

POLICIES AND PROCEDURES HANDBOOK FOR HOME DAY CARE PROVIDERS

CHILD AND ADULT CARE FOOD PROGRAM (CACFP)

EFFECTIVE DATE MAY 1, 2018



**Niagara Community Action Program, Inc.
1521 Main Street
Niagara Falls, NY 14305**

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E-mail: niagaracap@niagaracap.org**

This institution is an equal opportunity provider.

POLICIES AND PROCEDURES HANDBOOK

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CHILD ENROLLMENT FORMS

A completed CACFP Child Enrollment Form is required for **every child** enrolled in the day care home. Day care home providers must submit Enrollment Forms each year, including for the following children:

- infants (or any other child) who the provider may **not** be claiming for CACFP;
- the provider's own child(ren) or other resident children **not of school age**;
- the provider's own **school-age** child(ren) (**only** if they are eligible to be claimed); and
- any other **resident child(ren)** (**only** if they are eligible to be claimed).

A completed Child Enrollment Form must:

- be a **current original**—no photocopies of prior-year enrollments are allowed;
- be both completed **in full** by and **signed** by the parent or guardian (**not** the provider);
- have, for all children **under 12 months of age**, a completed "Infant Feeding Statement" indicating who is supplying the **formula** (or **breast milk**) and who is supplying the **food**;
- be **initialed by the parent** when **any** changes are made **prior** to submitting to CACFP;
- be **verified by the provider** before submission to ensure that all information is complete, accurate, and easy to read. Reimbursement lost due to inaccurate information on an enrollment form cannot be paid;
- be turned in with your **on-time** monthly paperwork for **the month in which you began claiming a child** new to the day care home.

After completing the Enrollment Form when a child begins care, another Enrollment Form is completed in September **every year** for all children in care **and submitted to CACFP no later than September 30**. They are valid **through August 31st of the following year**.

Enrollment Forms must be accurate and kept **up to date**. **Report all changes to Niagara Community Action Program, Inc., immediately** (i.e., telephone numbers, addresses, name changes, schedule changes, withdrawals, etc.). The information on the form **will** be used to contact the parent or guardian to verify attendance and meal counts.

A copy of each Enrollment Form **must be kept on file** in the provider's home.

When a child is withdrawn from care, it is the provider's responsibility to notify Niagara Community Action Program, Inc., of the child's last day in care. Acceptable methods of notification include:

- writing the last day of attendance on the Daily Attendance form and signing your name;
- sending an e-mail to **LNewman@niagaracap.org** or **BMccarthy@niagaracap.org**; or
- noting the last day of care on the provider page, with signature, during a monitor visit.

Niagara Community Action Program, Inc., reserves the right to require new Enrollment Forms **at any time and for any reason**.

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MENUS AND ATTENDANCE RECORDS

Providers are **required to** keep the following **daily records**:

1. The **menu** served to enrolled children for each meal each day.
2. A **copy** of your **Daily Attendance Form** (supplied by CACFP).
3. The number of meals served to enrolled children at each meal.

Menus and attendance records must:

- be completed **daily to accurately reflect what was served and who was present at each meal each day**;
- be written out separately for each week of the month (no photocopies or using the same menu for more than a week);
- be clearly **dated for each day of the month** to which it pertains; and
- be submitted each month.

Please note: Photocopied menus are **not** allowed. If menus are written ahead of time, please remember to record changes if any substitutions are made—including field trips and eating out.

CACFP regulations require that menu and attendance records be completed through the preceding day. When a monitoring visit is made, meals **must be disallowed** for all days in which paperwork is not completed prior to the day of the monitoring visit.

Submitting menu and attendance records:

1. Completed monthly menus, the Weekly Attendance forms, **and** a copy of the completed Daily Attendance form must be submitted **after the end of each month (no faxes)** to Niagara Community Action Program, Inc., 1521 Main Street, Niagara Falls, NY 14305.
2. Monthly records **must be received in the CACFP office no later than 4:00 pm on the 5th day of the following month**. If the 5th falls on a **weekend**, paperwork **in the slot on Monday morning** or in **Monday's mail** will be accepted. Monday walk-ins will be late.
3. Menu/Attendance records received **after 4:00 pm** on the 5th day of the following month **will be late** and will be included in the next month's claim.
4. **No** menu/attendance records will be accepted for reimbursement **after thirty (30) days from the last day of the month** for which reimbursement is being claimed

The CACFP is a program of the Federal Government and any deliberate misrepresentation of records will be subject to prosecution under the applicable State and Federal statutes.

