

An Overview of the Serious
Deficiency Process in the
CACFP
*(Exclusively for Sponsors
of Day Care Homes and
Unaffiliated Centers)*



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Training Objectives

- Define “**serious deficiency**” and determine its purpose;
- Define the **sponsor’s** roles and responsibilities as they relate to the Serious Deficiency (SD) process;
- Clarify the (6) distinct **steps in the SD process**;
- Determine how to recognize **non-compliance** that results in serious deficiency;
- Determine what a **successful Corrective Action Plan (CAP)** looks like; and
- **Clarify sponsors’** roles/responsibilities with respect to Program Termination and Disqualification.

Ultimate Goal: To provide sponsors with a clearer understanding of how the Serious Deficiency process works so that each may implement it correctly and efficiently.



Program Purpose

The Child and Adult Care Food Program (CACFP) is a program under the U.S. Department of Agriculture's Food and Nutrition Service (FNS) whose mission is to alleviate hunger and to safeguard the health and nutritional well-being of the Nation through the administration of nutrition education and domestic food assistance programs.

Nutrition Services Vision Statement

*Working together with our
partners to eradicate hunger
and ensure nutritious meals
for **all** Georgians!*



Quick Note: Program Regulations for Administrative Sponsors of Unaffiliated Centers

- As of today's date, Federal regulations are silent with respect to the serious deficiency process for **unaffiliated** centers.
- Therefore, it is strongly encouraged that administrative sponsors of unaffiliated centers follow the same Federal guidance that is issued to DCH sponsors.
- **Note:** Until further notice, administrative sponsors of unaffiliated centers must adhere to CACFP **Policy 16**. Policy 16 has been revised and clarifies the SD process for DCH sponsors.



Definitions

- **Sponsoring organization** means a public or nonprofit private organization that is *entirely responsible* for the administration of the food program in:
 - **(a)** One or more **day care homes**;
 - **(b)** A child care **center**, emergency shelter, at-risk afterschool care **center**, outside-school-hours care **center**, or adult day care **center** which is a legally distinct entity from the sponsoring organization;
 - **(c)** Two or more child care **centers**, emergency shelters, at-risk afterschool care **centers**, outside-school-hours care **center**, or adult day care **centers**; or
 - **(d)** Any combination of child **care centers**, emergency shelters, at-risk afterschool care **centers**, outside-school-hours care **centers**, adult day care **centers**, and **day care homes**. The term “sponsoring organization” also includes an organization that is entirely responsible for administration of the Program in any combination of two or more child care centers, at-risk afterschool care centers, adult day care centers or outside-school-hours care centers, which meet the definition of For-profit center in this section and are part of the same legal entity as the sponsoring organization.



Definitions Continued

- **Administrative Sponsor** (Sponsor of Unaffiliated Centers) means a private nonprofit organization which is entirely responsible for the administration of the Program in any combination of two (2) or more child care **centers**, adult day care **centers** and/or outside-school-hours care **centers** which are NOT part of the same legal entity as the sponsoring organization.
 - Does not share the same Federal Employee Identification Number (FEIN) with their sponsored centers.
 - Has an agreement with DECAL.
 - Responsible for implementing and initiating the SD process.
- **Day Care Home (DCH) Sponsor** – Means a public or nonprofit private organization that is responsible for administering the food program for one or more **day care homes**.
 - Have an agreement with DECAL.
 - Responsible for implementing and initiating the SD process.
- **Facility** – Means a sponsored **center** or family day care **home**.



What is Serious Deficiency?

- **Serious Deficiency** is the status of an institution or a day care home that has been determined to be noncompliant in one or more aspects of its operation of the Program.
- It's the first step in the **termination** process.



What the Serious Deficiency Process is NOT

- It is NOT meant to scare or overwhelm.
- It is NOT a process to immediately terminate and disqualify without Due Process.



Purpose of Serious Deficiency

- The serious deficiency process is designed to assist State agencies and sponsoring organizations with the following:
 - **Identifying** frequent or severe Program noncompliance;
 - **Requesting** written corrective action;
 - **Preventing** recurring noncompliance; and
 - **Offering** Due Process for proposed termination and disqualification.



Sponsoring Organizations: Roles and Responsibilities

- As sponsoring organizations, you are required to:
 - Provide training and technical assistance;
 - Monitor performance;
 - Develop written policies and procedures for your organization's SD process; and
 - Initiate and follow the SD process according to those policies and procedures.

