



# Policy Landscape

## Local Control

Independent school districts in Minnesota derive their authority from the Minnesota legislature, which also determines the amount of state dollars available to districts. School districts must adhere to all applicable state and federal laws, including rules made by the Minnesota Department of Education (MDE) that are authorized by the legislature.

Local school districts are authorized to levy local property taxes to raise money for certain purposes, some of which require voter approval. Of particular importance to this discussion, school districts retain local control to determine how best to address the unique needs of the populations they serve. School districts make determinations about staffing levels, curriculum, student services and other programming, to the extent authorized by state and federal laws and within the budget limits set by the legislature and local voters. For this reason, relationships between school boards, school district administrators, and the community-at-large vary from one community to the next, and the strength and vitality of these relationships will have a substantial impact on the capacity of community to cultivate and sustain effective out-of-school time (OST) programming.

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## Funding

### Federal government funding streams

The *21st Century Community Learning Centers* (21st CCLC) program is the most relied-upon federal funding stream for afterschool /OST programs,<sup>1</sup> but whether current funding levels will be maintained in future federal budgets remains unclear.<sup>2</sup> Program success is measured based on *retained youth* — the percentage of youth who participate (are retained) in the program 30 days or more, and achieving strong retention goals has been problematic. The 21st CCLC program focuses on providing opportunities for students who attend high-poverty and low-performing schools,<sup>3</sup> and specifically funds services that are provided outside the regular school day or during periods when school is not in session. Examples of funded services include educational assistance to help students meet state and local student standards in core academic subjects, enrichment activities that complement regular academic programs, and literacy and other educational services to the families of participating children.<sup>4</sup>

Additional federal funding sources, such as the Child Care and Development Fund (CCDF), which provides vouchers or subsidies for low-income parents to pay for child care, including before-school, afterschool, and summer care programs for school-age children up to age 12, help children gain access to programs.<sup>5</sup> Other federal funds are also used to help finance afterschool/OST initiatives.<sup>6</sup> The 21st CCLC is the only federally funded program dedicated to afterschool programming; moreover, it is the only federal program identified as a primary funding stream for OST initiatives in a recent Minnesota Department of Education (MDE) report evaluating *primary funding streams* (those supporting OST practice and enrichment opportunities) and *primary bridge funding streams* (those supporting opportunities outside the regular school day that combine traditional school instructional methods and potentially award credit with OST learning best practices).<sup>7</sup> FY 2012

funding allowed nearly 10,000 students to participate in 21st Century CCLC programming in Minnesota, out of more than 250,000 who would be eligible to participate if more funds were available.<sup>8</sup>

In practice, creative blending of funding streams, cobbled together from a variety of federal and in-state sources including 21st CCLC, Learning Year programs, Community Education, and others, has allowed partnerships between schools and community- and faith-based organizations to provide quality programming.<sup>9</sup> MDE staff members have played a coordinating role, exploring and promoting ways to work collaboratively across program areas and funding sources.

### State government funding streams

Although there are multiple sources of state government funding in Minnesota; only a few function as primary funding streams or primary bridge funding streams:

**The YouthBuild Program**, an initiative of the Minnesota Department of Employment and Economic Development, is designed for youth and young adults, aged 16–24, who are at risk of not completing or have not completed high school.<sup>10</sup> (*Primary funding stream.*)

**Youth Intervention Program**, coordinated by the Minnesota Department of Public Safety, serves youth who are experiencing personal, familial, school, legal or chemical problems.<sup>11</sup> (*Primary funding stream.*)

**Learning Year: Targeted Services Program**, a direct service program of MDE, guided by Minn. Stat. § 124D.68, supports students in grades 1–8 who learn in different ways or at a different pace than others. Classes that focus on math and reading curriculums, as well as strategies in study skills, organization and social skills are taught by certified teachers who serve students in small-classroom settings designed for

before-school or afterschool programs and summer programs.<sup>12</sup> (*Primary bridge funding stream.*)

**Learning Year: Acceleration**, coordinated by MDE and guided by Minn. Stat. § 124D.128, provides year-round instructional opportunities in before-school and afterschool settings, including tutoring, recreation, arts, mentoring, and teacher-directed education, to accelerate attainment of grade-level or graduation requirements.<sup>13</sup> (*Primary bridge funding stream.*)

### Private funding streams

A variety of Minnesota- and non-Minnesota-based nonprofits and corporations also offer potential or current funding. Recently, though, only the Greater Twin Cities United Way and the McKnight Foundation have provided primary funding streams for afterschool programs.<sup>14</sup> These and other private sources often follow the lead of the 21st CCLC programs and work in concert with them on numerous initiatives.

