UNITED STATES DEPARTMENT OF AGRICULTURE
Food and Nutrition Service
3101 Park Center Drive
Alexandria, VA 22302



ACTION BY: Regional Directors
Special Nutrition Programs

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Section 226.19(b)(1) and (b)(3)(i)

## Outside-School-Hours Care Centers

This instruction will clarify (1) Program eligibility requirements for outside-school-hours care centers (OSHCCs) and (2) the prohibition against Program coverage of extracurricular activities in schools operating as OSHCCs.

(1) Eligibility requirements.

The concern regarding eligibility of OSHCCs focuses on what constitutes "child care" for eligible school-age children (as defined in Section 226.2). Public Law 95-627 implies a broad definition of child care by including "recreation centers" among the types of institutions eligible to participate in the Child Care Food Program (CCFP).

Four basic criteria establish the eligibility of OSHCCs. First, like other facility types, OSHCCs must operate enrollment programs, having approved eligibility applications on file for all children reported in the free and reduced price categories and eligibility applications or alternate documentation of enrollment for children reported in the paid category. Children for whom no documentation of approval or enrollment is on file cannot be served under the Program.

Second, Section 226.19(b)(1) stipulates that "The main purpose of the Program shall be the care and supervision of children." Accordingly, the administering agency may not approve an OSHCC which offers only a food service.

Third, the regulatory definition of OSHCC (Section 226.2) and Section 226.19(b)(1) mandate that the care offered by OSHCCs be "organized." The administering agency must therefore ensure that the applicant OSHCCs activities are planned and supervised and that they are regularly scheduled. The OSHCC will normally operate under the Program at the same times and on



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the same days each week. In order to determine whether these requirements are met, the administering agency may mandate submission of a schedule of activities for a one- or two-week period, together, of course, with the days and times of operation.

Fourth, participation in the sponsor's organized program for providing child care must not be restrictive or exclusive on the basis of particular skills or interests. For example, Program participation at a Boys' Club cannot be restricted to members of the club basketball or swimming team. Any eligible child belonging to the club should not be restricted from participating in the CCFP.

(2) Participation of Schools.

The same four criteria for participation apply to schools seeking to operate as OSHCCs. The prohibition against exclusivity is particularly important with respect to schools. Section 226.19(b)(3) stipulates that "Nonresidential public or private nonprofit schools which provide organized child care programs for school children may participate In the Program as outside-school-hours care centers if:...The program is organized for the purpose of providing child care services and is distinct from any extracurricular programs organized primarily for scholastic, cultural, or athletic purposes;...." Therefore, regulations prohibit schools from participating as OSHCCs in the Program solely to support organized extracurricular school activities that are restricted to children with special skills or interests, e.g., school athletic teams. Regulations do not prohibit CCFP participation by a school which provides scholastic, cultural, or athletic activities when all children attending the school can participate in these activities.

for SAMUEL D. BAUER
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