(s), corrective action, and the consequence will be sent to the center.
- On the second offense, ECCI will initiate the SD process.

MONTHLY CLAIM ERROR REPORT

After each monthly claim process, centers can have an access to the "Claim Error Report" to review for any/all errors found during the meal claim process.

PARENT'S FORM FOR DECLINING THE FOOD PROGRAM

All children regardless of race, color, national origin, gender, religion, disability, political beliefs, sexual orientation, marital or family status will not be discriminated by the food program. Centers are still required to complete the enrollment application for the child even if the parent/legal guardian has decided to decline CACFP. By unchecking the section "participating in CACFP," enrollment application will become a declining form. This form will ensure that all families are given the right to participate their child in the food program and it was the choice of the parent/guardian that the child is not enrolled.

(Only parent/guardian of the child(ren) has the right to decline the CACFP.)

RECORD RETENTION REQUIREMENT

All centers who are participating in Child and Adult Care Food Program (CACFP) must retain the copy of the following ECCI's documents:

Documentation of current license or approval;

- Menus and Meal Production Records (MPR) including types of foods served to enrolled children at each meal;
- Each child's enrollment form and Meal Benefit Form(if applicable);
- Daily records of the number of children in attendance;
- Daily records of attendance(time in & out);
- Daily records of the number of meals, by type, served to enrolled children;
- Any program related documents.

Retain these records for three program years plus the current year. If there is an unresolved audit or review finding, maintain the records covered by the audit or review for three years from the date the audit or review finding was resolved.

Only 12 months plus the current month must be maintained and immediately available at the center. The rest of the retained documents must be retrievable within a reasonable amount of time if requested by the sponsor, a representative of the CDE, or the USDA. Records may be kept in hard copy or electronic format, as long as the records are available for review. Failure to abide with the record retention requirement would be used as a ground to determine center as a “Serious Deficient.”

OVERCAPACITY

Over Capacity: If over capacity is detected by a Field Specialist during a monitoring review, Field Specialist will report the violation to Community Care Licensing Division (CCLD) and all ineligible meal claims will be disallowed. In addition, Center may be determined as a Serious Deficient Center in violation of License Capacity Regulation.

First offense: Report the violation to CCLD and initiate the SD process.

Second offense: Report the violation to CCLD and initiate the Termination process.

If overcapacity is detected during claim review:

- First offense: Written warning will be given with a request of corrective. In addition, ECCI will keep track of the centers with overcapacity by keeping record on a spread sheet.
- Second offense: Initiate SD process

PROOF OF CENTER LICENSE RENEWAL FEE PAYMENT

All participating Centers in CACFP must be current with their daycare license. Thus, proof of the license fee payment made to the Department of Social Services (DSS) is required to be submitted to ECCI annually.

Proof of the license renewal fee payment (front & back copy of the cancelled check, money order, online payment confirmation, bank/credit card statement that has payable to DSS, or copy of profile) must be forwarded to ECCI within 2 months from the license renewal date. Failure to submit the required proof within the due date may be used as a ground to determine center as Serious Deficient.

MANDATORY ANNUAL TRAINING

ECCI provides a mandatory “Annual Training” once a year. All participating centers in CACFP must attend/complete this annual training. A center may be determined as a Serious Deficient if fails to attend/complete the mandatory annual workshop.

HOUSEHOLD CONTACTS

To improve the program integrity within the Child and Adult Care Food Program (CACFP), all sponsors participating in the CACFP are required to conduct household contacts (by phone call or in writing) in order to verify the enrollment and attendance of the children in care and the specific meals that are routinely served to them.

Household contacts of enrolled children will be made if a center:

- Claims a greater number of children at any meal than the number of children enrolled or in attendance.
- Claims weekend or holiday meals when such meals are not substantiated by enrollment or attendance records.
- Reports uniform meal counts on a consistent basis that raise suspicions about the center's claiming practices.
- Reports that one or more of the same children are never absent from care.
- Records a consistently high number of children in attendance; however, the monitoring visits do not verify the high attendance figures, instead showing fewer children in care than is consistently reported.

For all children who are participating in the CACFP, Evergreen must have current parental contact information available at all times. If, for any reason, ECCI cannot complete the household contact may result in disqualification of food program for the child.

RECORDING ATTENDANCE IN ADVANCE

- Step 1: Center will be retrained. All meals in which are documented prior to the meal being served will be disallowed and documented in the report
- Step 2: Center that completes the attendance prior to the meal being served for the second consecutive times within the fiscal year, may be determined as a serious deficient. Any and/or all meals that are documented in advance will be disallowed. Attendance must be recorded at the time of and/or right after each meal service.

