



Roundtable news

A bimonthly newsletter on nutrition policy and legislation concerning the child and adult care food program

JUNE 2003

NSD DIRECTOR ADDRESSES ROUNDTABLE

Phyllis Bramson-Paula, the Nutrition Services Division's new Director, welcomed the participants and gave the state report.

Introduction: This was Ms. Bramson-Paul's first opportunity to attend a Roundtable meeting and she took the opportunity to introduce herself. She said she considers herself a public policy person. She worked for the Department of Health Services (DHS) for 20 years and the state legislature (legislative analyst's office) for 5-6 years. Her expertise was in programs providing health services to low-income families. For the last 11 years she was the WIC Director in California where, she advised, "they did a really good job training me." She now has a basic understanding of nutrition and looks forward to "doing a good job supporting us on the front lines." She then addressed issues that speak to her:

Pre-K Population: Ms. Bramson-Paul told how she has worked with Paula James for years on "big picture" issues involving the CACFP, nutrition and health, specifically childhood obesity prevention. She is keenly interested in evaluating what we can do in child nutrition programs to prevent obesity. Families, she said, don't just access health department programs or child nutrition programs. We need to work collaboratively.

Make Our Jobs Easier: "Sometimes we don't make your job very easy," Ms. Bramson-Paul admitted. She asked how the Division can make
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Burlingame, May 16, 2003

CHAIR REPORT

Paula James welcomed the Roundtable and gave the following brief introductory remarks and announcements. She gave a special welcome to Ms. Phyllis Bramson-Paul, Director, Nutrition Services Division, California Department of Education.

5-A-Day Update: Paula reported that she had heard from Mathew Marsom, DHS's California Preschool 5-A-Day Plus Active Play Campaign, that they had recently awarded a contract to carry out focus groups with low-income mothers with preschool-age children who use formal and informal child care and key

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your job as easy as possible to do the right things – to operate in compliance with the rules. She also wants to know where their practices make our jobs more difficult. She said she also wants to make lives easier for the families we serve. She cited the benefits of nutrition assistance to families as gratifying. She learned in WIC that families are hungry for parent education with a nutrition focus. She wants to support sponsors as well as families. We could help them, for instance, enroll in the Healthy Families Program (SCHIP in CA).

Approaches: Ms. Bramson-Paula said she is committed to communication and collaboration. She wants to keep us up-to-speed on policy, etc. She emphasized collaboration between the Division and the Roundtable. In WIC they had quarterly meetings; the Roundtable could fit into that model. She admitted that we know better than they what the real issues and challenges are. She would prefer to establish informal work groups to tackle some of the issues. She plans to put us to work, she warned. She also would like us to collaborate with sister state agencies and avoid overlaps or “reinventing the wheel.” It makes good administrative sense. She will keep us apprised of other local efforts.

Resources: “There is never enough,” Ms. Bramson-Paul admitted, but she is good at finding them. She promised to work with us over the next year in their pursuit and highlighted Nutrition Network funds that have not been used. They are the nutrition education component of the Food

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MISSION STATEMENT

The mission of the Child Care Food Program Roundtable is to promote health and well-being of children in child care through providing leadership and advocating for enhanced and expanded CCFP.

Stamp Program, she advised, and are an unlimited source of funds that are noncompetitive and do not require one-on-one nutrition education. They are matching funds geared more towards social marketing and are targeted at public agencies already spending money on nutrition education for low-income people. The process is to write up your existing project, describing the funding currently devoted to the effort. This is in turn forwarded to USDA through the Department of Health Services (DHS). The DHS keeps 50% and 50% is given to the public agency. She advised that this year at Department of Education they have identified \$750,000 being spent on nutrition education; they may receive \$350,000 from the source. The Child Development Division is quite excited about the prospects and would be working with publicly funded centers.

Challenges: Ms. Bramson-Paul advised that there are a lot of operational issues and barriers within the Division that get in the way of them doing a good job. They have 39 fewer staff; 12 were cut recently with no benefit to the General Fund (as they were federally funded). They have been grappling with the recent state budgetary debate about melding several Departmental programs into block grants. To protect as many jobs within the Department as possible, in the event of such a block grant, there has been a freeze on hiring. The Division would offer its 27 frozen vacancies to other Departmental employees cut in such a block grant. This has lead to some serious problems; the PREP Unit has 20 staff and no supervisor, for instance. The Division is down 20%.

