



Georgia Department of Early Care and Learning

BRIGHT FROM THE START: Georgia Department of Early Care and Learning

Nutrition Services

POLICY	No.: CACFP/02-24	Effective Date: 4/15/2002
		Revised: 2/10/2006
		Revision Effective: 2/10/2006

SUBJECT: Institutions and Individuals Who Are Terminated from Participation in the Child and Adult Care Food Program

LEGAL AUTHORITY: 7 C.F.R. § 226.6(c) and (m); Sections 243(a) and 243(c) of Public Law 106-224; USDA Policy Memorandum 226.22-06; USDA Policy Memorandum 226.22-07; O.C.G.A § 20-1A-5

Cross Reference/See Also: CACFP/00-09, CACFP/01-16, CACFP/02-22

I. PURPOSE

The purpose of this policy is to discuss institutions and individuals who have been terminated from participation in the Child and Adult Care Food Program (CACFP).

II. APPLIES TO

This policy applies to all institutions participating in the CACFP.

III. DEFINITION(S)

"Administrative sponsor" means a non-profit organization which is entirely responsible for administration of the Program in any combination of two or more child care centers, adult day care centers, and outside-school-hours care centers which are not part of the same legal entity as the sponsoring organization.

"Day Care Home" means an organized nonresidential child care program for children enrolled in a private home, licensed or approved as a family or group day care home and under the auspices of a sponsoring organization. (7 C.F.R. § 226.2)

"Facility" means a sponsored center or a family day care home.

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"Institution" means a sponsoring organization, child care center, outside-school-hours care center, emergency shelter, or adult day care center participating in the CACFP. (7 C.F.R. § 226.2). It also includes homeless shelters and "at-risk" after school care programs.

"National disqualified list" means the list, maintained by the United States Department of Agriculture, of institutions, responsible principals, and responsible individuals, and day care homes disqualified from participation in the Program.

"Sponsor" or "Sponsoring organization" means a public or private nonprofit organization that is responsible for administering the food program for one or more day care home(s) or more than one day care center.(7 C.F.R. § 226.2).

IV. POLICY

Bright from the Start: Georgia Department of Early Care and Learning (Bright from the Start) requires that all institutions and individuals participating in the CACFP operate in compliance with federal regulations and Bright from the Start policies. Bright from the Start has the authority and responsibility to ensure that institutions and individuals who are seriously deficient do not continue to participate in the CACFP. Federal regulations require Bright from the Start to terminate the program agreement with any institution or individual which is determined to be seriously deficient after that institution or individual has been given a reasonable opportunity to correct any problems or deficiencies found through audits or reviews conducted by the United States Department of Agriculture (USDA) or Bright from the Start and its agents (See CACFP/00-9 Corrective Action for and Termination from the Child and Adult Care Food Program). Termination means that the institution or individual is no longer able to participate in the CACFP and/or the Summer Food Service Program (SFSP). Furthermore, the Agricultural Risk Protection Act of 2000 states that institutions that are determined ineligible to participate in any other publicly-funded program for violating that program's requirements are ineligible to participate in the CACFP.

In order to protect public interest and the integrity of CACFP funds, institutions participating in the CACFP are prohibited from contracting with an institution or individual that has been found to be seriously deficient and has been terminated from participation in the CACFP, SFSP, or any other publicly-funded program.

Federal regulations also prohibit OSR from contracting with a company or individual that has been terminated for cause, debarred, or suspended from a Federal procurement and/or nonprocurement program.

V. PROCEDURE(S)

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Institutions who want to contract with an outside institution or individual for goods or services should contact Bright from the Start to ensure that the institution or individual has not been found to be seriously deficient and terminated from participation in the CACFP or SFSP. In accordance with USDA and Bright from the Start policies, institutions may not contract out their management responsibilities with any institution or individual at any time (See CACFP/02-22 CACFP Sponsor Management Responsibilities). Day care home sponsors and administrative sponsors should also contact Bright from the Start to ensure that the day care home providers and day care centers currently under their sponsorship and any new day care home providers or day care centers they plan to sponsor in the future have not been found to be seriously deficient and previously terminated from participation in the CACFP.

Bright from the Start will notify USDA if an institution or individual is found to be seriously deficient and is terminated from participation in the CACFP. The Food and Nutrition Service (FNS) will maintain a list (National Disqualified List) of all those institutions and individuals and will notify all other state agencies of these institutions' and individuals' ineligibility to participate in the program. FNS may determine independently that an institution or individual has been seriously deficient in its operation of the program and include that institution or individual on the list as ineligible to participate in the CACFP if the appropriate corrective action is not taken. Bright from the Start will maintain a list, based upon information received from USDA, of those institutions or individuals that have been determined to be seriously deficient. Day care home sponsors are responsible for notifying Bright from the Start if they terminate an agreement with a day care home provider "for cause" (See CACFP/01-16 Procedures for Sponsoring Organizations terminating a Day Care Home Provider's Child and Adult Care Food Program Agreement). Administrative sponsors are responsible for notifying Bright from the Start if they terminate an agreement with a day care center "for cause" in accordance with their termination and appeal procedures which must be consistent with federal regulations and Bright from the Start policies. If a day care home provider is seriously deficient, they will be placed on the list of seriously deficient day care home providers that is maintained by Bright from the Start. Any institution or individual that has been found to be seriously deficient and is terminated from the CACFP has the right to request an administrative review of the termination and appeal this action. (See Appeal Procedures)

Bright from the Start will contact USDA to confirm the status of all companies or individuals before entering into a contract with that company or individual to ensure that they have not been terminated for cause, debarred, or suspended from participation in a Federal procurement or Federal nonprocurement program.

VI. COMMENT(S)

Any questions concerning this policy should be directed to the Policy Coordinator at (404) 651-

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