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Georgia Dept of Early Care and Learning

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

Purpose

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. Those revisions included the following:

- The Child Care Learning Center (CCLC) and Group Day Care Home rule books merged into one rule document;
- The term, "group day care home" was eliminated as a facility type;
- CCS's licensing capacity for centers changed from 19 or more children in care regardless of relationship to seven (7) or more children in care regardless of relationship.
- The term "Family Day Care Home" became "Family Child Care Learning Home;" and
- Family child care learning homes are now "licensed" by CCS to operate instead of "registered" to operate.

In July 2023, Nutrition Services conducted a review of sponsored facilities and found that many former group home day cares are currently active within the CACFP under day care home sponsorship. As a result, this memorandum has been revised to provide guidance to current sponsors and facilities of the requirement that group day care homes transition to the appropriate facility type, day care home or child care center, for the purposes of 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. As per DECAL's Rules and Regulations for Child Care Learning Centers, child care centers are defined as any place operated by an individual or any business entity recognized under Georgia law wherein are received for pay for group care, for fewer than 24 hours per day without transfer of legal custody, seven or more children under 18 years of age.

"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. As per DECAL's Rules and Regulations for Family Child Care Learning Homes, day care home means private residence operated by any person who receives therein for pay for supervision and care fewer than 24 hours per day, without transfer of legal custody, at least three but not more than six Children under 13 years of age who are not Related to such persons and whose Parent(s) are not residents in the same private residence as the Provider; provided, however, that the total number of unrelated Children cared for in such Home, for pay and not for pay, may not exceed six Children under 13 years of age at one time, except that a Provider may care for two additional children three years of age or older for two designated one hour periods daily upon approval by the Department. **Note:** CACFP providers may claim meals for the capacity authorized by Child Care Services. **Meals can be claimed for up to and not exceed 12 children under the age 13 as long as required criteria noted above are met**. **See also DECAL Policy #00-12 - The Claiming of Meals by Family Child Care Learning Homes Licensed by the State of Georgia.**[add hyperlink]

"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 child care services are provided.

Program Requirements

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 with 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 child care services are provided. With the rule changes, DECAL eliminated "zoning" to determine a facility type and classified facilities operating in personal, private residences or dwellings as day care homes, and former group day care homes as licensed child care centers.

As of January 1, 2016, the group day care home classification was eliminated and CACFP sponsors were to sponsor either **Family Child Care Learning Homes** (day care homes) and/or a **Child Care Learning Centers** (child care centers).

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

Currently, day care homes (and/or group day care homes, which transitioned to day care homes after the CCS rule change) 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, which transitioned to child care centers after the CCS rule change, must:

A. Be a non-profit organizations; or
B. Be a for-profit organization that meets the 25% rule requirement which is:
    1. A privately owned for-profit child care center may only participate in the Program if at least 25% of the children in care (enrollment or licensed capacity, whichever is less) are eligible for free or reduced-price meals or receive benefits from Title XX of the Social Security Act; and
    2. Each for-profit center must meet the 25 percent requirement every month in order to be eligible to claim meals.

Additionally, former group day care home facilities who currently participate in the CACFP and are licensed as child care centers, no longer meet the definition of a day care home per 7 CFR 226.2 and DECAL's Rules and Regulations for Family Child Care Learning Homes; and can no longer operate the CACFP under the auspices of a day care home sponsor. These facilities have the option to:

A. Meet the definition of a "day care home" and continue operation under a current executed agreement with a day care home sponsor. This would require a change in licensure to a Family Child Care Learning Home via DECAL's CCS Division;

B. Transition to a CACFP child care center and have an executed agreement with an approved administrative sponsor; or

C. Transition to a CACFP child care center and have an executed agreement with DECAL as an independent center.

Nutrition Services requires sponsored facilities to meet the aforementioned CACFP eligibility requirements by December 31, 2023.

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., reimbursement based upon an increase or decrease of sponsored facilities 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 former group day care homes who must transition to child care centers for the purposes of the CACFP. 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 CCS rule changes. Overall, sponsors must:

1. Identify facilities under its sponsorship that were impacted by the rule changes;
2. 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;
3. Provide guidance to facilities that wish to become independent centers (e.g., direct facilities to register for CACFP Orientation and Training);
4. Ensure their facilities meet the CACFP eligibility requirements by December 31, 2023;
5. Apply to become an CACFP administrative sponsor before December 31, 2023 by attending the two-day CACFP Orientation and Program training and the one-day Administrative Sponsor Orientation and Program training (for those day care home sponsors who desire to continue sponsoring former group home day cares); and
6. 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.

Comments

DECAL will provide 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@decal.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 Services at (404) 657-1779 for training registration information.

For questions concerning this memorandum, please contact the Nutrition Services' Policy Administrator at (404) 651-8193.