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MEAL REGULATIONS

Acceptable meal times are:

- Breakfast . . . **before** 9:30 a.m.
- Lunch between 11:00 a.m. and 1:30 p.m.
- Dinner between 4:30 p.m. and 7:00 p.m.

Any mealtime change in a day care must be called in immediately and followed up with submission of the signed and dated **Changes in Meal Times and/or Days/Hours of Care** form. Changes will take effect upon receipt of the signed and dated form and will be retroactive to the date of notification, as long as it is still within the current claiming period.

CACFP regulations and guidance:

- CACFP reimburses **up to** 2 main meals and 1 snack or 1 main meal and 2 snacks per child per day.
- Children enrolled with **more than one** day care home provider may only be claimed for a **total of no more than** 2 main meals and 1 snack or 1 main meal and 2 snacks per child per day, necessitating CACFP staff to disallow meals from each provider in a fair manner.
- **If desired**, you **may** claim **all** meals served to each child each day and CACFP staff will choose from the **creditable meals** those which will maximize your reimbursement.
- All meals must be **at least** 2 hours apart.
- **Write all meal components** (milk, meat/meat alternates, grains/breads, fruits, and vegetables) **clearly and completely**. Menus that are not written out so that the components can be easily identified **will not** be reimbursed.
- **Combination foods** (i.e. goulash, pizza, stew, etc.) must not contain **more than three** meal components—meat/meat alternate, fruit/vegetable, and grain. A separate fruit or vegetable must be served on the side for the meal to be reimbursable.
- Yogurt cannot contain **more than** 23 grams of sugar per 6 ounces.
- Breakfast cereals cannot contain **more than** 6 grams of sugar per dry ounce.
- When serving grains/bread component, one grain/bread per day must be a **whole grain rich (WGR)**. Please see “**Crediting Foods in CACFP**” guide.
- **Meat/meat alternates** may be served at breakfast **in place of** all or part of the **grain component** up to three times per week.
- Animal crackers, graham crackers, muffins, and quick breads (ex. zucchini bread) may be served. All other sweet grains are not creditable.
- Children ages 1 to 2 must be served only **whole** milk while children ages 2-18 must be served only **fat-free (skim)** or **low-fat (1%)** milk. The menu **must specify** the **type/types** of milk/milk substitutes served.
- Water must be served upon request and must be offered throughout the day. Water does **not** have to be written on the menu.

It is **not permitted** to:

- Use **arrows** (e.g. to identify that milk is being served for the entire week).
- Use the **same menu** each day for **any** meal or snack.
- Use the same menu for lunch and supper on **the same day** served to the **same children**.

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- Serve **flavored milk** to children ages 1 to 5.
- Serve **juice** more than once per day to the **same children**.

Meal substitutions due to a child's allergy/food intolerance **must be supported** by a **statement from the child's parent/guardian** and must **specify a suitable substitute**. If no statement is on file, then meals for this child will be disallowed where these substitutions are made. The substitutions must also be **recorded on your menus**.

MEAL SHIFTS

A provider may schedule a maximum of **two shifts for each meal**.

INFANTS

For each infant in care:

- **Submit** an **Enrollment Form** and **Infant Feeding Statement** completed by the parent/guardian, whether or not meals are being claimed for reimbursement.
- Participating family day care homes must **offer a choice of formula(s)** that they will provide.
- Infants aged **6 weeks through 5 months** may be claimed when a current Enrollment Form and Formula Statement is on file, the infant is recorded on the Daily Attendance sheet, and meals are recorded on the Weekly Attendance sheet—even if the provider is not supplying any part of the meal. **No menu is required** for this age group.
- Infants aged **6 months up to their first birthday** may be claimed when there is a current Enrollment Form and Formula Statement on file, the infant is recorded on the Daily Attendance sheet, and meals are recorded on the Weekly Attendance sheet. Families may supply **not more than one (1) component** for each infant meal and snack to be reimbursable. Once the infant is receiving solid foods, **infant menus are required**.
- Infants **must receive breast milk** or **iron-fortified formula** for their meals to be reimbursable.
- Whenever infant cereal is served, it must be **iron-fortified**.
- All other infant meal components must contain **only** the component required, i.e., fruit, vegetable, meat. **No combination infant meals** (i.e. turkey vegetable dinner) or **desserts** (i.e. peach cobbler) may be served and claimed for reimbursement.
- **Juice** may no longer be served.
- Cheese food and cheese spread are **not allowed** as a meat alternate for infants.