### Transportation

Minn. Stat. § 123B.92 allows school districts to designate an afterschool program that is operated by a government agency as a pupil's home for part or all of the day, if requested by the student's parent or guardian and if the afterschool program is within the attendance area of the school the student attends.<sup>15</sup> This allows the school district to transport a child to a designated afterschool program under certain circumstances.<sup>16</sup>

To improve access, the City of St. Paul recently introduced a free circulator shuttle bus system to connect youth in three neighborhoods with afterschool programs and plans to extend the service to other neighborhoods.<sup>17</sup> Notably, in preliminary evaluation interviews conducted by the University of Minnesota, all of the youth program providers in neighborhoods without the circulator identified transportation as a barrier to afterschool participation,

while not a single provider in neighborhoods with the circulator buses mentioned transportation as an obstacle. Among youth-serving organizations in neighborhoods served by the circulator, 76 % reported that youth get to their programs via the circulator buses.<sup>18</sup>

### Licensure

Under [Minn. Stat. § 245A.03](#), the operators of many types of afterschool/OST programs serving school-age children are exempted from licensure as child care providers by the Minnesota Department of Human Services (MDHS), distinguishing them from care-focused programs.<sup>19</sup> Programs exempted from the state's child care licensing requirements include certain parks and recreation programs,<sup>20</sup> school-based programs, and many community-based programs, including YMCAs/YWCAs, Jewish community centers,<sup>21</sup> scouting, boys clubs, girls clubs, sports, and art programs.<sup>22</sup>

Under [Minn. Rule 9503.0075](#), licensed school-age care programs are exempted from many of the statutory licensure requirements that apply generally, and other requirements are relaxed. For example, staffing ratios<sup>23</sup> and equipment requirements<sup>24</sup> are modified and are less restrictive than those that apply in pre-school settings. In addition, school-age programs are not required to identify age-specific goals, objectives,<sup>25</sup> and activities<sup>26</sup> to promote the physical, intellectual, social, and emotional development of children in each age category for which care is provided.

### Accreditation

The Minnesota Association for the Education of Young Children (MnAEYC) and the Minnesota School-Age Care Alliance (MnSACA) have launched the *Minnesota Afterschool Accreditation Project* (MAAP). MDHS provides funds for MAAP to offer voluntary accreditation of afterschool



programs.<sup>27</sup> MAAP represents itself as having expanded the features of the national accreditation program to offer a more detailed quality assessment.<sup>28</sup>

MnAEYC and MnSACA also offer an *Accreditation Facilitation Project (AFP)* to support child care centers, family child care homes, and school age care program sites on their pathways to program improvement and national accreditation.<sup>29</sup> Nationally, the Council on Accreditation offers similar support in the form of registration, certification, and accreditation.<sup>30</sup> Accreditation in care settings has gained acceptance, whereas its suitability for OST programs other than those that are care-based is being debated in Minnesota.

## Healthy Eating

The U.S. Department of Agriculture's Food and Nutrition Service administers four programs pertinent to afterschool/OST: the National School Lunch Program's (NSLP) *Afterschool Snack Program*<sup>31</sup> and *Seamless Summer*,<sup>32</sup> the *Summer Food Service Program*

(SFSP),<sup>33</sup> and the *Child and Adult Care Food Program (CACFP)*.<sup>34</sup> Each of these programs is authorized (or re-authorized) by the Healthy, Hunger-Free Kids Act of 2010.<sup>35</sup> At the state level, MDE is responsible for administering these child nutrition programs and uses the web-based *Cyber-Linked Interactive Child Nutrition System (CLiCS)* to do so.<sup>36</sup>

