



Child Nutrition Act Reauthorization 2010

The Healthy, Hunger-Free Kids Act

Updated December 2, 2010

Congress has completed its work on the reauthorization of the Child Nutrition Act. The Healthy, Hunger-free Kids Act of 2010 includes provisions for the Child and Adult Care Food Program (CACFP), National School Lunch Program, Summer Food Service Program, and WIC. The provisions for CACFP, detailed below, are focused on the promotion of nutrition and wellness, reducing paperwork, and increasing access to after-school meals for school-age children.

Highlights of the Legislation

For Preschool CACFP:

- Requires only lower-fat milk options to be served to children over age two, as recommended in the Dietary Guidelines.
- Requires drinking water to be made available and accessible throughout the day.
- Creates a timeline directing the Secretary of Agriculture to issue proposed regulations updating the CACFP meal pattern and nutrition standards within 18 months of the publication of the Institute of Medicine CACFP report (which was released in November 2010).
- Requires the U.S. Department of Agriculture (USDA) to periodically reassess and update the CACFP meal pattern and nutrition standards, as well as reimbursement rates and costs to providers, no less frequently than every 10 years.
- Directs USDA to issue guidance *encouraging* participating child care centers and family child care homes to offer healthier meals and snacks to provide opportunities for physical activity, and the importance of limiting electronic media use.
 - This guidance will come in the form of technical assistance handbooks to providers, and the bill calls for \$10 million for USDA to provide this technical assistance.
- Creates a study of the nutrition and wellness practices in child care settings, to be conducted every 5 years. The study will also assess barriers, rather than just conduct an inventory.
- Directs the Secretary of Agriculture to *coordinate* with the Secretary of Health and Human Services to *encourage* state licensing agencies to include wellness standards within state licensing standards.
- The following administrative changes are included:
 - Allows sponsors and child care centers to submit an application to the State agency only once, and to submit additional information annually only as necessary to confirm that they remain in compliance with program requirements.
 - Continues the USDA working group to reduce paperwork and improve program administration and requires USDA to report the results to Congress.
 - Eliminates the block claim requirement.
 - Allows providers to facilitate the return of participating children's family income forms.
 - Requires permanent operating agreements with the state agency which may be amended as necessary.
 - Allows the use of high school and middle school free and reduced priced school lunch participation levels to determine Tier 1 area eligibility for family child care homes which could reduce paperwork.

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- Establishes a simplified method of determining sponsor monthly administrative funding.
- Permits sponsoring organizations to carry over a maximum of 10 percent of administrative funds into the following fiscal year.
- Allows State WIC agencies to permit local WIC agencies to share nutrition education materials with CACFP providers at no cost if an agreement exists between the agencies.
- Allows USDA to increase the state audit funds made available to any State agency from 1.5 percent to up to a total of 2 percent if the State agency demonstrates that it can effectively use the funds to improve program management.
- Requires State agencies review institutions at least once every 3 years and to conduct more frequent reviews of sponsors that are part of multi-purpose organizations, larger sponsors, and sponsors identified or at-risk of having serious management problems.
- Requires the Federal-State agreement to make clear the expectation that the federal funds provided are to be fully utilized for that purpose and that such funds should be excluded from State budget restrictions or limitations, including hiring freezes, work furloughs and travel restrictions.
- Requires State agencies that fail to meet the timeframes for providing an opportunity for a fair hearing and prompt determination to any institution to pay, from non-federal sources, valid claims for reimbursement to the institution and the facilities of the institution during the delay.
- Continues the requirement for sponsors to vary the timing of unannounced reviews in a manner that makes the reviews unpredictable to the sponsored facilities.
- Makes placement on the national CACFP and Summer Food Service Program disqualified list grounds for disqualification from participation in the other child nutrition programs.

School-age CACFP:

- Expands the at-risk after-school supper program from 14 pilot states to all states and the District of Columbia. Currently, child care providers that offer school-age after-school care can be reimbursed for snacks under CACFP if centers are in an eligible and participating school district. Fourteen states are currently “piloting” supper instead of or in addition to snack.

Funding for the Legislation

The reauthorization package directs \$4.5 billion over 10 years to carry out the provisions. This is less than half of the Administration’s proposed \$10 billion over 10 years, and is paid for in part through a reduction in benefits in the Supplemental Nutrition Assistance Program (SNAP, formerly “food stamps”), a move that has generated controversy among anti-hunger advocates.

Next Steps

The U.S. Department of Agriculture must now create regulations on the new provisions included in the bill, a process that will include opportunities for public comment.

Meanwhile, the Institute of Medicine (IOM) has completed their review of the CACFP meal pattern. USDA will consider these, but USDA is not required to use them. Thanks to the very knowledgeable participants in that IOM review process, the report acknowledges that increased meal pattern standards will cost more money and that reimbursement rates should be increased. We will continue to raise this issue with USDA and in Congress.

The nutritional improvement provisions in the legislation will help young children form healthy habits that will last a lifetime. To meet our shared goals of ending childhood hunger and reducing childhood obesity, more must be done in the near future to expand access to CACFP.