Meeting with Roundtable Leadership: Ms. Bramson-Paul recounted her April 23 meeting with

Paula James, Doris Fredericks and Ed Mattson where she asked for our priority concerns. She advised that her staff are on “overwhelm,” spread too thin to achieve much success on anything. They will be setting priorities, she advised, and will continue in this mode for at least the next year. They will work with us on what the possibilities are. For instance, in a recent meeting with school officials, she was asked why during a CRE (type of) review Child Nutrition Consultants were spending so much time in the field reviewing income eligibility applications, rather than providing nutrition assistance. The applications might be best reviewed in the office by clerical staff, they advised. They also suggested conducting reviews with teams made up of state and local officials to reduce the total number of days state staff need to be out in the field (Colorado currently does this). Ms. Bramson-Paul asked for our input on such ideas.

She went on to address our written response to her request for priorities. *(Editor’s note: in our proposal we actually asked for 5 things in priority order: 1) financial support for our annual conference; 2) support in development of 6 learner-centered modules (3 program operation and 3 nutrition education) and 7 regional “train the trainer” workshops on the modules; 3) a training pilot project for 20 sponsors to use the learner-centered training modules; 4) pilot waivers on technology and paperwork reduction; and 5) sponsorship of some mini-training sessions at Roundtable meetings on such topics as breastfeeding promotion, technology and establishing linkages between sponsors and community health resources).*

Concerning priority two, she advised that WIC has been investing in shifting their approach to learner-centered training which is popular with families. They have 7 lesson plans already developed. One is working with families on consumption of fruits and vegetables. WIC also has 7 regional training centers. Perhaps, Ms. Bramson-Paul suggested, a WIC person could be paid to be a local resource specialist. The Department is going after Nutrition

Network funding; it might be possible to use it for CDD and CACFP.

With respect to our waiver request (item 4), Ms. Bramson-Paul was very supportive but admitted they don’t have the staff. We would have to do some of the work she said as well as work with USDA. They cannot now put together a state work group; we would need to do the up front part. They are also open to looking at paperwork requirements and our mini-training ideas.

Challenges of Customer Service: Ms. Bramson-Paul handed out a document on customer service which advised of their goal to return all telephone calls within two business days, included instructions on whom to call, how to leave a message and whom to call if your message is not returned in a timely manner. It included sections on what NSD will do to improve customer service and what sponsors & institutions can do. It included a customer service flow chart (*copies will be available on the Roundtable and/or NSD web site – what think?*). She went on to say that they are challenged now mainly due to the number of vacancies within the Division. In WIC they had a technical assistance (TA) group that did nothing but TA. It was located in the central office and used the single point of contact concept. Even with that arrangement, however, they received feedback. It is always a challenge, she warned. She is just letting us know that it is their goal to return calls within the specified timeframe.

A participant asked who potential new applicants should call. Ms. Bramson-Paul advised that they may be screened by the Representative of the Day. Centers can call Chana Lucero or Al Curry (the Rep. of the Day). She further advised that they will get out additional information on who to call for certain types of information. Finally she said that Suzanna Nye and Janice Hunt had just recently asked about conducting a customer service survey. She is thinking about it at this point. Perhaps small work groups could be formed to look at the survey instrument.

Integrity Training May 15: Ms. Bramson-Paul said the next training is May 28; they are committed to reconfigure it to best meet sponsor needs. She said we can help NSD with our concrete suggestions. She asked if the Roundtable could pull together a work group to assist. (Note: the Roundtable provided input to NSD on how best to meet the needs of FDCH sponsors, and the session on the 28th reflected that input. Reports are that the training was improved (Diane Butler-Joyner and Karen Kiernan who attended both sessions). A "thank you" to all who provided input was received from NSD.)■

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informant interviews with child care providers. They will report the results of the focus groups and interviews in a workshop at our conference.

Strategic Alliance Update: Paula reported that the California Endowment is convening a meeting on June 12 to discuss industry marketing practices aimed at children of color. She will be attending.

CALIFORNIA FOOD POLICY ADVOCATES

Ken Hecht, CFPA's Executive Director reported on the following topics (*edited and brought up to date by the editor*):

Budget Battle Postscript: On the day of the meeting the Senate had just approved its \$350 billion tax cut package (which is really about \$660 billion because of sunset provisions of some of the cuts which Congress is likely to extend when they expire); a conference was still ahead with the House. Ken reported that the Sense of the Senate vote of March 26 (reported in our last newsletter) could save the Child Nutrition Programs. But there is interest in cutting taxes and programs in the current administration he warned. Members have been and will continue to be asked to weigh in. Don't miss the opportunities he admonished.