ABSENCE POLICY

An action will be taken if a center fails to comply with CACFP regulations:

First Absence: If the monitoring visit was conducted during non-meal visit, the center may receive a written notice stating the time and date of visit. In addition, the center will be asked to submit a schedule of meal service times and pick-up times. A follow up visit will be conducted. If the center fails to inform ECCI (by call-in or/and in writing) in advance and the monitoring visit was conducted during the meal time, including Saturdays, any meals claimed for that day and all days prior will not be reimbursable. In addition, if the monitoring visit was conducted on Saturday, the center may lose the privilege to claim Saturdays permanently.

Second Absence: Center will receive a written notice stating the time and date of the visit. Meals for that day and all days prior will be disallowed and a follow up visit will be conducted. Evergreen will also initiate the SD process.

CALL-IN POLICY

If the center fails to inform Evergreen by call-in and/or in writing of any changes related to meal service (no children in attendance during registered meal times, field trip, meal time change, no meal service or claiming, and etc.) prior to meal service, following actions may be taken.

On the first offense, ECCI will warn the center in the monitoring report that failure to implement permanent corrective action will result in the initiation of the SD process. In addition, a center will be given an on-site training regarding the Call-In Policy. Meal(s) will be disallowed for any meal type(s) that the center had failed to inform Evergreen in advance of changes made related to the meal service (such as meal service time changes without notifying ECCI, meals already being served, adding and/or deleting meal types without obtaining prior approval, no meal services, and etc.). A letter notifying the finding(s), corrective action and consequences will be sent to the center.

On a second offense, if ECCI cannot observe the actual meal service to children during the meal service visitations, meals will be disallowed. If two or more visits were conducted to observe one targeted meal type; center may lose the privilege to claim that meal type that ECCI staff could not validate. In addition, ECCI will initiate the SD process.

Exemptions may be given for valid emergencies and natural disasters.

X. SERIOUS DEFICIENCY PROCESS (SD)

Serious Deficiency Determination

A SD Notice must be issued for any SD finding(s).

List of SD(s):

1. Submission of false information on the application to the sponsor, including but not limited to a determination that the center has concealed a conviction for any activity that occurred during the past seven years which would indicate 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.
2. Permitting an individual who is on the National Disqualified List (NDL) to serve in a principal capacity with the center.
3. Failure to operate the program in conformance with the Federal performance standards.
4. Failure to comply with the bid procedures and contract requirements of applicable federal procurement regulations.
5. Failure to maintain adequate records. A frequent finding during monitoring visits is missing records such as menus, meal attendance, and daily attendance. On the first offense for missing records, if the center is behind with recordkeeping for less than two days, this does not constitute a SD finding. Training must be completed with the center and documented and written corrective action must be submitted by the center if findings do not rise to the level of SD. If a center is missing six days or more of records, the sponsor shall proceed with the SD process.
6. Failure to adjust meal orders to conform to variations in the number of participants.
7. Submitting a request for reimbursement for meals not served to participants.
8. Submitting a request for reimbursement for a significant number of meals that do not meet program requirements.
9. Use of a food service management company that is in violation of health codes.
10. Submitting a request for reimbursement for meals served as a proprietary (for profit) center during a calendar month in which less than 25 percent of its enrolled participants, or 25 percent of its licensed capacity, whichever is less, were Title XX beneficiaries or eligible for free or reduced price meals.
11. Failure to perform any of the other financial and administrative responsibilities required by Federal regulation.
12. The fact any of the center's Responsible Individuals (RP/Is) have been declared ineligible for any other publicly funded program by reason of violating that program's requirements. However, this prohibition does not apply if the institution or the principal has been fully reinstated in, or is now eligible to participate in, that program including the payment of any debts owed.

13. Conviction of the center or any of its principals for any activity that occurred during the past seven years and that indicates a lack of business integrity.

14. Any other action affecting the center's ability to administer the program in accordance with program requirements.
15. Any other circumstance related to non-performance under the sponsoring organization's permanent agreement, as described by Evergreen.

If Evergreen determines that a center has committed one or more of the listed SD(s), or receives notification forwarded by CDE, from the Child Care Licensing Division of Intent to Revoke License, Intent not to Renew License or a Summary Suspension, or related notices, action must be initiated to terminate the agreement of the participating center and to disqualify the center and any responsible principals and responsible individuals (RP/Is) by starting the SD process.

During the monitoring visit in which the sponsoring organization identifies SD findings, the sponsor must document the finding(s) in their monitoring report. The center's RP/Is, if available, must sign the monitoring report as acknowledgement that the finding(s) have been explained to the center.

