



United States
Department of
Agriculture

Food and
Nutrition
Service

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MEMO CODE: SP 04-2011, CACFP 01-2011-Revised

SUBJECT: Eligibility of Expanded Learning Time Programs for Afterschool Snack Service in the National School Lunch Program (NSLP) and the Child and Adult Care Food Program (CACFP)

TO: Regional Directors
Special Nutrition Programs
All Regions

State Directors
Child Nutrition Programs
All States

This supersedes the October 8, 2010, version of the policy memo, "Eligibility of Expanded Learning Time Programs for Afterschool Snack Service in the NSLP and CACFP". This revision includes questions and answers that we have received on this policy. This memorandum continues to clarify eligibility requirements for afterschool programs for the afterschool snack components of the NSLP and CACFP. In particular, we have been asked whether certain expanded day learning programs are eligible for afterschool snack service.

The afterschool snack components of the NSLP and CACFP were established in 1998 in the William F. Goodling Child Nutrition Act of 1998 (P.L. 105-336, 42 U.S.C. 1766 and 1766a). The components were established to support programs operating afterschool programs with educational and enrichment activities for children in the late afternoon or evening when they might otherwise be unsupervised and engage in risky behaviors. Program regulations define afterschool care programs as those "providing organized care to enrolled school-age children after school hours for the purpose of care and supervision of children" (7 CFR 210.2 and 226.17a(b)). Recently, educational programs aimed at serving at-risk children have evolved to include schools operating expanded learning times longer than the traditional school day. "Expanded learning time" is a common term used in the education arena to describe schools or school districts that add significantly more school time for academic and enrichment opportunities to improve student achievement.

To date, our consideration of "afterschool" in implementing the afterschool snack components of the NSLP and CACFP has focused on the nature of the *program* offered by a participating school or other provider as distinct from a school program (e.g. relationship to the curriculum). However, given the evolution of educational programs, we think it is reasonable at this time to consider whether such programs may operate longer than the traditional school day as defined by applicable State or local laws and policies.

Regional Directors

State Directors

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Therefore, a school operating longer than the traditional school day may be eligible for afterschool snack reimbursement through the NSLP or CACFP, provided that it operates a school day that is at least one hour longer than the minimum number of school day hours required for the comparable grade levels by the local educational agency in which the school is located. Thus, in determining an expanded learning program's eligibility for reimbursement, a State agency should first use school day hour data from the particular school's local educational agency (LEA) as the standard to determine the minimum number of school day hours required. In LEAs in which all schools operate an expanded learning time program, or in single-school LEAs, the State's average length of the school day or the average length of the school day of surrounding LEAs may be used to determine the standard minimum number of school day hours.

Please note that the clarification set forth in this memorandum for expanded learning time schools does not change the requirements for determining eligibility for traditional afterschool care programs. State agencies must continue to make eligibility determinations for these programs based on whether such programs are afterschool care programs with an educational or enrichment purpose, in accordance with regulations and policy previously issued.

Finally, schools operating expanded learning time programs may also be eligible for afterschool supper reimbursement through the CACFP.

We are requesting that State agencies disseminate this information to their schools and afterschool program community. We understand that State agencies may need to reconsider eligibility determinations for schools that were previously denied participation, and request that this be done as expeditiously as possible. Please let us know if you have any questions.

Original Signed

Cynthia Long
Director
Child Nutrition Division

Attachment

Q&As: Eligibility of Expanded Learning Time Programs for Afterschool Snack Service in the NSLP and CACFP

1. Are districts that have moved to a four-day week eligible if their hours are over the average of a five day a week school?

The district may be eligible. As stated in the memo, “In LEAs in which all schools operate an expanded learning time program, or in single-school LEAs, the State’s average length of the school day or the average length of the school day of surrounding LEAs may be used to determine the standard minimum number of school day hours.” So, if a district’s change to a four day school week increases the school day at least one hour longer than the State’s average school day or the school day of surrounding LEAs, the district is eligible for afterschool snacks.

2. Does the State need to establish (length of school day) averages differently for four day weeks versus five day weeks?

The State does not need to establish different length of school day averages for four and five day a week schools. Nor do we require the State to establish averages for schools.

3. Should the State establish separate (length of school day) averages for elementary and secondary schools?

In order for a school to be eligible it must “operate a school day that is at least one hour longer than the minimum number of school day hours required for the comparable grade levels by the local educational agency in which the school is located”. If the State has a minimum number of hours per day set for schools, the school day should be as compared to similar grade levels. Again, the State does not have to establish these and can use the hours from neighboring LEAs.

4. A State has begun reclaiming funds from a school/district that claimed snacks during an extended day program previously understood to be ineligible, but eligible under this new memo. Will this memo allow the State to disregard the reclaim?

Yes, the State may choose to disregard this claim. The State may also choose to continue with the claim because the policy has changed and the violation occurred under the previous policy.

5. Does this policy apply to RCCIs?

Yes. RCCIs that serve an afterschool snack may serve this snack during school hours provided they meet the requirements. If snack is served at multiple times, care must be taken to assure only one snack per child is reimbursed.

6. If a school extends their school day for two weeks before exams, are they eligible for a snack?

If the school is already participating in the afterschool snack program, they may move the snack to the school day if all the requirements are met. A school may not simply start the program before exams and then stop the program when exams are complete.