Infants age 12 months and up are assumed to be on regular table food, with appropriate adjustments made for texture and size (i.e., raw carrots served to older children may have to be cooked and diced for a younger child; an apple served whole to older children may have to be peeled and sliced for a younger child).

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WITHDRAWING A CHILD FROM CARE

It is the provider's responsibility to notify Niagara Community Action Program, Inc., of the child's last day in care. Acceptable methods of notification include:

- submitting the signed and dated **Monthly Updates and Changes Form**;
- writing the last day of attendance on the Daily Attendance form and **signing your name**;
- sending an e-mail to **LNewman@niagaracap.org** or **BMccarthy@niagaracap.org**; or
- noting the last day of care on the provider page, **with signature**, during a monitor visit.

HOME MONITORING VISITS

Federal Regulations require that Niagara Community Action Program, Inc., conduct a **minimum** of three (3) CACFP home monitoring visits to all participating family day care homes each year. New providers will also receive **additional visits** during the first year to learn about CACFP. These visits are not the same as the three (3) required visits. All CACFP home visits are made **during day care hours** and are **unannounced** (no prior notice given). This includes home visits on weekends, evenings, and holidays if care is being offered.

The provider is required to allow any monitor from **Niagara Community Action Program, Inc.**, the New York State Department of Health, or the USDA into the home during normal day care hours of operation to conduct a CACFP visit.

If a provider will be out for **any part of the day**, the provider **must contact** the CACFP program at 285-9681, ext. 110 or ext. 111. If a child has not arrived within 45 minutes of their regular scheduled arrival time, and no other non-resident children are present, the provider must notify the office at 285-9681, ext. 110 or ext. 111.

The function of the home monitoring visit is to:

- assist the provider to remain in compliance with CACFP regulations;
- check attendance records;
- observe meals;
- distribute forms;
- provide technical assistance, answer questions, etc.;
- check that the food storage areas (pantry, cabinets, refrigerator) and the food preparation areas are clean and orderly, and to ensure that there is enough food on hand for the day's meals; and
- make sure that the provider's home conditions are safe, sanitary, and in compliance with the regulations for licensing or registration. **Please note:** CACFP staff is mandated to report any incidence of non-compliance to your licenser/registrar/enrollment agency.

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An unsuccessful visit will be declared and meals will **not be reimbursed** for the day if a visit is attempted and:

- the CACFP monitor is **not allowed to enter** the day care home during normal day care hours;
- the provider is **not** at home and has **not notified** the CACFP monitor in advance; or
- the provider **is** at home **but has no day care children present** within 45 minutes of their scheduled arrival time and **has not notified** the CACFP monitor in advance.

CACFP TRAINING REQUIREMENTS

CACFP regulations require that participating providers attend one (1) CACFP training session conducted by Niagara Community Action Program, Inc., each program year. This annual training is free of charge to all legally exempt, registered, and licensed providers enrolled in the CACFP. Other nutrition training programs do not meet this CACFP training regulation. The CACFP monitor reviews training requirements at each monitor visit.

To meet the annual CACFP training requirement, Niagara Community Action Program, Inc., will sponsor at least three (3) two-hour training sessions each year. Training schedules are distributed to all providers at each monitor visit and are posted on the Community Child Care Clearinghouse web site: www.childcareofniagara.com.

Annual CACFP training sessions include updates on and review of regulations/requirements for CACFP participation and will offer information on issues concerning the feeding of children in day care. Additional CACFP trainings will be offered, if necessary, to inform home day care providers of new CACFP regulations as they occur.

Niagara Community Action Program, Inc.'s, training policy states: "Participants arriving late for training will not be admitted." (For our purposes "late" will be defined as "10 minutes or more.") Also, providers **leaving early** (10 minutes or more) will **not be issued a training certificate**.

