



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 School Nutrition Unit 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 School Nutrition Unit 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.
- For congregate meal service operations, serving more than one meal to a child at one time.
- For non-congregate meal service operations, distributing more than the daily meal limit when multi-day service is used.
- 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.
- For congregate meal service operations, 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 School Nutrition Unit 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 State 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 School Nutrition Unit's appeal procedures will be provided to any sponsor receiving a notice of serious deficiency or termination notice.

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.

