

**THE PLANNING COUNCIL (TPC)**  
**CHILD AND ADULT CARE FOOD PROGRAM (CACFP)**  
**GENERAL POLICIES FOR FAMILY CHILDCARE HOMES IN**  
**VIRGINIA, MARYLAND AND THE DISTRICT OF COLUMBIA**

**1. GENERAL PROGRAM INFORMATION**

The Planning Council (TPC) sponsors the United States Department of Agriculture’s (USDA) Child and Adult Care Food Program (CACFP) for family childcare homes in the states of Virginia, Maryland and the District of Columbia. TPC wishes to serve providers as fairly and efficiently as possible. The following policies reflect federal guidelines and are designed for successful program operations. Please read them carefully and contact TPC if you have any questions. Thank you for your continued participation and cooperation.

**1.1 Program Operations** – Providers must operate the CACFP according to the days, hours, ages of children and capacity as approved by their licensing or regulatory agency (state, military or voluntary registration). Providers are ultimately responsible for all program operations and paperwork/claims submitted, regardless if an assistant helps with paperwork and/or helps administer the program.

**1.2 Reimbursement Guidelines** - Providers may claim and be reimbursed for up to two meals and one snack, or two snacks and one meal, per day, served to each *enrolled* child up to the licensed or approved capacity of the home. All children between the ages of 0 to 13 years are eligible for reimbursement and children up to age 18 are eligible only if they have a medical waiver on file for special needs or the parent is a migrant worker.

**1.2.1 Provider’s Own Child(ren)** – Any child, including Foster Child(ren), who lives with the provider in his/her home (even if only for part of the year) and is a part of the economic unit is considered provider’s “own” child, even if the parent of that child also lives in the home. All of provider’s own child(ren) under the age of 13 must be enrolled in CACFP. However, providers may be reimbursed for their “own” child(ren) only if:

- a. *Non-resident, enrolled* children are participating at the meal;
- b. Provider has submitted a Meal Benefit Application and has been determined to be income eligible [Meal Benefit Applications or Enrollment/Income Eligibility Statements must be submitted “annually” for approval] (See Section 2.5);
- c. Provider’s own child(ren) are *participating in the day care program*; and
- d. Provider’s own child(ren) are sitting and eating with the day care children.

**1.2.2 Tiering/Rates** – Providers can receive Tier 1 or Tier II reimbursement rates. Tier 1 has higher reimbursement rates than Tier II. A childcare home’s tiering status is determined based on school district, by census data, income eligibility of the provider, or income eligibility of each individual child in care. (See Section 2.5)

**1.2.3 Licenses/Voluntary Registration Certificates** (Virginia only) - Providers must have a valid day care license to participate in the CACFP. Voluntary Registration (VR) certificates are also accepted in Virginia. Providers are responsible for submitting new, renewed or updated licenses/VR certificates to TPC. Providers with an expired, suspended or surrendered license or certificate are not eligible for CACFP participation.

**NOTE:** Providers must notify TPC of the change of address of their daycare operation. Meals may not be claimed until the provider has been issued a new license/VR certificate from their state licensing office and TPC staff has conducted home pre-approval visit, which includes the signing of new application, agreement, and new school/census determination. \*Meals claimed

outside of the licensing approval dates will be subject to a corrective action and/or Serious Deficiency proceedings and the provider will be required to return any “paid” reimbursement.

**1.2.4 Mealtimes** – CACFP meals/snacks should generally be served at or between the hours listed below. There should be a 2-hour time lapse between all meals and snacks served.

MEAL	START TIME	END TIME
Breakfast	6:00am	9:00am
AM Snack	9:00am	11:00am
Lunch	11:30am	1:30pm
PM Snack	2:00pm	4:00pm
Supper	4:00pm	7:00pm
Evening Snack	7:00pm	8:30pm

**1.3 Meal Components** - Meals must have all components required by USDA and must meet the portion size requirements for the age of each child. \*Removed statement about food chart.