Note: A sponsoring organization must train its facilities on the SD process as well as its written SD policies and procedures.



Sponsoring Organizations: Roles and Responsibilities (Continued)

Sponsor Documentation

- Sponsors must maintain documentation to support SD determinations. For example:
 - **Written complaints**
 - From DECAL; parents; members of the community.
 - **Monitoring visits forms** that detail specific findings & corrective action requirements.
 - **Proof of training** on specific topics (which include ways to prevent serious deficiencies).



Sponsoring Organizations: Roles and Responsibilities (Continued)

- Therefore, as sponsors, your roles do NOT include the following:
 - Performing CACFP management responsibilities on behalf of day care homes and unaffiliated centers;
 - Adjusting paperwork to make a valid claim;
 - Negotiating on whether a violation rises to the level of serious deficiency; or
 - Negotiating on whether the submitted corrective action is acceptable are not.



The Six-Step Serious Deficiency Process

- Sponsoring organizations must follow the **(6) steps** of the serious deficiency process when frequent and/or severe noncompliance is found.



Step 1 – Identifying the Serious Deficiency

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- The following are **possible** reasons for a finding of serious deficiency:
 - Submission of false information on the application
 - Submission of false claims for reimbursement
 - Simultaneous participation under more than one sponsoring organization
 - Noncompliance with CACFP meal-pattern requirements
 - Failure to keep required records
 - Conduct or conditions that threaten health or safety of children, or the public health or safety: Suspension*
 - Convicted of activities that indicate a lack of business integrity
 - Failure to participate in training

Note: State agencies may add additional deficiencies based on statewide performance.



Step 1: Continued

- When determining if a facility is seriously deficient, consider **scope**, **severity**, and **frequency** of noncompliance.
- **Pro Tip:** Consider asking the following:
 - Does the facility have a history of noncompliance?
 - Does the noncompliance impact other Program requirements?
 - Is this a first-time isolated finding, but was intentional and egregious?
 - Is this a pattern of historical performance issues in the same or similar Program operation?



Step 2 – Notice of Serious Deficiency

Step 2: Notice of Serious Deficiency

- Once the sponsor has identified all finding(s) and determined that the finding(s) are frequent and/or severe, the sponsor would then issue a **Notice of Serious Deficiency**.
- **Remember**, a determination of serious deficiency status is not appealable.



Step 2: Continued

A Notice of Serious Deficiency is a:

- **Letter** sent by:
Certified mail, return receipt or private delivery service
- Describes an action taken or proposed by the sponsoring organization with regards to Program participation
- Issued to DECAL at the same time it is issued to the facility
- Lists all person(s) responsible (RP/Is)
- Lists the finding(s) together with the cited CACFP regulations/policy guidance
- Lists the Corrective Action requests and deadlines for completion
- Provides instructions for submitting a Corrective Action Plan (CAP)



Step 2: Continued

Who is responsible?

- Key staff determined to be responsible for findings or for oversight of Program administration
- Facility owner licensed to provide care

Note: Owner and/or person(s) responsible must be listed in the Notice of Serious Deficiency.



Step 2: Continued

- Below is an example of a list of findings and the applicable CACFP regulations/guidance:

Site Level Finding(s):

- Submission of false information on the application, 7 CFR § 226.16(1)(2)(i);
- Failure to keep required records, 7 CFR § 226.16(1)(2)(v);
- Failure to participate in training, 7 CFR § 226.16(1)(2)(viii); and
- Non-compliance with Program meal pattern, 7 CFR § 226.16(1)(2)(iv).



Step 2: Continued

Corrective Action Request(s)

GOAL – to provide the sponsored facility an opportunity to *fully and permanently* correct the serious deficiencies.

- The request(s) must:
 - Be **clearly written**, easy to understand, and relate to actual findings or Program operation
 - Be **related** to CACFP regulations and/or State policy
 - Provide an **opportunity** for the facility to resolve the findings that led to the serious deficiency
 - Give a **realistic deadline** that allows the facility time to correct
 - (When necessary), conduct a follow-up visit within (60) to (180) days.