Any provider who fails to complete the CACFP training within their program year may be declared Seriously Deficient and **must** attend the next available CACFP training or face termination/disqualification.

Note: All new providers are trained before participating in CACFP during the pre-approval sign-up visit and at subsequent follow-up visits so the provider is knowledgeable about the rules and regulations of the CACFP.

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HOLIDAYS

Holidays affect the pattern of day care and it is expected that the records will reflect any changes in attendance of children in care.

Home visits may be made on any day the day care program is open, including holidays. You **must notify CACFP if you plan to have children present** on any of the following holidays:

New Year's Day
Presidents' Day
Easter Sunday
Memorial Day
Independence Day (July 4)
Labor Day
Thanksgiving Day
Christmas Day

Give notice to Niagara Community Action Program, Inc., no later than one (1) week **before each major holiday during which the provider plans to be open. Holiday Notification Forms are issued** to all providers before each new calendar year for this purpose.

Meals will be reimbursed on these holidays only if the provider **submits a completed Holiday Attendance Form** which includes the **following**: name of the provider, name of the holiday **with** date, name of the child, in and out times recorded by the parent, and **parent signature** for each child present. Return these completed forms **along with the monthly menu and attendance records**. No exceptions or adjustment payments will be made for these days without **prior notification** and **submission of the Holiday Enrollment Form** with your monthly paperwork.

CLAIMING PROVIDER'S OWN CHILDREN

A provider may claim meals for their own resident children if:

- **they are income-eligible** and have a current Income Eligibility Application on file;
- the child is under the age of 13 or between the ages of 13 and 18 and disabled and there is a doctor's note on file attesting that the child cannot be safely left alone; **and**
- there is a non-resident day care child **present at** and **claimed for** the meal.

Please note: Any child, relative or non-relative, that is in care for **three consecutive days** or more is considered a **household member** for the remainder of the month. The provider must have an approved **Income Eligibility Application** on file for the household in order to continue to claim meals for that child that month and a non-resident day care child must be **present at** and **claimed for** the same meals.

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INACTIVITY

CACFP Regulations require that any provider who has not submitted paperwork for a period of **six (6) consecutive months** will be closed with the CACFP. They can reapply at any time by calling Niagara Community Action Program, Inc.'s, CACFP personnel and arranging for a sign-up appointment.

RETENTION OF RECORDS

CACFP requires all family day care home (FDCH) providers to retain records to support claims for reimbursement. These records must be retained for a minimum of **three years plus the current Federal Fiscal Year** (October 1 through September 30). Failure to retain records could result in the denial and/or recovery of program payments.

Records which FDCH providers are required to keep include:

1. Child enrollment forms, updated annually
2. Daily attendance records
3. Daily meal count records (the number of meals served to enrolled children by type of meal)
4. Daily menu records.
5. Copy or photo of **name** and **ingredient list** of each different whole grain or whole grain rich food served.

Methods of record retention:

1. The format for record retention can include either of the following as long as the records can be retrieved for review upon request:
 - Hard copy of forms
 - Electronic copy of forms
2. FDCH providers must keep all records to support the current month and the previous 12 months of operation **on site**.
3. FDCH providers **may** store the remaining two years of records **offsite**, but they must be made accessible to CACFP staff within one business day.

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SERIOUS DEFICIENCIES

Serious Deficiencies are:

1. Submission of false information on CACFP applications or forms. 226.16(l)(2)(i)

Examples include (but are not limited to):

- a. Provider fails to include live-in boyfriend's income on DOH-4161.
- b. Provider submits falsified license documentation.

2. Submission of false claims for reimbursement. 226.16(l)(2)(ii)

Examples include (but are not limited to):

- a. Provider claims children who are not in care (absent or phantom children).
- b. Provider submits menus and attendance records that contradict observations from monitoring visits or information received through parent verifications.

3. Simultaneous participation under more than one sponsoring organization. 226.16(l)(2)(iii)

Examples include (but are not limited to):

- a. Provider submits claims to more than one sponsoring organization for the same month.

4. Non-compliance with CACFP meal patterns. 226.16(l)(2)(iv)

Examples include (but are not limited to):

- a. Provider consistently submits menus that do not meet required meal components or portion size.

