



United States  
Department of  
Agriculture

Food and  
Nutrition  
Service

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**DATE:** May 1, 2012

**MEMO CODE:** CACFP 15-2012

**SUBJECT:** Health and Safety Standards for Outside-School-Hours Care Centers and At-Risk Afterschool Care Centers

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

State Directors  
Child Nutrition Programs  
All States

The purpose of this memorandum is to assist Child and Adult Care Food Program (CACFP) State agencies in determining applicable health and safety standards for outside-school-hours care centers (OSHCC) and at-risk afterschool care centers and documenting compliance with those standards, if applicable. This memorandum supersedes *Child and Adult Care Food Program: Health and Safety Standards for Outside-School-Hours Care Centers and At-Risk Afterschool Care Centers*, July 6, 2001. Revision of the original memorandum on this issue is necessary to ensure that our policy remains consistent with the authority in the Richard B. Russell National School Lunch Act (42 USC 1751 et seq.) (NSLA) and CACFP regulations.

### **Determining Applicable Standards**

In order to participate in CACFP, OSHCCs and at-risk afterschool care centers must meet State or local health and safety standards when licensing is not required (42 USC 1766(a)(5)(C)). We recognize health and safety standards vary significantly among States and municipalities and, in part, depend on the type of facility involved. In addition, required standards for each type of center may differ, depending on the building or location of the site, the structure of the program, and the type of meal services offered. For example, a site that serves both a snack and a supper may be required to meet different health and safety standards than one that serves only a snack. Similarly, a self-preparation site may be subjected to more stringent health and safety standards than a site that serves vended meals. We continue to encourage CACFP State agencies to work closely with State and local health and safety authorities to determine the specific required standards for each type of facility.

CACFP State agencies have benefitted by enlisting the help of local advocacy organizations in educating State and local health and safety authorities about CACFP and

the type of services provided at OSHCCs and at-risk afterschool care centers. This has assisted in ensuring the appropriate standards have been applied to organizations seeking to participate in CACFP.

### **Documenting Compliance with Applicable Standards**

#### *School Participation in CACFP*

Schools that participate in the National School Lunch Program (NSLP) or School Breakfast Program (SBP) are required to obtain food safety inspections from State or local authorities under the NSLA (42 USC §1758(h)) and the NSLP and SBP regulations (7 CFR 210.13(b) and 220.7(a)(2)). Therefore, schools that participate in NSLP or SBP and as OSHCCs or at-risk afterschool care centers in CACFP do not have to meet any additional health and safety standards. The schools' participation in the NSLP or SBP is sufficient proof of meeting required health and safety standards for CACFP purposes.

#### *Summer Food Service Program (SFSP) Inspections*

In cases where the health and safety inspection standards for OSHCCs and at-risk afterschool care centers and SFSP feeding sites are the same, CACFP State agencies may accept documentation of a current inspection obtained by a sponsor for SFSP pursuant to the SFSP regulations (7 CFR 225.14(d)(6)(vi)). CACFP State agencies may do this as long as the current SFSP inspection has not expired or been revoked.

Please note, SFSP regulations at 7 CFR §225.16(a) require a sponsor to submit a letter to the appropriate health department of its intent to provide a food service during a specific period at specific sites. We understand that, in some cases, the health department does not conduct an inspection of an SFSP sponsor's site(s). Neither CACFP regulations nor this memorandum permit CACFP State agencies to accept a letter of intent to provide a food service as documentation that an SFSP site meets health and safety standards for CACFP. An inspection must have been conducted by the health department.

#### *Occupancy Permits*

In some jurisdictions, occupancy permits may serve as the only evidence that a facility complies with State or local health or safety standards. For occupancy permits, as for other required permits and inspections, time limits may or may not be placed on these documents by State or local health and safety authorities. In such cases, CACFP State agencies must ensure any such permit submitted by an OSHCC or at-risk afterschool care center has not expired or been revoked.

### **Absence of Health and Safety Standards**

Under guidance issued in 2001 and referenced above, OSHCCs and at-risk afterschool care centers could participate in the CACFP without any permits or approval, in instances in which no State or local standards were in place. However, the *Afterschool Snacks in the Child and Adult Care Food Program* Final Rule, published July 31, 2007, made it clear that at-risk afterschool care centers are not eligible to participate in CACFP in areas where State or local health and safety standards do not exist (7 CFR §226.17a(d)).

There is no form of “alternate approval” for OSHCCs and at-risk afterschool care centers, as there is for other types of child care facilities (42 USC §1766(a)(5)(B)). In the absence of State or local health and safety standards, State agencies are encouraged to work with the appropriate State and local officials to create such standards. Because the authority to establish standards resides with the appropriate health, safety, or licensing agency at the State or local level, the CACFP State agency must work with those authorities to remedy any barriers to participation that existing standards or the lack of standards may create.

State agencies should direct any questions concerning this guidance to the appropriate Food and Nutrition Service Regional Office.

**Original Signed**

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