



# Roundtable news

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

SEPTEMBER/OCTOBER 2006

## THANK YOU!

The Roundtable wishes to thank its sponsors who have made this year's 15<sup>th</sup> Annual CACFP Conference, "*Celebrating Fifteen Years: Our Vision Our Future*," possible. Thanks to our co-sponsor the California Department of Education Nutrition Services Division, our nutrition & health track sponsor The California Endowment, and our conference supporter Minute Menu! Truly we could not have done this without their generous financial support. Thank You!!



California Department of Education  
Nutrition Services Division



The California Endowment

Minute Menu

San Jose, September 21, 2006

### CHAIR REPORT

Paula James welcomed the Roundtable and gave the following brief introductory remarks and announcements. She thanked Fay Vakili from 4C's of Santa Clara County for providing the excellent meeting room.

**National Institute of Health Report:** Paula mentioned a recent report from the National Institutes of Health that confirmed what many have suspected, that children who are overweight as toddlers or preschoolers are more likely to be overweight or obese in early adolescence. She said this further confirms the importance of the CACFP in our Nation's battle with the epidemic. Read more about it at the following web site:

See **Chair Report**, Page 2, column 1

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[www.nichd.nih.gov/news/releases/obesity\\_risk\\_early\\_childhood.cfm](http://www.nichd.nih.gov/news/releases/obesity_risk_early_childhood.cfm)

**Strategic Alliance Reports on the One Year Anniversary of the Governor’s Action Summit on Health, Nutrition, and Obesity:** Paula recommended that members take a look at the Strategic Alliance’s report at the following web site: [www.preventioninstitute.org/sa/](http://www.preventioninstitute.org/sa/). It points out that “Governor Schwarzenegger is the first California Governor to make promoting healthy eating and physical activity a high priority, and his administration has taken many significant steps to address this issue.” The report goes on to highlight what has been accomplished so far and what still needs to be done, based on the Strategic Alliances recommendations in their “Taking Action for a Healthier California Priority Checklist.” Take a look and get involved.

**BREAKOUT SESSION**

Over the past year the Roundtable has endeavored to give members an opportunity at every meeting to have training on or discuss implementation of the new regulations. As a result, the January, March, May and July meetings were very well attended. Even with four such sessions behind us we knew there still were questions out there so in September we decided to break into smaller groups and discuss one more time interim rule implementation issues. At the end each group posed its questions to the state and federal administrators present. The questions and the comments speak for themselves; there is still a

The **CCFP Roundtable News** is a bimonthly publication for members of the Child Care Food Program Roundtable, an affiliate organization of the California Food Policy Advocates, 116 New Montgomery Street, Suite 633, San Francisco, CA 94105.

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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.

need for more training and guidance out there!

To start out the session Ed shared with members that he had found a number of USDA bulletins, posted to USDA’s web site [www.fns.usda.gov/cnd/care/Regs-Policy/Policy\\_Memoranda.htm](http://www.fns.usda.gov/cnd/care/Regs-Policy/Policy_Memoranda.htm) that had not yet been issued by NSD. He reviewed a number of questions and answers from CACFP 07-2006 which dealt with policy issues brought up over the past few meetings (*members may want to look at this memo themselves, including questions 4-7 on p3, 8-9 on p4, 15 on p5, 18 on p6, 3-5 on p9, 6-7 on p10, 9, 10 & 13 on p11, 14-16 on p12, 17 on p13, 22, 24, 25 on p14, 26, 29, 30 on p15, 31-32 on p16, 42 on p18, 43 on p19, 49 & 50 on p20, 1 & 2 on p22*). USDA’s memo addressed questions brought up at state agency training sessions conducted by USDA on the second interim rule. Some of the questions dealt with state agency issues but those Ed highlighted above were applicable to sponsoring organizations.

The members then broke into three groups and discussed implementation and other issues and questions. Group 1 had the following overarching concerns and rhetorical questions:

1. Are the state and USDA listening to feedback from the agencies who administer these programs regarding the regulatory environment and how time consuming and difficult some of these requirements are?
2. Validation of block claims puts a strain on the agency relationship with the provider. How can we change this?