**1.3.1 2017 USDA Meal Pattern Guidelines** – The new USDA Meal Pattern Guidelines implemented in 2017 and require full compliance of October 2018 must be followed and all posted/submitted menus should reflect **current** meal patterns, to include the following:

- The combined fruit and vegetable component are now a separate vegetable component and a separate fruit component.
- Juice is limited to once per day. (*\*Except Infants age 0 – 11 months are restricted from Juice*)
- At least one serving of grains per day must be whole grain-rich
- Grain-based desserts no longer count towards the grain component; and
- Ounce equivalents (oz eq) are used to determine the amount of creditable grains (starting October 1, 2019).
- Meat and meat alternates may be served in place of the entire grain’s component at breakfast a maximum of three times per week.
- Tofu counts as a meat alternate.
- Yogurt must contain no more than 23 grams of sugar per 6 ounces.
- Breakfast cereals must contain no more than 6 grams of sugar per dry ounce

**1.3.2. Special Diets** - If a child’s diet must deviate from the required meal pattern or a parent supplies a meal component for a child’s meal due to **medical reasons**, the meal may still be claimed if the provider supplies other required meal component(s). A “Statement for Special Diet Prescription” Form and/or a “Diet Modification” Form must be on file with TPC. *A note from the parent will not be enough.*

**1.3.3 USDA Milk Requirements** – CACFP regulations require that to be eligible for reimbursement, each program participant’s breakfast, lunch, or supper must include fluid milk, as follows:

- Between the child’s first and second birthday “whole” milk should be served
- Low-fat (1%) or non-fat (skim) should then be introduced after the child’s second birthday (Age 2 & above – 1% or skim ONLY).
- Only formula or breast milk should be served to infants.

“Milk” refers to pasteurized fluid types such as unflavored or flavored whole milk, low-fat 1% milk, fat-free (skim) milk, or cultured buttermilk that meet State and local

standards for such milk. All milk should contain Vitamins A and D at levels specified by the Food and Drug Administration and must be consistent with State and local standards for such milk. Lactose-free and lactose-reduced milks may be offered as options for program participants who are lactose-intolerant.

**1.3.4 Water Availability** –Potable water **must** be made available to children, as nutritionally appropriate throughout the day, including mealtimes. However, caregivers should not serve young children too much water before and during mealtimes to prevent consumption of food and milk by the children. Providers should serve water with snacks when no other beverage is being served, and in lieu of other high calorie, sweetened beverages (juice or other beverages) that are served outside of mealtimes.

**1.4 Civil Rights Compliance** – Providers must agree to serve meals/snacks without regard to race, color, national origin, disability, parental status, or religion of the enrolled children in their day care home. Providers are also required to attend a Civil Rights training once a year. In addition, providers are required to provide each child’s race and ethnicity to the best of their knowledge on the enrollment forms if the parents do not provide that information.

**1.4.1.- Advertising** – Advertisements that promote a provider’s day care home to the public and their involvement in CACFP *must* include the following civil rights statement in full:

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, sex, religious creed, disability, age, political beliefs, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA.

Persons with disabilities who require alternative means of communication for program information (e.g. Braille, large print, audiotape, American Sign Language, etc.), should contact the Agency (State or local) where they applied for benefits. Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program complaint of discrimination, complete the [USDA Program Discrimination Complaint Form](#), (AD-3027) found online at: [How to File a Complaint](#), and at any USDA office, or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by:

- (1) mail: U.S. Department of Agriculture  
Office of the Assistant Secretary for Civil Rights  
1400 Independence Avenue, SW  
Washington, D.C. 20250-9410;
- (2) fax: (202) 690-7442; or
- (3) email: [program.intake@usda.gov](mailto:program.intake@usda.gov).

This institution is an equal opportunity provider.

