

Section 9000

Terms, Definitions and

Acronyms

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Terms, Definitions and Acronyms

9100 Terms and Definitions

Accountable – The new or renewing contracting entity has in place internal controls to assure that Program funds for meals and administrative expenses are properly spent.

Administrative Costs – Costs incurred by a contracting entity related to planning, organizing, and managing a food service under the Program, and allowed by TDA.

Administrative Review Official – The independent and impartial official who conducts a fair hearing or an appeal.

Administratively Capable – The new or renewing contracting entity has documented it has the staffing and expertise to meet all of the Program's requirements.

Advance Payments – Financial assistance made available to a contracting entity for its Program costs prior to the month in which such costs will be incurred.

Affiliated Site – A site that is part of the same legal entity as the contracting entity. For-profit contracting entities may only sponsor affiliated sites.

Aggregate – The whole sum or amount (i.e., the total meal count by types for any day).

Agreement – An understanding between two or more parties that is duly executed and legally binding.

Alternate Form – A form developed by an entity other than TDA to be used in place of a TDA form.

Annually – Once during each Program Year.

Appeal – The fair hearing provided upon request to:

- a) A contracting entity that has been given notice by the TDA of any action or proposed action that will affect the contracting entity’s participation or reimbursement under the Program; and
- b) A principal or individual responsible for a contracting entity’s serious deficiency after the responsible principal or responsible individual has been given a notice of intent to disqualify them from the Program.

At-risk Afterschool Care Center – A public or private nonprofit organization that is participating or is eligible to participate in the CACFP as a contracting entity or as a sponsored site and that provides nonresidential child care to children after school through an approved afterschool care program located in an eligible area. However, an *Emergency shelter*, may participate as an at-risk afterschool care center without regard to location.

CACFP – The Child and Adult Care Food Program.

Center – A child care center, an at-risk afterschool care center or an outside-school-hours care center. Centers are also referred to as “sites”.

Child Care Center – Any public or private nonprofit center, or any for-profit center that is licensed or approved to provide nonresidential child care services to enrolled children, primarily of preschool age, including but not limited to day care centers, settlement houses, neighborhood centers, Head Start centers and organizations providing day care services for children with disabilities. Child care centers may participate in the Program as independent centers or as sponsored sites.

Child Care Site – A licensed or approved child care center, at-risk afterschool care center or outside-school-hours care center under the sponsorship of a contracting entity.

Children – Includes:

- a) Persons age 12 and under;
- b) Persons age 15 and under who are children of migrant workers;
- c) *Persons with disabilities*, as defined in this section;
- d) For emergency shelters, persons age 18 and under; and
- e) For at-risk afterschool care centers, persons age 18 and under at the start of the school year.

Contract – A binding agreement where there is an “exchange of legal consideration” (i.e., legally enforceable).

Contracting Entity – A sponsoring organization or an independent center that enters into an agreement with TDA to assume final administrative and financial responsibility for Program operations.

Days – Calendar days, unless otherwise specified.

Disabled Child/Infant – Any child or infant who has a physical or mental impairment that substantially limits one or more major life activities, has a record of such impairment, or is regarded as having such impairment.

Disqualified – The status of an organization or responsible principal or responsible individual that was declared seriously deficient and placed on the National Disqualified List.

Edit Check – A method of comparing information on a claim to other available information to determine the validity of the claim.

Egregious – A consistent flagrant or glaring violation of CACFP requirements

Eligible Area - For the purpose of determining the:

- a) Eligibility of at-risk afterschool care centers, the attendance area of an elementary, middle, or high school in which at least 50 percent of the enrolled children are certified eligible for free or reduced-price school meals; or
- b) Tiering status of day care homes, the area served by an elementary, middle or high school in which at least 50 percent of the total number of children are certified eligible to receive free or reduced-price meals, or the area based on census data in which at least 50 percent of the children residing in the area are members of households that meet the income standards for free or reduced-price meals.

Emergency Shelter – A public or private nonprofit organization or its site that provides temporary shelter and food services to homeless children.