Step 2: Continued

Corrective Action Plan (CAP) Elements

- The corrective action requirement should also include a request for a description of the corrective action responses that include **who, what, when, where, and how**.
 - **WHO** – List person(s) responsible for the finding and responsible for implementing the corrective action to prevent the finding in the future.
 - **WHAT** – Describes the finding and all new or revised processes and procedures implemented to prevent the finding in the future.
 - **HOW** – Describes how the new or revised process or procedure will be monitored or evaluated to prevent the same findings in the future.
 - **WHEN** – Provides the actual date the new or revised processes and/or procedures will be implemented.
 - **WHERE** – Describes the location of records or new information that supports implementation of the new or revised process and/or procedure.

Note: When reviewing CAPs, ALL elements must be included and provided for each corrective action request to be considered **sufficient**.



Step 2: Continued

Corrective Action Request(s) Deadlines

- Sponsoring organizations must include a deadline date for the submission of correction action responses.
- The deadline date should be based on the type of finding that led to the deficiency and the amount of time it should take to fully and permanently correct the finding.

Note: The deadline dates for all responses and implementation must not exceed (30) calendar days.



Step 2: Continued

Notice of Serious Deficiency Prototypes and Guidance

- Sponsors may use prototypes of notices within USDA's *Serious Deficiency, Suspension, & Appeals for State Agencies & Sponsoring Organizations Handbook*, February 2015.
- To access the handbook, click on the following link:
http://dec.al.ga.gov/documents/attachments/SD_SuspensionandAppealsHandbook.pdf
- The next slide will provide one such prototype.



Step 2: Continued

Prototype 15: Notice of Serious Deficiency Notice for Providers

Prototype 15: Notice of Serious Deficiency Notice for Providers

[Note: Send this letter by certified mail/return receipt, an equivalent private delivery service (such as FedEx), fax, or e-mail as required by 7 CFR 226.2, definition of "notice" in the regulations.]

Date

Provider Name
Provider Street Address
Provider City, State 00000

Dear [Provider]:

This letter concerns the *[brief description of the basis for the serious deficiency determination – review, audit, etc. and date]* of your operation of the Child and Adult Care Food Program (CACFP).

SERIOUS DEFICIENCY DETERMINATION

Based on the *[review/audit/etc.]*, the *[sponsoring organization]* has determined that you are seriously deficient in your operation of the CACFP. If you do not fully and permanently correct all of the serious deficiencies and submit documentation of the corrective action by *[date]*, we will propose to:

- Terminate your agreement to participate in the CACFP for cause, and
- Disqualify you from future CACFP participation.

If you voluntarily terminate your agreement after receiving this letter, we will propose to disqualify you from future CACFP participation. If disqualified, the *[provider]* will be placed on the National Disqualified List (NDL). While on the NDL, you will not be able to participate in the CACFP as a day care home provider. In addition, you will not be able to serve as a principal in any CACFP institution or facility.

You will remain on the NDL until USDA's Food and Nutrition Service, in consultation with the *[State agency]*, determines that the serious deficiencies have been corrected, or until seven years after your disqualification. However, if any debt relating to the serious deficiencies has not been repaid, you will remain on the list until the debt has been repaid.

These actions are being taken pursuant to 7 CFR 226.16(l).

SERIOUS DEFICIENCIES AND REQUIRED CORRECTIVE ACTION

The following paragraphs detail each serious deficiency and the corrective action required. *[Insert discussion of serious deficiencies and required corrective action. Each serious deficiency discussed must include a citation for the relevant serious deficiency in the regulations at 7 CFR 226.16(l)(2). If the serious deficiency is not specifically listed, cite: 7 CFR 226.16(l)(2)(ix), any other circumstance related to non-performance under the sponsoring organization-day care home agreement.]*

SUMMARY

We have determined that you are seriously deficient in your operation of the CACFP. Documentation showing the corrective action for each of the serious deficiencies cited in this letter is required. The documentation must be received (not just postmarked) by *[corrective action deadline]*. *Different deadlines for different serious deficiencies may be established.*

If we do not receive the documentation of your corrective action by *[date]*, or if we determine that the actions taken do not fully and permanently correct all of the serious deficiencies, we will propose to terminate your CACFP agreement for cause and disqualify you.

You may not appeal the serious deficiency determination. However, if we propose to terminate your agreement for cause and disqualify you, you will be able to appeal those actions and you will be advised the appeal procedures at that time.

You may continue to participate in the CACFP during the corrective action period. We will pay any valid claims for reimbursement submitted by you for this period. You must submit the claims by the normal deadline.