### NSLP: Afterschool Snack Program

The *Afterschool Snack Program* is available in schools that participate in the NSLP and sponsor or operate an afterschool care program other than "extracurricular programs organized primarily for scholastic, cultural or athletic purposes."<sup>37</sup> Any child participating in a qualified afterschool program at a participating school may purchase a snack through the *Afterschool Snack Program*.<sup>38</sup> If a particular site is classified as "area-eligible," all children who attend the program receive snacks at no charge.<sup>39</sup>

Federal regulations establish nutritional requirements for afterschool snacks. Currently, the snacks must contain at least two different components of the

following four items: a serving of fluid milk; a serving of meat or meat alternate; a serving of vegetable(s) or fruit(s) or full strength vegetable or fruit juice; a serving of whole grain or enriched bread or cereal.<sup>40</sup> State agencies partner with local school food authorities to procure food and to establish policies on the availability of competitive foods (those sold outside of the federally funded meal and snack programs).<sup>41</sup> Local school food authorities are responsible for promoting student, parent, and community involvement.<sup>42</sup>

### **CACFP: Snacks and Meals**

Eligible organizations are those that operate school-based, government-run park and recreation center, or non-profit “at-risk afterschool care programs,” organized primarily to care for school-age children when school is not in session<sup>43</sup> and are in areas where at least half of the children in the school attendance area are eligible for free and reduced price meals based upon school data. Eligibility requires that these programs offer educational or enrichment activities after the school day ends or on weekends and holidays only during times of the year when school is in session.<sup>44</sup> Afterschool athletic programs such as interscholastic- or community-level leagues or competitive sports are ineligible.<sup>45</sup> Programs must meet all applicable state and local licensing, health and safety codes. The law generally limits participation to children who are 18 years old and under as of the start of the school year.<sup>46</sup> There is no age limit for persons with disabilities.<sup>47</sup> Programs that offer snacks through CACFP may also offer hot or cold suppers to children who are on-site during designated hours.<sup>48</sup> Snacks and meals offered through CACFP must be nutritionally balanced and meet the U.S. Dietary Guidelines, and must be served in group settings at no cost to the students or their parents or guardians. Parents and guardians are not required to fill out any forms.<sup>49</sup>

### **Physical Activity**

The Healthy, Hunger-Free Kids Act of 2010 has fortified the requirement that each local educational agency (LEA) that participates in a program authorized by this Act or the Child Nutrition Act of 1966<sup>50</sup> must “establish a *local school wellness policy* for all schools under the jurisdiction of the local educational agency.”<sup>51</sup> The Act requires an LEA (school district) to allow teachers of physical education and school health professionals, as well as parents, students, representatives of the school food authority, the school board, school administrators, and the public, to participate in developing the district’s wellness policy.<sup>52</sup> The Act strengthens and expands the potential role of these collaborative teams beyond the mere development of local wellness policies by allowing their participation in implementation and evaluation of district-wide wellness policies, including periodic reviews and updates.<sup>53</sup> Staff representatives of school- and community-sponsored/operated afterschool programs should be active participants in school district wellness policy committees.

A promising approach for increasing community-wide involvement in the school wellness policy process is to improve coordination of wellness policy efforts through school/community partnerships. Healthy eating/active living resolutions, adopted by cities or counties, provide one such mechanism for action. Eagan, Minnesota recently adopted the state’s first Healthy Eating Active Living resolution,<sup>54</sup> and Eden Prairie and Savage have since followed suit.<sup>55</sup> Eagan’s resolution encourages “the development and implementation of policies and practices that support and promote healthy eating and active living,” and provides a mechanism for increasing physical activity by calling for the creation and distribution of maps and guides to maximize community access to “trails, paths, parks, picnic shelters, schools, community centers, environmental learning centers,” and other sites.<sup>56</sup> Eagan is served

by three school districts, Independent School Districts 191, 196, and 197. City leaders can be recruited to serve on each school district's wellness policy development and implementation committees.

