

## **Food Research and Action Center**

### **Summary of Child and Adult Care Food Program Provisions in the Healthy, Hunger-Free Kids Act of 2010**

The Healthy, Hunger Free Kids Act of 2010 (Public Law 111-296) identifies the Child and Adult Care Food Program (CACFP) as a nutrition program that contributes to the healthy growth and development of young children. The CACFP provisions in this bill are focused on improving the nutritional value of the foods served through CACFP and promoting the health and wellness of young children, and increasing access to afterschool meals and family child care. The Act devotes three quarters of a billion dollars to the improvements, including \$650 million for expanding the CACFP afterschool meal program to all states and \$100 million to expanding eligibility, reducing paperwork, and streamlining some of the program requirements for family child care homes.

#### **To expand access to CACFP, this Act:**

- Expands to all states the option to serve meals in afterschool programs in low-income areas through the CACFP Afterschool Meal Program to all states. Currently, only 13 states (Connecticut, Delaware, Illinois, Maryland, Michigan, Missouri, Nevada, New York, Oregon, Pennsylvania, Vermont, West Virginia, Wisconsin) and the District of Columbia are included in this important program. The other states have been limited to only a snack option.
- Expands eligibility by allowing the use of high school and middle school free and reduced-priced school lunch participation levels to determine "Tier 1" area eligibility for family child care homes.

#### **To better promote nutrition and health through CACFP, this Act:**

- Clearly defines CACFP as a nutrition program responsible for the provision of nutritious foods that contribute to the wellness, healthy growth, and development of young children.
- Allows only lower-fat milk options to be served to children over age two, as recommended in the Dietary Guidelines.
- Ensures that water, an essential but often overlooked contributor to children's health and well-being, will be made available and accessible throughout the day.
- Requires the U.S. Department of Agriculture (USDA) to develop for CACFP meals and snacks in child care settings updated meal pattern and nutrition standards for CACFP meals and snacks in child care settings that are consistent with the Dietary Guidelines, current relevant science, and recommendations from appropriate, authoritative agencies or organizations.
- Creates a timeline directing the Secretary of Agriculture to issue proposed regulations updating the CACFP meal pattern and nutrition standards within 18 months of the publication of the Institute of Medicine CACFP report.
- Institutes a requirement for USDA to undertake a periodic reassessment and updating of the CACFP meal pattern and nutrition standards and reimbursement rates no less frequently than every 10 years. This periodic reassessment process must include a review of the cost to child care centers and family child care homes resulting from the updated requirements for CACFP meals and snacks.
- Directs USDA to issue guidance by 2012 encouraging participating child care centers and family child care homes to offer healthier meals and snacks with an emphasis on increasing the consumption of whole grains, fruits and vegetables, and low-fat and non-fat dairy and lean protein foods, and to provide opportunities for adequate physical activity.

**To support child care providers in promoting good nutrition, health and wellness, this Act:**

- Calls for child care centers and homes participating in CACFP: to receive education and encouragement focused on providing children with meals and snacks consistent with the Dietary Guidelines; to offer daily opportunities for structured and unstructured age-appropriate moderate-intensity to vigorous-intensity physical activity; and to limit use of electronic media to an appropriate level in child care.
- Directs USDA to provide training and technical assistance to implement the nutrition and wellness recommendations and requirements, including education focused on:
  - the menu planning, label reading, purchasing and food preparation skills necessary to produce meals and snacks that are consistent with the goals of the most recent Dietary Guidelines and to promote the health of the population served by CACFP;
  - the relationship between nutrition, physical activity, and health;
  - the importance of regular physical activity to overall health and well-being; and
  - best practices for physical activity plans in child care centers and homes; and the importance of limiting electronic media use in order to avoid the health consequences of overuse and overexposure.
- Charges USDA with producing and disseminating the appropriate materials to support the success of the new CACFP nutrition and wellness rules. Specifically, state agencies and sponsoring organizations will receive nutrition and wellness training and education resources, including copies of materials for child care providers, participants and parents.
- Requests that the Secretary of Agriculture collaborate with the Secretary of Health and Human Services in developing a comprehensive wellness handbook that includes recommendations, guidelines, and best practices for participating child care centers and homes that are consistent with current science.
- Provides USDA with \$10 million to support the implementation of this bill.