If the material is too small to permit the full statement above to be included, the material will, at a minimum, include the statement (in print size no smaller than the text):

*“This institution is an equal opportunity provider.”*

## 2. **RECORDS AND FORMS**

To avoid errors in claim processing providers should review their claimed food and attendance in KidKare prior to claim submission. Errors made in foods and/or attendance claimed that result in a loss of meal reimbursement, are not payable.

**2.1 Retention of Records/Forms** - Provider must retain all program records for **three years** (*the current Fiscal Year and the past three years*) in accordance with 7 CFR 226.10(d) and 226.18(d), (e) and (g) of the Code of Federal Regulations.

Provider must maintain and have on hand for *immediate review* the following:

- a. Approved application and current sponsor/provider agreement
- b. Daily records of the number of children in attendance, and the number of meals, by meal type, served to enrolled children. Separate attendance records must be kept for each meal. Attendance records must indicate the child’s time in and time out of the childcare facility and should be verified by a parent’s signature.
- c. Child enrollment forms signed and dated by parent/guardian
- d. Training certificates
- e. Review forms
- f. Menus that support their program activities for the current month, as well as the previous *twelve months* of operation.

The remaining two years of records may be stored outside the daycare home; however, they must still be in the control of the provider and be accessible within a reasonable amount of time. If no off-site storage is used, providers must retain three years of records onsite at the family day care home. Records can be kept in hard copy or electronic format, if they are readily available to reviewers. Failure to maintain such records will be grounds for the denial of reimbursement.

**2.2 Building for the Future (flyer)** – Providers are responsible for conspicuously posting the Building for the Future flyer in their day care home and giving one to the parent of each enrolled child.

**2.3 Women’s Infants & Children (WIC flyer)** – Providers are responsible for conspicuously posting the WIC flyer in their day care home and giving one to the parent of each enrolled child.

**2.4 Enrollment Forms** – Providers **must** complete an enrollment form in its entirety for each child under the age of 13 in the day care home, including provider’s own children under the age of 13, even if the child does *not* participate in the CACFP. Providers must print an enrollment form for each child, obtain the parent’s signature, date and submit it to TPC in order for the child to be activated and the provider to be paid for that child. Providers must keep a signed and dated copy of the enrollment forms printed from online. Providers must also withdraw children online the last day they are enrolled in care. If a child is deleted from the program by the provider for any period of time and is then re-added, a new enrollment form must be submitted so the provider can claim the child’s meals.

**NOTE:** Enrollment forms will expire **one (1)** year from the date of the child’s original enrollment and/or enrollment renewal date. Providers are responsible for submitting a new enrollment form for each child, indicating any schedule changes for the child and any address, telephone or names changes for the parents. The enrollment form must be signed and dated by the provider and parent. Providers may find the date of expiration for each child in the child’s KidKare record and will be given

notification on their Claim Error and Summary Report two claim months in advance of the expiration. Providers will **not** be reimbursed for children claimed with expired enrollment dates. Enrollment forms signed by the parents are subject to monitoring review.

*In accordance with CACFP Regulations, TPC will make a random selection of providers (approximately 2% of the providers submitting claims in any given month), and conduct parent verification of enrollment, attendance and meals served. Please submit a new/updated enrollment form if a parent’s address and/or phone number changes.*

- a. **“Home Schooled Children”** – Enrollments for “school-age” children (including residential children) who are being home schooled by the provider, must include, a copy of the home school approval document(s) from the Board of Education for the City/County in which the child resides in order for the provider to receive reimbursement for meals in which a child would normally receive during regular school hours (i.e. a.m. snack and lunch). *This paperwork must be update annually*

**2.5 Meal Benefit Application (MBA) or Enrollment/Income Eligibility Statement (IES)** – Completed by the provider for one of the following reasons:

