

Eligibility of Individuals Over 12 Years of Age With
Mental or Physical Disabilities in Child Care Facilities
Participating in the Child and Adult Care Food Program

PURPOSE:

This Instruction provides guidelines for determining the eligibility of individuals over 12 years of age with mental or physical disabilities in child care facilities under the Child and Adult Care Food Program (CACFP). Note, individuals above age 18 years with mental or physical disabilities are also eligible for participation in adult day care centers participating in the CACFP.

SCOPE:

Institutions participating in the Child and Adult Care Food Program.

DESCRIPTION:

Program regulations provide that individuals with mental or physical disabilities can participate in the CACFP provided they are enrolled in an independent child care facility which serves a majority of individuals 18 years of age or younger. However, some questions have been raised about the eligibility of individuals above age 12 years with disabilities when they are enrolled in child care facilities with individuals with or without disabilities. To clarify the issue of individuals above age 12 years with mental or physical disabilities in child care facilities, we wish to emphasize the following points:

- (1) The determination of the age status of the majority is based on the enrollment in each individual independent child care, not on the total enrollment of all facilities under the jurisdiction of a sponsoring organization.
- (2) When determining whether or not a majority of participants are 18 years of age and under, administering agencies are to consider all individuals 18 or younger. The individuals 18 or younger, if in the majority, need not be individuals with disabilities to enable individuals above age 12 with disabilities to qualify for participation in the CACFP. Moreover, whenever the majority of individuals in a facility are 19 and older, no individuals with disabilities between the ages of 13 and 18 can participate in the CACFP. To illustrate this principle, some examples of various kinds of situations are attached in Exhibit A to this Instruction.
- (3) The regulatory definition of "children" does not restrict eligibility of institutions or facilities. An independent center or facility with a majority of enrollees who have disabilities and are over 18 years of age can participate in the CACFP, providing, of course, that it can secure State, Federal, or local child care licensing or approval, or receives Title XX funds for child care. But such independent centers and facilities are to be reimbursed only for meals served to enrollees 12 years of age and under (or 15 years of age and under in the case of migrant children).

When processing applications for participation, administering agencies should be aware of independent centers or facilities which serve individuals with disabilities and ascertain whether individuals over 18 constitute the majority of the enrollment. When older individuals with disabilities are in the majority, the administering agency should make clear to the institution that

only meals served at the independent center or facility to children 12 and under can be claimed for reimbursement (or 15 and under in the case of migrant children). Compliance with this requirement should be confirmed during administrative reviews.

SOURCE:

FNS Instruction 776-3, Rev. 2, dated November 21, 1991, United States Department of Agriculture, Food and Nutrition Service.

Examples of Handicapped/Non-Handicapped Situations

1. Day Care Homes	
5 participants 3 children 12 or under 2 handicapped adults 19 or over	All 5 persons can participate since the majority are 18 or under and the 3 who are under 18 are eligible.
2. Center	
50 participants 24 are non-handicapped between 13 and 18 26 are handicapped between the ages of 13 and 18	The 26 handicapped persons can participate because the majority at the center is under 18. The 24 non-handicapped cannot participate.
3. Center	
50 participants 35 participants are handicapped adults 19 and over 15 are handicapped between the ages of 13 and 18	No one can participate because the majority are not 18 or under.
4. Outside-School-Hours Care Center	
50 participants 25 are handicapped between the ages of 13 and 18 1 is non-handicapped between the ages of 13 and 18 24 are handicapped adults 19 and over	All except the 1 non-handicapped person are eligible because the majority are 18 or under.
5. Center	
50 participants 26 are handicapped adults 19 and over 20 are handicapped between the ages of 13 and 18 4 are non-handicapped under age 12	Only the 4 non-handicapped are eligible since the majority are 18 or under.