Enrolled Child – A child whose parent or guardian has submitted a signed document that indicates that the child is enrolled for child care. Any child who could be in attendance, for the purpose of receiving child care and at least one CACFP meal, would be an enrolled child. For at-risk afterschool care centers, outside-school-hours care centers, or emergency shelters, the term “enrolled child” or “enrolled participant” does not apply.

Expendable Equipment – All equipment, other than nonexpendable equipment, with a useful life of less than one year.

Financially Viable – The new or renewing contracting entity has the financial resources to meet all of the Program’s requirements.

Firm Fixed-Price Contract – A contract in which the price paid the supplier is based on a lump sum or unit basis.

Fiscal Year – A period of 12 calendar months that constitutes as a contracting entity’s accounting year.

Food component – One of the food groups that contribute to the reimbursable meal (example: vegetable/fruit).

Food item – One of the food servings that contribute to the reimbursable meal (example: two servings of vegetables or fruits, or one of each).

Food Service Management Company – An organization, other than a public or private nonprofit school, with which a contracting entity may sign a contract for preparing, and unless otherwise provided for, delivering meals, with or without milk, for use in the CACFP.

For-profit Center/Site – A child care center or outside-school-hours care center providing nonresidential care to children that does not qualify for tax-exempt status under the Internal Revenue Code of 1986. For-profit centers serving children must meet the definition of child care center or outside-school-hours care center, and one of the following conditions during the calendar month preceding initial application or reapplication (**exception** – children who only participate in the at-risk afterschool care center component of the Program must not be considered in determining the percentages below):

- 1) Twenty-five percent of the children in care (enrolled or licensed capacity, whichever is less) are eligible for free or reduced-price meals; or
- 2) Twenty-five percent of the children in care (enrolled or licensed capacity, whichever is less) receive benefits from title XX of the Social Security Act and the center receives compensation from amounts granted to the States under title XX.

Foster Child – An individual who is placed by an authorized placement agency or by judgment, decree or other order of any court of competent jurisdiction and is distinct from a “child” of the household.

Free Meal – A meal served under the Program to a child from a family which meets the income standards for free school meals; or to a child who is automatically eligible for free meals by virtue of SNAP, FDPIR, or TANF reciprocity; or to a child who is a Head Start, Early Head Start or Even Start participant; or to a child who is receiving temporary housing and meal services from an approved emergency shelter; or a child participating in an approved at-risk afterschool care center.

Frontloading – Conducting a majority of monitoring reviews early in the Program Year.

Governing Body – The elected or appointed members of an organization who jointly oversee the activities of the organization, sometimes referred to as the Board of Directors or Executive Board. In the case of for-profit organizations not required to have a Board of Directors, the Governing Body could consist of the owner or owners of the organization.

Income to the Program – Any funds used in a contracting entity’s food service, except Program payments. Examples include, but are not limited to, funds from other government sources, children’s payments for meals and food service fees, cash donations, and grants from organizations or individuals.

Independent Center – A child care center, emergency shelter, at-risk afterschool care center, or outside-school-hours care center, which enters into an agreement with TDA to assume final administrative and financial responsibility for Program operations.

Independent Governing Board of Directors – In the case of a nonprofit organization; or in the case of a for-profit organization required to have a board of directors, a governing board which meets regularly and has the authority to hire and fire the Organization’s executive director.

Internal Controls – The policies, procedures, and organizational structure of a contracting organization designed to reasonably assure that:

- a) The Program achieves its intended result;
- b) Program resources are used in a manner that protects against fraud, abuse, and mismanagement and in accordance with law, regulations, and guidance; and
- c) Timely and reliable Program information is obtained, maintained, reported, and used for decision-making.

Key Activities – Essential CACFP activities, as defined by F&N, performed to meet the requirements of the Program.

Lactose Intolerance – A term used to describe the inability to digest or absorb lactose, a type of sugar found in milk and milk foods.

Licensed Physician – A person licensed to practice medicine. Licensed physicians include Doctors of Osteopathy.

Low-income Area – A geographical area in which at least 50 percent of the children are eligible for free or reduced-price school meals under the National School Lunch Program and the School Breakfast Program.

Major Life Activity – Includes, but not limited to, caring for one's self, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, working, and major bodily functions such as functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, and reproductive functions.