- a. Provider who is Tier I or Tier II by school zone and wants to apply to receive reimbursement for meals served to his/her own children.
- b. Provider who is Tier II by school zone and wants to apply to receive reimbursements at a Tier I level based on his/her household income.
- c. Provider who is Tier II by school zone and wants TPC to collect an MBA/IES from the parents/guardians of each enrolled child in provider’s day care home to determine each child’s eligibility for Tier I or Tier II rates. (Under this option, a provider would receive the higher Tier I reimbursement rates for meals served to children whose household income qualifies them for that rate or children who are categorically eligible based on their participation in a Federal or State funded program. All other children would receive the Tier II reimbursement rates. TPC can inform the provider of the number of children eligible for Tier I rates but is prohibited by law from informing a provider of the eligibility status of any individual child).
- d. Meal Benefit Approval and/or Enrollment/Income Eligibility Approval must be submitted **annually** for any approved Provider and/or child approved.
- e. A copy of the eligibility letter must be kept for review by representatives of TPC, Maryland State Department of Education (MSDE); Virginia Department of Health (VDH), and the District of Columbia Office of the State Superintendent of Education (OSSE) staff members.

**2.6 Menus/Attendance** - Menus must be recorded and posted *at least* one (1) week before the meal service. It is suggested that menus be planned two weeks in advance. *Note: Menu substitutions must be recorded at the time the substitution is made. Meal attendance must be recorded at the point of service (as the meal is served).* Meals that the provider has not supplied or served may *not* be claimed. Meals prepared and sent to school and/or home with a child(ren) are not eligible for reimbursement, meals must be served in the provider’s home to be eligible for reimbursement. \*NOTE: Providers participating in the CACFP may not charge parent/guardians for meals served and claimed under the CACFP.

**2.6.1 Infant Menus** - Meals containing breast milk or formula brought by parents may be claimed for infants 0 - 12 months *only if*:

- a. The meal meets the required guidelines (see the Infant Feeding Pamphlet) and other required meal components are served to the infant that are purchased by the provider; **and**
- b. The parent has refused the type of formula the center offers. A Parent Choice Form signed by the parent refusing the formula must be on file with TPC.

**2.7.2 Infant Snack Reminders – Age 6 – 12 Months** - Infant snacks should consist of three (3) components, 2 – 4 fluid ounces of Breast Milk or Infant Formula and when the infant is deemed developmentally ready, the following:

- Infants are allowed 0 – ½ slice of bread; or 0 – 2 crackers; or 0-4 Tbsp. of “ready-to-eat” breakfast cereal **and** 0-2 Tbsp. of a vegetable or fruit.

*NOTE:* Infants are not allowed to have juice, cookies or food containing honey at snack times

**\* IMPORTANT MONITORING REMINDER - Electronic records must be available to TPC, USDA or State officials during monitoring. If you are unable to access your electronic records during a monitoring visit and have no alternate written record of meal components/menu, daily and meal attendance records, you will be subject to reduction/or disallow of meals claimed.**

### 3. **SUBMITTING CLAIMS TO TPC**

All forms/claims must be submitted to TPC *immediately after the last day of service for the month*. Providers must put the correct postage on their envelopes when returning forms to TPC. Postage-due mail cannot be accepted, and any postage-due mail will be returned to providers, which may result in a late claim.

**3.1 Online Claims** - Online claims must be submitted online by the 3<sup>rd</sup> of the month following the claim month. Any signed enrollment forms (printed from the KidKare System) for “pending” and “renewed” children, must be postmarked by the 3<sup>rd</sup> of the month following the claim month to insure timely reimbursement.

**3.2 Late Claims** - If a claim misses the deadline, it will result in a delay of reimbursement up to 60 days. **Any claim submitted over 45 days late will not be processed and will not be reimbursed for that month. NO ADJUSTMENTS OR CORRECTIONS CAN BE MADE TO LATE CLAIMS. The same deadlines are applicable to web-based claims submitted online.**

**3.3 Check Mistakes** – If a provider feels that his/her reimbursement check has an incorrect amount, he/she must contact TPC or his/her field monitor *within five (5) working days of receiving the check*. No adjustments will be made after 5 working days. **No adjustments can be made to late claims.**

### 4. **TRAINING**

Providers are *required to attend at least one TPC approved USDA “CACFP Recordkeeping” training session per year*. Trainings will inform providers of CACFP recordkeeping procedures and offer health and nutrition education. Providers must also attend a Civil Rights training once per year. It is the responsibility of the provider to attend the required trainings and submit a copy of their training certificates to TPC to receive credit. Consideration will be given to providers who need an in-home training, on a case by case basis. Failure to attend a CACFP recordkeeping training is a serious deficiency.