Resources from the Centers for Disease Control and Prevention (CDC) promoting healthy eating and physical activity among youth recommend adoption of comprehensive school-based physical activity programs.<sup>57</sup> The CDC emphasizes that afterschool activities and intramural sports should complement — not replace — physical education; the CDC also recognizes that afterschool programs represent an important opportunity for students who do not receive school-day physical education instruction to be engaged in physical activity.<sup>58</sup> The National Center for Sport and Physical Education (NASPE) has developed a set of afterschool program physical activity guidelines that address: organization and administration; professional leadership; activities; facilities and equipment; the health and safety of participants; the use of awards; and program evaluation.<sup>59</sup> The California Department of Education has also developed a particularly well-received set of afterschool physical activity guidelines.<sup>60</sup>

## Family/Community Involvement

Students are more likely to actively engage in programs and reap the fullest benefit when parents and family members are involved. Afterschool programs can provide parents with an opportunity to socialize with other parents and families and can serve as “an important forum for identifying and integrating resources and services that strengthen families.”<sup>61</sup> Parental engagement may take the form of parents serving as program advocates, employees, volunteers, advisors, teachers, or learners. Moreover, parents can be engaged through the use of parent-focused programming, a parent handbook, or information exchange tools, such as periodic newsletters.<sup>62</sup>

Afterschool/OST programs can engage community leaders in many of the same ways that they engage students' parents and family members. Partnerships between programs and certain community members may be particularly strategic. Municipal leaders can, and often do, play a key role in supporting afterschool/OST efforts.<sup>63</sup> The City of St. Paul's pilot program, *Sprockets*, offers an excellent example of a meaningful effort currently underway in Minnesota, one that has been spurred by support from Mayor Christopher Coleman. *Sprockets* is an out-of-school-time network that involves more than 70 Saint Paul organizations, and it has been growing.<sup>64</sup> *Sprockets* uses a common website and social communication methods to notify the public about partner programs.<sup>65</sup> It is expected that “*Sprockets* will enable partners to learn from each other and demonstrate the effectiveness of their programming in coming years.”<sup>66</sup> The City of Brooklyn Park has recently adopted a similar model.

Partnerships with higher education institutions can also be valuable and are often among the most effective in terms of offering and sustaining quality afterschool/OST programming.<sup>67</sup> For example, the University of Minnesota Extension Service has been active in researching the characteristics of high-quality afterschool/OST programs.<sup>68</sup> The University of Minnesota could potentially extend its partnership with afterschool program providers, particularly beyond program evaluation, by expanding its roster of courses, training, and technical assistance opportunities relating to afterschool programs. Some topic-specific trainings and programs are currently made available by the University at low cost or no cost; some are offered regionally at various locations or are available online. The University of Minnesota also hosts free symposiums and seminars on key and emerging issues that can be accessed in-person or online, thereby enhancing OST programming and practice throughout the state. (Click here for more information on [University of Minnesota course offerings](#).)

## Disability Accessibility

Section 504 of the federal Rehabilitation Act of 1973 and the Americans with Disabilities Act (ADA) require all licensed afterschool programs to accept children with disabilities.<sup>69</sup> A program cannot reject or expel a child with disabilities on that basis. The goal of these laws is not to put a strain on programs, but rather to encourage programs to make reasonable accommodations for individuals with disabilities in order to integrate them into the program to the greatest degree possible.<sup>70</sup> What is reasonable depends upon a child's particular needs and the program's ability to make reasonable accommodations.<sup>71</sup> Efforts to increase physical activity in afterschool programs must take adaptive needs into account in program planning, implementation, and evaluation. The Individualized Education Program (IEP) process, which involves parents, the student, and school staff in the development of a team-driven, tailored approach to accommodation of needs, may provide opportunities to leverage services and dollars.

## Risk Management

When allowing community access to school property, school districts employ risk management strategies to prevent injuries and minimize liability exposure. While school districts are generally subject to liability for their wrongful acts as well the acts of their employees, Minnesota law provides some significant protections. The Public Health Law Center has developed a set of resources to support [community use of school property in Minnesota](#). The resources cover many risk management strategies and policy development tools such as waivers and releases, joint powers agreements, liability protection, funding opportunities and community use handbook development. For example, one resource outlines an amended immunity law, [Minnesota Statutes, section 466.03, subdivision 23 \(2013\)](#), which protects school districts from liability when opening up school property for community recreational use.

