



APRIL 3, 2002

**United States
Department of
Agriculture**

Food and
Nutrition
Service

3101 Park
Center Drive
Alexandria, VA
22302-1500

SUBJECT: 21st Century Community Learning Centers

TO: Regional Directors
Special Nutrition Programs
All Regions

On January 8, 2002, President Bush signed into law the No Child Left Behind Act of 2001, reauthorizing the Elementary and Secondary Education Act (ESEA). The No Child Left Behind Act is the most sweeping reform of the ESEA since it was enacted in 1965.

The No Child Left Behind Act contains a number of changes that affect the Department of Education's 21st Century Community Learning Centers (CCLCs). Those changes that are pertinent to the Child Nutrition Programs are outlined below:

- Transferring program administration from the Federal to the State level: The new legislation moves responsibility for managing the 21st CCLC program from the U.S. Department of Education (DoEd) to the State education agency (SEA) in each State. DoEd will allocate funds to the SEA by formula. SEAs will make grant competitions and award grants to eligible organizations.
- Expanding eligibility to additional organizations and the range of locations in which local programs may take place: The new legislation allows, in addition to local education agencies, community-based organizations, including faith-based and other public or private organizations, to receive funds directly from the State as 21st CCLCs. Furthermore, the legislation provides support for programs in elementary or secondary schools or in other locations, provided they are as available and accessible as the school. With these provisions in mind, it becomes more important for the Child Nutrition State agency to familiarize itself with the specific circumstances under which the 21st CCLC operates, and make a determination as to whether the program is eligible for snack reimbursements, and whether it should operate under the National School Lunch Program (NSLP) or the Child and Adult Care Food Program (CACFP).
- Expanding 21st CCLC eligibility to adult family members: The new legislation also allows adult family members of eligible children to participate in 21st CCLC programs, in addition to the children themselves. Thus in the service of reimbursable snacks, the centers will have to differentiate between children eligible for reimbursable meals and those adults who are participating in the 21st CCLC but who are not eligible for benefits under the NSLP or the CACFP.

Regional Directors

Page 2

- Requiring funds to supplement, not supplant: Grantees are required to use 21st CCLC funds to supplement and not supplant other Federal, State and local funds. As such, the grantees must ensure that USDA reimbursements for snacks continue to be “first in,” i.e., that the funds are used specifically for the operation of the food service, before any other assistance funds.

For further information regarding these changes, visit the DoEd Internet site, located at <http://www.ed.gov/21stcclc/state.html> (scroll down to “Draft Non-Regulatory Guidance”). Please feel free to contact Mary Jane Whitney at (703) 305-2620 if you have any questions regarding the participation of 21st CCLCs in the afterschool snack service offered under the NSLP. For questions concerning snack service under the CACFP, please contact Melissa Rothstein at the same number.

SIGNED



STANLEY C. GARNETT
Director
Child Nutrition Division