### 5. **HOME MONITORING VISITS**

Providers will be monitored at least three times per year. ***At least two of these visits will be unannounced, and one may be announced.*** Providers must cooperate with their field monitor during these visits and allow entry to representatives of USDA, VDH, MSDE, District of Columbia OSSE, and TPC. If the provider offers care in the evenings or on weekends, some of the monitoring visits will take place during those hours. Any assistant(s) or substitute(s) must be informed by the provider to allow entry to representatives of USDA, VDH, MSDE, OSSE and TPC, be trained on CACFP requirements and have all necessary information available for review. Please refer to Section 6, “Absences/Closures of Day Care Home” if you will be out of the home during a meal. ***Please Note: At any time, an attempt to visit the home is unsuccessful due to provider closure and/or no children present, and the provider has not followed the absence reporting policy (see #6. Absence/Closures of Daycare Home), the meal which***

TPC staff was attempting to review will be disallowed, a follow-up visit will be required, and the provider will be issued a Corrective Action via the Review Form. After a second unsuccessful visit attempt, TPC will also issue a written Corrective Action letter that will e-mailed/mailed to the provider. Unsuccessful Corrective Actions will result in the provider being found “Serious Deficient” in the operation of the CACFP. (See Serious Deficiency, Termination and Appeal Procedures).

**5.1. Home Monitoring of meals for “Special Days” Approval** – USDA Requires Sponsoring Organizations to conduct visits for these “Special Days” meals during the fiscal review year. These meals are *dinner, evening snack* and *weekend* meals.

- Providers who are approved for these meals, as with all absences, must contact the **Absence Hotline @ 1-800-477-3993, ext. 3070** to report “all” meals/days that the provider is not serving the meal.
- Providers who are approved for weekends, should report “scheduled weekend closures” during TPC business hours (Mon. – Fri. – 9:00 a.m. – 5:00 p.m.) the week of the closure. Last minute closures due to illness and/or no children in attendance, should *also* be *texted to your assigned Field Monitor* since TPC is not operating during the weekend, but your Field Monitor may have you scheduled for a visit.
- Provider’s should contact their Field Monitor if they no longer want approval for dinner, weekends or evening snacks so a new application may be completed with the meal approval changes.
- Successful “un-announced” reviews must be completed for one (1) of these meals during the fiscal year. If TPC staff attempts two (2) announced reviews for one of these meals and a provider has no children, has not called in the absence and/or is not home, TPC will withdraw that meal approval until such time our staff is able to conduct a successful review.
- Reviews conducted during dinner, weekends and/or evening snacks are the same as any mealtime and our staff will review all the required paperwork and will need to observe the meal being served with all the required components in the required serving size for each child in care.
- Also note, that USDA requires meals to be served “on-site” (in the provider’s home), meals served to children “to go” (as they are leaving with a parent) are **not** eligible for reimbursement per USDA Regulation.

## **6. ABSENCES/CLOSURES OF DAY CARE HOME**

Providers must notify TPC whenever they plan to be out of their day care home during a meal service period or when there are no children in care. Providers do not need to notify TPC if the day care home will be open with an assistant or a substitute serving the meal(s). (Please note that all assistants and substitutes must be informed about CACFP visiting policies and trained on CACFP requirements so they will allow TPC, VDH, USDA, OSSE and MSDE representatives into the daycare home.) If a review by a TPC field monitor is attempted when children are not present in the day care home, the meal(s), and/or snack(s) that would have been observed during the review will not be reimbursed.

