

Child and Adult Care Food Program

Serious Deficiency Process for Day Care Home Sponsors and Sponsors of Unaffiliated Sites



**Georgia Dept
of Early Care
and Learning**
BRIGHT FROM THE START

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To file a program discrimination complaint, a Complainant should complete a Form AD-3027, USDA Program Discrimination Complaint Form which can be obtained online at: <https://www.usda.gov/sites/default/files/documents/USDA-OASCR%20P-Complaint-Form-0508-0002-508-11-28-17Fax2Mail.pdf>, from any USDA office, by calling (866) 632-9992, or by writing a letter addressed to USDA. The letter must contain the complainant's name, address, telephone number, and a written description of the alleged discriminatory action in sufficient detail to inform the Assistant Secretary for Civil Rights (ASCR) about the nature and date of an alleged civil rights violation. The completed AD-3027 form or letter must be submitted 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: (833) 256-1665 or (202) 690-7442; or
- (3) email: program.intake@usda.gov.

This institution is an equal opportunity provider.

Housekeeping

- All attendees are in “listen-only” mode.
- To expand or collapse your *Tool Bar* select the *orange arrow* button at the top.
- To expand each section in the *Tool Bar*, select the white *arrow* next to the word.
- **Please hold questions until the end of the presentation. But be sure to ask your questions in “Chat”.**

Training Objectives

- Define Sponsor Responsibilities
- Define Serious Deficiency Process
 - CACFP Policy # 16 and 31
- Detail Sponsor Notification Requirements
- Describe Adequate Corrective Action Requirements
- Describe Sponsor Appeal Process Requirements
- Termination and Disqualification Requirements
- Suspension Process

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 Sponsors of Unaffiliated Centers

- Federal regulations are currently silent with respect to the serious deficiency process for **unaffiliated** centers.
- Therefore, it is strongly encouraged that sponsors of unaffiliated centers follow the same Federal guidance that is issued to DCH sponsors.
- **Note:** Sponsors of unaffiliated centers must adhere to CACFP **Policy 16**. Policy 16 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**.



Sponsor Responsibilities

Sponsor Responsibilities

Sponsors that enter into an agreement with DECAL to provide administrative services to eligible homes and centers.

Sponsors are responsible for the following:

- Expanding CACFP participation by recruiting eligible unserved homes/centers;
- Training on CACFP requirements and eligibility;
- Monitoring CACFP performance to ensure compliance with federal regulations and state policies;
- Validating monthly claim data prior to claim submissions;
- Issuing reimbursement to homes and centers; and
- Ensuring proper use of CACFP reimbursement funds.



Monitoring CACFP Performance

- Sponsors are required to monitor the performance of homes and centers by:
 - Conducting monitoring visits
 - Review of monthly claim data
- When monitoring performance, Sponsors may cite Program violations when they occur.
- Violations should be cited and included within:
 - Monitoring visit forms,
 - Written notification returned with monthly reimbursement checks, and
 - In the form of serious deficiency notices.



The Serious Deficiency Process

What is the Serious Deficiency Process?

The Serious Deficiency (SD) Process provides a consistent way for State agencies and sponsors to take actions in allowing sponsored facilities to correct areas of non-compliance and ensure due process.

However, if a sponsored facility is unwilling or not able to correct areas of non-compliance, this process protects Program integrity by removing the sponsored facility and responsible parties from the Program and preventing them from returning to the Program.



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 (SD Process) is in place to allow sponsors to do the following:

- Identify Program violations,
- Provide necessary tools needed to correct violations,
- Require homes/centers to alter current processes, which prevent future violations,
- Offer a fairer process to homes/centers to prevent termination from CACFP participation.



DECAL's Policy: CACFP #01-16

- Provides guidance to Day Care Home Sponsors on the SD and termination process.
- Policy #01-16 includes details on the following:
 - Key definitions
 - Examples of SD findings
 - Elements of SD Process
 - Procedures on how to comply with Policy # 01-16



DECAL's Policy: CACFP #04-31

- Provides guidance to Administrative Sponsors on the SD and termination process for sponsored unaffiliated Centers.
- Federal regulations are silent with respect to the serious deficiency, suspension and appeals processes for unaffiliated centers.
- Therefore, sponsors of unaffiliated centers should follow the same guidance issued for day care homes as provided in DECAL Policy #01-16.
- **Please keep in mind** that sponsored childcare facilities terminated from the program are placed on the **Georgia Disqualified List (GDL)** and not the National Disqualified List (NDL).



The Serious Deficiency Process

- What are the steps in the SD Process?

- It differs, depending upon the corrective actions submitted by the facility.

1

Issue Notice of Serious Deficiency, to include corrective action requirements.