The following steps shall be taken upon determination of a Serious Deficiency

- Notice of Serious Deficiency shall be sent to the Center by a method of delivery that confirms receipt and/or delivery of the notice (either by certified mail or email). A copy of the Serious Deficiency notice will be forwarded to California Department of Education (CDE), Nutrition Services Division (NSD), and Program Integrity Unit (PIU). The notice shall contain the following:
 1. Detailed description of Serious Deficiency.
 2. Legal basis for each SD finding [cite the SD regulation(s) as well as specific provisions in the permanent agreement and/or regulations that support the SD finding(s)].
 3. Corrective Actions plan with a specified deadline (max. 30 days).
 4. Serious deficiency determination is not subject to appeal.

If center fails to submit the corrective actions by due date, ECCI will:

- Propose termination of the center's CACFP agreement with the sponsor and the
- Proposed disqualification of the center and the Responsible Individuals (RP/Is).

Program payments continue during the corrective actions period, unless one of the findings is an imminent threat to health and safety of children, at which time the suspension process must be followed.

Voluntary termination will result in center being terminated for cause and placed on the National Disqualified List.

If serious deficiencies are not corrected, the following measures shall be taken:

- Notice of proposed termination/disqualification will be sent to the corresponding center and its Responsible Individuals (RP/Is) and a copy of the SD notice will be forwarded to CDE, NSD, and Program Integrity Unit (PIU). The notice will propose that the center and its Responsible Individuals (RP/Is) will be terminated for cause and be placed on the national disqualified list. In addition the basis for all actions taken shall be provided with procedures for appeal.

If placed on the National Disqualified list, centers shall remain on such status for a period of 7 years.

SERIOUS DEFICIENCY (CORRECTIVE ACTION)

Corrective Actions Guidelines:

1. Upon receiving notice of serious deficiency, centers will be expected to submit an acceptable corrective action plan. Corrective Action Plan(CAP) must include:
 - Responsible Individuals (RP/Is)'s full name, address, and date of birth.
 - The date ECCI conducted the monitoring visit to your facility.
 - What are the serious deficiency (ies) and the procedure that you will implement to prevent the serious deficiency(ies) from reoccurring in future?
 - Who will address the SD and be responsible to implement the Corrective Action Plan? List personnel responsible for this task.
 - When will the procedure for addressing the SD be implemented? Provide a timeline for implementing the procedure (i.e., will the procedure be done daily, weekly, monthly, or annually, and when will it begin)
 - Where will the Corrective Action Plan documentation be retained?
 - How will the staff and facility or center be informed of the new policies and procedures (e.g. Handbook, training, website, etc.)?
 - Responsible Individuals (RP/Is)'s signature and the signature date.
2. Center will be given no more than 30 days to correct the Serious Deficiency.
3. If problems persist once a corrective action plan is written by the center, a Notice of Proposed Terminate and Proposed Disqualification will be sent to the center.
4. Upon Proposed termination of agreement, centers are given 15 calendar days to submit a written appeal. Please refer to the Serious Deficiencies Procedure Manual.

Corrective Actions will result in either:

1. Temporarily deferral of the serious deficiency determination will be issued, if the corrective action(s) are received in timely matter and follow up review indicates that findings has been corrected.
2. Proposed Terminate and Proposed Disqualification from CACFP, if the corrective action(s) are not received in timely matter and/or center fails to permanently correct the findings.

Proposed Termination of Agreement Procedure

If center fails to permanently correct the serious deficiency(ies) in the time allotted for corrective action or any time after the original SD notice has been deferred, a Notice of Proposed Termination and Proposed Disqualification will be sent to the center with a proof of delivery. A copy of the notice will be forwarded to the PIU. The Notice will contain the following:

- a. Reference to the SD notice and the reason why corrective action was not acceptable (or that the center failed to submit a corrective action document within the time allotted)
- b. Offer the center the opportunity to appeal the PTPD, and provide appeal procedures.
- c. Notify the center that the termination of the center's CACFP agreement will result in termination for cause and disqualification of the center and the RP/Is from the CACFP.
- d. Voluntary termination of the CACFP agreement after receipt of the proposed termination/disqualification notice will still result in the proposed disqualification
- e. Center may continue to participate in the CACFP through the appeal deadline, or, if an appeal is requested, until the hearing officer issues a decision

If the center submits a CAP to ECCI prior to or with a request for appeal, ECCI may consider the CAP. If ECCI determines that the CAP permanently corrects the SD findings, the ECCI may rescind the proposed termination and proposed disqualification actions and temporarily defer the SD determination.

If the request for appeal has been forwarded to ECCI's hearing officer, and the center submits documentation to the hearing officer that the hearing officer identifies as an acceptable CAP, the hearing officer may refer the documentation back to ECCI for their review and approval. If ECCI accepts the center's documentation, ECCI will notify the hearing officer in writing that ECCI accepts the center's CAP. The hearing officer will then issue a letter to ECCI and the center that dismisses the appeal.