Providers **must** follow the procedures below for notification of their absence or closure as soon as they know they will be out of their home and/or no children in attendance (e.g. going on a field trip, picnic, vacation or appointment, are ill, or the day care program is going to be closed for any other reason):

- a. Call 1-800-477-3993.
- b. When the automated service picks up, press extension 3070.
- c. At the tone, leave your name, provider number, the state in which you live and the time(s) and date(s) you will be away. (Example: **Susan Star; provider number 999999; I live in Maryland; I will be out from 11:30 am until 4:00 pm on Monday, August 26<sup>th</sup>.**)

- d. Providers do not need to notify TPC of the reason for an absence or closure unless they are going on a field trip and want to claim a meal for the children while on the trip. Providers wanting to claim a meal while on a trip, must state the meal(s) they plan to serve on the trip (See Section 6.1 Field Trips).

**6.1 Field Trips** - An occasional meal may be claimed while taking children on a field trip. At least one day in advance of the field trip, the provider must inform TPC of the date, location, number of children expected to participate, menu and the method of transporting the meals. *\*Please note: Meal components purchased from a commercial restaurant/food vendor (i.e., restaurants, fast food restaurants, cafeterias, and other food vendors) cannot be claimed in the CACFP because of their low nutritional content and the inability to obtain a CN Label.*

## **7. CHANGES TO DAY CARE HOME INFORMATION**

Providers must notify TPC of the following:

- a. Change of address (*If a provider moves, she/he is NOT eligible for reimbursement until a new license or Voluntary Registration certificate for the new address is submitted to TPC and the provider has been assigned new site i.d. number and has signed a new application and agreement.*)
- b. Change of license capacity or status.
- c. Change in number of caregivers that may affect license capacity.
- d. Temporarily or permanently withdrawing from the program.
- e. Change in regular mealtimes.
- f. Change in days and/or hours of operation.
- g. Field trips and/or other absences from the home, and;
- h. Any times that the childcare program will not be operating during normal hours.
- i. Contact telephone numbers and/or e-mail addresses.

## **8. REDUCTION OF CLAIMS**

A provider's claim may be reduced for the following reasons:

- a. Meals claimed for children who are not **enrolled** in the program.
- b. Meals claimed for children who have **expired enrollments** in the program.
- c. Meals/snacks claimed in excess of the approved license or certificate capacity.
- d. Meals/snacks claimed outside of the operating days and hours approved on provider's license or certificate.
- e. Meals for the provider's children or other residential children who are not income eligible.
- f. Meals claimed for the provider's income eligible children **when there are no outside children present**.
- g. Meals served to children over age 13 (unless TPC has a medical waiver for special needs or the parent is a migrant worker).
- h. Meals which do not meet the USDA meal pattern requirements (unless there is a "Statement for Special Diet Prescription" and/or "Diet Modification" form **on file**).
- i. Meals claimed that differ from those recorded by the field monitor at the time of the visit.
- j. Meals that have invalid components and/or component numbers.
- k. Meals for which there are no pre-recorded menus. Menus must be recorded **before** a meal is served.
- l. Attendance recorded in advance of a meal being served. Attendance must be recorded at point of service on the day the meal is served.
- m. Meals not served.



**The Planning Council (TPC)  
Child and Adult Care Food Program (CACFP)**

**Serious Deficiency, Termination and Appeal Procedures for Family Day Care Providers**

The Planning Council (TPC) must initiate action to terminate the agreement of a day care home (hereafter “provider”) for cause in the operation of the Child and Adult Care Food Program (CACFP) if TPC determines the provider has committed one or more serious deficiency (ies) listed below. Upon making a serious deficiency determination, if the provider does not act to fully and permanently correct the serious deficiency within the allotted period of time, the provider’s agreement must be terminated.

If, however, the serious deficiency (ies) constitutes an imminent threat to the health and safety of participants, or the provider has engaged in activities that threaten the public health or safety, TPC must follow the procedures for suspension outlined below.