**To expand eligibility, reduce paperwork and simplify program requirements, this Act:**

- Eliminates a burdensome program requirement, block claiming, that intimidated parents and generated hours of meaningless paperwork for child care providers and sponsoring organizations.
- Allows providers to facilitate the return of participating children's family income forms.
- Allows sponsors and child care centers to submit an application to the State agency only once, at the time they initially participate in CACFP, and to submit additional information necessary to confirm that they remain in compliance with program requirements thereafter on an annual basis.
- Requires permanent operating agreements with the state agency, which may be amended as necessary. Eliminates the paperwork generated by annual resubmission of operating agreements.
- Continues the USDA working group to reduce paperwork and improve program administration and requires USDA to report the results to Congress.
- Establishes a simplified method of determining sponsor monthly administrative funding by requiring only the calculation of the number of homes multiplied by the administrative reimbursement rates in order to determine the sponsors' administrative reimbursements.
- Permits sponsoring organizations to carry over up to 10 percent of administrative funds from one year into the following fiscal year, which will allow sponsors more flexibility to use their funds effectively from one fiscal year to the next.
- Allows State WIC agencies to permit local WIC agencies to share WIC nutrition education materials with CACFP institutions at no cost if a written materials sharing agreement exists between the relevant agencies.

**To guide long-term changes and program access, this Act:**

- Launches an ongoing study of the nutrition and wellness practices in child care settings, which will be conducted every five years by USDA in consultation with U.S. Department of Health and Human Services. This study will focus on nutrition quality, opportunities for physical activity, and the quantity of time spent in sedentary activities in child care. This study will also assess the barriers and facilitators to reaching these goals and to participating in CACFP.

**To strengthen the role of child care licensing in supporting good nutrition, health and wellness, and maximizing the value of CACFP, this Act:**

- Directs the Secretary of Agriculture to work with the Secretary of Health and Human Services to encourage state licensing agencies to include wellness standards within state licensing standards in order to ensure that licensed and regulated child care centers and homes provide physical activity opportunities, limit screen time and offer food consistent with the healthy meal patterns and nutrition standards of CACFP.

**To ensure effective reviews and sufficient state resources, this Act:**

- Allows USDA to increase the state audit funds made available to any State agency from 1.5 percent to up to a total of 2 percent if the State agency demonstrates that it can effectively use the funds to improve program management.
- Requires State agencies to review institutions at least once every 3 years and to conduct more frequent reviews of sponsors that are part of multi-purpose organizations, larger sponsors, and sponsors identified or at-risk of having serious management problems.
- Continues the requirement for sponsors to vary the timing of unannounced reviews in a manner that makes the reviews unpredictable to the sponsored facilities.
- Requires the Federal-State agreement to make clear the expectation that the federal funds provided to operate the Child Nutrition Programs be fully utilized for that purpose and that such funds should be excluded from State budget restrictions or limitations, including hiring freezes, work furloughs and travel restrictions.
- Requires State agencies unable to meet the timeframes for providing an opportunity for a fair hearing and prompt determination to any institution to pay, from non-federal sources, valid claims for reimbursement to the institution and the facilities of the institution during the delay.
- Makes placement on the national CACFP and Summer Food Service Program disqualified list grounds for disqualification from participation in the other child nutrition programs.

In conclusion, the CACFP provisions in the Healthy, Hunger Free Kids Act will support good nutrition and promote wellness by strengthening the CACFP. The Act will reduce paperwork and simplify some program operations for parents, providers, sponsors and State agencies. State agency review resources have been enhanced. Afterschool programs will now have a supper option in all states, and access for family child care has been improved. These improvements will help children to form healthy eating habits, maintain a healthy weight, and achieve optimal growth and development.

For information on the provisions covering the other child nutrition programs and WIC in this bill, *Healthy, Hunger-Free Kids Act of 2010* see FRAC's Web site.

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