

Regulations and Guidance

PURPOSE:

To clarify that both regulations and guidance are binding on all institutions.

SCOPE:

Institutions and facilities participating in the Child and Adult Care Food Program (CACFP).

DESCRIPTION:

Changes in the CACFP federal regulations clarify that both regulations and guidance are binding on all institutions.

Section 226.6(1)(5)(v) states, “Basis for Decision. The administrative review official must make a determination based on the information provided by the sponsoring organization and the day care home and on Federal and State laws, regulations, policies, and procedures governing the Program.”

According to Section 226.15(m), “Regulations and guidance. Each institution must comply with all regulations issued by FNS and the Department, all instructions and handbooks issued by FNS and the Department to clarify or explain existing regulations, and all regulation, instructions, and handbooks issued by the State Agency that are consistent with the provision established in Program regulations.”

SOURCE:

CACFP regulations at §226.6(1)(5)(v) and §226.15(m) and the 2<sup>nd</sup> Interim CACFP Management Improvement Rule.