The Public Health Law Center has developed a set of afterschool and out-of-school time policy resources that support a comprehensive strategy to prevent childhood obesity. To learn more, please visit the [Minnesota Afterschool and Out-of-School Time Toolkit for Health Eating and Physical Activity](#).

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AT WILLIAM MITCHELL COLLEGE OF LAW

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## Endnotes

- <sup>1</sup> [Elementary and Secondary Education Act of 1965](#), 20 U.S.C.A. § 7171 (2002).
- <sup>2</sup> AFTERSCHOOL ALLIANCE, POLICY AND ACTION CENTER, *available at* <http://www.afterschoolalliance.org/policyFedNews-Archive.cfm>.
- <sup>3</sup> U.S. DEP'T OF EDUC., 21ST CENTURY COMMUNITY LEARNING CENTERS, PROGRAM DESCRIPTION, *available at* <http://www2.ed.gov/programs/21stccclc/index.html>.
- <sup>4</sup> [Elementary and Secondary Education Act of 1965](#), 20 U.S.C.A. § 7171 (2002).
- <sup>5</sup> AFTERSCHOOL ALLIANCE, AFTERSCHOOL IN MINNESOTA, *available at* [http://www.afterschoolalliance.org/states\\_docs/pdfs/2012/Minnesota\\_Fact\\_Sheet.pdf](http://www.afterschoolalliance.org/states_docs/pdfs/2012/Minnesota_Fact_Sheet.pdf).
- <sup>6</sup> 20 U.S.C.A. § 7261(b) (Carol M. White Physical Education Program (K-12)); 42 U.S.C.A. § 11841(d)(3) (Community Youth Activity Program (targeting youth at risk of dropping out, using drugs, or joining a gang, or youth already involved in those risk behaviors)); 42 U.S.C.A. § 12572(a)(2)(A) (Healthy Futures Corps); 42 U.S.C.A. § 5651(a)(12) (Juvenile Accountability Initiative Block Grants (targeting “juveniles” as that term is used in the juvenile justice system)); 42 U.S.C.A. § 13742(a)(1) (Ounce of Prevention Grant Program); 42 U.S.C.A. § 9874(b)(1) (Grants to States for Planning and Development of Dependent Care Programs and for Other Purposes).
- <sup>7</sup> MINN. DEP'T OF EDUC., MINNESOTA OUT-OF-SCHOOL TIME PRIMARY FUNDING STREAMS II (2012), *available at* <http://education.state.mn.us/MDE/StuSuc/AftSch/index.html>. For inclusion in the report, “a funding source had to have at least 75 percent of a funding category dedicated for out-of-school time learning opportunities with at least \$500,000 available per funding year or funding cycle. Funding must be available to more than one program site or organization and intended to be available for more than one year or funding cycle.” *Id.*
- <sup>8</sup> AFTERSCHOOL ALLIANCE, *supra* note 5.
- <sup>9</sup> MINN. DEP'T OF EDUC., CHARTING A COURSE: CONNECTING OUT-OF-SCHOOL TIME OPPORTUNITIES 7, 11–13 (2007), *available at* <http://education.state.mn.us/MDE/StuSuc/AftSch/index.html>.
- <sup>10</sup> MINN. DEP'T EMP'T & ECON. DEV., YOUTHBUILD PROGRAM, [http://www.positivelyminnesota.com/All\\_Programs\\_Services/Office\\_of\\_Youth\\_Development/Programs\\_for\\_At-RiskYouth/Youthbuild\\_Program.aspx](http://www.positivelyminnesota.com/All_Programs_Services/Office_of_Youth_Development/Programs_for_At-RiskYouth/Youthbuild_Program.aspx) (last visited Apr. 27, 2012).
- <sup>11</sup> MINN. DEP'T OF EDUC., *supra* note 7; MINN. DEP'T PUB. SAFETY, YOUTH INTERVENTION PROGRAMS GRANTS, <https://dps.mn.gov/divisions/ojp/grants/Pages/youth-intervention-programs-grants.aspx> (last visited Apr. 27, 2012).
- <sup>12</sup> MINN. DEP'T OF EDUC., *supra* note 7 at iii.
- <sup>13</sup> MINN. DEP'T OF EDUC., *supra* note 7 at iii.
- <sup>14</sup> MINN. DEP'T OF EDUC., *supra* note 7 at 9, 15.
- <sup>15</sup> MINN. STAT. § 123B.92, subdiv. (1)(b)(1)(v).
- <sup>16</sup> Perhaps most importantly, the student must be coming from and/or going to the afterschool program five days per week. School districts cannot provide transportation from multiple addresses or to multiple addresses.
- <sup>17</sup> NAT'L LEAGUE OF CITIES, INST. FOR YOUTH, EDUCATION, & FAMILIES, THE STATE OF CITY LEADERSHIP FOR CHILDREN AND FAMILIES 33 (2009), *available at* <http://www.nlc.org/find-city-solutions/institute-for-youth-education-and-families/afterschool>.
- <sup>18</sup> *Id.*
- <sup>19</sup> MINN. STAT. § 245A.03. *See also* MINNESOTA CHILD CARE RESOURCE & REFERRAL NETWORK, LICENSING AND BUSINESS INFORMATION, <http://www.mnchildcare.org/reqlic/forcenters.php>, (last visited Apr. 27, 2012); MINN. DEP'T OF CHILDREN, FAMILIES & LEARNING, PROGRAM GUIDE FOR SCHOOL-AGE CARE PROGRAMS IN SCHOOLS (2001), *available at* <http://mnaeyc-mnsaca.org/displaycommon.cfm?an=1&subarticlenbr=32>.
- <sup>20</sup> MINN. STAT. § 245A.03, subdiv. 2(11).
- <sup>21</sup> *Id.* at subdiv. 2(12).
- <sup>22</sup> *Id.* at subdiv. 2(15).
- <sup>23</sup> *Id.* at subpt. 1(A).

