

May 23, 2006

**MEMO CODE:** CACFP 04-2006

**SUBJECT:** Sponsor Monitoring of Facilities in the Child and Adult  
Care Food Program (CACFP)

**TO:** Child Nutrition Programs

It has come to our attention that there is some uncertainty regarding proper application of the monitoring requirements for sponsoring organizations set forth at § 226.16(d) of the CACFP regulations. Specifically, we have been asked to clarify whether the regulations require that, when sponsors have facilities claiming breakfasts, suppers, post-supper snacks, or weekend meals, it is necessary for the sponsor to monitor each of these meal services. This memorandum provides guidance on that issue, and replaces CACFP Memorandum # 04-2006, issued on January 20, 2006. It is not our intent to change the policy set forth in the January 20 guidance. Rather, in response to questions, we hope to further clarify the policy set forth in that memorandum.

The introductory paragraph of § 226.16(d) states that, “Each sponsoring organization must provide adequate supervisory and operational personnel for the effective management and monitoring of the program at all facilities it sponsors.” In order to meet this requirement, a sponsoring organization with facilities claiming breakfasts, suppers, post-supper snacks, or weekend meals must provide oversight of all types of meal services being claimed by its facilities. Monitoring all meal service types being claimed by their facilities is the only meaningful way for sponsors to ensure that Program requirements are being met, and that their facilities are accurately claiming meals for each type of meal service they provide.

To further explain what is meant by the requirement to “monitor all meal services”, the following questions and answers are provided:

**Does this requirement mean that, if a facility claims breakfast, lunch, and a PM snack, the sponsor’s three required reviews of that facility must occur during each of the different meal services being claimed?**

No. The requirement to “monitor all meal service types” does not require a sponsor to annually conduct reviews of each of the meal services being claimed at each facility. As long as, in the total of all reviews it conducts for its sponsorship, the sponsor provides oversight of all types of meal services being claimed, the sponsor has met its responsibilities under § 226.16(d).

**Does overseeing “all meal services being claimed” mean that a sponsor’s facility reviews must be exactly proportional to the percentage of each meal type being claimed by its facilities?**

No. It is important to clarify that the phrase “oversight of all types of meal services” does not require a sponsor to conduct the same percentage of reviews of each meal service as the percentage of each meal service claimed during the previous year. That is, if five (5) percent of the meals claimed in the prior year by a sponsor of 500 homes were suppers, it would not be necessary for the sponsor to conduct exactly 5 percent of this year’s reviews during the supper meal service. However, the percentage of all reviews conducted by the sponsor should be roughly proportional to the percentage of each type of meal being claimed by its facilities. In addition to conducting facility reviews, a sponsor might also provide oversight by conducting household contacts in facilities serving breakfasts, suppers, or weekend meals, in order to have parents verify their children’s attendance at these meal services.

**How does the requirement to “oversee all meal services” interact with the current review requirements set forth at § 226.16(d)(4)?**

The regulations at § 226.16(d)(4) establish the minimum Federal requirements for sponsor review of facilities participating in CACFP, as follows:

- §§ 226.16(d)(4)(i) and (d)(4)(ii) set forth the content requirements for each facility review conducted by a sponsor. Each review must examine a facility’s Program operation (e.g., meal pattern compliance, collection of enrollment forms, reconciliation of five days of meal counts, etc.);
- § 226.16(d)(4)(iii) establishes requirements for the frequency of the reviews and the type of reviews a sponsor must conduct at each facility (three reviews per year, two of which must be unannounced, one of which must be an unannounced review of a meal service); and
- §§ 226.16(d)(4)(iv) through (d)(4)(viii) establish additional requirements pertaining to sponsors’ reviews of their facilities.

Because the minimum Federal requirement is that each facility must receive one unannounced review of a meal service per year, it is impractical to suggest that a breakfast or supper review must necessarily include the observation of a meal service.

Rather, this memorandum's intent can be met if, during a review of a breakfast or a supper, the sponsor's monitor:

- Completes his/her review of all provider records, in accordance with §§ 226.16(d)(4)(i) and (ii); and
- Is present during some part of the provider's approved breakfast or supper times and, during that part of the review, compares the number of children in attendance to the number of children normally being claimed by the provider for that meal service.

However, if the sponsor wishes to count a breakfast or supper review as an unannounced meal service review under § 226.16(d)(4)(iii)(B), then the monitor must comply with the State agency's normal requirements for the conduct of the unannounced meal service review. In some States, this will require the monitor to stay in the home until the children have been served the meal; in other States, the monitor may be required to stay until the approved meal service time is over. In all States, in order for the breakfast or supper review to count as an unannounced meal service review under § 226.16(d)(4)(iii)(B), the monitor must observe a significant portion of the meal service to determine whether it is in compliance with the appropriate meal pattern components and quantities at § 226.20(b) or (c).

To assess a sponsor's compliance with the requirements of this memorandum, a State agency (SA) must, during its review of a sponsor, determine whether the sponsor has made a reasonable effort to monitor all of the meal services being claimed by its facilities. For SAs, as for sponsors, conducting household contacts in sampled facilities claiming suppers or breakfasts might be an especially effective way to determine whether a facility is accurately reporting its meal counts for each meal service. If the SA determines that the sponsor has failed to manage and monitor all Program operations, it would be a serious deficiency under § 226.6(c)(3)(ii)(C) and (O). The SA might also wish to supplement these onsite review efforts with a requirement that a sponsor document in its management plan its approach to ensuring that all types of meal services will be adequately monitored.