



Georgia Department of Early Care and Learning

2 Martin Luther King Jr. Drive, SE, Suite 754, East Tower, Atlanta, GA 30334
(404) 656-5957

Nathan Deal
Governor

Amy M. Jacobs
Commissioner

MEMORANDUM

To: All Child and Adult Care Food Program (CACFP) Sponsors of Day Care Homes

From: Falita S. Flowers, Nutrition Services Director (*Original Signed*)

Date: December 21, 2015

Subject: Changes to the Eligibility of Day Care Homes' and Group Day Care Homes' Participation in the CACFP

Legal Authority: 7 C.F.R. § 226.2; 7 C.F.R. § 226.18(e); O.C.G.A § 20-1A-4(3), Rule Chapter 591-1-1, Rules and Regulations for Child Care Learning Centers

Cross Reference: DECAL Policy No. CACFP 00-12

Definitions:

"Administrative sponsor" means a private non-profit organization which is entirely responsible for the administration of the Program in any combination of two or more child care centers, adult day care center, and/or outside-school-hours care center which are not part of the same legal entity as the sponsoring organization.

"Day care home sponsor" means a public or nonprofit private organization that is entirely responsible for the administration of the food program in one or more day care homes. (7 C.F.R. §226.2)

"Child care center" means any public or private nonprofit institution or facility (except day care homes), or any for-profit center, as defined in this section, that is licensed or approved to provide nonresidential child care services to enrolled children, primarily of preschool age, including but not limited to day care centers, settlement houses, neighborhood centers, Head Start centers and organizations providing day care services for children with disabilities. Child care centers may participate in the Program as independent centers or under the auspices of a sponsoring organization.

"Day care home" [also known as a Family Child Care Learning Home], means

an organized nonresidential child care program for children enrolled in a private home, licensed or approved as a family or group day care home and under the auspices of a sponsoring organization. (7 C.F.R. § 226.2). A day care home provides nonresidential child care services to children in their personal, private residence or dwelling.

“Dwelling” means a shelter (house) in which people live that is designed or used exclusively for residential purposes, including single-family, duplex, and multifamily residential buildings, rooming and boarding, not including motels/hotels.

“Independent center” means a child care center, at-risk afterschool care center, emergency shelter, outside-school-hours care center or adult day care center which enters into an agreement with the State agency to assume final administrative and financial responsibility for Program operations.

“Nonresidential” means that the same participants are not maintained in care for more than 24 hours on a regular basis.

“Private residence” means the personal residence of the business entity/provider in which nonresidential childcare services are provided.

The purpose of this memorandum is to notify Child and Adult Care Food Program (CACFP) sponsors of the impact on participation and eligibility requirements to its facilities as a result of Bright from the Start: Georgia Department of Early Care and Learning (DECAL) Child Care Services Division (CCS) revised Rules and Regulations for Family Day Care Homes, Group Day Care Homes and Child Care Learning Centers.

Effective January 1, 2016:

- The Child Care Learning Center (CCLC) and Group Day Care Home rule books will merge into one rule document;
- The term, “group day care home” will be eliminated as a facility type;
- CCS’s licensing capacity for centers will change from 19 or more children in care regardless of relationship to seven (7) or more children in care regardless of relationship (Note: Under the CACFP, the license capacity provisions have not changed for day care homes);
- The term “Family Day Care Home” will become “Family Child Care Learning Home;” and
- Family child care learning homes will be “licensed” by CCS to operate instead of “registered” to operate.

Impact to CACFP Eligibility for Day Care Homes and Group Day Care Homes

As a result of the rule changes, DECAL (Nutrition Services) revisited the definition of a day care home to ensure its practices were consistent with Federal regulations. In accordance 7 C.F.R. § 226.2, day care homes are considered organized nonresidential child care programs for children enrolled in a private home, licensed or approved as a family or group day care home and under the auspices of a sponsoring organization. DECAL defines a private residence (or home) as a personal, private residence or dwelling of the business entity/provider in which nonresidential childcare services are provided. With the new rule changes, DECAL has eliminated “zoning” to determine a facility type, and classifies facilities operating in personal, private residences or dwellings as day care homes and group day care homes as licensed child care centers. Therefore, effective January 1, 2016, the group day care home

classification will be eliminated and CACFP sponsors will sponsor either a **Family Child Care Learning Home** (day care home) and/or a **Child Care Learning Center** (child care center).