If the hearing officer determines that ECCI's findings are unsubstantiated or, without input from ECCI, determines that the center's CAP permanently corrects the SD, the hearing officer may make a determination to overturn ECCI's proposed actions. If the hearing officer determines that ECCI has

properly implemented the SD process and the center has not provided adequate proof to overturn the proposed actions, the hearing officer must uphold the proposed actions. A copy of the hearing official's decision will be sent to the PIU.

Temporary Deferral of Serious Deficiency, Proposed Termination, and Proposed Disqualification After Center Wins Appeal

If the hearing official overturns ECCI's proposed termination and proposed disqualification actions, ECCI will issue one of the following:

- Temporary Deferral of Serious Deficiency, Proposed Termination, and Proposed Disqualification (after center wins appeal)
- Temporary Deferral of Serious Deficiency, Suspension, Proposed Termination, and Proposed Disqualification: Imminent Threat to Health or Safety (after center wins appeal)

A letter will be sent to the center by using a method of delivery that confirms receipt and/or delivery of the notice (either by certified mail or email), and a copy of the notice will be sent to the PIU.

Agreement Termination and Disqualification

If the center does not submit a timely request for appeal, or if the hearing official upholds the sponsor's proposed actions, ECCI will immediately terminate the center's agreement to participate in the CACFP and disqualify the center and responsible individuals (RP/Is) from future CACFP participation. If the hearing official upholds the Evergreen's proposed actions, ECCI will issue to the center one of the following:

- Notice of Termination and Disqualification
- Notice of Termination and Disqualification: Imminent Threat to Health or Safety

The letter will be sent to the center by using a method of delivery that confirms receipt and/or delivery of the notice, and a copy of the notice will be sent to the PIU.

The date of the termination and disqualification will be the date of the hearing official's decision.

If the center did not request an appeal, ECCI will issue to the center one of the following:

- Notice of Termination and Disqualification (following failure to appeal)
- Notice of Termination and Disqualification: Imminent Threat to Health or Safety (following failure to appeal)

The letter will be sent to the center by using a method of delivery that confirms receipt and/or delivery of the notice (either by certified mail or email), and a copy of the notice will be sent to the PIU. The effective date will be the day after the appeal deadline.

Program Payments

ECCI will continue to pay the valid portion of any claims until the SD(s) is/are corrected or the agreement is terminated, including the period of an appeal, unless the center is suspended. No payments are made during suspension.

Suspension – Imminent Threat to Health and Safety

If a center is cited for a serious health or safety violation by state or local health officials, or by a licensing official, ECCI will immediately suspend the center's CACFP participation, even before any formal action has been taken to revoke the center's license. If ECCI determines that there is imminent threat to the health or safety of participants in the center, or the center engages in activities that threaten public health or safety, ECCI will immediately notify state or local licensing officials. For all imminent threat to health and safety issues, ECCI will issue the Combined Notice of Serious Deficiency, Suspension, Proposed Termination, and Proposed Disqualification

Notice: Imminent Threat to Health or Safety notice, including appeal procedures, to the center. The notice will be sent either by certified mail or email. A copy of the SD notice will be forwarded to the California Department of Education (CDE).

The notice will include:

- The center's participation in the CACFP has been suspended, that the center has been determined as seriously deficient, and that Evergreen is proposing termination and disqualification.
- Specify the SD(s) found and the center's opportunity to request an appeal of the proposed termination.
- Current status of the participation, including all program payments, will remain suspended until the appeal is concluded.
- If the appeal official overturns the PTPD, this also overturns the suspension and the center may claim reimbursement for eligible meals served during the suspension.
- Termination of their CACFP agreement will result in the placement of the center and RP/Is on the **National Disqualification list** (NDL).
- Voluntarily terminate their CACFP agreement after receiving the suspension notice, the center will be terminated for cause, disqualified, and all RP/Is will be placed on the NDL.

Centers that previously listed on the NDL

After a center is removed from the NDL, in order for that center to re-apply for participation in the CACFP, the center must submit a CAP to Evergreen addressing the SD(s) that caused them to be placed on the NDL. Upon receiving a CAP from the center that fully and permanently corrects the previously

cited SD(s), ECCI will decide whether to approve the CAP or chose not to. For any reason, if Evergreen refuses to approve the center's CAP, we will notify the center in writing of the reason why the CAP was not accepted.



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Persons with disabilities who require alternative means of communication for program information (e.g. Braille, large print, audiotape, American Sign Language, etc.), should contact the Agency (State or local) where they applied for benefits. Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, (AD-3027) found online at: http://www.ascr.usda.gov/complaint_filing_cust.html, and at any USDA office, or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by:

- (1) mail: U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410;
- (2) fax: (202) 690-7442; or
- (3) email: program.intake@usda.gov.

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