On May 28 the President signed a final tax cut bill. According to the Center on Budget and Policy Priorities (CBPP) the bill "carries an 'official' cost of \$350 billion through 2013, but does so only

through the massive use of budget gimmicks. Every provision of the bill but one expires between the end of 2004 and the end of 2008, and most or all of these provisions are nearly certain to be extended" making the cost closer to \$800 billion to \$1 trillion. The CBPP goes on to characterize the bill as tilting heavily in favor of upper income households with those making over \$1 million per year receiving an average cut of \$93,000 and middle income earners receiving an average of \$217. Thirty-six percent of households are expected to receive no tax cut while 53% will receive \$100 or less, they maintain (you can review a complete analysis of the debacle at www.cbpp.org/5-22-03tax.htm).

Child Nutrition Reauthorization: At the time of the meeting there were promising legislative efforts with respect to reauthorization of the Child Nutrition Programs. The most promising were three bills by Senator Herb Kohl (D-WI). His S 1022 would reduce area eligibility for family child care homes and at-risk programs from 50% to 40%, and expand the current supper pilot to 6 more states (WI, MS, IA, IN plus two more competitively awarded). He also proposed bills on the School Breakfast Program (S 1020) and Summer Food Service Program (S 1021). Senator Patrick Leahy (D-VT) has bills to provide funds for schools to implement a plan for improving the nutritional value of meals (S 995) and to grant USDA more authority to limit foods of minimal nutritional value in schools (S 1007). Rod Hofstedt, President Elect of the National CACFP Forum has been working with Senator Dayton (D-MN) on a package of CACFP proposals including: carry over of 1% administrative funds annually; raising audit disregard from \$100 to \$500; allowing pilot programs on provider paperwork reduction in MN & CA; allowing providers on program for over 3 years to be reviewed only two times per year. On the House side, Congressman George Miller has been working on a similar proposal that would: increase administrative rates \$2; increase Tier II snack reimbursement 5 cents; grant additional funding for Management Improvement Initiative in the areas of maximizing use of technology, streamlining paperwork and improving recruitment

and retention of providers; limit family child care administrative reimbursement to rates times homes; allow providers to collect parent income eligibility forms; raise the audit disregard from \$100 to \$600; allow pilots in two states for providers on program for 3+ years – exchanging the third visit for additional nutrition education training; make permanent the 25% free and reduced eligibility for for-profit centers. FRAC and others caution that all of these are extremely unlikely in the current fiscal climate especially in light of the recent tax cutting legislation. No-cost proposals have the most likelihood of success. Members are asked to stay on the ready; if and when we reach a critical stage in the process we may ask you to contact your congressperson or senator.

State Budget & Legislative Update: Ken briefly reviewed AB 231, the Save Money, Cut Hunger Act, which we have highlighted in past newsletters. This bill to make improvements to the Food Stamp Program in California is headed to the Assembly floor. It passed by a vote of 17 to 7 in the Assembly Appropriations Committee on May 28. The full Assembly was expected to vote on it the week of June 2. SB 677 passed the Senate floor on May 29. It calls for banning the sale of soda during the school day in elementary and middle schools (Sep 2005) and high schools (Sep 2006). Finally Ken advised that in order to try to get the long anticipated SB 19, to improve the quality of school meals, off the ground, CFPA is seeking funding at the federal level. Ken advised interested members to go to CFPA's web site at www.cfpa.net and click on the "legislative tracking page" for updates to state legislation.

The state's budget crisis is a convoluted story. For a summary we provide the following information from CFPA's May 23 Anti-Hunger Action Alert:

This week, Senate and Assembly Budget Committees quickly went to work on the Governor's proposal. For example, the Assembly Budget committee took a number of anti-hunger actions not included in the Governor's proposal. They acted to reject the Governor's proposed elimination of the Brown Bag program and the

reduction in senior nutrition funding. They also acted to include food stamp improvements not contained in the Governor's Budget: the end to finger imaging, the establishment of transitional benefits, changes to the outdated auto resource rule and the reduction of the use of burdensome face-to-face interviewing.

