

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 the TDA.

Administrative Payments – Payments that are made to contracting entities for expenses incurred in the administration of the Program.

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.

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;
- 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; and

- c) A day care home that has been given a notice by the contracting entity of any action or proposed action that will affect the day care home's participation or reimbursement under the program.

CACFP – The Child and Adult Care Food Program.

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.

Claiming Percentage – The ratio of the number of enrolled children in each eligibility category to the total of enrolled children in the Tier II home.

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

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

Day Care Home – An organized nonresidential child care program for children enrolled in a private home, licensed or registered by the Texas Department of Family and Protective Services or by an alternate licensing authority. Day care homes must operate under the sponsorship of a contracting entity.

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, or a day care home that was declared seriously deficient and placed on the National Disqualified List.

Economic Unit – A group of related or unrelated people who share housing and all other significant income and expenses.

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

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.

Enrolled Child – Means a child whose parent or guardian has submitted a signed document which indicates that the child is enrolled for child care. In addition, for the purposes of calculations made by sponsoring organizations of day care homes enrolled child means a child whose parent or guardian has submitted a signed document which indicates that the child is enrolled for child care; who is present in the day care home for the purpose of child care; and who has eaten at least one meal during the claiming period.

Expansion Funds – Financial assistance made available to a sponsoring organization for its administrative expenses associated with expanding a food service program to day care homes located in low-income or rural areas. These expansion payments may include administrative expenses associated with outreach and recruitment of unlicensed/unregistered day care homes and the allowable licensing/registering related expenses of such homes.

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

Family – A group of related or non-related individuals who are not residents of an institution or boarding house but who live as one economic unit (i.e., share expenses).

FDPIR Household – Any individual or group of individuals that is currently certified to receive assistance as a household under the Food Distribution Program on Indian Reservations.

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 to the supplier is 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 contributes to a reimbursable meal (example, vegetable/fruit).

Food Item – One of the food servings that contributes to a 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.

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.

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.

Head Start Participant – A child currently receiving assistance under a federally-funded Head Start Program who is categorically eligible for free meals in the CACFP by virtue of meeting Head Start’s low-income criteria.

Hearings Official – The independent and impartial official who conducts the hearing.

Household – See “family”.

Household Contact – A contact made by a sponsoring organization or F&N to an adult member of a household with a child in a day care home, in order to verify the attendance and enrollment of the child and the specific meal service(s) which the child routinely receives while in care.

Income Standards – The family size and income standards prescribed annually by USDA for determining eligibility for free and reduced-price meals according to the National School Lunch Act.

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 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 of which meets regularly and has the authority to hire and fire the institution’s executive director.

Infant Cereal – An iron-fortified dry cereal formulated for and generally recognized as cereal for infants, that is usually mixed with breast milk or iron-fortified infant formula prior to consumption, and that does not contain additional ingredients such as fruit or infant formula ingredients.

Infant Formula – Any iron-fortified formula intended for dietary use solely as a food for normal, healthy infants; excluding those formulas specifically formulated for infants with inborn errors of metabolism or digestive or absorptive problems. Infant formula, as served, must be in liquid state at recommended dilution.

Internal Controls – The policies, procedures, and organizational structure of a contracting entity 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 TDA, 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.

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 day care home and which meets Program requirements.

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 Day Care Home/Provider – A provider that has no previous experience in the CACFP, has had a break in service, or has transferred from one sponsor to another sponsor.

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

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

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

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

Participants – See “Children” as defined in this section.

Personal Property – Property of any kind except real property. Property may be tangible (having physical existence such as fax machines, printers, 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 institution 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.

Principal – Any individual who holds a management position within, or is an officer of, a sponsoring organization, including all members of the organization's board of directors.

Procurement – An orderly process of acquiring food, meals, equipment, 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.

Provider – A person who provides care for children in a day care home.

Provider's Own Children – All residential children in the household who are part of the economic unit of the provider's family.

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.

Resident Child – A child who is a resident of the provider’s home. A resident child may include the provider’s own child, a foster child, or an adopted child.

Responsible Principal or Responsible Individual –

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

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

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

Rural Area – Any geographical area in a county which is not a part of a Metropolitan Statistical Area or any “pocket” within a Metropolitan Statistical Area which is determined to be geographically isolated from urban areas.

Secondary Verification – A means of verifying information, either when the first or primary means of verifying the information has failed or was inconclusive, the first means of verification is not applicable, or the situation requires two or more means of verification.

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

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* in this section and are part of the same legal entity as the sponsoring organization.

Start-up Payments – Financial assistance made available to a sponsoring organization for its administrative expenses associated with developing or expanding a food service program in day care homes and initiating successful Program operations. These start-up payments may include administrative expenses associated with outreach and recruitment of unlicensed family or group day care homes and the allowable licensing-related expenses of such homes.

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.

State Children's Health Insurance Program (SCHIP) – The State medical assistance program under title XXI of the Social Security Act.

Supplemental Nutrition Assistance Program (SNAP) Household – Any individual or group of individuals that is currently certified to receive assistance as a household under SNAP.

TANF Recipient – An individual or household receiving assistance under a State-administered Temporary Assistance to Needy Families program.

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 Program agreement by either the contracting entity or TDA due to considerations unrelated to either party's performance of Program responsibilities under the agreement. “Termination by Mutual Consent” also includes the termination of a provider’s day care home Program agreement by either the provider or the contracting entity 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.

Tier I Day Care Home – Means:

- a) A day care home that is operated by a provider whose household meets the income standards for free or reduced-price meals, as determined by the Sponsoring Organization based on a completed free and reduced price application, and whose income is verified by the Sponsoring Organization of the home;
- b) A day care home that is located in an area served by a school enrolling elementary students in which at least 50 percent of the total number of children enrolled are certified eligible to receive free or reduced price meals; or
- c) A day care home that is located in a geographic area, as defined by FNS based on census data, in which at least 50 percent of the children residing in the area are members of households which meet the income standards for free or reduced price meals.

Tier II Day Care Home – A day care home that does not meet the criteria for a Tier I day care home.

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

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
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
DFPS	(Texas) Department of Family and Protective Services
EHSP	Early Head Start Program
EIN	Employee Identification Number
ESP	Even Start 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
IFB	Invitation for Bid
IRS	U.S. Internal Revenue Service
ISD	Independent School District
NDL	National Disqualified List
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
SNAP	Supplemental Nutrition Assistance Program
SO	F&N State Office
	or
	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
TX-ID	Texas Identification Number
TX-UNPS	Texas Unified Nutrition Programs System
USDA	United States Department of Agriculture
USPS	United States Postal Service
WIC	Special Supplemental Nutrition Program for Women, Infants and Children