



SERIOUS DEFICIENCY INFRACTIONS

A Child Care Center, herein referred to as Site, participating under the sponsorship of the Social Development Commission (SDC) in the USDA and Adult Care Food Program (CACFP) administered by the Wisconsin Department of Public Instruction (DPI) may be deemed Seriously Deficient for the following infractions. Failure to correct these infractions would result in termination from the SDC sponsorship.

- 1.1** Failure to provide meals to all children enrolled in childcare without regard to race, color, national origin, sex, or, disability or income category.
- 1.2** Failure to attend annual training provided by SDC.
- 1.3** Failure to maintain accurate and complete records as required by SDC to include but not limited to, the Application Statement of Household Size-Income, enrollment in child care, daily attendance, meal counts, daily delivery invoices, CACFP meal patterns and component requirements and if applicable, documentation for second meals and mealtime spacing (if applicable) Formula Notification Letter and Infant Meal & Age Group Form.
- 1.4** Failure to comply with childcare licensing per Wisconsin Administrative Code HFS46, especially pertaining to meal service and daily attendance capacity.
- 1.5** Failure to serve meals that meet the CACFP requirements.
- 1.6** Failure to decrease meal count orders with the intention of serving more than one meal per child and exceeding 5% of the number of children in attendance.
- 1.7** Failure to refund SDC, at the current rate per meal, for any meals ordered that were not served to children and for any second meals in excess of 5% of the first meals served.
- 1.8** Failure to notify SDC of any changes in the number of meals and/or days when a site is closed.
- 1.9** Failure to forward field trip schedules to SDC 3 days prior to the scheduled field trip, for field trips that are part of day care activities.

- 1.10** Failure to allow an identified (photo id will be used) representative(s) from SDC, DPI, USDA, and any other State and Federal official to visit during normal hours of operations for the purpose of reviewing the CACFP.
- 1.11** Failure to submit signed daily delivery invoices, meal counts, daily attendance records and if applicable, Title XX documentation to SDC within the scheduled time frame outlined in the Sponsor/Site Agreement.
- 1.12** Self-Termination of Sponsor/Site Agreement with SDC within 12 months or failing to notify SDC of termination of Sponsor/Site agreement within 12 months.
- 1.13** Participating in the CACFP underneath another Sponsorship or as an independent center with DPI, before termination of the Sponsor/Site Agreement with SDC.
- 1.14** Conduct or conditions which threatens the health and safety of clients in the site's care including, serving food which SDC-Staff has deemed not safe to serve to participants based upon local Health Department Guidelines.
- 1.15** Any other action affecting the site's ability to administer the CACFP in accordance with program requirements.

II. Steps in declaring a site Seriously Deficient:

Step 1: Based upon the SDC-Monitor's review or site's claim review by the Lead-Bookkeeper, and in consultation with the Nutrition Services Manager, a site can be declared seriously deficient for infractions outlined in the section I. of the SDC Seriously Deficient Policy. The Nutrition Services Manager will inform the Program Service Director of the findings and a determination will be reached.

Step 2: When a determination has been reached that a site is seriously deficient, the Site Relations Coordinator will draft a seriously deficient letter outlining the reason (s) for this declaration and the required corrective action plan. The Nutrition Services Manager will review and sign this letter. This letter and all associated documentation will become part of the site's file.

Step 3: When a site is determined to be seriously deficient, the site will have five business days to submit and implement a corrective action plan.

Step 4: The SDC-Monitor Supervisor will schedule an unannounced review of the site within three days of the site's corrective action plan submittal due date. During this review the SDC-Monitor will check for implementation of the action plan. The Monitor Supervisor will report the results of the review to the Nutrition Services Manager and a decision whether the site is compliant or non-compliant will be rendered.

Step 5: A site determined to still be non-compliant will be mailed a certified letter of Intent to Terminate by the Nutrition Services Manager. A site has the right to appeal within five days. If the site does not appeal, a Notice of Termination and Disqualification Letter will be issued.

III. Site Termination Appeals Process

Step 1: The Intent to Terminate Letter is issued to a site which has failed to correct the serious deficiency (ies) within the required corrective action period. The site has five days from the receipt of the Intent to Terminate Letter to appeal the decision. If no appeal has been received or was received after the five days, proceed to step 6.

Step 2: The Program Service Director will forward the appeal to the SDC-Chief Executive Officer, and facilitate a meeting to review all pertinent information.

Step 3: Based upon the facts presented, the SDC- Program Service Director and the SDC- Chief Executive Officer will decide if the SDC Sponsorship will be terminated, thus ending CACFP Food Service to the site or if the site is allowed to continue participation in the CACFP under the SDC sponsorship. The SDC-Chief Executive Officer will render the final decision whether sponsorship of a site will be terminated. SDC must continue to provide meal service during the appeal period.

Step 4: The site will be informed of the SDC Appeal Review Committee's decision. Food Service will be immediately discontinued for a terminated site, when a site is allowed to continue in the CACFP under the SDC sponsorship, the site will continue to receive food and must adhere to the Program Requirements.

Step 5: The SDC Monitor Supervisor will schedule an unannounced review to determine if the site is in compliance with Program Requirements and report the results to the Nutrition Services Manager. If it is determined that the site failed to maintain compliance with Program Requirements, SDC, will issue a 2nd Letter and Final Intent To Terminate Letter.

Step 6: The SDC Nutrition Services Manager will notify the site of the termination of the Sponsor/Site Agreement. This notification will include the effective date of termination of SDC Meal Service and the sites right to apply as an independent center with the DPI. A copy of the notification will be submitted to the SDC-Appeal Review Committee and to the DPI. The Nutrition Services Manager will inform the DPI of the site's termination and provide copies of a relevant documentation.

Step 7: Site that has been declared seriously deficient and terminated from SDC-CACFP for failing to correct the serious deficiencies may not reapply for participation under the SDC sponsorship for a period of 12 months.

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To file a program complaint of discrimination, complete the [USDA Program Discrimination Complaint Form](http://www.ascr.usda.gov/complaint_filing_cust.html), (AD-3027) found online at: http://www.ascr.usda.gov/complaint_filing_cust.html, 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

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