5. Failure to keep required records. 226.16(l)(2)(v)

Examples include (but are not limited to):

- a. Provider does not have records (menus, meal counts, attendance) up to date at monitoring visits.
- b. Provider fails to maintain current enrollment information for children in care.

6. Conduct or conditions that threaten the health or safety of a child(ren) in care, or the public health or safety. 226.16(l)(2)(vi)

7. Day care provider has been convicted of any activity that indicated a lack of business integrity. 226.16(l)(2)(vii)

Examples include (but are not limited to):

- a. Notification that the provider submitted false claims to the child care subsidy authority (local DSS or other agency).
- b. Provider was convicted of any criminal activity.

8. Failure to participate in required annual training and/or mandatory training. 226.16(l)(2)(viii)

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9. Any other circumstance related to nonperformance under the agreement (DOH-3821), as specified by the sponsor or NYS CACFP (e.g. policies). 226.16(l)(2)(viii)

STEPS IN THE SERIOUS DEFICIENCY PROCESS

When a provider has been cited as having a serious deficiency, one of two things will occur:

1. The serious deficiency process will be started.
2. The provider will be suspended.

Once a Serious Deficiency has been identified, the following steps will be taken:

1. Notice is sent to the provider describing the Serious Deficiency, specifying the corrective action required, and setting the deadline for completion of the corrective action.
2. Notice is sent that the Serious Deficiency has been withdrawn after the provider has **successfully** completed the corrective action.
3. Notice of Proposed Termination/ Disqualification is sent if the corrective action is **not** successfully completed. This will include an outline of the provider's appeal process for the Proposed Termination/Disqualification.
4. Notice of Termination/Disqualification is sent if provider loses appeal or fails to appeal.
5. CACFP, New York State Department of Health is notified after each step of the Serious Deficiency Process.

The time for completing the corrective action under a Serious Deficiency will be determined by the sponsoring organization, but will be **no more than** 30 days.

There is **no appeals process** for a Serious Deficiency.

PROVIDER SUSPENSION FROM THE CACFP

Suspension occurs when there is an imminent threat to the health and safety of the children or general public. The sponsoring organization can discover the threat themselves during a monitor visit or can be notified by the licensing authority/registrar.

When a threat is discovered, the sponsoring organization will:

1. Identify the threat as a Serious Deficiency.
2. Suspend the provider's participation and payments.
3. Send a letter of proposed termination/disqualification to the provider.
4. Send a copy to CACFP, New York State Department of Health.

The provider may appeal the suspension, the proposed termination of their agreement, and the proposed disqualification.

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PROVIDER TERMINATION FROM THE CACFP “FOR CAUSE”

Termination for cause occurs when a Serious Deficiency (violation of DOH-3821 agreement) has been declared by the sponsor, the provider fails to complete the corrective action in the specified time frame, and either does not appeal or loses the appeal.

The termination becomes effective within 10 business days from the date on the letter of proposed termination/disqualification if the provider has not requested an appeal, or on the date the provider loses the appeal.

All correspondence sent to the provider during an investigation is sent by regular and certified mail, return receipt requested. The provider must be notified, in writing, informing him or her of the termination. A copy of the termination letter must be sent to CACFP, New York State Department of Health, and to the appropriate licensing authority/registrar.

If you are terminated as a provider:

1. You will be placed on the National Disqualification List, which means that the provider is disqualified from future CACFP participation for seven (7) years (or longer if any outstanding debt is not paid).
2. You will be excluded from employment in any position with any CACFP sponsor or in any child care facility participating in the CACFP.

PROVIDER TERMINATION FROM THE CACFP “FOR CONVENIENCE”

Termination for Convenience can occur by the sponsor when:

1. It is not financially viable for the sponsor.
2. Provider moves out of service area (Niagara County).
3. Provider fails to conduct themselves in a professional or courteous manner.

There is **no appeals process** for termination for convenience.

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APPEALS PROCEDURE

Appeals will be considered only after a provider receives a letter of proposed termination/disqualification.

After the provider has been declared seriously deficient, the provider is given the opportunity to submit corrective action. (Please see page 13 for what is required for a successful corrective action plan.) If the corrective action is not successfully completed or did not permanently correct the problem, the provider will receive a letter of proposed termination/disqualification. At this time, the provider may appeal the termination of their CACFP Agreement and disqualification from CACFP participation in writing.