4. How can we align the regulatory environment of CACFP with our mission to provide nutritious quality meals for kids and nutrition training for providers?
5. What actions do you take when parent surveys are not returned? How do you use your parent surveys? The importance of having bilingual surveys was noted.
6. Do the state and the feds give agencies any credit for knowing how to run their businesses?
7. Marketing - what can we do?  
*(There was general discussion of some of these concerns but they were made more as statements of concern than as actual questions to administrators. I did not take notes.)*

Group 2 had the following questions and answers:

1. On-Site Reviews – Can providers claim meals served to children off-site? If all menu components are served and creditable, the provider can claim meals served off-site. If a provider gives advanced notification of the location of the meal service then the monitor can observe it. Members discussed sponsor policies regarding meals claimed off-site without advanced notification and how to treat failed attempts to “catch” a provider at home. Can centers claim meals served to children during off-site field trips? Yes, if all meal components are creditable and the proper temperatures are maintained, as applicable.
  2. Menu Components – Can providers claim pizza from Pizza Hut? No *(because there is no way to establish that the portion served meets requirements)*.
  3. Enrollment Forms – Do enrollment forms need to be updated more than annually for summer meal service in situations where the parent hadn’t bubbled the lunch as a meal typically served for a school-aged child? No *(see discussion of this topic in last newsletter)*.
4. Monitoring – What should sponsors do in situations where a provider’s meal service documentation isn’t up-to-date and the provider says she didn’t claim meals because she had been sick or had family issues? Follow-up visits may be necessary, but if the provider isn’t claiming, ask for notification of when she/he plans to start claiming again.
  5. Monitoring – Are sponsors expected to conduct site monitoring reviews on holidays? If the sponsor cannot monitor on holidays or weekends, then providers should not be allowed to claim meals on holidays or weekends. Members discussed distributing observations/monitoring roughly proportional to claims, so if holiday meal service comprises 1% of meals claimed then it only needs to make up approximately 1% of monitoring visits. In general, holiday meal service should be seen as a red flag which may trigger parent contact or on-site review.
  6. Non-Participating Children – Do providers need to submit attendance information for non-participating children for capacity checking? Lots of discussion. Providers must submit declining participation form. Capacity checks conducted during monitoring reviews should account for both enrolled and un-enrolled child attendance and capacity compliance. Discussed the distinction between child care enrollment forms versus child care food program enrollment forms.
  7. Documentation – What documentation is required to show that a 5 year old child is in kindergarten (for capacity purposes)? *(Editor’s note - Such children should be treated like any other school-aged child and the fact that they attend school reflected on the enrollment document)*.

Group 3 had the following questions and answers:

1. Infant Feeding – How is a center to claim a meal served to an infant “on demand” at 9:30 AM just after their arrival? Can the meal be claimed as a breakfast or an AM Snack? There

was discussion of established NSD policy that breakfast be served before 9:00 AM. Janice agreed to research it further.

2. Soy – A center has children who eat soy foods and also children on restricted diets for religious reasons. Can meatless soy foods be claimed for reimbursement? *(Editor’s note: At the meeting members were advised that the answer was no. But USDA FNS Instruction 783-14, Rev. 1, does allow Seventh Day Adventist institutions to “use meat analogues (plant protein products at the 100 percent level) to meet the meat/meat alternate component and quantity requirements for breakfasts, lunches, suppers, and supplements.” I am sure that NSD has issued a Management Bulletin on this I just don’t know the number.)*
3. 5-Day Reconciliation – What to do if on a site review 3 children are present and claimed, but 5 children were claimed for that entire week when the paperwork came in? Jesus and Janice agreed that you would disallow meals served for the additional children and start the Serious Deficiency process.
4. Double Claiming – The same child was claimed for lunch in two day care homes. The sponsor called the parent and received a letter of clarification. Jesus stated that there are no specific regulations stating that a child may not participate in child care in two different facilities (obviously at two different times) and be served the same meal in each, but that said he clarified that the child should only be claimed in one facility or the other.
5. Packed Lunch – Can a center pack a lunch for a child who goes to therapy and does not return to the center? Can they be reimbursed? No.
6. Serious Deficiency Process – What if a sponsor starts the SD process on a provider and the provider says they no longer want to

be on the program? The sponsor must continue the SD process.

