



# Georgia Dept of Early Care and Learning

BRIGHT FROM THE START

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## MEMORANDUM

**Subject:** Transition Period for the Updated Child and Adult Care Food Program Meal Patterns and the Updated National School Lunch Program and School Breakfast Program Infant and Preschool Meal Patterns

**Date:** June 5, 2017 (August 16, 2021 v.2)

**Legal Authority:** United States Department of Agriculture (USDA) CACFP 13-2017

**Cross Reference:** See also, *Expiring Guidance Regarding the CACFP Meal Patterns*, August 16, 2021

**Applies To:** CACFP Institutions and Sponsors

**Purpose:** The purpose of this memorandum is to provide updated guidance regarding the requirements for serving milk and milk substitutes in the CACFP.

**Definitions:** “CNP Operator,” in this memorandum, refers to institutions operating the CACFP.

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## Program Requirements

This guidance has been revised to: (1) clarify the “transition period” to implement the updated CACFP meal patterns will end effective October 1, 2021; and (2) rescind language which contradicts the recent USDA requirement to impose adverse action for meals that do not follow the updated meal pattern (the rescinded guidance has been struck through).

~~This memorandum outlines a transition period for the updated Child and Adult Care Food Program (CACFP) meal patterns and the updated infant and preschool meal patterns in the National School Lunch Program and School Breakfast Program (School Meal Programs). In recognition of the challenges associated with conforming to the updated requirements, the transition period outlined in this guidance will allow CACFP institutions and facilities and school food authorities (Child Nutrition Program (CNP) operators) to adjust to the updated requirements in the first year of implementation without having fiscal actions imposed or being found seriously deficient.~~

### Background

On April 25, 2016, the U.S. Department of Agriculture’s Food and Nutrition Service (FNS) published the final rule “Child and Adult Care Food Program: Meal Pattern Revisions Related to the Healthy, Hunger-

Free Kids Act of 2010” (81 FR 24348) to, in part, update the CACFP meal pattern requirements in 7 CFR 226.20 and the meal pattern requirements for infants and preschoolers in the School Meal Programs under 7 CFR 210.10 and 220.8. **CNP operators must comply with these updated meal pattern requirements beginning October 1, 2017.**

#### Transition Period

~~Implementing the updated CACFP meal patterns and the updated School Meal Programs’ infant and preschool meal patterns will greatly benefit participating infants, children, and adults. The updated meal patterns will help serve as a foundation for protecting the health of young children and improving the wellness of older adults.~~

~~FNS recognizes implementation of the updated requirements will be a significant change for many CNP operators. FNS is committed to helping State agencies learn and understand the updated meal patterns and to ensure they are able to train their CNP operators to be fully equipped to comply with the updated requirements as soon as possible. Based on FNS’ experience during the past year with early implementation of the updated meal patterns by some program operators (SP 42 2016, CACFP 14 2016 “Early Implementation of the Updated Child and Adult Care Food Program Meal Pattern Requirements and the National School Lunch and School Breakfast Programs’ Infant and Preschool Meal Patterns” ([http://www.fns.usda.gov/sites/default/files/en/SP42\\_CACFP14\\_2016os.pdf](http://www.fns.usda.gov/sites/default/files/en/SP42_CACFP14_2016os.pdf)), FNS anticipates that most issues of non-compliance will result from CNP operators’ efforts to adhere to the updated requirements. Therefore, FNS concluded that the most appropriate initial remedy to non-compliance is technical assistance and training.~~

~~Accordingly, similar to when the School Meal Programs’ updated K through 12 meal patterns were first implemented in 2012, FNS is providing a transition period for CNP operators implementing the updated CACFP meal patterns and the updated School Meal Programs’ infant and preschool meal patterns. The transition period will allow an opportunity to focus on providing technical assistance to CNP operators related to the updated meal patterns. Therefore, during Fiscal Year 2018 (October 1, 2017–September 30, 2018), State agencies and sponsoring organizations must provide technical assistance in lieu of fiscal action when they observe violations related to the updated meal pattern requirements. As long as CNP operators are making a good faith effort to implement all components of the updated meal pattern and comply with the updated requirements, meals cannot be disallowed and CNP operators cannot be found seriously deficient when meals fall short of the updated CACFP meal patterns and the updated School Meal Programs’ infant and preschool meal pattern requirements during this transition period. State agencies and sponsoring organizations should work with CNP operators who are not meeting the updated meal pattern requirements to identify actions necessary in order to do so.~~

**Note:** State agencies and sponsoring organizations must continue to take immediate fiscal action if a meal is completely missing one or more of the required food components (see 7 CFR 226.2, definition of “meal”, and 226.20(a)). FNS will closely monitor any challenges related to the implementation of the updated CACFP meal patterns and the updated School Meal Programs’ infant and preschool meal patterns. FNS strongly encourages State agencies and CNP operators to provide feedback on implementation of the updated meal patterns. FNS will assess this information to determine if additional guidance is needed.

#### Recordkeeping

As always, CNP operators must demonstrate they are serving meals that meet the meal pattern requirements. The types of recordkeeping documents, such as production records, required to demonstrate compliance with the meal patterns are at the discretion of State agencies. However, FNS emphasizes that, to the extent practicable, State agencies should not impose additional paperwork requirements to ensure compliance with the updated CACFP meal patterns and the updated School Meal Programs’ infant and preschool meal patterns.-To the degree possible, State agencies should maintain their current recordkeeping requirements or update existing forms to avoid any additional burden. The technical assistance provided during the

transition period should include how to demonstrate compliance with the updated meal pattern requirements.

#### Ongoing Technical Assistance

FNS will continue to provide ample technical assistance to CNP operators to ensure successful implementation of the updated meal pattern requirements. Specifically, FNS will publish pertinent resources and guidance materials, such as menu planning tools and tip sheets, for State agencies and CNP operators. Additional technical assistance resources can be found on the following web sites: CACFP (<https://www.fns.usda.gov/cacfp/meals-and-snacks>) and Team Nutrition (<http://TeamNutrition.usda.gov>). In addition, FNS and the Institute of Child Nutrition (ICN) will continue to offer the CACFP Meal Pattern Requirements Training to State agencies and sponsoring organizations to help participants become familiar with the updated meal pattern requirements. The training can be requested through the ICN at <http://theicn.org/Templates/TemplateDefault.aspx?q=cEIEPTU3>.

FNS expects State agencies to work closely with their CNP operators and provide technical assistance on an ongoing basis to support CNP operators during this important time of transition. FNS applauds the efforts of CNP operators to achieve and maintain compliance with the updated meal pattern requirements, including those who are already partially or fully implementing the updated requirements.

#### **Comments:**

For questions concerning information in this memorandum, please contact the Policy Administrator at 404-651-8193.