2

The facility submits corrective action responses, and those responses are acceptable.

3

Issue Notice of Successful Corrective Action and Temporarily Deferment of the SD.

3 Step Process:
Acceptable Corrective Actions

The Serious Deficiency Process

● What are the steps in the SD Process?

5 Step Process: *Insufficient Corrective Actions*

1

Issue Notice of Serious Deficiency and Corrective Action Requirements.

2

Facility fails to comply with corrective action requirements or to submit adequate corrective action responses.

3

Issue Notice of Proposed Termination/Disqualification and Appeal Procedures.

4

Grant appeal, if requested.

5

Termination Upheld: Issue Notice of Final Termination and Disqualification.

Termination Overturned: Issue Notice of Successful Corrective Action and Temporarily Deferment of the SD.

Identifying the Serious Deficiency

Valid Reasons to Determine SD

- Sponsors must have valid reasons to determine homes/centers seriously deficient.
- Sponsors must be consistent in their approach when determining if the violation is an SD.
- Sponsors should ask if the violation is:
 - Minor or an isolated incident?
 - Frequent or a repeated occurrence ?
 - Severe?



Examples of Serious Deficiencies

Include, but are not limited to:

- Submission of false information in the application
- Submission of false claims
- Failure to perform in conformance with Performance Standards
- Failure to maintain adequate records
- Non-compliance with program meal patterns
- Permitting an individual on the NDL to participate in the CACFP
- Claiming reimbursement for meals not served



Notice of Serious Deficiency

Notification of the Serious Deficiency

Sponsors must issue **written notification** to all homes and centers of the SD designation.

Notification must be made to the following:

- Responsible Principal and/or Individual of the home/center;
- Home/center's Principal Officer;
- Governing board, if applicable;

Notification should be sent by email, certified mail/return receipt.



Serious Deficiency Notices

SD Notices must contain the following information:

- Detailed description of the serious deficiency(ies);
- Federal CACFP regulatory citation(s) and/or state policies related to the serious deficiency(ies);

Site Level Finding(s):

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



Serious Deficiency Notices

SD Notices must contain the following information (cont'd):

- Dates of monitoring visits and/or occasions when the serious deficiency(ies) was discovered;
- Detailed corrective action requirement(s), to include requesting the home/center to provide its full address and the name and date of birth of the responsible principals/individuals in the SD notice ; and
- Deadline date to submit corrective action responses.



Serious Deficiency Notices

SD Notices must also contain the following information:

- Include in notice:
 - The SD designation is not an appealable adverse action;
 - Failure to comply with corrective action requirements will result in termination and placement on the NDL; and
 - Voluntary withdrawal from the Program will result in termination and placement on the NDL.



Who Should get the SD Notice?

- Individual responsible for the violation
 - Center Director
 - Food Service Manager or Cook
 - Provider
 - Provider's Assistant
- Principal Officers
 - Center Owner(s) and/or Director
 - Governing Board member of profit or non-profit corporations
- A copy of the SD Notice must be sent to DECAL at the time the notice is issued.



Adequate Documentation to Support Violations

- Sponsors must document Program violations in writing and refer to documentation to support the SD designation.
- Sponsors should refer to:
 - Written complaints received by staff from DECAL, Parents, or other members of the public;
 - Monitoring visit forms that detail specific finding citations, and corrective action requirements; and/or
 - Proof of training on specific topics, which include ways to prevent serious deficiencies.



Corrective Action Requirements

Corrective Action Requirements

Sponsors must detail corrective action requirements in each SD notice.

At a minimum, corrective action requirements must include the following:

- Specific corrective measures to be taken to successfully and permanently correct the serious deficiency;
- Deadline date corrective action responses must be submitted; and/or
- Deadline date corrective actions are to be taken



Corrective Action Requirements

Corrective Action Requirements:

- A detailed plan of action that describes the measures taken to correct all findings/deficiencies.

Corrective Action Responses answer:

- **WHAT** processes and/or procedures will be implemented to correct the findings?
- **WHO** is/are responsible for implementing and complying with the processes and/or procedures?
- **HOW** will the institution ensure that the processes and/or procedures are followed consistently in order to prevent future findings?
- **WHEN** will the processes and/or procedures be implemented?

Sponsors must issue a Notice of Successful Correction Action and Temporary Deferment of the SD.



Example of Adequate Corrective Action Requirements

Example 1:

- ABC Childcare must provide a detailed description of the new procedures that will ensure annual enrollment information will be obtained and rosters kept current. The description must detail the position/title and individual responsible for ensuring the new procedures are followed, and the position/title and individual that is responsible for obtaining the information and keeping it current. Deadline date to submit corrective action responses is January 13, 2023.