7. Serious Deficiency Process – What if a sponsor has started the SD process and the Post Office has made three attempts to deliver the certified mail? What does the sponsor now do? Consider the mail as delivered, you have the dates of attempted delivery, and continue the SD process.
8. 5-Day Reconciliation – How do you do it if not on Minute Menu? Janice advised that she has a form to assist sponsors and pointed out that the process has been thoroughly discussed in the last two Roundtable newsletters.
9. Enrollment Forms – Do we need a new enrollment form if a child is on school vacation? No (*see above*).
10. How can a sponsor encourage its providers to switch to bubble forms or WebHX? Other sponsors suggested: market it well, offer computer training, offer extra computer support, give providers a choice of bubble forms or WebHX, and don’t make it optional.

I want to thank the note takers in each group Eileen McCourt, Shana Paulson and Debbie Zaragoza.

## **ADVISORY COMMITTEE REPORT**

**November 16 Meeting Cancelled:** The Roundtable Advisory Committee reluctantly decided to cancel the November 16 meeting scheduled for Los Angeles. It was thought that the date was too close to the Conference to have much participation and members themselves were too busy preparing for the conference to plan for the meeting. The next full meeting will be January 18, 2007 in Sacramento (location to be determined).

**2007 Conference:** Preliminary discussions are taking place with the Sheraton Grand Sacramento Hotel for our 16<sup>th</sup> Annual CACFP Conference. Tentative dates are October 15-17, 2007. Mark your calendars and save the date! This is a

fabulous new hotel with an historic attached meeting facility in the heart of Sacramento one block from the State Capitol. You won't want to miss this opportunity.

The Roundtable Advisory Committee has been working with our partners the Nutrition Services Division on a number of ongoing policy, training and guidance issues. Following is a brief summary and update on that activity.

#### **Problem Areas Noted in Renewals This Year:**

At the last meeting we had asked Karen Gillham at NSD to give us a list of some of the most common errors and omissions sponsors were making on their renewals this year. The idea was to facilitate the process for both sponsors and NSD staff. Although it is too late now, the following tips were provided members at the September meeting who may have not yet submitted their renewal documents:

1. Remember to check boxes on both sides of the page.
2. Remember to include your financial statement/balance sheet.
3. Make sure your financial statement/balance sheet contains the cash advance.
4. Remember to update your Management Plan for changes made as a result of implementing the newest regulations.
5. Remember to use allocation plans consistently.
6. Salaries and wages should be consistent with Department of Labor guidelines for similar work in your area.
7. Don't forget to sign and include your date of birth.

#### **Policy Updates:**

- **Policy Clarifications Sought From USDA –** As a result of issues brought up at recent meetings NSD has agreed to seek policy guidance from USDA. The first issue concerns whether family child care providers can claim/record on their meal count records total meals served to children versus the regulatory 2 + 1. Sponsors of course will eliminate the disallowed meals when they process the claims for reimbursement. The

practice is consistent with Minute Menu software and good tax recordkeeping. The second issue has to do with documentation of sponsor review averaging. The proposed plan was so onerous no sponsor would be able to review average. We will continue to work with NSD to get written clarification of these two critical policies.