The provider may review the information on which the agency's decision was based at Niagara Community Action Program, Inc., in the presence of a CACFP staff person. Any disagreement with this information must be included in the letter of request for an appeal. The letter of request for an appeal must also include any and all evidence and documentation that the provider feels will support their position. The evidence will be submitted directly to one of the hearing officials. The information on where to submit the appeal documentation will be stated in the letter of proposed termination/disqualification. The written request for an appeal must be received by the designated hearing official no later than fifteen (15) calendar days from the date on the letter of proposed termination/disqualification.

No telephone appeals will be allowed and the hearing officials do not allow in-person hearings.

The hearing officials on the Appeals Committee are impartial and independent from the Child and Adult Care Food Program and will consist of the agency's attorney and two current board members of Niagara Community Action Program, Inc.

The provider will be notified in writing of the receipt of the request for an appeal and the date that the hearing will be conducted. The provider will be notified in writing of the decision of the Appeals Committee within fifteen (15) calendar days of the date of the hearing officials' decision.

The decision made by the Appeals Committee is final and is the only opportunity for appeal afforded to the provider:

- If the appeal is approved after the claim has been processed, an adjustment check will be issued by the end of the following month, if necessary.
- If the appeal is denied, a letter of denial will be sent along with the reason for denying the appeal.

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WRITING A SUCCESSFUL CORRECTIVE ACTION PLAN (CAP)

After a serious deficiency is declared, providers are required to submit to the sponsoring organization a corrective action plan (CAP) that will fully and permanently correct each serious deficiency. A corrective action plan details the steps taken to ensure that the serious deficiencies are fully and permanently corrected. A successful CAP includes:

- Name of the provider and any other **responsible principal or individual (RPI)** associated with the serious deficiencies:
- Address of the day care home;
- Dates of birth for the provider and/or all RPI's associated with the serious deficiencies;
- Policies and procedures (or other official documentation) which ensures the serious deficiencies have been fully and permanently corrected.

The CAP must also include the following information:

- **What** are the serious deficiencies and the procedures that were implemented to address them?
- **Who** addressed the serious deficiency (or deficiencies)? List personnel responsible for this task.
- **When** was the procedure for addressing the serious deficiency (or deficiencies) implemented? Provide a timeline for implementing the procedure(s) (i.e., will the procedure be done daily, weekly, monthly, etc., and when will it begin?).
- **Where** is the CAP documentation retained?
- **How** will the provider ensure that the CAP corrects the deficiencies and will continue to be implemented?

Any additional supporting documentation must also be submitted along with the CAP.

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FILING A CIVIL RIGHTS COMPLAINT

The Child and Adult Care Food Program (CACFP) is funded by the United States Department of Agriculture (USDA). In programs that receive Federal financial assistance from USDA, discrimination is prohibited on the bases of race, color, national origin, age, sex, or disability.

In the event that you feel that your civil rights have been violated by the Child and Adult Care Food Program (CACFP) or the United States Department of Agriculture (USDA), you must file a discrimination complaint.

If you wish to file a civil rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form found online at http://www.ascr.usda.gov/complaint_filing_cust.html or at any USDA office, or you may call 866-632-9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed Complaint Form or letter to us by mail at:

US Department of Agriculture, Director
Office of Adjudication
1400 Independence Avenue S.W.
Washington, D.C. 20250-9410

Or you may send it by fax (202) 690-7442 or by email at program.intake@usda.gov.

Individuals who are deaf, hard of hearing, or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339 or (800) 845-6136 (Spanish).

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POLICIES AND PROCEDURES HANDBOOK FOR THE
CHILD AND ADULT CARE FOOD PROGRAM

(Effective Date: May 1, 2018)

I have received the **Policies and Procedures Handbook** for Niagara Community Action Program, Inc.'s, Child and Adult Care Food Program. The CACFP monitor has reviewed this information with me, and I have read and will comply with all rules and regulations contained within. If I have any questions, I will direct them to Niagara Community Action Program, Inc., at (716) 285-9681, ext. 110 or ext. 111, within three business days from the date I sign this form.

Provider's Name (Please Print)

Provider's Signature

Date

This institution is an equal opportunity provider.