

**New Hampshire Department of Education  
Bureau of Nutrition Programs and Services**

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TITLE OF POLICY	
Policy Group	Institution
Policy Section	General Institution Provisions
Policy Number	1.4.1
Policy Name	Sponsoring Organization Classification of Family Day Care Homes
FROM	Elaine VanDyke, State Administrator, Bureau of Nutrition Programs and Services
APPLIES TO	Child and Adult Care Food Program
DATE	January 28, 2008

**1) Purpose and Scope**

- A) The purpose of this policy is to describe the classification criteria sponsoring organizations are required to use when determining if a facility meets the definition of a family day care home in Child and Adult Care Food Program.
- B) Included are definitions for the types of facilities that qualify as family day care homes and the criteria for facilities that qualify as exceptions.

**2) Legal Requirements**

- A) Laws and regulations that serve as the basis for this policy include:
  - i) 7CFR 226.18,
  - ii) New Hampshire Child Care Program Licensing Rules He-C 4002.01.

**3) Definitions**

- A) *Family day care home* means an organized child care program for children enrolled in a private home under the auspices of a sponsoring organization. The home cannot provide child care services on a 24 hour a day basis. A family day care home must be licensed or alternately approved. It includes the following types of facilities: 1) family child care home, 2) family day care home, 3) family group child care home, 4) family group day care home, or 5) alternatively approved family day care home.

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**4) Classification Criteria**

- A) A sponsoring organization shall determine that a facility is a family day care home if it is classified as one of the following types of programs by the New Hampshire Department of Health and Human Services Bureau of Child Care Licensing:
  - i) *"Family child care home"* means *"family day care home"* as defined in RSA 170-E:2, IV (a), namely "an occupied residence in which child day care is provided for less than 24 hours per day, except in emergencies, for up to 6 children from one or more unrelated families. The six children shall include any foster children residing in the home and all children related to the caregiver except children who are 10 years of age or older. In addition to the 6 children, up to 3 children attending a full day school program may also be cared for up to 5 hours per day on school days and all day during school holidays,"
  - ii) *"Family group child care home"* means *"family group day care home"* as defined in RSA 170-E:2, IV (b), namely "an occupied residence in which child day care is provided for less than 24 hours per day, except in emergencies, for 7 to 12 children from one or more unrelated families. The 12 children shall include all children related to the caregiver and any foster children residing in the home, except children who are 10 years of age or older. In addition to the 12 children, up to 5 children attending a full day school program may also be cared for up to 5 hours per day on school days and all day during school holidays,"
- B) A sponsoring organization shall determine that a facility is a family day care home if the facility is license exempt and alternately approved by the sponsoring organization:
  - i) *"Alternatively approved family day care homes"* means a day care home that the sponsoring organization approved for participation in the CACFP via an Alternate Approval Application where Federal, State, or local licensing or approval standards are not applicable. [An example of this might be a FDCH provider who has 3 or less children].

**5) Classification Criteria - Exception**

- A) A *"group child care center"* or *"group child day home"* as defined in RSA 170-E:2,IV ( c ), means "a child day care agency in which child day care is provided for preschool children and up to 5 school age children, whether or not the service is known as day nursery, nursery school kindergarten, cooperative, child development center, day care center, center for the developmentally disabled, progressive school, Montessori school, or by any other name."
- B) At the discretion of the sponsoring organization, and with State Agency approval, a licensed group child care center or group child day care center may qualify and participate in the CACFP as a family day care home. The qualification is for the purpose of classifying the center for the CACFP only. The exception may not conflict with state licensing standards, practices, or laws. A licensed group child care center or group child day care center may qualify and participate in the CACFP as a family day care home under the following conditions:

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- i) The maximum number of children the child care is licensed for does not exceed 17,
- ii) The group child care center or group child day home is an organized child care program for children enrolled in a private home. The home cannot provide child care services on a 24 hour a day basis.

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