The Assembly and Senate are expected to finish up their individual budget proposals by the end of next week. A conference committee will then meet to hammer out the differences between the two budget proposals and to begin final negotiations with the Governor. This action creates three important showdowns:

1. **The Battle over Taxes:** Republican leaders in the Legislature are still digging in against tax increases that would help to ease the burden of the state's budget crisis on low-income, elderly, or disabled Californians. Since passage of the final budget requires a 2/3 majority, Democrats are going to need Republican votes. Democrats' proposed tax increases appear to be largest stumbling block to getting those votes.

How You Can Help: California Church Impact and its allies have organized several meetings with key legislators focused on creating a "Just Budget". To volunteer to join others in your community on a visit to your legislator, visit <http://www.workingassets.com/realsolution2>

2. **The Negotiations Over Food Stamp Improvements Between the Assembly and the Senate:** The Assembly has shown tremendous leadership by including three critical food stamp improvements in their budget proposal: transitional food stamp benefits, auto-resource changes, and the reduction of the use of face-to-face interviews in their budget proposal. Since the Senate budget proposal does not contain these important changes, we need to ensure

that the Assembly position prevails in conference.

How You Can Help: First, thank the Assembly Members and staff who helped put these food stamp improvements in the Budget: Sub-Committee members Chu, Dymally, and Hancock, budget staff Christian Griffith, and Gail Gronert from the Office of Speaker Herb Wesson. Without their support, we would not have the chance to win these items in conference. [Go to CFPA's web site for] a sample letter to use with legislators. Second, contact your Senator and ask them to tell their soon-to-be-named budget negotiators to accept the Assembly position on food stamp improvements in the budget conference.

3. **The Battle with the Governor over the End to Finger Imaging:** Both the Assembly and Senate budgets contain the end to finger imaging, so this issue is technically not a "conference" issue. However, if there is strong resistance from the Governor on the issue, he can pressure the Conference committee to remove it. Given the Governor's failure to include the finger imaging savings in his budget proposal, this is a real possibility.

How You Can Help: Continue to use CFPA's "federal dollar" fax to urge the Governor to maximize federal food stamp participation and focus California's scarce resources toward programs that will support hard-working Californians.

If you've already sent in your "federal dollars", share this document with your coworkers, family, friends, and organizations you work with. We need to show the Governor a groundswell of support on ending the costly and ineffective practice of finger imaging!

California Child Nutrition Task Force: Finally Ken briefly mentioned the task force convened by the first lady, Sharon Davis. Though not directly

applicable to us, as it is currently looking at school breakfast, he asked for our help. Only 40% of eligible low-income children are currently participating in a breakfast program. To try to change this, the task force is concentrating its efforts on Provision 2 schools (schools with sufficiently high free and reduced enrollments allowed to claim all children as free when the school kicks in the additional funding to pay the meal charge and difference in reimbursement rates). To overcome some of the barriers they propose to serve breakfasts in the classroom. This does not require additional state funding. Once the breakfast proposal is up and running, Ken advised, the task force may look to the preschool community for direction and ideas.

BREAKOUT

The Nutrition Services Division (NSD) conducted the first of three training sessions on the new Interim Rule for Family Child Care Homes on Thursday May 15, the day before the meeting. Due to the critical nature of the training, the Roundtable felt it prudent to debrief sponsors on the training and provide feedback to NSD to use before conducting the remaining sessions on May 28 and June 11. We broke into two groups, those who attended the training and those that did not.

Those that did not attend discussed the provisions of the new rule that merited the most emphasis and ideas for training on them. Participants felt that the whole area surrounding determining providers to be seriously deficient required clear guidance. What constitutes a problem requiring corrective action and what rises to the level of "serious deficiency?" What does "systemic" mean? They suggested that perhaps one valuable tool (for sponsors and NSD staff) would be a best practices chart listing program deficiencies, whether they are "serious deficiencies" and recommended corrective actions. Participants were quite concerned about the serious deficiency/disqualification and National Disqualified List/hearing process. They felt there should be a good sample letter to providers that explains the rule changes in non-bureaucratic terms. They definitely felt the need for more guidance on hearings and establishing an "independent hearing

official.” One sponsor felt that this topic was so important she planned to concentrate her annual summer training on the process, before having providers sign the new agreement.

The group that had attended the Thursday session reported back the following concerns and suggestions: Participants . . .