Meals – Food that is served to enrolled children at a center and which meets Program requirements. However, children participating in at-risk afterschool care centers, emergency shelters, or outside-school-hours care centers do not have to be enrolled.

Milk – Pasteurized fluid types of unflavored or flavored whole milk, lowfat milk, skim milk, or cultured buttermilk that meet state and local standards. Milk must contain vitamins A and D at levels specified by the Food and Drug Administration (FDA).

National Disqualified List – The list, maintained by USDA, of organizations, responsible principals and responsible individuals disqualified from participation in the Program.

New Center – An approved center that has not begun participation in the Program either under a sponsoring organization or as an independent center.

Nonexpendable Equipment – All equipment with a useful life of more than one year.

Nonpricing Program – An organization, child care center, or adult day care center in which there is no separate identifiable charge made for meals served to participants.

Nonprofit Food Service – All food service operations conducted by the contracting entity principally for the benefit of enrolled children, and from which all of the Program reimbursement funds are used solely for the operations or improvement of such food service.

Nonresidential Site – A site that does not keep the same children for more than 24 hours on a regular basis.

Operating costs – Expenses incurred by a contracting entity serving meals to children under the Program.

Participants – See “Children.”

Participating Center – A center that claims meals for a given month is considered to be “participating in the Program for the claim month.” This includes sponsored sites.

Personal property – Property of any kind, except real property. Property may be tangible (having physical existence such as fax machines, printers or copiers) or intangible (having no physical existence, such as patents, inventions and copyrights).

Persons with Disabilities - Persons of any age who have one or more disabilities, as determined by the State, and who are enrolled in an Organization or child care facility serving a majority of persons who are age 18 and under.

Potential Contracting Entity – A sponsoring organization or independent center applying to participate in the Program for the first time or applying to participate in the Program after a lapse in participation.

Pricing Program – An organization, child care center, or adult day care center in which a separate identifiable charge is made for meals served to participants.

Principal – Any individual who holds a management position within, or is an officer of, an Organization or a sponsored center, including all members of the Organization’s board of directors or the sponsored center’s board of directors.

Procurement – An orderly process of acquiring food, meals, equipment and other goods and services, whether by lease or purchase.

Program – The Child and Adult Care Food Program authorized by Section 17 of the National School Lunch Act, as amended.

Program Payments – Financial assistance in the form of start-up payments, expansion payments, advance payments, or reimbursement paid or payable to contracting entities for operating costs and administrative costs.

Program Year (PY) – A period of 12 calendar months beginning October 1 of any year and ending September 30 of the following year.

Publicly Funded Program – Any program or grant funded by public funds including, but not limited to, federal, state, or local government funds.

Recognized Medical Authority – Includes licensed physicians, physician assistants and nurse practitioners.

Reimbursement – Federal financial assistance paid or payable to contracting entities for Program costs within the rates assigned by the USDA.

Renewing Contracting Entity – A sponsoring organization or independent center that is participating in the Program at the time it submits a renewal application.

Responsible Principal or Responsible Individual –

- a) A principal, whether compensated or uncompensated, who TDA or USDA determines to be responsible for a contracting entity's serious deficiency;
- b) Any other individual employed by, or under contract with, a contracting entity who TDA or USDA determines to be responsible for the serious deficiency; or
- c) An uncompensated individual who TDA or USDA determines to be responsible for a contracting entity's serious deficiency.

Review Averaging – Conducting the same total number of annual monitoring reviews (three times the number of sponsored sites) by reviewing some sites twice a year and other sites three or more times per year.

Review Cycle – The period of time and the frequency with which sponsored sites must be reviewed.

Seriously Deficient – The status of a contracting entity that has been determined to be non-compliant in one or more aspects of its operation of the Program.

Site – A sponsored affiliated or unaffiliated child care center, Outside-School-Hours care center, At-risk Afterschool Care Center and emergency shelter.

Snack - A meal supplement that meets the meal pattern requirements.

