

CONNECTICUT STATE DEPARTMENT OF EDUCATION
Division of Teaching and Learning Programs and Services
Bureau of Health and Nutrition Services and Child/Family/School Partnerships
25 Industrial Park Road
Middletown, Connecticut 06457-1543

M E M O R A N D U M

DATE: October 27, 2004

TO: Child and Adult Care Food Program (CACFP) Day Care Homes Sponsors

FROM: Maureen B. Staggenborg, Director
Child Nutrition Programs

SUBJECT: **Operational Memorandum #02H-05**
Day Care Provider Permanent Agreements

The Child Nutrition and WIC Reauthorization Act of 2004 (Public Law 108-265) provides for the use of permanent CACFP agreements between sponsoring organizations and family or group day care homes. These agreements record specific rights and responsibilities of sponsoring organizations and the family or group day care homes that participate in CACFP under their supervision.

To implement this new provision sponsoring organizations must make all provider agreements permanent as they are updated or revised. All day care homes must have a permanent agreement in place no later than July 1, 2005. A prototype agreement has been developed to be used for this purpose and to incorporate several new provisions that are required under the new CACFP Interim Rule published on September 1, 2004. A copy of the prototype agreement is enclosed. Permanent agreements using this language must also be collected from all **current and new providers no later than June 30, 2005 and for all providers subsequently enrolled in CACFP.**

The new provisions on the sample agreement include:

- The stipulation that Program payments are conditional contingent upon the availability of Federal funds.
- The responsibility of the sponsoring organization not to withhold Program payments to any family day care home for any other reason, except that the sponsoring organization may withhold from the provider any amounts that the sponsoring organization has reason to believe are invalid, due to the provider having submitted a false or erroneous meal count.
- The responsibility of each day care home to maintain on file documentation of each child's enrollment and maintain daily records of the number of children in attendance and the number of meals served, by type, served to enrolled children. Such documentation of enrollment must be updated annually, signed by a parent or legal guardian, and include

information on each child's normal days and hours of care and the meals normally received while in care.

Approved meals, enrollment and tiering information formerly collected on the agreement has been deleted as this information would have to be updated periodically. A sample *Tier I-II, Meal and Enrollment Eligibility Application* has been developed for this purpose and should be collected or updated at the time eligibility status, meal service or enrollment changes. A copy of this sample form is attached.

The law further stipulates that either party to the permanent agreement may still terminate the agreement. Thus, although the agreement is permanent, it does not remove the right of the sponsoring organization to terminate a family or group day care home for cause (i.e. expired license, etc.) or convenience, nor does it remove the right of a day care home provider to change sponsors in accordance with current regulations. Should a family or group day care home be out of program compliance, the sponsoring organization would follow the serious deficiency process. Sponsoring organizations will continue to be permitted to amend the permanent agreement when there is a change in program policy or meal services.

If there are questions regarding the content of this letter, please direct questions to Maureen Staggenborg at (860) 807-2070 or Susan Bohuslaw at (860) 807-2073.