- **Block Claiming – 60 Day Clock – This had been an issue at the last meeting when Jesus Mendoza from USDA clarified that USDA had issued a policy memorandum stating that the clock would begin upon receipt of the claim. At the Advisory Committee meeting on September 20 Karen Gillham stated that NSD was working on a Management Bulletin on the issue and that it would state “on discovery.” We announced this at the member’s meeting the next day. However now that Management Bulletin 06-221 has been released it is clear that we had made an error. The bulletin states, “The NSD advised sponsors to begin the 60-day review timeframe **upon receipt** of the block claim (emphasis added).”**
- **Sample Family Child Care Home Review Form –** NSD has designed a sample review form for sponsors to use. It has been reviewed and approved by USDA. NSD advises that sponsors may use the sample form or a form of their own design, however if they choose to use their own form sponsors must take responsibility for it if it is found inadequate during their review.
- **Definition of “Key Staff” –** Some members felt that we had not been given an adequate definition of “key staff” by NSD. The regulations (at 7 CFR Parts 226.16(d) (2 & 3), 226.17(b) (9) and 226.18(b) (2)) require sponsors to train key staff on the program annually. NSD advised that a definition was contained in the application/management plan materials from 2005-06 and that they will redo those with the new management plan in 2 years. The Roundtable will continue to pursue

this issue if sponsors feel further guidance is necessary.

- **Mileage Reimbursement Update** – A long standing concern for some sponsoring organizations, especially now in light of high gasoline prices, is the large discrepancy between the “reasonable” mileage rates some sponsors can charge the program (usually defined as at or near the IRS accepted rate – currently 44.5 cents) and the 34 cents others (Resource & Referral [R & R] and Alternative Payment [AP] agencies) can charge based on the state rate. A few months back when Ed noted that the state rate had been increased he wondered if and when R & R and AP agencies could begin to use the new rate. He brought it up with NSD and asked for guidance. NSD was not aware of the issue. At the recent AC meeting we discussed it again. Apparently once the state personnel department approves the new rate and the web site is updated AP’s and R & R’s may use it. As a courtesy NSD might consider monitoring this situation and advise sponsors when it is okay to use the higher rate.
- **Application Instructions for License-Exempt Providers** – Another long standing concern by some sponsors has been the proper way to complete application materials to reflect the different situations that exist at license-exempt Trustlined family child care homes. Recently Karen Gillham sent out an email to her sponsors but Ruth Cardiel had not. The Roundtable has asked that all sponsors be included in policy setting emails in the future.
- **Expanded Categorical Eligibility Information** – At a recent Advisory Committee meeting one of our members pointed out to NSD that it had been sometime since they had updated the expanded categorically eligible programs list. We are working with NSD to update that list. Proposed legislation to make Medical recipients eligible for Food Stamps could impact it.

- **Audit Cost Reimbursement** – With this year’s renewal documents NSD changed the rules regarding reporting audit cost reimbursement. Reference to it had been removed from the cover page’s “Estimated CACFP Reimbursements and Income” worksheet with the explanation that, “many sponsors who are receiving audit cost reimbursement are not reporting it as income.” Sponsors were concerned that this change was incorrect and not in accordance with what they had been told by state auditors. NSD agreed at the meeting to further explore the issue with Audits & Investigations.

#### **Other Issues:**

- **Reconvening the Interagency Child Care Outcomes Group (ICCOG) process** – The Roundtable has been working with NSD for the past few years to reestablish the ICCOG process. This as you may recall came out of our Child Care Summit back in March 1999. The idea was to bring together key stakeholders to make California a national leader in increasing the quality of child care and health services through collaboration of state administered child service programs. Representatives from the California Department of Education Child Development Division (CDD), Nutrition Services Division (NSD) and Department of Social Services Child Care Licensing Division (CCLD) were originally involved as well as representatives from the Resource and Referral Network, the California School-Age Consortium, the California Child Care Health Program, Head Start, California Family Day Care Association, the Child Care Law center and others. Following up on the energy from the Summit key state agency stakeholders were brought back together, starting in 2001 in a series of periodic meetings to discuss common concerns and issues. The process faded by 2003. The Roundtable would like to pick up on the effort again especially in light of the increased concern for childhood overweight and the ongoing need for quality child care – issues

the CACFP is well situated to address. This time we would like to invite the Department of Health Services to the table. Many Roundtable strategic plans could be better implemented with the collaboration of key state agency stakeholders. We will continue to work towards the goal of reestablishing this process by whatever means necessary.

