



**United States  
Department of  
Agriculture**

Food and  
Nutrition  
Service

3101 Park  
Center Drive  
Alexandria, VA  
22302-1500

July 8, 2004

**SUBJECT:** Duration of Tiering Status for Family Day Care Homes in the Child and Adult Care Food Program – Reauthorization 2004: Implementation Memo CACFP 2

**TO:** Regional Directors  
Child Nutrition Programs  
All Regions

State Agencies  
Child Nutrition Programs  
All States

Section 119 of the Child Nutrition and WIC Reauthorization Act of 2004 (Public Law 108-265) changed the duration of the tiering status determinations for family day care homes participating in the Child and Adult Care Food Program (CACFP) when based on school data from three years to five years. This change amends section 17 of the National School Lunch Act and went into effect on June 30, 2004.

Sponsoring organizations of day care homes are now required to redetermine the tiering status for day care homes based on school data every five years instead of every three years. Thus, the tiering status of newly participating homes, with signed agreements as of June 30, 2004, will be redetermined in five years (2009). The tiering status of currently participating day care homes, whose tiering status is based on a three-year redetermination cycle, may be extended by two years for a total of five years.

We would like to emphasize that this is the only change to tiering determinations made by Public Law 108-265. All other aspects of the tiering process, including the receipt and transmittal of school data, as described in the CACFP regulations at section 226.6(f)(9) remain unchanged.

Please convey this information to all day care home sponsoring organizations as soon as possible.

A handwritten signature in dark ink, appearing to read "Stanley C. Garnett".

STANLEY C. GARNETT  
Director  
Child Nutrition Division