**List of Serious Deficiencies**

1. Submitting a fraudulent claim(s) which may include:
  - Claiming meals not actually served;
  - Claiming meals for children who are not present or not enrolled for care; and/or
  - Claiming meals under more than one sponsoring organization.
2. Participating without a valid license (or Voluntary Registration certificate for providers in Virginia)
3. Failing to complete required corrective action during the allotted period of time.
4. Refusing entry to TPC, or the State agency (Maryland State Department of Education; Virginia Department of Health; District of Columbia Office of the State Superintendent of Education).
5. Falsifying information on CACFP forms and documents.
6. Noncompliance with the program meal pattern.
7. Failing to follow CACFP regulations.
8. Failure to keep required records.
9. Conduct or conditions that threaten the health or safety of a child(ren) in care, or public health or safety.
10. A determination that the provider has been convicted of any activity that occurred during the past seven years and that indicated a lack of business integrity. This could include fraud, antitrust violations, embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, receiving stolen property, making false claims, obstruction of justice, or any other activity indicating a lack of business integrity, and/or;
11. Any other circumstance related to non-performance under the sponsor/provider agreement. This may include, but not be limited to, continuous submission of late and/or incomplete claims for reimbursement, failure to comply with civil rights laws, and failure to attend required trainings.

**Serious Deficiency Notification Procedures**

TPC will thoroughly investigate the serious deficiency (ies) and notify the provider, in writing, that he/she has been found to be seriously deficient. TPC will provide a copy of the serious deficiency notice to the State agency. The notice will include:

- the serious deficiency(ies).
- the actions to be taken by the provider to correct the deficiency(ies).
- the allotted time to correct the serious deficiency(ies).
- that the serious deficiency determination is not subject to appeal.
- that failure to fully and permanently correct the serious deficiency(ies) within the allotted timeframe

will result in TPC’s proposed termination of the provider’s agreement and disqualification of the provider, and,

- that the provider’s voluntary termination of its agreement with TPC after having been notified that he/she is seriously deficient will still result in the provider’s formal termination by the sponsor and placement on the National Disqualified List.

### **Successful Corrective Action**

If the provider corrects the serious deficiency (ies) to TPC’s satisfaction within the allotted timeframe, TPC will notify the provider that the determination of serious deficiency has been temporarily deferred, and that a recurrence will result in an immediate proposal to terminate the provider’s agreement for cause and disqualify the provider from Program participation. The sponsor will also provide a copy of this notice to the State agency.

### **Unsuccessful Corrective Action – Proposed Termination & Proposed Disqualification Procedures**

If the provider fails to implement timely corrective action to fully and permanently correct the serious deficiency(ies) cited, the sponsor will issue a notice proposing to terminate the provider’s agreement for cause and disqualify the provider from Program participation. TPC will provide a copy of this notice to the State agency. The notice will:

- Provide explanation of the provider’s opportunity for an appeal of the proposed termination and disqualification and the procedures to follow to request such appeal.
- Inform the provider that he/she may continue to participate and receive program reimbursement for eligible meals served until the appeal concludes.
- Inform the provider that termination of the agreement will result in the day care home’s termination for cause and disqualification.
- State that if the provider seeks to voluntarily terminate the agreement with TPC after receiving the Notice of Proposed Termination and Disqualification, the home will still be placed on the National Disqualified List.

If an appeal is requested by the provider within the allotted period of time, TPC will follow the Appeal Procedures detailed in this policy. If the Appeal Official overturns TPC’s proposed actions, formal notification will be used to temporarily defer the serious deficiency. If an appeal is not requested by the provider within the allotted period of time, or if the provider loses the appeal, TPC will issue a Notice of Termination and Disqualification to the provider. TPC will provide a copy of these notices to the State agency.

### **Suspension Procedures**

Suspension of a provider’s participation in the CACFP will occur if the serious deficiency (ies) constitutes an imminent threat to the health and safety of participants, or the provider has engaged in activities that threaten the public health or safety. TPC will not make program payments to a provider who has been suspended until any appeal of the proposed termination is completed. If the suspended provider prevails in the appeal, TPC will reimburse him/her for eligible meals served during the suspension period.