- Felt it would have been better to see the actual script used by the presenters.
- Wanted clarification of serious deficiency process.
- Suggested a microphone for questions.
- Felt important pages were left out.
- Wanted clarification of meal pattern violations rising to “systemic” level.
- Wanted clarification of how and when a provider can quit.
- Suggested reversing the order of the topics covered with more emphasis on providers and serious deficiency and less on institution eligibility.
- Wanted more time for Q & A.
- Suggested presenters not read from a script.
- Wanted more on operational issues.
- Suggested staying later, to 4:30 to have more time.
- Wanted more on liability issue.
- Wanted to know more about how to determine if provider is on National Disqualified List.
- Suggested repeating some of the sections on a separate day (e.g. serious deficiency and appeals/hearings).
- Suggested a USDA sample letter left out be included.
- Had a question about providers terminated in the past.

USDA

Reese Payton, Child Nutrition Programs Section Chief for USDA, WRO, gave the following report. Reese briefly mentioned Under Secretary’s Bost’s April 3 testimony before the Senate Committee on Agriculture, Nutrition and Forestry which laid out the agency’s priorities. They include ensuring program access, aimed primarily at streamlining

program rules to facilitate schools’ ability to provide meals to children 365 days per year; healthy school environment, in support of the President’s HealthierUS Initiative; and program integrity, with a major emphasis on certification in the National School Lunch Program. Certification demonstration projects are envisioned he said. He admitted there was no specific mention of the CACFP. But the support for a healthier active lifestyle and food safety messages do apply. He said he believed the Department may get back to addressing community-based programs.

Reese said he wanted to be sure to clear up any misunderstanding of his statements at the January Roundtable meeting in Sacramento with respect to observing and reporting license violations. Federal and state reviewers are required to report violations observed during facility reviews; sponsor monitors are not. An old 1996 Western Regional Office policy bulletin that had delegated the reporting responsibility to sponsors was being rescinded he said. That said, he admitted to a moral dilemma if we don’t report. The program promotes itself as one of the key indicators of quality child care. Licensing was originally included as a qualifying factor for a child care facility to participate in the program because Congress wanted to use it to promote licensed “quality” care.

Reese then responded to some written questions from the members:

1. **Q.** Can sponsors train providers in the area of physical activity as part of program reviews (is it allowable “monitoring” time)? **A.** Reese advised that we write our questions to Nutrition Services Division.
2. **Q.** Reese was asked to explain the reason behind the meal spacing policy (California has a policy for family child care of 3 hours between meals or two between a meal and a snack)? **A.** Reese advised that it is not a federal rule for family child care but is in the rules for outside school-hours-care centers.

Janice Hunt then advised members that they may apply for a waiver to the state policy.

3. **Q.** Reese was asked his thoughts on serving water at a meal. **A.** He said water is not part of the meal pattern and is not reimbursable. He expressed concern for the amount of fluids being served a child when added to the milk requirement. A follow-up question was whether two cups would be required? Ed suggested that perhaps the family style meal service rules (in FNS Instruction 783-9) would apply. Although that instruction directs that children should be allowed to make choices in selecting foods and the size of initial servings, “children should initially be offered the full required portion of each meal component,” including milk. “During the course of the meal, it is the responsibility of the supervising adults to actively encourage each child to accept service of the full required portion of each food component of the meal pattern.” Under those rules it seems difficult to imagine offering water too without a water glass. If there are other medically recognized or religious factors involved then applicable rules should be followed.

4. **Q.** Currently when a mother comes to the child care facility and breastfeeds her baby the provider is not reimbursed if no other component is served by the caregiver. Shouldn’t that be changed to encourage mothers to bond with their babies? **A.** Reese advised that there was a new policy memorandum coming out on this topic. He said he thought it would change that very policy but he was not sure. *Editor’s note: subsequent to the meeting USDA did publish CACFP-03-08 which made a small change to the current policy but **does not allow** reimbursement in the example*

above. What it did do was clarify that either breast milk or formula supplied by the parent may be reimbursed if the caregiver serves it. It “recognizes the non-food related cost of serving infants.”