Example of Adequate Corrective Action Requirements

Example 2:

- ABC Childcare is required to attend/participate in the FY 2023 annual training. In addition, ABC Childcare is required to identify the position/title and individual that will attend the final 2023 annual training on September 30, 2022. Deadline date to submit the corrective action response is September 20, 2022.



Appropriate Deadline Dates

Sponsors must impose deadline dates that are appropriate to the SD violation.

In most cases, deadline dates should not exceed 30 days.

- An exception could be when management changes occur

Sponsors are encouraged to impose deadline dates within 10-15 days of issuing the SD notice.



Prototype Notices

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 shows one such prototype.



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

Corrective Action Response Evaluation

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?



Corrective Action Response Evaluation

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

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.



Corrective Action Response Evaluation

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.

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.

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).



Corrective Action Response Evaluation

- 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**



Notice of Temporary Deferment

Notice of Successful Correction Action and Temporary Deferment of the SD

- **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.)
- Written notice must be issued to:
 - Principal Officer and/or Governing Board
 - Responsible Principal and Individual
- A copy of the Notice of Successful Correction Action and Temporary Deferment of the SD must be submitted to DECAL at the time the notice is issued.



Notice of Successful Correction Action and Temporary Deferment of the SD

Written notice must include:

- A description of the initial serious deficiencies, corrective action requirements and deadline date;
- The acceptable corrective action response(s) and the date of receipt; and
- Include in the Notice: “the Notice of Serious Deficiency is temporarily deferred based on the corrective actions submitted. Similar or repeated violations may result in the sponsor issuing another Notice of Serious Deficiency or a Notice of Proposed Termination and Disqualification.”



Unacceptable Corrective Action Responses

The receipt of unacceptable corrective action responses will result in:

- The sponsor issuing written notice proposing to terminate and disqualify the center or home from participating in the Program.



Proposing to Terminate and Disqualify Centers or Homes

Proposing to Terminate and Disqualify

- Written notice must be issued to:
 - Principal Officer and/or Governing Board
 - Responsible Principal and Individual
- A copy of the Notice of Proposed Termination and Disqualification must be submitted to DECAL at the time the notice is issued.



Proposing to Terminate and Disqualify

Written notice must include:

- A description of the serious deficiencies;
- The initial corrective action requirement(s) and deadline date;
- The unaccepted corrective action response(s) and date of receipt, if applicable;
- The amount of debt owed to DECAL and/or the center's non-profit food service account; and
- The proposed date of termination and disqualification.



Proposing to Terminate and Disqualify

Include in notice:

- Proposed notice of termination and disqualification is an appealable action.
- Home/center has the right to appeal the termination and disqualification.
- Description of the Sponsor's appeals process and deadline date to submit the appeal request.
- Home/centers that are terminated will be disqualified from participating in the CACFP for a minimum of seven years and until all debt is repaid.
 - For day care homes – National Disqualified List (NDL)
 - For centers – Georgia Disqualified List (GDL)

A copy of the sponsor's written appeals process must be attached to the Notice.

The sponsor must allow the DCH/Center 15 calendar days to request an appeal.



Sponsor's Appeals Process

Sponsor's Appeals Process

- 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.



Sponsor's Appeals Process

The sponsoring organization's written appeal procedures must specify, at a minimum, the following requirements for requests an appeal:

- How the DCH/Center may request and administrative review and the address of the person to who the request should be submitted;
- That an independent/impartial hearing official will conduct the administrative review;
- The deadline for requesting the review; and
- The consequence of not submitting a timely appeal - termination of the sponsored DCH's/center's agreement and placing the name of the facility and the name(s) of the person(s) responsible for the CACFP on the NDL(DCHs) or GDL (centers).



Selecting the Hearing Official

- The hearing official must be independent and impartial. This means, although the hearing official may be an employee or board member of the sponsoring organization, he or she must not have been involved in the action that is the subject of the hearing or have a direct personal or financial interest in the outcome of the appeal.
- If the hearing official is an employee of the sponsor, he or she may not occupy a position in which he or she is potentially subject to undue influence from the individual responsible for the sponsoring organization's action, nor may he or she occupy a position in which he or she may exercise undue influence on the individual responsible for the action.



The Hearing Official's Role

- Assess the sponsoring organization's action to propose termination;
- Determine if the sponsoring organization took appropriate action to proposed termination for cause and proposed disqualification as a result of a review, complaint investigation, or fact-finding investigation conducted by the sponsoring organization;
- Determine whether the actions taken, by the sponsoring organization, the DCH/center and RPIs, followed Federal regulations, policies, and procedures governing the CACFP; and
- Base his/her decisions on the information presented by the sponsoring organization, the DCH/center, or RPIs and Federal and State laws regulations, policies, and procedures.