- **Management Manual Update** – The Roundtable continues to work with NSD to complete updating of the Management Manuals. The process has been on hold recently but is slated to begin again with vigor after the first of the year.
- **Serious Deficiency Guidance Update** – The development of guidance in this critical area of the new rules began two years ago with the formation of a task group. Members wanted guidance that would ensure if they followed it they would a) be consistent with their fellow sponsors and b) pass a review. A guidance package was developed but it has had trouble getting approval from both USDA and NSD. Since then other priorities have pushed completion of this project to the back burner. The Roundtable continues to work with NSD to complete and release this guidance material.
- **Geographic Areas Served by FCCH Sponsors** – The recent closure of Jubilee Consortium in Southern California revealed that NSD does not have very up-to-date information on sponsor geographic territories. Some sponsors in the impacted area were not included in the list of approved sponsors sent to impacted providers. This problem was pointed out to NSD at the meeting and ways to mitigate it were discussed. They agreed to resurvey sponsors for counties served and to explore posting the information to the web site in alphabetical order by county. The Roundtable supports the change.

## **MEMBERSHIP REPORT**

**Membership:** IT IS TIME TO RENEW YOUR MEMBERSHIP FOR 2007! Remember membership is on an annual basis with all memberships expiring on December 31 each year. Please download a copy of the membership/renewal form from our web site at [www.ccfproundtable.org](http://www.ccfproundtable.org), complete it being sure to include your current email address, and send it in along with your check, made out to “CFPA,” to the address listed on the form. Please renew before we get into the holidays and you forget. A BIG THANKS to those of you who took the opportunity while registering for the conference to renew your membership already!

Remember your membership check allows us to continue to provide you with informative bi-monthly meetings, newsletters and legislative action alerts. In addition it gives you discount registration at our annual training conference. Don't delay, renew today.

## **NUTRITION SERVICES DIVISION**

Janice Hunt welcomed the participants and gave the following brief state report. She said that Barbara Longo could not attend today due to a Department-wide staff meeting.

**Reorganization Update:** Janice reported that Phyllis Bramson-Paul had recently sent out a survey within the Division on the new reorganization. It indicated that communication within units was good. More work is needed on communication between units – an overarching goal this year for the Division. Janice also reported that 3 new Child Nutrition Consultants (CNC's) will be hired, 2 in Los Angeles and 1 in the central state area. In addition, 2 new Field Services Managers will come on board October 17, one in the Bay Area and the other in the new Region 6, which encompasses parts of Los Angeles and San Bernardino Counties.

**Child Nutrition Information & Payment System (CNIPS):** Janice reported that CNIPS is coming. They have selected a vendor and the contract is in the final signature process. Mike Cappelluti (CNIPS Project Manager) and Kari Sachs (CNIPS Project Coordinator) are attending meetings with sponsors and giving presentations on CNIPS to get the word out and solicit input for outreach and communication for sponsors (including at the Roundtable Conference). CACFP is scheduled to come on-line in Fall 2008.

**Renewals:** The renewals are on target, Janice reported. Day Care Home renewals are not going quite as fast as expected this year but are still good. Those for child care centers are almost completed. Overall the process has been much faster this year.

**Field Services Training:** Janice stated that they had just completed their annual Field Services Unit training the week before the meeting. It covered Interim Rules 1 & 2. They also plan to redo the review form to include more of the rules concerning financial viability, administrative capability and program accountability (VCA).

**Auditors on Reviews:** Janice advised sponsors that again this year state auditors will be a part of each family child care home sponsor review. Their hope is to make this permanent.

**Management Bulletin Update:** Janice closed out the state report by advising members that NSD is preparing to issue a number of outstanding Management Bulletins shortly (editor's note: several new Management Bulletins are posted to NSD's web site at [www.cde.ca.gov/ls/nu/cc/mb.asp](http://www.cde.ca.gov/ls/nu/cc/mb.asp)).

## **USDA REPORT**

Jesus Mendoza, Special Nutrition Programs Director for USDA, WRO, gave the following report.