5. **Q.** When will the crediting food guide be available in Spanish? **A.** Reese advised that USDA has one due out but he was not sure when (*he later advised: “Since the meeting I’ve been advised that FNS has not made this a priority project. The existence of the Washington Creditable Food Guide (below) would be a great way for FNS to take advantage of something that already exists and adapt it for FNS needs. We have shared a copy with the FNS Child Nutrition Programs Office in Alexandria, VA”*). That question then prompted a follow-up question concerning Washington’s Creditable Food Guide that is out in Spanish and was announced in our last newsletter. We had heard from a member that it did not meet CA’s guidelines and someone wanted to know why. Staff from NSD agreed to explore if there are differences and why. (*Reese also advised later: “We have looked at the guide and find nothing wrong with it except a mention of allowing home-caught fish (game fish?) to be credited and the amounts. Such fish is not normally allowed, nor is game meat. Perhaps this was a concession in Washington to native people’s cultural practices.”*)

6. **Q.** Finally Reese was asked why milk must be served at both breakfast and lunch. **A.** Reese advised that it is part of the meal pattern and is a good source of vitamins (Reese later added to his response as follows: “It’s an economical source of protein; it doesn’t have the sugars of fruit juices which people are being asked to consume more

moderately in the face of obesity issues; it is a convenient source of calcium and vitamins. Although milk may not be for everyone, since there are allergies, lactose intolerance, etc., children can avoid consuming milk by having a doctor's statement on file calling for a substitution for medical reasons. In cases of religious strictures, there are provisions for FNS to approve certain exceptions, such as serving dairy products separately from meat to follow Jewish religious dietary laws.")

More Ways to Feed the Hungry Child: Opportunities for Food Stamp Partnership:

Melissa Daigle, from the Western Regional Office Food Stamp Program staff reported that partnerships can help us solve food insecurity. She suggested we work together and asked us to consider what happens after the children return home from child care. In 2001 about 11% of households nationwide and 12% in California have food insecurity (16% of households with children). But only 53% of eligible Californian's participate. She encouraged us to share ideas on reducing barriers. One such barrier is being eliminated as California transitions to electric benefit cards. Another is the myth that participants will only receive \$10 worth of benefits a month. A family of three can receive up to \$366 per month. Face to face interviews under certain circumstances can be waived she pointed out. And, California is moving towards quarterly reporting. By the end of the summer they hope to have informational materials available in 34 different languages. Melissa advised that food banks and WIC clinics are getting involved in outreach and suggested that we might want to get involved too. Parents trust family child care providers and child care center workers; they could make materials available through the sponsor. For more information or materials go to www.fns.usda.gov/fsp/.

ADVISORY COMMITTEE REPORT

Announcements:

- IRS Standardized Meal Rate Update - USDA recently issued a policy

memorandum announcing that the IRS has agreed to a standard meal deduction for family child care providers (we reported earlier on the fact that Tom Copeland and others had met with IRS to discuss just such a rate). They have agreed to allow providers to use the Tier I rates. For more details be sure to visit: www.irs.gov/pub/irs-drop/rp-03-22.pdf.

- NSD's School List is Now Up on Web Site - Members were advised that the new school list was posted on the state's web page at www.cde.ca.gov/nsd/freereduced/index.html. It was also recently released as Management Bulletin 03-210. Organizations must begin its use by June 1, 2003.

On-Going Policy Discussions with NSD: The Advisory Committee has been working with NSD to clarify and codify a number of policy issues over the past few months. A summary of issues and their status follows:

- Time & Attendance Records – USDA has clarified that so-called “sole source” sponsors and staff of multi-funded agencies performing 100% CACFP duties do not have to track time and attendance in smaller functional or time increments. Their normal time and attendance recordkeeping for payroll is sufficient. We have asked NSD to clarify this in writing for state staff and sponsors. There had been a concern that more specific time keeping requirements might be imposed by the implementation of the interim rule with respect to the monitoring staff ratio. USDA has clarified that such is not the case. The annual Sponsor Management Plan is the place to document compliance with the ratio.
- Family Child Care Sponsor Budgets – There was a concern expressed about sponsor budgets and whether a sponsor must obligate funds at a rate of exactly 1/12th every month for an annual budget line item. The budget documents in the annual

agreement renewal package had not provided sufficient guidance for state and sponsor staff, leading to some concern during a recent audit. The NSD asked for our input for improving the packets for next year. We sent input on June 3.