If we receive the documentation of your corrective action by the due date and determine that it fully and permanently corrects all of the serious deficiencies, we will temporarily defer the serious deficiency determination. We may conduct an unannounced follow-up review to verify the adequacy of the corrective action. If we find in the follow-up review, or any subsequent review, that the serious deficiency(ies) has/have not been fully and permanently corrected, we will immediately propose to terminate your agreement for cause and disqualify you without any further opportunity for corrective action.

Sincerely,

Sponsoring Organization Employee Name and Title
cc: State Agency

Step 2: Continued

Notice of Serious Deficiency Checklist (*For Sponsors*)

- Appropriately dated.
- Issued to the appropriate RP/Is.
- Appropriately sent (certified mail, return receipt; by fax; and/or by e-mail).
- Provides a detailed explanation of each serious deficiency finding.
- Provides the applicable regulatory citations to support the serious deficiency finding(s).
- Provides the dates of the monitoring visits in which the finding(s) were discovered.
- (*If applicable*), indicates the amount of funds due and where such payment must be submitted.



Step 2: Continued

- ❑ Provides a clear and detailed description of the corrective action requests and states that **each** response must contain all of the required elements (**What, Who, How, When, and Where**).
- ❑ A deadline is provided for all corrective action responses.
- ❑ States that the serious deficiency determination is not appealable.
- ❑ Clearly indicates to the facility that “failing to fully and permanently correct the serious deficiencies within the allotted timeframe will result in a Notice of Proposed Termination/Disqualification” to both the facility and its RP/Is.
- ❑ Indicates that the facility’s voluntary termination of its agreement with the sponsor after having been notified of the SD will result in the facility’s formal termination and placement on the NDL (if DCH) or Georgia Disqualified List (if unaffiliated center).



Step 2: Continued

- ❑ Indicates that while on the NDL or Georgia Disqualified List, the facility and RP/Is will be ineligible to participate in the CACFP or SFSP as principal in any institution, facility, or as a FDCH provider.
- ❑ Indicates that the facility and RP/Is will remain on said lists until USDA in consultation with DECAL determines that the serious deficiencies have been corrected, or until 7 years after the facility and RP/Is have been disqualified, unless a debt remains.
- ❑ Provides a section indicating who the RP/Is are and why they are being designated as RP/Is.
- ❑ Indicates that if the sponsor proposes to terminate/disqualify the facility and its RP/Is, that action is appealable and appeal rights will be provided.
- ❑ A copy of the Notice was sent to DECAL's **Policy and Adverse Action Specialist**.



Step 3 – Corrective Action Response Evaluation

Step 3: Corrective Action Response Evaluation

- As part of the serious deficiency process, sponsoring organizations must evaluate the corrective action plan (CAP) responses submitted by the sponsored facility and decide if it is **sufficient** to fully and permanently correct the serious deficiencies cited to in the Notice of Serious Deficiency.
- **Questions to Consider:**
 - Was it received by the deadline?
 - Are the responses understandable?
 - Are they related to the serious deficiency?
 - Are all of the required elements (**who, what, when, where, and how**) addressed for each finding?



Step 3 Continued

WHO

- States the **principal/individual(s)** responsible for the finding and for implementing the corrective action to prevent the finding from reoccurring in the future.
 - First and last name must be provided
 - Person's position/working title must be provided



Finding: Facility does not meet Civil Rights Requirements, 7 CFR § 226.16(l)(2)

WHO

[Ginger Smith, Center Director](#) and [Christina Robinson, CACFP Program Contact](#) will be responsible for conducting annual Civil Rights Training to all frontline staff. Christina Robinson will develop the training agenda (to include training dates) and ensure staff members sign the attendance sheet.



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Step 3 Continued

WHAT

- Describes the finding.
- Describes all new or revised processes and/or procedures implemented to prevent the finding from reoccurring.
 - Must be detailed and descriptive.
- May state applicable policies and/or policy memos reviewed and referenced to influence the new processes and/or procedures.



Finding: Facility does not meet Civil Rights Requirements, 7 CFR § 226.16(l)(2)

WHAT

Facility does not meet Civil Rights Requirements. Food & Fun Learning Center, Inc. will review the FNS Instruction 113-1, DECAL Policy Memorandum, Requirements for Institutions Providing Civil Rights Training to Frontline Staff, November 12, 2015 and CACFP Policy 20—Training Requirements.