TPC will notify the provider that his/her participation has been suspended, that the provider has been determined to be seriously deficient, and that TPC proposes to terminate the provider’s agreement for cause. TPC will provide a copy of the notice to the State agency. The notice will:

- Specify the serious deficiency (ies) found and the provider’s opportunity for an appeal of the proposed termination, and the procedures to follow to request such appeal.
- State that participation (including all program payments) will remain suspended until the appeal

concludes.

- Inform the provider that if the Appeal Official overturns the suspension, the provider may claim reimbursement for eligible meals served during the suspension.
- Inform the provider that termination of the day care home's agreement will result in the placement of the home on the National Disqualified List; and
- State that if the provider seeks to voluntarily terminate its agreement after receiving the notice of proposed termination, the day care home will still be terminated for cause and disqualified.

If an appeal is requested, TPC will follow the Appeal Procedures below.

### **Appeal Procedures**

1. A provider may appeal TPC's proposed termination and disqualification. The written appeal must be received by TPC within **fifteen "calendar" (15)** days of the provider's receipt of the Notice of Proposed Termination and Disqualification.
2. TPC Quality Assurance Program Manager (VA and DC) or the Program Coordinator (MD) must acknowledge the receipt of the appeal request within ten (10) days.
3. TPC will ensure that an appeal hearing is held within thirty (30) days of receipt of the provider's request for a hearing.
4. TPC will appoint an Appeal Board for each hearing. The Board will consist of a minimum one (1) individual(s) for the Board who are impartial, independent, and not have been involved in the action that is the subject of the appeal or have direct personal or financial interest in the outcome.
5. Providers may continue to claim CACFP reimbursement during the appeal process until the final decision of the Appeal Board is made, unless the termination action is based on imminent danger to the health or safety of the children.
6. TPC will notify the provider of the Appeal Board's decision within sixty (60) days of the receipt of the appeal request.
7. The decision of the Appeal Board is final.
8. If the provider loses the appeal, does not attend the appeal hearing, or does not appeal, the sponsor will send the provider a Notice of Termination and Disqualification. Upon disqualification, the provider will be placed on The National Disqualified List. While on the list, providers cannot participate in the CACFP as a day care home provider or serve as a principal in any CACFP institution or facility. Providers will remain on the list until such time as the State agency determines that the serious deficiency (ies) has been corrected or until seven (7) years after being disqualified. Any outstanding debt must be repaid. These actions are pursuant to 7 CFR 226.16(1) of The Code of Federal Regulations.

**CERTIFICATION OF RECEIPT OF GENERAL POLICIES AND PROCEDURES**

I hereby certify that on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_, I have received The Planning Council’s General Policies and Procedures, including the Serious Deficiency, Termination and Appeal Procedures and my Field Monitor and/or other staff member of The Planning Council has reviewed these policies with me.

I acknowledge that it is my responsibility to read through these General Policies and contact The Planning Council staff if I have questions regarding any policy listed above.

I also, acknowledge that it is my responsibility to comply with each of the policies set forth and I will retain my copy of these policies with my CACFP records.

\_\_\_\_\_  
Signature of Participating Provider

\_\_\_\_\_  
Date

**Yearly Reviews:**

_____ Provider	_____ Date	_____ TPC Staff Member	_____ Date
_____ Provider	_____ Date	_____ TPC Staff Member	_____ Date
_____ Provider	_____ Date	_____ TPC Staff Member	_____ Date
_____ Provider	_____ Date	_____ TPC Staff Member	_____ Date
_____ Provider	_____ Date	_____ TPC Staff Member	_____ Date
_____ Provider	_____ Date	_____ TPC Staff Member	_____ Date
_____ Provider	_____ Date	_____ TPC Staff Member	_____ Date
_____ Provider	_____ Date	_____ TPC Staff Member	_____ Date