- <sup>24</sup> *Id.* at subpt. 1(D).
- <sup>25</sup> *Id.* at subpt. 1(B); MINN. R. 9503.0045, subpt. 1(F).
- <sup>26</sup> MINN. R. 9503.0075 subpt. 1(B); MINN. R. 9503.0045 subpt. 1(G).
- <sup>27</sup> MINN. ASSOC. FOR THE EDUC. OF YOUNG CHILDREN/MINN. SCHOOL-AGE CARE ALLIANCE, MINN. AFTERSCHOOL ACCREDITATION PROJECT, DEVELOPING AND MAINTAINING A SYSTEM FOR OUT-OF-SCHOOL TIME ACCREDITATION IN MINNESOTA, <http://www.mnsaca.org/displaycommon.cfm?an=1&subarticlenbr=32> (last visited Apr. 27 2012).
- <sup>28</sup> MINN. ASSOC. FOR THE EDUC. OF YOUNG CHILDREN/MINN. SCHOOL-AGE CARE ALLIANCE, MINN. AFTERSCHOOL ACCREDITATION PROJECT, DESTINATION QUALITY, (slides 7–8), *available at* <http://www.mnsaca.org/displaycommon.cfm?an=1&subarticlenbr=32>.
- <sup>29</sup> MINN. ASSOC. FOR THE EDUC. OF YOUNG CHILDREN/MINN. SCHOOL-AGE CARE ALLIANCE, ACCREDITATION FACILITATION PROJECT, <http://www.mnsaca.org/displaycommon.cfm?an=1&subarticlenbr=32> (last visited Apr. 27, 2012).
- <sup>30</sup> COUNCIL ON ACCREDITATION STANDARDS, AFTER SCHOOL PROGRAMS, <http://www.coaafterschool.org> (last visited Apr. 27, 2012).
- <sup>31</sup> 42 U.S.C.A. § 1751. *See also* U.S. DEP'T OF AGRICULTURE, AFTERSCHOOL SNACKS, <http://www.fns.usda.gov/cnd/afterschool> (last visited Apr. 27, 2012).
- <sup>32</sup> 42 U.S.C.A. § 1754. *See also* U.S. DEP'T OF AGRICULTURE, SEAMLESS SUMMER, <http://www.fns.usda.gov/cnd/SeamlessSummer.htm> (last visited Apr. 27, 2012); Minn. Dep't of Educ., Comparison of Programs, <http://education.state.mn.us/MDE/SchSup/FNS/SNP/SeamlessSummer/index.html> (last visited Apr. 27, 2012).
- <sup>33</sup> Healthy, Hunger-Free Kids Act of 2010, Pub. L. No. 111–296, tit.1, subtit. B (2010).
- <sup>34</sup> 42 U.S.C.A. § 1766a. *See also* U.S. DEP'T OF AGRICULTURE, CHILD AND ADULT CARE FOOD PROGRAM, <http://www.fns.usda.gov/cnd/Care/Afterschool.htm> (last visited Apr. 27, 2012).