Food & Fun Learning Center, Inc. will implement annual Civil Rights training with frontline staff using DECAL's Civil Rights Training PowerPoint presentation. Food & Fun Learning Center, Inc. will create and maintain an updated agenda to include Civil Rights training as an action item and collect and maintain all frontline staff signatures that attended the Civil Rights Training session.



Step 3 Continued

HOW

- States **how** the new processes and/or procedures will be consistently followed.
- Discusses edit checks and **how** they will be implemented to ensure compliance.
- States **how** staff will be informed/trained on the new processes or procedures.



Finding: Facility does not meet Civil Rights Requirements, 7 CFR § 226.16(l)(2)

HOW

Ginger Smith, Center Director, will **annually train** all CACFP staff on the new processes and procedures for conducting Civil Rights Training. Every year in August prior to conducting Civil Rights Training, *Christina Robinson--Program Contact (PC)* will **review the DECAL policy memorandum, Requirements for Institutions Providing Civil Rights Training to Frontline Staff**, November 12, 2015 to ensure *Food & Fun Learning Center, Inc.* meets Civil Rights requirements. The PC will **access DECAL's website** monthly to check for new/updated CACFP policies and policy memos. The PC will **cross-reference the annual training materials & agenda with CACFP Policy 20—Training Requirements** to ensure all required training topics are captured, including Civil Rights requirements. Upon completion of the annual Civil Rights Training, Ms. Smith will **perform edit checks** of the annual training agenda and attendance sheet to ensure all frontline staff receive Civil Rights training.



Step 3 Continued

WHEN

- This portion of the response should state the **exact date** (MM/DD/YYYY) the new processes and/or procedures will be implemented.
- It should also state **how often** (*i.e.*, **daily, weekly, monthly**) the new processes and/or procedures will be implemented and/or verified for compliance.



Finding: Facility does not meet Civil Rights Requirements, 7 CFR § 226.16(l)(2)

WHEN

Ginger Smith, Center Director and Christina Robinson, CACFP Program Contact (PC) will implement **annual** Civil Rights Training on **08.15.18** and **every year in August thereafter**. The PC will develop the training agenda and collect the attendance sheet **once per year** and maintain both documents with CACFP records.



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Step 3 Continued

WHERE

- Provides the exact address of **where** the Corrective Action Plan (CAP) document and supporting documentation will be retained (for 3 years plus the current year).



Finding: Facility does not meet Civil Rights Requirements, 7 CFR § 226.16(l)(2)

WHERE

Christina Robinson, CACFP Program Contact (PC) will maintain annual Civil Rights Training material, agendas, and attendance sheets at Food & Fun Learning Center, Inc. located at [555 Elm St. Atlanta, GA 30334](#)



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Step 3 Continued

- If the corrective action responses are *sufficient* → Issue a **Notice of Temporary Deferment**
- If the corrective action responses are *insufficient* → Either request additional follow-up corrective action thereby extending the deadline, or issue a **Notice of Proposed Termination and Proposed Disqualification**



Step 4 – Notice of Temporary Deferment/ Notice of Proposed Termination

Step 4: Notice of Temporary Deferment

- **Notice of Temporary Deferment** – An official notice which acknowledges the previously issued Notice of Serious Deficiency and formally notifies the facility that the corrective action responses were determined to be **sufficient**. (It temporarily defers the “serious deficiency” status.)
- Thus, if issued, it signals to the facility that it has:
 - Provided a **sufficient** CAP;
 - **Fully and permanently** corrected the serious deficiencies;
 - New and/or revised processes and procedures have been/will be **implemented** and enforced; and
 - Provided **supporting documentation** sufficient enough to demonstrate that the processes and/or procedures have been/will be implemented (when applicable).

Note: A copy of the Notice of Temporary Deferment must be submitted to DECAL’s Policy and Adverse Action Specialist at the same time it is issued to the sponsored facility.



Step 4: Notice of Proposed Termination and Proposed Disqualification

- If the corrective action responses are deemed ***insufficient***, this would mean that they **do not** fully and permanently correct the serious deficiencies cited.
- CAP responses are **insufficient** when they:
 - Are not submitted by the deadline date, and no request for an extension was made and/or approved;
 - Do not address the actual finding or serious deficiency description; or
 - Do not provide all of the required corrective action elements (who, what, when, where, how).
- This Notice **IS** appealable



Step 5 – Administrative Review (Appeal)

Step 5: Administrative Review (Appeal)

- Facilities have the **right to appeal** the sponsor's proposed termination and proposed disqualification.
- Sponsoring organizations are **required** to develop appeal procedures and identify an Appeal Officer.
- Appeal procedures **must** be included in the Notice of Proposed Termination and Proposed Disqualification.
- **Appeals Request**
 - Appeal requests must be submitted **by the appeal deadline date** specified in the Notice of Proposed Termination.
 - The deadline to appeal cannot be less than **(15) calendar days** from the receipt of the Notice of Proposed Term.