- **New Sponsor-Provider Agreement** – The Advisory Committee had a number of concerns with the Sponsor-Provider agreement sent out as CDE/NSD Management Bulletin 03-202. It contained several provisions that are not required by regulation and left off some provisions previously included. For instance the 7th bullet of “The Provider Agrees To” section refers to serving “meals within the meal spacing policy of the CACFP” and goes on to describe what’s referred to as “meal times” policy in the Management Manual, Section 921. The advisory committee asked for consistency between documents and pointed out that neither requirement is in regulation but are NSD policy. In previous versions of the agreement there was a provision which allowed providers to cancel the agreement and withdraw their application within 10 days. We wanted to know if that provision could be retained. Carolyn Brown advised yes. And finally we asked whether sponsors could modify the agreement, add provisions such as one approved before which stated that, “I understand that meals not recorded daily and/or available at the time of the site visit, are not reimbursable.” After the above discussions Carolyn admitted that the Sponsor-Provider Agreement contains several provisions not required by regulation. The Advisory Committee asked that it be revised/reissued clarifying which provisions must be included.
- **Termination for Convenience** – Two different issues arose. In the first, the NSD Agreement language itself seemed to imply, contrary to program regulations (226.6(1)(3)), that when terminating a

provider for convenience, a sponsor must offer appeal rights. This is incorrect and Carolyn advised that NSD was simply recommending that sponsors do so. In the second, members asked for a definition of convenience and gave two specific examples. Carolyn offered material from USDA’s training that stated, “[t]ermination for convenience means termination of a home’s agreement due to considerations unrelated to either party’s performance of Program responsibilities.” She stated that in the two specific examples submitted it did not appear to be a case of convenience; they would have to examine the issues further. In the first, a provider has been trained repeatedly in the correct way to complete a form for scanning but has been unable to master it. The sponsor, not wanting to spend any more time on the provider would like to terminate her for convenience. In the second, a provider who speaks no English is enrolled on the program with the assistance of her adult daughter that offers to translate for her. On subsequent monitoring visits the daughter is not home and the monitor is unable to complete the review being unable to communicate with the provider. Carolyn said she thought there might be civil rights issues involved in the latter example and said she would have to look into both more closely. Guidance from USDA may be required to answer these questions.

- **License-Exempt Trustline Providers** – Ed has again agreed to draft the subject memorandum allowing sponsors to sign up certain license-exempt Trustlined providers on the CACFP.
- **Technology Issues** – The Advisory Committee asked NSD to issue guidance with respect to submission of facility claims to a sponsor electronically and signature requirements. Carolyn Brown asked us to gather questions and submit a compilation of policy questions in a letter to NSD. If you are currently considering some form of

electronic communication with your homes or centers and have policy questions, please forward them to Ed ASAP for inclusion in a letter.

- **School Boundary Changes** – The Advisory Committee is seeking written guidance on the effective date of school boundary changes vis-à-vis the new school list each year. Can they be considered similarly?
- **Infant Menus** – For some time the Advisory Committee has been seeking clarification of the infant menu recordkeeping requirements as well as ways to minimize paperwork. The issue arose when forms used by a member and approved at one time by NSD were no longer allowable in a subsequent review. We will continue to work on this and all policy issues requiring clarification.

Spectrum Clarification: In the April 2003 newsletter we reported certain facts, based on our understanding of events, in error. We apologize. In that article we implied that there had been a “secret deal” between Spectrum and an area sponsor for the transfer of providers and staff. The sponsor involved has denied and there is no evidence to suggest that discussions between Spectrum and the sponsor were in any way “secret.” Further we stated that such communications as there were were not with the knowledge or approval of the NSD. We have come to find out that NSD was fully aware of the communication and in fact had approved a letter of December 17, 2002 from Spectrum to their providers that stated in part: “We have been negotiating with [the sponsor] to take over the operations of our office and our staff. The intent is to keep the monitors and their providers together. We feel that their Food Program is very good. I’m sure you will be very happy with the service they provide.”

One serious problem which was not reported in error is that certain former Spectrum staff called providers already signed with another area sponsor

and told them they had to come to the sponsor in question or they would lose their jobs. This seems to us to be a breach of ethics.

The Roundtable wishes to register its grave concern that such action not be allowed to happen in the future. In the interest of harmony between sponsors and maximum choice for providers we wish to encourage a change of policy by NSD that provides that in all cases of sponsor termination or downsizing, whether they be due to state or sponsor action, providers be given a letter advising them of all sponsors serving their area, the contact person’s name and a telephone number. In no cases should former staff be allowed to contact providers already trained/enrolled by another sponsor.

MEMBERSHIP REPORT

Ed reported that we have 184 paid members as of today. Thanks for renewing. There is strength in numbers.

CONFERENCE REPORT

Come join us in the beautiful Bay Area for CCFP: CREATING HEALTHY ENVIRONMENTS - October 20-22, 2003, at the San Francisco Airport Marriott. Learn more about possible Child Nutrition Reauthorization legislation and the new Second Interim Regulation. Hear from national experts on ways to combat childhood obesity.