- <sup>35</sup> FOOD & NUTRITION SERV., U.S. DEP'T AGRIC., HEALTHY, HUNGER-FREE KIDS ACT OF 2010, *available at* [http://www.fns.usda.gov/cnd/Governance/Legislation/CNR\\_2010.htm](http://www.fns.usda.gov/cnd/Governance/Legislation/CNR_2010.htm).
- <sup>36</sup> MINN. DEP'T OF EDUC., CLICS PROGRAM ADMINISTRATION, <http://education.state.mn.us/MDE/SchSup/DataSubLogin/CLiCS/index.html> (last visited Apr. 27, 2012).
- <sup>37</sup> 7 C.F.R. § 210.2.
- <sup>38</sup> FOOD & NUTRITION SERV., U.S. DEP'T AGRIC., NAT'L SCH. LUNCH PROGRAM, FREQUENTLY ASKED QUESTIONS, <http://www.fns.usda.gov/cnd/afterschool> (last visited Apr. 27, 2012).
- <sup>39</sup> *Id.*
- <sup>40</sup> 7 C.F.R. § 210.10.
- <sup>41</sup> 7 C.F.R. § 210.21.
- <sup>42</sup> 7 C.F.R. § 210.12.
- <sup>43</sup> 7 C.F.R. § 226.17(a).
- <sup>44</sup> FOOD & NUTRITION SERV., U.S. DEP'T OF AGRIC., CHILD & ADULT CARE FOOD PROGRAM, *available at* <http://www.fns.usda.gov/cnd/care/SupperFaqs.htm>.
- <sup>45</sup> 7 C.F.R. § 226.17a(b)(2). *See also* AFTERSCHOOL SNACKS IN THE CHILD AND ADULT CARE FOOD PROGRAM, 72 FED. REG. 41593 (2007).
- <sup>46</sup> FOOD & NUTRITION SERV., U.S. DEP'T AGRIC., THE AT-RISK AFTERSCHOOL MEALS COMPONENT OF THE CHILD AND ADULT CARE FOOD PROGRAM, QUESTIONS AND ANSWERS (2012), *available at* <http://www.fns.usda.gov/cnd/Care/Regs-Policy/policymemo/2012/CACFP08-2012.pdf>.
- <sup>47</sup> *Id.*
- <sup>48</sup> *Id.*
- <sup>49</sup> FOOD & NUTRITION SERV., *supra* note 46.
- <sup>50</sup> 42 U.S.C. § 1771 et seq.
- <sup>51</sup> 42 U.S.C. § 1758b.

- 52 *Id.*
- 53 FOOD & NUTRITION SERV., U.S. DEP'T OF AGRIC., CHILD NUTRITION REAUTHORIZATION 2010: LOCAL SCHOOL WELLNESS POLICIES MEMORANDUM (2011), available at [http://www.fns.usda.gov/cnd/Governance/Policy-Memos/2011/SP42-2011\\_os.pdf](http://www.fns.usda.gov/cnd/Governance/Policy-Memos/2011/SP42-2011_os.pdf).
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