Step 5: Continued

- The **Appeals Officer** must:
 - Be independent and impartial
 - Not involved in day-to-day operations
 - Be knowledgeable of CACFP requirements
 - Provide an impartial and unbiased review
 - Respond to the appeal request by the deadline date



Step 5: Continued

What is and is not appealable?

- **Not appealable**
 - Notice of Serious Deficiency
 - Debt associated with the findings or serious deficiencies
 - Review and evaluation of corrective action responses
 - *Suspension
- **Appealable**
 - Notice of Proposed Termination and Disqualification



Step 6 – Notice of Final Termination/Notice of Temporary Deferment

Step 6: Notice of Final Termination or Temporary Deferment

Presuming there was an appeal –

- Proposed Termination and Proposed Disqualification upheld → Issue a **Notice of Final Termination and Disqualification**
- Proposed Termination and Proposed Disqualification overturned → Issue a **Notice of Temporary Deferment**
- Send a copy of either the Notice of Final Termination or Notice of Temporary Deferment to DECAL's Policy and Adverse Action Specialist at the same time it's issued to the facility.



Step 6 Continued

Action **UPHELD**

- The Appeals Officer determined that the sponsoring organization followed all federal regulations, State policy, and its internal policies and procedures *as outlined in the sponsoring organization/facility agreement* when initiating the SD process.
- Decision must be issued in **writing**, and to ensure delivery, mailed via certified mail/return receipt.
- Decision is the **final**.



Step 6 Continued

Action **OVERTURNED**

- Appeals Officer has determined that the sponsoring organization did not follow all federal regulations, State policy, and its internal policies and procedures *as outlined in the sponsoring organization/facility agreement* when initiating the SD process.
- Decision must be issued in **writing**.
- Decision is **final**.



Step 6 Continued

Notice of Final Termination and Disqualification (For Sponsors of DCHs only)

- Terminated and disqualified **day care homes** and RP/Is must be placed on USDA's **National Disqualified List** (NDL).
- Submit a **timely written request** to DECAL's **Policy Administrator** to have the DCH and it's RP/Is placed on the NDL.

The request must include:

- Name of the facility;
- Name of the facility's RP/Is;
- RP/Is date of birth;
- Final date of termination; and
- Amount of debt owed (if any).

Note: Terminated sites CANNOT continue to claim meals.

Pro Tip – State this in your agreement with your sponsored facility.



Step 6 Continued

Notice of Final Termination and Disqualification (*For Sponsors of Unaffiliated Sites only*)

- As of today's date, placement on USDA's NDL is **not** required for terminated unaffiliated sites. However, these sites will be placed on the **Georgia Disqualified List**.
- Submit a **timely written request** to DECAL's [Policy Administrator](#) to have the unaffiliated site and its RP/Is placed on the Georgia Disqualified List.
- Remember to send a copy of the Notice to DECAL's Policy and Adverse Action Specialist at the same time it's issued to the unaffiliated site.



Step 6 Continued

Final Remarks on Notices of Termination

- Notices that fail to include the required information will be returned to the sponsor for correction and resubmission.
- Sponsors that fail to issue written notices in conformance with federal regulations and/or state policy and guidance will be cited.
- Sponsors that repeatedly fail to follow the SD process may be declared seriously deficient.



Distinguishing between Termination for Convenience vs. Cause

Convenience

Termination for **Convenience** is when the sponsoring organization or the facility wants to terminate the agreement due to reasons not associated with the facility's performance on the program.

Cause

Termination for **Cause** occurs when the facility is not operating the Program in compliance with Program regulations and the noncompliance rises to the level of serious deficiency. Once the sponsoring organization has started the SD process, it must continue and complete each applicable step.



Additional Questions to Consider



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Is Your Sponsored Facility/Provider Present on the NDL?