An incredible view of San Francisco Bay paints the backdrop for your profound meeting experience at the San Francisco Airport Marriott. The hotel is located just five minutes south of San Francisco International Airport with complimentary shuttle service. Enjoy premier conference and banquet facilities on the beautiful San Francisco Peninsula. Experience luxury and productivity in deluxe guest rooms designed with a full desk, ergonomic chair, and data port.

This year we have shortened the program by a half day, reduced the number of workshops and added two half-day in-depth general sessions with respected program and academic leaders. Plus we will offer 32 workshops under 8 tracks. The tracks are: It Starts with Nutritious Food, Add a Dash of

Physical Activity, and Some Nutrition Education, Stir with Healthy Policies, Have Staff Model Good Behaviors, Adopt Best Practices, Keep Current on Program Issues, and Sponsor Administrative Issues. In addition, we are planning two pre-conference sessions on Monday including Patty Kimbrell from 9:00 – 4:00 and the “Color Me Healthy” curriculum from 10:00 – 3:00.

Featured speakers planned include: LeAnne Birch, Professor, Department of Human Development & Family Studies, Pennsylvania State University; Eric Bost, Under Secretary, USDA, Food, Nutrition & Consumer Services (invited); Stephan Harvey, Assistant Director, California Center for Public Health Advocacy; Geraldine Henchy, Senior Policy Analyst, FRAC; Susan Johnson, Assistant Professor, University of Colorado Health Sciences Center; Patty Kimbrell, Director of School Interventions for SPARK (Sports, Play and Active Recreation for Kids) at San Diego State University; Janice Lebeuf, Director, North Carolina Healthy Weight Initiative; and Julia Thorius, Chief, Bureau of Food & Nutrition, Iowa Department of Education.

WEB SITES FOR May 2003:

- www.cde.ca.gov/nsd/freereduced/index.html - new school list.
- www.cookinguplearning.com – For a fee offers family child care providers with comprehensive, age-appropriate and easy to read booklets on early childhood nutrition complete with tested and proven activities that can be integrated into any child care program.
- www.fns.usda.gov/tn - USDA’s updated Team Nutrition web site. See “Resources” for many great materials you can download for free!
- www.fsis.usda.gov/spanish/index.htm - The FSIS web site has a new gateway to all documents that have been translated into Spanish. Currently, food safety material for consumers, educators, health professionals and producers is available, and additional documents will be added.

MARK YOUR CALENDARS AND MAKE RESERVATIONS FOR THE NEXT TWO ROUNDTABLE MEETINGS

FRIDAY, JULY 18, 2003 - 9:30 AM - 3:00 PM
Harrah’s Lake Tahoe,

2nd Floor Convention Area Stateline, Nevada

LODGING INFORMATION: You are encouraged to stay at Harrah’s as they have graciously donated the meeting space (however there is NO room block). Their number is 1-800-427-7247. Other hotels in the area include:

Embassy Suites 1-800-362-2779
Forest Inn Suites 1-800-822-5950
Lakeland Village 1-800-822-5969
Station House Inn 1-800-822-5953
Lake Tahoe Inn 1-800-972-8557
Holiday Inn Express 1-800-544-5288
Motel 6 1-530-542-1400

DIRECTIONS: *From Sacramento/Bay Area* – take Hwy 80 to Hwy 50. Follow Hwy 50 into and through South Lake Tahoe and over the state line. Harrah’s Casino is the first casino on the right (just past Embassy Suites). There is free parking around the back; valet is basically the cost of a tip. *From Reno/Tahoe Airport* – A shuttle service is available from the airport to all the casinos for a \$17 one-way/\$30 round-trip (Tahoe Casino Express 1-800-446-6128). If coming by rental car, take Hwy 395 to Carson City, then Hwy 50 up to South Lake Tahoe. Harrah’s is the last casino on your left before you cross over into California.

The **Advisory Committee Meeting** is at the El Dorado County Library on Rufus Allen Blvd. (same as last year), Thursday, July 17, 10:00 a.m. - 4:00 p.m. To get there from the west, turn right onto Rufus Allen Blvd (a lighted intersection, where the road meets the water) library is on the right about 1/8 mile (before the campgrounds).

FRIDAY, SEPTEMBER 19, 2003 - 9:30 AM - 3:00 PM
Exact location to be determined
Santa Barbara, California

The **Advisory Committee Meeting** is Thursday, September 18, 10:00 a.m. – 4:00 p.m.