



United States  
Department of  
Agriculture

Food and  
Nutrition  
Service

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Alexandria, VA  
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**DATE:** January 10, 2011

**MEMO CODE:** CACFP 05-2011-Revised

**SUBJECT:** Child Nutrition Reauthorization 2010: Area Eligibility for Family Day Care Homes

**TO:** Regional Directors  
Special Nutrition Programs  
All Regions

State Directors  
Child Nutrition Programs  
All States

The Healthy, Hunger-Free Kids Act of 2010 (the Act), Public Law 111-296, was signed into law by the President on December 13, 2010. The Act modifies the requirements for using area eligibility data to make tiering determinations for family day care homes participating in the Child and Adult Care Food Program (CACFP). The purpose of this memorandum is to provide guidance on the implementation of this modification in CACFP.

Section 121 of the Act amends section 17(f)(3) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(f)) to allow family and group day care homes to be classified as tier I for purposes of reimbursement under CACFP if the home is located in an area served by any public school in which at least 50 percent of the enrolled children are certified eligible for free and reduced-price school meals. Previously, only the enrollment of the local public elementary school could be used to determine tier I eligibility. This provision is retroactively effective to October 1, 2010.

To facilitate implementation of this provision, State agencies must provide sponsors of family day care homes with current area eligibility data for all public middle and high schools in the State as soon as possible. Sponsoring organizations are required to re-evaluate the classification of all tier II homes and reclassify homes that now qualify for tier I rates using the expanded public school data. Further, homes reclassified as tier I using the expanded public school data may be eligible to receive the higher tier I reimbursement rates for all meals served from October 1, 2010, to the day of reclassification as a tier I home.

Sponsoring organizations must submit amended claims for reimbursement for October, November, and December 2010 to the State agency by February 28, 2011. State agencies may make adjustments in the amounts paid as allowed in Section 226.10(e) of the

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regulations, and should revise their reports as authorized in Section 226.7(d). State agencies must submit their final amended reports for October, November, and December 2010 to FNS no later than April 30, 2011. Beginning with the January claim, all claims and reports should be submitted on the normal schedule.

State agencies should direct any questions concerning this guidance to the appropriate FNS Regional Office. Regional Offices with questions should contact the Child Nutrition Division.

**Original Signed**

Melissa A. Rothstein  
Acting Director  
Child Nutrition Division