**Meal Pattern Changes Coming:** Jesus reported that USDA will be revising the child care meal pattern in alignment with the new Dietary

Guidelines for Americans. The National Office has formed a working group and expects to complete the revisions before June 2007 with state agency training in the Fall of 2007.

**Tiering Study Report Coming Out:** Jesus advised that this much anticipated report will be coming out before the end of the year. Key findings include inadequate maps, documentation and signatures.

**CACFP Sponsor Handbook:** Jesus reported that USDA will not update its CACFP sponsor handbook until after the final rule is issued sometime in 2007-08.

**CCAP Update:** The number of CCAP visits nationwide has been reduced Jesus reported. Five are expected in the Western Region: 3 in California, one in Oregon and one in Washington.

## **CFPA REPORT**

**California State Legislation:** The following was taken from a written report from Ken Hecht and shared with members at the meeting:

- AB 569 Garcia - CDE/NSD directed to determine how many schools and students would be affected by a mandate to provide school breakfast to schools with enough low-income lunch participants to qualify for severe need reimbursement. On the Governor's desk (*now signed*).
- AB 2205 Evans - Medi-Cal recipients would be categorically eligible for enrollment in the Food Stamp Program, which in turn would automatically certify the household's children for free school meals. On the Governor's desk (*vetoed*).
- AB 2384 Leno - Establishes a state-funded pilot program to increase access and improve affordability of fresh fruit and vegetables in low-income neighborhoods. Provides support and TA to corner store operators and gives an incentive/bonus to food stamp recipients when

they purchase fresh fruit and vegetables. Signed. Still needs to be funded in 2007.

- AB 3029 Laird - Various food stamp reforms, including lengthening the recipients' reporting periods from 3 to 6 months. Died in the Legislature but is expected to be revived next year.
- SB 1329 Alquist - Would have established a fund to which communities could have applied for funds to improve access to healthy food by supporting a supermarket, a specialty store, a farmers' market or whatever establishment the community chose. Died in the Legislature and may be revived in 2007.
- SB 1674 Murray - Would add \$38.7 million state funds to reimbursement for free and reduced-price school meals, linked to improved nutrition quality. On the Governor's desk (*vetoed*).

### **WEB SITES FOR September 2006:**

- [www.nichd.nih.gov/news/releases/obesity\\_risk\\_early\\_childhood.cfm](http://www.nichd.nih.gov/news/releases/obesity_risk_early_childhood.cfm) - find National Institutes of Health Report on overweight in early childhood here.
- [www.preventioninstitute.org/sa](http://www.preventioninstitute.org/sa) - find report from Strategic Alliance on the anniversary of the Governor's Action Summit.
- [www.fns.usda.gov/cnd/care/Regs-Policy/PolicyMemoranda.htm](http://www.fns.usda.gov/cnd/care/Regs-Policy/PolicyMemoranda.htm) - find USDA policy memos here.
- [www.cde.ca.gov/lis/nu/cc/mb.asp](http://www.cde.ca.gov/lis/nu/cc/mb.asp) - find CDE NSD Management Bulletins here.
- [www.ccfproundtable.org](http://www.ccfproundtable.org) – find 2007 membership renewal form here under Membership.

### **MARK YOUR CALENDARS AND MAKE RESERVATIONS FOR THE NEXT THREE ROUNDTABLE MEETINGS**

An **Advisory Committee Meeting** is at the Sheraton Grand Sacramento Hotel, Wednesday, December 6, at 10:00 AM.



**THURSDAY, JAN 18, 2007, 9:30 AM - 3:00 PM**  
**Exact Location to be Announced**  
Sacramento, CA

MORE INFO LATER

The **Advisory Committee Meeting** is at an undetermined location, Wednesday, January 17, at 10:00 AM.



**THURSDAY, MAR 15, 2007, 9:30 AM - 3:00 PM**  
**Tentatively at the International Institute**  
3845 Selig Place, Los Angeles, CA 90031

MORE INFO LATER

The **Advisory Committee Meeting** is at the same location, Wednesday, March 14, at 10:00 AM.