



Child and Adult Care Food Program

Incorporating healthy food and physical activity into afterschool and out-of-school time (OST) programs is an integral component of a comprehensive strategy to prevent childhood obesity. This factsheet provides an overview of the application of the federally funded Child and Adult Care Food Program (CACFP) to afterschool programs that are located within a public school attendance area where at least 50% of the student population qualify for free or reduced lunch. To learn more, please visit the Center's [Minnesota Afterschool and Out-of-School Time Toolkit for Healthy Eating and Physical Activity](#) and the Center's [childcare toolkit](#) factsheet on CACFP.

Eligibility for CACFP reimbursements

Since 1998, CACFP has helped to support afterschool programs across the country by reimbursing them for snacks provided to low-income children and youth.¹ In 2008, over 300,000 children in 6,690 settings nationwide received subsidized snacks and meals through CACFP's afterschool program.² In 2010, the enactment of the Healthy Hunger-Free Kids Act expanded CACFP's reach by authorizing reimbursements for meals as well as snacks in all 50 states.

CACFP helps support afterschool programs across the country by reimbursing them for snacks and meals provided to low-income children and youth.





In order to qualify for CACFP snack or meal reimbursements, an afterschool program must be located in a public school attendance area where at least 50% of the student population is eligible for free and reduced price lunch. An exception applies to emergency shelters that run afterschool programs with educational or other enrichment activities for homeless children and youth; these shelters are eligible to participate in CACFP no matter where they are located.

Generally, to be eligible for CACFP reimbursements, an afterschool program must regularly offer structured, supervised activities and must include educational or other enrichment activities during afterschool hours, weekends, holidays, school release days, or vacations during the regular school year. CACFP does not reimburse programs during summer break.

Although afterschool programs that participate in CACFP are not required to be licensed under federal

law, they are required to comply with applicable state and local health and safety standards and licensing requirements. Afterschool sports programs may be eligible for CACFP reimbursements if all children, regardless of ability, are allowed to participate on the sports team or league. Students who participate in school sports teams or clubs can receive afterschool snacks and meals as part of a school's broad, overarching educational or enrichment program.³ Eligible afterschool programs that receive CACFP reimbursements can serve meals to all participating children and teens, up to 18 years of age, including those who turn age 19 during the school year. Programs may be drop-in or enrolled; individual student athletes who attend afterschool programs before or after team practices may receive snacks and meals.⁴

Updating CACFP nutrition guidelines

Many of the CACFP nutrition guidelines are more than two decades old — as such, they lack standards that could require whole grains, a variety of fruits and vegetables, and foods that are low in saturated fat and sodium.^{5,6} The U.S. Department of Agriculture (USDA) is in the process of drafting a proposed rule for meal pattern revisions that will implement section 221 of the Healthy, Hunger-Free Kids Act of 2010 (Pub. L. 111-296), with the final rule expected in 2014.⁷ The proposed rule will suggest changes that aim to align the meals served in the CACFP with the Dietary Guidelines for Americans, as recommended by the Institute of Medicine in its 2010 consensus report, *Child and Adult Care Food Program: Aligning Dietary Guidance for All*.⁸ The proposed rule also will make changes to health and wellness components of CACFP to reflect requirements in the Healthy, Hunger Free Kids Act of 2010, including changes to the purpose of the program and making water available to participants. Implementation of the final meal pattern revisions will most likely be delayed until 2015 to give program providers time to prepare for and adapt to the changes.

Currently, CACFP regulations allow school food authorities in districts that participate in the National School Lunch Program (NSLP) to substitute NSLP meal pattern requirements for CACFP meal pattern requirements [7 CFR § 226.20(o)] when serving meals to children and youth enrolled in CACFP-eligible afterschool programs. If a school elects to follow the NSLP meal pattern requirements in an afterschool program, it is required to follow the newly revised NSLP meal patterns. Schools are permitted to use an *offer versus serve* (OVS) policy for afterschool meal service, regardless of which meal pattern they select, but they cannot use OVS for snack service.⁹ Where applicable, an OVS policy allows students to decline one or more of the five NSLP food components, encouraging them to express their personal preferences and helping to reduce waste.

