

R277-724 received final approval by the Utah State Board of Education on November 7, 2019. R277-724 is published in the December 15, 2019 Utah State Bulletin, subject to a 30-day comment period, with a first possible effective date of January 21, 2020.

R277. Education, Administration.

R277-724. Criteria for Sponsors Recruiting Day Care Facilities in the Child and Adult Care Food Program.

R277-724-1. Authority and Purpose.

(1) This rule is authorized by:

(a) Utah Constitution Article X, Section 3 which vests general control and supervision of public education in the Board;

(b) Subsection 53E-3-401(4), which allows the Board to adopt rules in accordance with its responsibilities; and

(c) Subsection 53E-3-501(3), which authorizes the Board to administer and distribute funds made available through programs of the federal government.

(2) The purpose of this rule is to establish eligibility criteria for new sponsoring organizations to recruit facilities for child care centers and day care homes in unserved areas.

R277-724-[1]2. Definitions.

~~[A.](1)~~ "Child and Adult Care Food Program (CACFP)" means ~~[the section of the USOE that administers]~~the program that:

(a) facilitates the initiation, maintenance, and expansion of non-profit food services ~~[programs]~~ for children in non-residential centers and homes which provide child care~~[-]; and~~ ~~[The definition also includes the administration of]~~

(b) administers food service programs for non-residential adult day care.

~~[B. "Board" means the Utah State Board of Education.]~~

~~[C.](2)(a)~~ "Child care center" means any public or private nonprofit organization, or any proprietary title XX center, licensed or approved to provide nonresidential child care services to enrolled children, primarily of preschool age.

(b) A ~~[C]~~child care center~~[s]~~ may participate in the CACFP as independent centers or under the auspices of a sponsoring organization.

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~~[D.](3)~~ "Day care home" means an organized nonresidential child care program for children enrolled in a private home, licensed or approved as a family or group day care home and under the auspices of a sponsoring organization.

~~[E.](4)~~ "Facilities" means a sponsored center or a family day care home.

~~[F.](5)~~ "Institution" means an organization with whom the ~~[USOE]Board~~ has an agreement to accept final administrative and financial responsibility for CACFP operation.

~~[G.](6)~~ "Recruited facilities" means potential daycare centers or homes that a prospective sponsoring organization is seeking[s] to enroll in CACFP participation.

~~[H.](7)~~ "Service area" means the geographic area from which a sponsoring organization draws its client facilities.

~~[I.](8)~~ "Sponsoring organization" means a public or nonprofit private organization which is entirely responsible for the administration of the food program in:

~~([1]a)~~ one or more day care homes;

~~([2]b)~~ a child care center, outside-school-hours care center, or adult day care center which is a legally distinct entity from the sponsoring organization;

~~([3]c)~~ two or more child care centers, outside-school-hours care centers, or adult day care centers are part of the organization; or

~~([4]d)~~ any combination of child care centers, adult day care centers, day care homes, and outside-school-hours care centers.

~~[J.](9)~~ "State agency" means the state educational agency or any other State agency that has been designated by the Governor or other appropriate executive or by the legislative authority of the state, and has been approved by the Department to administer the Program within the state.

~~[K. "USOE" means the Utah State Office of Education.]~~

~~**[R277-724-2. Authority and Purpose.**~~

~~—A. This rule is authorized by Utah Constitution Article X, Section 3 which vests general control and supervision of public education in the Board, by Subsection~~

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~~53E-3-501(3), which authorizes the Board to administer and distribute funds made available through programs of the federal government and by Subsection 53E-3-401(4), which allows the Board to adopt rules in accordance with its responsibilities.~~

~~_____ B. The purpose of this rule is to establish eligibility criteria for new sponsors to recruit participants for child care centers and day care homes in unserved areas.]~~

R277-724-3. Criteria for Sponsoring Organizations and Recruiting Facilities.

~~[The following criteria shall be met before a sponsor is approved:]~~

~~[A.](1) [The]To be approved as a participant in the CACFP, a sponsoring organization shall provide the following assurances to the Superintendent that the sponsoring organization's recruited facilities:~~

~~(a) are not currently participating or were recently terminated for convenience by another sponsoring organization due to being outside the sponsoring organization's service area; [and]~~

~~[B.](b) [The recruited facilities] have not been terminated for cause[;];~~

~~(c) have no unresolved serious deficiency pending with another sponsoring organization; and~~

~~(d) do not owe a refund to another sponsoring organization.[; and]~~

~~[C.](2) [The]Prior to approval, a sponsoring organization shall provide a state agency certification[ies]that other sponsoring organizations are unable to accommodate the [targeted]recruited facilities or the area(s) where the recruited facilities[if/they] are located because:~~

~~([1]a) other sponsoring organizations generate insufficient resources to properly train and monitor facilities; or~~

~~([2]b) supervising additional facilities would threaten a currently participating sponsoring organization's viability, capability or accountability.~~

R277-724-4. New and Renewing Institution Performance Standards.

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~~[A.](1) [The]~~A new or renewing institution shall ensure to the Superintendent at the time of approval or renewal that:

~~[(1) it is]~~(a) the institution is financially viable and program funds are spent and accounted for consistent with the requirements of federal law and regulations;

~~[(2) that management practices are in effect to ensure that]~~(b) the institution and participating facilities operate in accordance with federal law and regulations; and

~~[(3) it]~~(c) the institution has internal controls and other management systems in effect ~~[to ensure fiscal accountability and to ensure that]~~allowing for fiscal accountability and the CACFP to operate[s] in accordance with federal law and regulations.

~~[B. The USOE Child Nutrition Program Section]~~(2) The Superintendent shall regulate and ensure that these performance criteria are met consistent with federal law and regulations.

KEY: facilities, food programs

Date of Enactment or Last Substantive Amendment: ~~[January 15, 2004]~~2019

Notice of Continuation: March 13, 2019

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-501(3); 53E-3-401(4)