Sponsoring Organization (Sponsor) – A *public or nonprofit private organization* that is entirely responsible for the administration of the food program in:

- a) One or more day care homes;
- b) A child care center, emergency shelter, at-risk afterschool care center, outside-school-hours care center, or adult day care center, which is a legally distinct entity from the sponsoring organization;
- c) Two or more child care centers, emergency shelters, at-risk afterschool care centers, outside-school-hours care centers, or adult day care centers; or
- d) Any combination of child care centers, emergency shelters, at-risk afterschool care centers, outside-school-hours care centers, adult day care centers, and day care homes.

The term “sponsoring organization” also includes an organization that is entirely responsible for administration of the Program in any combination of two or more child care centers, at-risk afterschool care centers, adult day care centers or outside-school-hours care centers, which meet the definition of *For-profit center/site* and are part of the same legal entity as the sponsoring organization.

State Agency – The Texas Department of Agriculture (TDA).

State Agency List – The list, maintained by TDA, of organizations, responsible principals, responsible individuals and day care home providers disqualified by TDA from participation in the Child Nutrition Programs.

Temporarily Defer – To postpone the serious deficiency process until or unless it is determined that the serious deficiency or serious deficiencies were not fully and permanently corrected.

Termination by Mutual Consent – The termination of a contracting entity’s Permanent Agreement by either the contracting entity or TDA due to considerations unrelated to either party’s performance of Program responsibilities under the Agreement.

Termination for Cause – The termination of a contracting entity’s Permanent Agreement by TDA due to the contracting entity’s violation of the Agreement. Termination for cause also includes the termination of a sponsored site’s agreement by the contracting entity due to the site’s violation of its agreement with the sponsor.

Unaffiliated Site – A legally distinct entity from the sponsoring organization.

Unannounced Review – An on-site review for which no prior notification is given to the contracting entity or sponsored site.

USDA – The United States Department of Agriculture.

USDA Foods – Foods donated by the United States Department of Agriculture (USDA).

9200 Acronyms

ADA	Americans with Disabilities Act
ADC	Adult Day Care
ADP	Average Daily Participation
ARO	Administrative Review Official
CACFP	Child and Adult Care Food Program
CAP	Corrective Action Plan
CCC	Child Care Center
CCFP	Child Care Food Program
CCMS	Child Care Management Services
CFR	(U.S.) Code of Federal Regulations
CN	Child Nutrition
CSFP	Commodity Supplemental Food Program
DFPS	(Texas) Department of Family and Protective Services
EHSP	Early Head Start Program
EIN	Employee Identification Number
ESP	Even Start Program
FCS	USDA Food and Consumer Service
FDA	Food and Drug Administration
FDP	Food Distribution Program
FND	Food and Nutrition Division
FNS	USDA Food and Nutrition Service
FSMC	Food Service Management Company
FY	Fiscal Year
F&N	Food and Nutrition
GAAP	Generally Accepted Accounting Principles
HSP	Head Start Program
HUB	Historically Underutilized Business
IFB	Invitation for Bid
IRS	U.S. Internal Revenue Service
ISD	Independent School District

NDL	National Disqualified List
NGO	Non-Governmental Organization
NSLP	National School Lunch Program
OMB	Office of Management and Budget
PK	Pre-kindergarten
PNO	Private Nonprofit Organization
PY	Program Year
RDA	Recommended Dietary Allowance
RFP	Request for Proposals
SAE	State Administrative Expense
SBP	School Breakfast Program
SFA	School Food Authority
SFSP	Summer Food Service Program
SMP	Special Milk Program
SNAP	Supplemental Nutrition Assistance Program
SO	Sponsoring Organization
SSI	Supplemental Security Income
SSN	Social Security Number
TAC	Texas Administrative Code
TANF	Temporary Assistance for Needy Families
TDA	Texas Department of Agriculture
TDD	Telecommunications Display Device
TEA	Texas Education Agency
TMP	Total Monthly Participation
TX-ID	Texas Identification Number
TEXCAP	Texas Commodity Assistance Program
TX-UNPS	Texas Unified Nutrition Programs System
UCN	Uniform Contract Number
USDA	United States Department of Agriculture
USPS	United States Postal Service
WIC	Special Supplemental Nutrition Program for Women, Infants and Children