State strategies to supplement CACFP standards

Several states, including New York and Delaware, have supplemented CACFP standards with state-specific regulations in order to improve the quality of afterschool program meals and snacks provided to children.¹⁰ The State of Connecticut has developed standards that exceed CACFP guidelines, but the state only recommends, and does not require, that CACFP providers follow its guidance.¹¹

Issuance of new regulations may spark fears among some program providers that modifications to standards might increase their operating costs and administrative burdens and force them to drop CACFP funding. Engaging program providers in the policy development process may build strong support and help alleviate such fears. A recent study by Nanney and Glatt explored the implementation of the IOM's 2010 CACFP nutrition recommendations and identified several federal, state, and industry partnership opportunities to support afterschool programs' efforts to serve healthier foods including:

- Provide product labeling to make it easier to identify snacks that comply with the 2010 IOM CACFP recommended standards;
- Provide incentives to encourage adoption of recommendations;
- Prioritize the implementation of paperwork and technology to simplify enrollment and accountability systems; and
- Provide support for food safety training and/or certification for non-food service personnel, in that there may be no food safety certified professionals on site for serving snacks or meals at a school-based afterschool program.¹²

Among states that have supplemented CACFP standards, some have responded to providers' concerns about costs and implementation challenges by establishing requirements that providers can easily meet. New York State, for example, implemented a set of required *and* recommended nutrition standards for CACFP providers in October of 2009.¹³ The required standards took cost considerations into account in order to retain providers, and the new standards demanded minimal training.¹⁴ New York's *required* standards prohibit offering flavored milk to pre-school students, limit juice to one time per day, and eliminate sweet cereals and sweet breads such as cookies, PopTarts®, or muffins. The *recommended* standards suggest guidelines for offering lean, unprocessed meats, whole-grain items, and a variety of fruits and vegetables.¹⁵

The Food Resource Action Center (FRAC) has reported that CACFP staff in New York have received “overwhelmingly positive” feedback on the changes made to CACFP,” and have experienced few compliance issues.¹⁶ The only mentioned pushback concerned the sweet grains requirement, which restricts sweet cereals, muffins, pastries, granola bars and other sweet grains to twice per week. Cooks have

tended to see these products as healthy options and have objected to this restriction.¹⁷

While some states have successfully supplemented CACFP guidelines by introducing state-level guidelines that can be easily met by providers, this approach may not be the most efficient way to improve standards in Minnesota at this point in time. Given that the USDA revised its CACFP guidance, *At-Risk Afterschool Meals: A Child and Adult Care Food Program Handbook*, in July 2013,¹⁸ efforts undertaken

at the state level to adopt standards might complicate implementation of the revised federal handbook, should there be inconsistencies in standards or recommended practices. State-level resources may be targeted more efficiently by offering afterschool providers training and technical assistance that can help them implement new meal and snack recommendations — *Better Choices for Better Meals* — made in the revised CACFP handbook and, eventually, by helping them implement the new CACFP standards when they are introduced.

Last updated: January, 2014

The Public Health Law Center thanks Hanna Kite, MPH, Health Policy Workshop, for her assistance in writing and editing this series, as well as Cassie Benson for her work on the project. The Public Health Law Center would also like to thank Allison Anfinson, Senior Program Evaluator, Center for Prevention, Blue Cross and Blue Shield of Minnesota, Jenny Butcher, SFSP Coordinator, Food and Nutrition Service, Minnesota Department of Education, Deb Loy, School Health Specialist, Safety, Health and Nutrition Division, Minnesota Department of Education, and Marilyn (Susie) Nanney, PhD, MPH, RD, Associate Professor, Department of Family Medicine and Community Health, Program in Health Disparities Research, University of Minnesota, for their assistance in reviewing this document.



This publication was prepared by the Public Health Law Center at William Mitchell College of Law, St. Paul, Minnesota, with financial support provided by Blue Cross and Blue Shield of Minnesota.

The Public Health Law Center provides information and technical assistance on issues related to public health. The Public Health Law Center does not provide legal representation or advice. This document should not be considered legal advice. For specific legal questions, consult with an attorney.