- Whether for a facility or DCH provider under your sponsorship, you (the sponsor) must ensure that any facility you enter into an agreement with is not currently present on the NDL and labeled as “disqualified.”
- Below are instructions on how to gain access to the NDL. Although State agencies and Federal employees are required to have level 2 eAuth, sponsors are not. Instead, **level 1 eAuth access** is all that is required.
 - Step 1:** Go to: <https://www.eauth.usda.gov/mainPages/index.aspx>; click on “create an account” on the left and follow the prompts for creating an eAuth level 1 account. (You should be able to do this by answering a few simple questions.)
 - Step 2:** Once the account is created, go to: <https://snp.fns.usda.gov/ndlweb/Welcome.action>
 - Step 3:** Once you are in the NDL, you can search for the institutions or individuals by clicking the search buttons on the left side of the screen.
- **Pro Tip:** Sponsors are strongly encouraged to check the NDL on **a biquarterly basis** to determine if any of their sponsored facilities are present on the NDL.



Has Your Facility and/or DCH Provider's License Been Revoked by DECAL?

- In addition to verifying presence on the NDL, sponsors must **frequently** check to determine if any of their facilities and/or providers have had their license revoked.
- Facilities and DCH providers whose license has been revoked are **no longer eligible to participate in the CACFP or SFSP**.
- **Pro Tip:** Sponsors are encouraged to check DECAL's website and POLAR on a **biquarterly basis** to determine license revocation.
- **Note:** For CACFP/SFSP purposes, "revoked" means: (1) a revocation notice has been issued; (2) the facility/provider's **appeal opportunity has been completely exhausted**; AND (3) the revocation process was completed.



What if the facility is terminated and owes Program funds?

- The sponsor must make an attempt to collect the funds by sending a written demand to the facility for the return of improper payments via certified mail return receipt requested.
- If, after **30 calendar days**, the facility fails to remit full payment or agree to a satisfactory repayment schedule, a second written demand for the return of improper payments must be sent by certified mail return receipt requested.
- If, after **60 calendar days** the facility fails to remit full payment or agree to a satisfactory repayment schedule, the funds are deemed "uncollectable."
- **NOTE:** DECAL must receive copies of all documentation to support the sponsor's collection efforts. **If funds are paid back to the sponsor, the sponsor must immediately forward the funds to DECAL.**



Resources



Policies and Memoranda

Policies

- CACFP Policy No. 16- *Procedures for Sponsoring Organizations Terminating a Day Care Home Provider's Child and Adult Care Food Program Agreement*
- CACFP Policy No. 31- *Procedures for Administrative Sponsors Terminating a Sponsored Center's Child and Adult Care Food Program Agreement*
- Available at <http://dec.al.ga.gov/CACFP/Policies.aspx>

Policy Memoranda

- *Guidance to Developing and Applying Administrative Review (Appeal) Procedures*, dated October 1, 2017 for Sponsors of Unaffiliated Centers/Administrative Sponsors
- *Guidance to Developing and Applying Administrative Review (Appeal) Procedures*, dated December 19, 2014 for Day Care Home Sponsors
- *Role and Requirements of Administrative Review (Appeal) Officials*, dated December 19, 2019
- Available at <http://dec.al.ga.gov/CACFP/Memos.aspx>



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Technical Assistance

Technical assistance is available at NutritionTA@dec.al.ga.gov

Technical Assistance Coordinators

Nkem Ijeh	(404) 973-4099 –Region 1
Deidrea Thompson	(866) 370-3203 - Region 2
Tanya Coleman	(470) 373-7826 -Region 3
Victoria Thomas	(470) 532-0873- Region 4
LaKisha Robinson	(478) 314-2806- Region 5

Nutrition Trainer

Sylvia Boykin	(404) 463-2317
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Nutrition Training and TA Manager

Grushan Blake	(404) 651-7426
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Contact Information

Kate Alexander, Policy Administrator

Phone: (678) 551-9707

Email: Kate.Alexander@dec.al.ga.gov

A word cloud featuring the phrase "thank you" in numerous languages. The words are arranged in a roughly circular pattern, with "thank" and "you" being the largest and most central. Other languages include Danish, Polish, French, Italian, Spanish, Arabic, Swedish, and Indonesian. The colors of the text vary, including shades of blue, red, yellow, and green.

thank you

tuusind tak

謝謝 dakujem vám

merci

dziękuję

baie dankie

धन्यवाद molte grazie

gracias

obrigada

obrigado

takk

gràcies

tānan

شكرا

tack så mycket

suksema

danke

meiyabongsa

dank u

taşakkür edire

mahalo

teşekkür ederim