



Topic: Serious Deficient Policy for the Summer Food Service Program

Date: February 2023

General

The purpose of this policy is to comply with the federal regulations 7 CRF Part 225.11(c). If any part of this policy conflicts with the regulations or memoranda issued by the U.S. Department of Agriculture, the federal regulation and memoranda shall take precedence.

Program findings which will result in a declaration of serious deficiency include, but are not limited to, those detailed at 7 CRF225.11(c). In addition, a sponsor must be financially viable, administratively capable and have in place internal controls to ensure program accountability. A lack of financial viability, administrative capability and/or internal controls may also result in a declaration of seriously deficient. Failure to take acceptable corrective action in response to a declaration of serious deficiency will be grounds for either denial or termination of the application/agreement for participating in the Summer Food Service Program (SFSP) until such time that the sponsoring agency demonstrates to the satisfaction of the DPI that it has taken appropriate corrective actions to prevent recurrence of the deficiencies and/or until a debt (if any) is repaid.

Notice of Serious Deficiency

The DPI will issue a Notice of Serious Deficiency when serious deficiencies are identified. Serious deficiencies which are grounds for disapproval of applications and for termination include, but are not limited to, any of the following:

1. Noncompliance with the applicable bid procedures and contract requirements;
2. The submission of false information to the DPI;
3. Failure to return to the DPI payments which exceeded the amount earned for serving meals in accordance with Part 225, or failure to submit all claims for reimbursement in any prior year, provided that the failure to return any advance payments for months for which claims for reimbursement are under dispute from any prior year shall not be grounds for disapproval in accordance with this paragraph; and
4. Program violations at a significant proportion of the sponsor's sites. Such violations include, but are not limited to, the following:
 - a. Non compliance with the meal service time restrictions;
 - b. Failure to maintain adequate records;
 - c. Failure to adjust meal orders to conform to variations in the number of participating children;
 - d. The simultaneous service of more than one meal to any child;
 - e. The claiming of program payments for meals not served to participating children;
 - f. Service of a significant number of meals which did not include required quantities of all meal components;
 - g. Excessive instances of off-site meal consumption; and
 - h. Continued use of food service management companies that are in violation of health codes.

Corrective Action

Whenever the DPI observes violations during the course of a site review, it will require the sponsoring agency to take corrective action. If high levels of meal service violations are found, the DPI will immediately require a corrective action plan to be followed by the sponsor and will either conduct a follow-up visit or in some other manner, verify that the required corrective measures have been fully implemented.

Termination Notice

If serious deficiencies are not fully and permanently corrected within the time period identified by the DPI, a termination notice will be issued to the sponsor agency. The termination notice will specify if a feeding site or the sponsor is the subject of the actions.

The DPI will immediately issue a termination notice for a sponsor's site if it is determined that the health or safety of the participating children is imminently threatened.

Participating sponsors and sites may continue to operate the program during an appeal of termination and if the appeal results in overturning the DPI's action, reimbursement will be paid for the meals served during the appeal process. However, such continued program operation will not be allowed if the DPI's action is based on imminent dangers to the health or safety of the children. The determination by the DPI's hearing officer will be the final administrative determination to be afforded to the appellant.

Non-discrimination Statement: In accordance with federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, this institution is prohibited from discriminating on the basis of race, color, national origin, sex (including gender identity and sexual orientation), disability, age, or reprisal or retaliation for prior civil rights activity.

Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication to obtain program information (e.g., Braille, large print, audiotope, American Sign Language), should contact the responsible state or local agency that administers the program or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339.

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; or

2. fax:

(833) 256-1665 or (202) 690-7442; or

3. email:

program.intake@usda.gov

This institution is an equal opportunity provider.