Endnotes

- ¹ INST. OF MED., Nat'l Acads., *CHILD AND ADULT CARE FOOD PROGRAM: ALIGNING DIETARY GUIDANCE FOR ALL* (2010), available at <http://www.iom.edu/Reports/2010/Child-and-Adult-Care-Food-Program-Aligning-Dietary-Guidance-for-All.aspx>.
- ² *Id.*
- ³ FOOD & NUTRITION SERV., U.S. DEP'T OF AGRIC., *AT-RISK AFTERSCHOOL MEALS: A CHILD AND ADULT CARE FOOD PROGRAM HANDBOOK* (2013), available at <http://www.fns.usda.gov/cnd/care/Publications/pdf/Handbook.pdf>.
- ⁴ FOOD & NUTRITION SERV., U.S. DEP'T OF AGRIC., *THE AT-RISK AFTERSCHOOL MEALS COMPONENT OF THE CHILD AND ADULT CARE FOOD PROGRAM, QUESTIONS AND ANSWERS* (2012), available at <http://www.fns.usda.gov/cnd/care/regs-policy/policymemo/2012/CACFP08-2012.pdf>.
- ⁵ NAT'L RES. CTR. FOR HEALTH & SAFETY IN CHILD CARE & EARLY EDUC., *ACHIEVING A STATE OF HEALTHY WEIGHT: 2012 UPDATE* (2013), available at <http://nrckids.org/default/assets/File/ASHW%202012%20Final%20Report%209-18-13%20reduced%20size.pdf>. Updates to requirements were made in 2011 regarding service of milk (pasteurized skim or 1%) and availability of water throughout the day and upon request.

- ⁶ INST. OF MED., *supra* note 1.
- ⁷ FOOD & NUTRITION SERV., U.S. DEPT OF AGRIC., IMPLEMENTATION PLAN: HEALTHY, HUNGER-FREE KIDS ACT OF 2010 CHILD NUTRITION PROGRAM PROVISIONS (updated April 2013 and summer 2013 — highlighted portions, date unknown), *available at* http://www.fns.usda.gov/cnd/Governance/Legislation/implementation_actions.pdf.
- ⁸ INST. OF MED., *supra* note 1.
- ⁹ FOOD & NUTRITION SERV., U.S. DEPT OF AGRIC., STREAMLINING AT-RISK MEAL PARTICIPATION FOR SCHOOL FOOD AUTHORITIES (2013), *available at* http://www.fns.usda.gov/cnd/governance/Policy-Memos/2013/SP09_CACFP04-2013os.pdf.
- ¹⁰ BETH WETHERBEE, THE CHILD AND ADULT CARE FOOD PROGRAM, POLICY CHANGES IN FOOD SELECTION (2008), *available at* http://frac.org/newsite/wp-content/uploads/2009/06/de_cacfp_newfoodpolicychanges.pdf; Lynne Oudekerk, N.Y. Dept. of Health, Policy Memo 132C (2012), *available at* <http://www.health.ny.gov/prevention/nutrition/cacfp/policymemo/no132c.htm>.
- ¹¹ CONN. STATE DEPT OF EDUC., CONNECTICUT CHILD CARE NUTRITION STANDARDS (date unknown), *available at* <http://www.sde.ct.gov/sde/cwp/view.asp?a=2678&Q=333470>.
- ¹² Nanney, Marilyn S. and Glatt, Carissa. Short Comm., *Exploring implementation of the 2010 Institute of Medicine's Child and Adult Food Care Program recommendations for after-school snacks*, 16 Public Health Nutr. 1140 (2013), *available at* <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3342454/pdf/nihms350617.pdf>.
- ¹³ LYNNE OUDEKERK, *supra* note 10.
- ¹⁴ FOOD RESEARCH & ACTION CTR., CACFP BEST PRACTICE CASE STUDY: IMPROVING CACFP IN NEW YORK STATE THROUGH EDUCATION AND POLICY CHANGE (date unknown), *available at* http://frac.org/pdf/cacfp_best-practice_ny_policy_change.pdf.
- ¹⁵ LYNNE OUDEKERK, *supra* note 10.
- ¹⁶ FOOD RESEARCH & ACTION CTR., *supra* note 14.
- ¹⁷ FOOD RESEARCH & ACTION CTR., *supra* note 14.
- ¹⁸ FOOD & NUTRITION SERV., U.S. DEPT OF AGRIC., AT-RISK AFTERSCHOOL MEALS: A CHILD AND ADULT CARE FOOD PROGRAM HANDBOOK (2012), *available at* <http://www.fns.usda.gov/sites/default/files/atriskhandbook.pdf>.