



Summer Food Service Program Serious Deficiency Policy

PURPOSE

The purpose of this policy is to comply with the federal regulations 7 CFR 225.11(C). The Colorado Department of Education Office of School Nutrition will afford a sponsoring agency reasonable opportunity to correct program violations before terminating the sponsor for being seriously deficient. The State agency may approve the application of a sponsoring agency which has been disapproved or terminated in prior years if the sponsoring agency demonstrates to the satisfaction of the CDE Office of School Nutrition that it has taken appropriate corrective actions to prevent recurrence of the deficiencies.

NOTICE OF SERIOUS DEFICIENCY

Violations of program requirements may result in withholding or recovery of reimbursements, temporary suspension, or termination and exclusion from future program participation. Serious deficiencies include, but are not limited to, any of the following:

- Noncompliance with the applicable bid procedures and contract requirements of Federal child nutrition program regulations.
- Submission of false information to the State agency.
- Failure to return to the State agency any start-up or advance payments which exceeded the amount earned for serving meals, or failure to submit all claims for reimbursement in any prior year, provided that 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.
- Failure to report sites to the health department
- Failure to maintain adequate site or sponsor records.
- Failure to adjust meal orders to conform to changes in site attendance.
- Serving more than one meal to a child at one time.
- Claiming meals that were not served to eligible children.
- Serving meals (or in the case of OVS sites, offering meals) that do not include all required meal components and/or correct quantities.
- Children eating complete meals off-site (Note: This does not refer to the permissible practice of allowing children to take a piece of fruit or vegetable or grain off-site)
- Continued use of food service management companies/commercial meal vendor that violate health codes.
- Use of program funds for unallowable costs.
- Failure to have a trained site supervisor at each site during the meal service.
- Noncompliance with civil rights laws and regulations.



CORRECTIVE ACTION

Whenever the CDE Office of School Nutrition observes violations during the course of a site review, it will require the sponsor to correct the problems found. During a review, if multiple systemic violations of program requirements are found, the state agency shall require a specific immediate corrective action plan to be followed by the sponsor. The State agency will initiate a follow-up system to ensure that sponsors take the specific action (as outlined in the corrective action plan) for correcting the violations.

TERMINATION NOTICE

The State agency shall terminate the participation of a sponsor's site if the sponsor fails to take action to correct the Program violations noted in a Stage agency review report within the timeframes established by the corrective action plan.

The State agency shall immediately terminate the participation of a sponsor's site if during a review it determines that the health or safety of the participating children is imminently threatened.

If the site is vended, the State agency shall within 48 hours notify the food service management company providing meals to the site of the site's termination.

APPEAL PROCEDURES

A copy of the Colorado Department of Education Office of School Nutrition's appeal procedures will be provided to any sponsor receiving a notice of serious deficiency or termination notice.

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