The Hearing Official's Role does not Include

- Interpreting the intent or expanding the meaning of Federal regulations;
- Validating the serious deficiency determination;
- Verifying whether corrective actions submitted by the DCH/center and/or its RPIs fully and permanently corrects Program violations; or
- Establishing settlement of demands for overpayments.



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



Final Termination and Disqualification

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.



Notice of Final Termination or Temporary Deferment

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**.



Notice of Final Termination or Temporary Deferment

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**.



Final Notice of Termination and Disqualification

- Must be issued to the Principal Officer, Responsible Individual, and/or Governing Board;
- Must restate all information in the Notice of Proposed Termination and Disqualification;
- Must state the final date of termination and disqualification; and
- A copy of the Notice must be submitted to DECAL at the time of issuance.



Placement on the NDL and GDL

- Sponsors are required to submit written notice to DECAL requesting to place the home/center on the NDL or GDL.
- The request must include:
 - Name of Provider/Center
 - Center's Principal Officer(s) and Responsible Individual(s)
 - Dates of Birth for the Provider, Center's Principal Officer and Responsible Individual
 - Final Date of Termination
 - Amount of debt owed



Suspension Process and Requirements

Imminent Threat to Health and Safety

- If any serious deficiency involves imminent threat to the health and safety of a child or if an activity of a DCH/center poses a threat to public health or safety, the sponsoring organization must notify the DCH or center that:
 - Their participation has been suspended;
 - The facility has been determined seriously deficient; and
 - The facility is being proposed for termination for cause.
- The sponsor must also provide a copy of the notice when sent to DECAL.



Imminent Threat to Health and Safety

Once a DCH or center is suspended, participation, including all Program payments, remains suspended until the administrative review has been completed, if the facility was to appeal.

The USDA guidance, Serious Deficiency, Suspension, & Appeals for State Agencies & Sponsor Organizations is a good source for additional guidance on suspensions and all other serious deficiency related actions.



Imminent Threat to Health and Safety

Sponsor staff and monitors must exercise judgment in making a determination of an imminent threat. If a monitor or sponsor staff member determines that a child or adult participant is in imminent danger, the monitor or program staff member **must immediately contact one of the following authorities** and stay at the site until authorities have arrived:

- Georgia Department of Early Care and Learning Child Care Services Division's Complaint unit
- Georgia Division of Family and Children Services (DFACS); or
- Local health authorities or local police department.



Resources



Georgia Dept
of Early Care
and Learning
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DECAL Contact Information

Please forward all notices issued to facilities to:

- Tammie Baldwin, Policy and Adverse Action Specialist
 - Tammie.Baldwin@dec.al.ga.gov
 - (404) 656-6332

For questions on serious deficiency process policy, please reach out to:

- Robyn Parham, Policy Administrator
 - Robyn.Parham@dec.al.ga.gov
 - (678) 891-5866



Resources

Guidance on Developing and Applying Appeal Procedures - Sponsors of Unaffiliated Centers (Admin Sponsors)

<http://www.dec.state.ga.us/documents/attachments/GuidanceonDevelopingApplyingAppealProceduresAdmin100117.pdf>

Guidance to Developing and Applying Administrative Review (Appeal) Procedures - DCH Sponsors

<http://www.dec.state.ga.us/documents/attachments/GuidanceonDevelopingApplyingAppealProceduresDCH121914.pdf>

CACFP Policy 01-16 Procedures for Sponsoring Organizations Terminating a Day Care Home Provider's Child and Adult Care Food Program Agreement

<http://dec.state.ga.us/documents/attachments/CACFPPolicy16.pdf>

CACFP Policy 04-31 Procedures for Administrative Sponsors Terminating a Sponsored Center's Child and Adult Care Food Program Agreement

<http://dec.state.ga.us/documents/attachments/CACFPPolicy31.pdf>

Health and Safety Requirements-Admin and DCH Sponsors – October 31, 2013

http://www.dec.state.ga.us/documents/attachments/HealthandSafetyRequirements-ADM_DCH.pdf

Serious Deficiency, Suspension, & Appeals for State Agencies & Sponsoring Organizations

http://www.dec.state.ga.us/documents/attachments/SD_SuspensionandAppealsHandbook.pdf

Questions



Georgia Department of
Early Care and Education
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This institution is an equal opportunity provider.

thank you

tusind tak
謝謝 dakujem vám
ngiyabongga
dziękuję
merci
baie dankie
धन्यवाद molte grazie
gracias
obrigada
obrigado
teşekkür ederim
شكرا
tack så mycket
gràcies
tānan
dank u
mahalo
teşekkür edire

suksema
danke