Impact to Day Care Homes and Group Day Care Homes Currently Participating in the CACFP

Under the new rule, day care homes (and/or group day care comes) must:

- (a) Meet the definition of a day care home; and
- (b) Execute a CACFP agreement with an approved day care home sponsor.

Group day care homes transitioning to child care centers must:

- (a) Be a non-profit organizations; or
- (b) Be a for-profit organization that meets the 25% rule requirement which is:
 - (1) Twenty-five percent of the children in care (enrolled or licensed capacity, whichever is less) are eligible for free or reduced-price meals; or
 - (2) Twenty-five percent of the children in care (enrolled or licensed capacity, whichever is less) receive benefits from Title XX and the center receives compensation under Title XX.

Facilities currently participating in the CACFP who no longer meet the definition of a day care home, in accordance with 7 CFR 226.2, will have the option to:

- (a) Meet the CACFP definition of a “day care home”, and have an executed agreement with a day care home sponsor;
- (b) Transition from a day care home to a child care center and have an executed agreement with an approved administrative sponsor; or
- (c) Transition from a day care home to a child care center and have an executed agreement with DECAL as an independent center.

Nutrition Services requires impacted day care homes to meet the aforementioned CACFP eligibility requirements by April 30, 2016.

Impact to Sponsoring Organizations

The most immediate impact to sponsoring organizations would be, for day care home sponsors, a gain or loss of sponsored facilities and changes to the facilities’ reimbursement structure (e.g., increase or decrease to 15% administrative fees). Additionally, day care home sponsors may want to consider applying to the CACFP as an administrative sponsor in order to continue providing service to those group day care homes who must transition to child care centers. Some responsibilities of an administrative sponsor include:

- (a) Gathering pertinent information on centers seeking sponsorship;
- (b) Submitting an application to participate in the CACFP on the center’s behalf;
- (c) Monitoring centers under its sponsorship;
- (d) Collecting claim data and submitting claims for reimbursements for all centers; and
- (e) Disbursing reimbursement funds to its centers.

Regardless of their current or potential sponsorship status, sponsors must ensure their facilities meet CACFP eligibility requirements under the new CCS rule changes. Overall, sponsors must:

1. Notify its facilities of the CCS’s rule changes;
2. Identify facilities under its sponsorship that would be impacted by the rule changes;
3. Notify facilities that if their eligibility does not meet the definition of a Family Child Care

- Learning Home (day care home), they must either transfer to an administrative sponsor and complete an agreement with the new sponsor, or re-apply to the CACFP as an independent center;
4. Provide guidance to facilities that wish to become independent centers (e.g., direct facilities to register for CACFP Orientation and Training);
 5. Ensure their facilities meet the CACFP eligibility requirements by April 30, 2016;
 6. Apply to become a CACFP administrative sponsor (if applicable) before April 30, 2016 by attending the two-day CACFP Orientation and Program training and the one-day Administrative Sponsor Orientation and Program training; and
 7. Beginning May, 1, 2015, include as requirements for CACFP sponsorship proof of licensure for both Family Child Care Learning Homes and Child Care Centers for sponsored participation in the CACFP.

DECAL will provide continued CACFP training and technical assistance for sponsors and facilities impacted by the CCS rule changes. Additionally, the Nutrition Services Technical Assistance Unit is available via email at NutritionTA@decals.ga.gov for questions on meeting CACFP eligibility requirements and CACFP definition application or implementation. Day care home sponsors interested in applying to become Administrative Sponsors may contact Nutrition at (404) 657-1779 for registration information.

For complete details regarding the Child Care Services Division proposed rule, go to the DECAL web site at www.decals.ga.gov. For specific questions concerning the CCS rule changes, contact CCS at (404) 657-5562 or by email at CCSRuleRevisions@decals.ga.gov.

For questions concerning this memorandum, please contact Sonja Adams, Policy Administrator at (404) 651-8193.