

**THE PLANNING COUNCIL (TPC)
CHILD AND ADULT CARE FOOD PROGRAM (CACFP)
GENERAL POLICIES FOR CHILD DAY CARE CENTERS IN
VIRGINIA, MARYLAND AND THE DISTRICT OF COLUMBIA**

1. GENERAL PROGRAM INFORMATION

The Planning Council (TPC) sponsors the United States Department of Agriculture's (USDA) Child and Adult Care Food Program (CACFP) for child day care centers in the states of Virginia, Maryland and the District of Columbia. TPC wishes to serve centers as fairly and efficiently as possible. The following policies reflect federal guidelines and are designed for successful program operations. Please read them carefully and contact TPC if you have any questions. *Please be reminded that CACFP reimbursement may not cover the cost of entire meal service; rather, offer support to the childcare program for its meal service operation.* Thank you for your continued participation and cooperation.

1.1.1 Program Eligibility – Licensed, for-profit childcare centers where **at least 25 percent** (%) of enrolled children are eligible for free and reduced meals can participate in CACFP. Centers must operate the CACFP according to the days, hours, ages of children and capacity as approved by their state licensing. Centers are ultimately responsible for all program operations and paperwork/claims submitted, while The Planning Council as a sponsor offers training, technical assistance and support.

1.2 Reimbursement Guidelines - Centers may claim and be reimbursed for up to two meals and one snack, or two snacks and one meal, per day, served to each *enrolled* child up to the licensed capacity of the center. All children between the ages of 0 to 13 years are eligible for reimbursement and children up to age 18 are eligible only if they have a medical waiver on file for special needs or the parent is a migrant worker. *Please note that centers must supply receipts of reimbursable food, and food preparation items at or above the reimbursement amount (please reference the list of sample reimbursable expenses, page 8).*

1.1.2 All families must fill out an Income Eligibility Form for their child(ren) who are enrolled in the center to determine if the child belongs to the Free/Reduced/ or Paid eligibility category. Centers must meet the 25% eligibility for Free/Reduced to be eligible for the food program. If the center falls below the 25% for any month, the center will not be eligible for reimbursement. Centers must be licensed for profit centers to be eligible for the CACFP program.

1.1.3 Licenses - Centers must have a valid day care license to participate in the CACFP. They are responsible for submitting new, renewed or updated licenses to TPC. Centers with an expired, suspended or surrendered license are not eligible for CACFP participation.

NOTE: Centers must notify TPC of the change of address of their daycare operation and submit a copy of the new license for the new address. Reimbursement for meals served in their new address cannot be made until the center has been approved as a new site with the sponsor.

1.1.4 Meal Times – CACFP meals/snacks should generally be served at or between the hours listed below. There should be a 2-hour time lapse between all meals and snacks served.

MEAL	START TIME	END TIME
Breakfast	6:00am	9:00am
AM Snack	9:00am	11:00am
Lunch	11:30am	1:30pm
PM Snack	2:00pm	4:00pm
Supper	4:00pm	7:00pm
Evening Snack	7:00pm	8:30pm

1.3 Meal Components - Meals must have all components required by USDA and must meet the portion size requirements for the age of each child. (Please see the required meal components shown on the food chart and TPC’s Master Menu Booklet).

1.3.1 2017 USDA Meal Pattern Guidelines – The new USDA Meal Pattern Guidelines implemented in 2017 and require full compliance of October 2018 must be followed and all posted/submitted menus should reflect **current** meal patterns, to include the following:

- The combined fruit and vegetable component are now a separate vegetable component and a separate fruit component.
- Juice is limited to once per day.
- At least one serving of grains per day must be whole grain-rich
- Grain-based desserts no longer count towards the grain component; and
- Ounce equivalents (oz eq) are used to determine the amount of creditable grains (starting October 1, 2021).
- Meat and meat alternates may be served in place of the entire grain component at breakfast a maximum of three times per week.
- Tofu counts as a meat alternate.
- Yogurt must contain no more than 23 grams of sugar per 6 ounces.
- Breakfast cereals must contain no more than 6 grams of sugar per dry ounce.

1.3.2 Special Diets - If a child’s diet must deviate from the required meal pattern, or if a parent supplies a particular item for a child’s meal due to **medical reasons**, the meal may still be claimed if the center supplies other required meal component(s). A “Statement for Special Diet Prescription” Form must be on file with TPC. *A note from the parent will not be sufficient.*

1.3.2 USDA Milk Requirements –Fluid milk served to participants two years of age and older must be: fat-free or low-fat (1%) milk, fat-free or low-fat (1%) lactose free milk, fat-free or low-fat (1%) buttermilk, or fat-free or low-fat (1%) acidified milk. Fluid milk served to participants one (1) year of age must be “whole milk”. Milk served must be pasteurized fluid milk that meets state and local standards and may be flavored or unflavored. Whole milk and reduced-fat milk (2%) may **NOT** be served to participants over two years of age.

1.3.3 Water Availability –Potable water **must** be made available to children, as nutritionally appropriate throughout the day, including meal times. However, caregivers should not serve young children too much water before and during meal times that may decrease consumption of food and milk by the children. Centers should serve water with snacks when no other beverage is being served, and in lieu of other high calorie, sweetened beverages (juice or other beverages) that are served outside of meal times.

1.4 Civil Rights Compliance – Centers must agree to serve meals/snacks without regard to race, color, national origin, disability, parental status, age or religion of the enrolled children in their day care center. Centers are also required to attend a Civil Rights training once a year. In addition, centers are required to provide each child’s race and ethnicity to the best of their knowledge on the enrollment forms if the parents do not provide that information.

1.4.1 Advertising – Advertisements that promote a child day care center to the public and their involvement in CACFP *must* include the following civil rights statement in full:

Nondiscrimination Statement:

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, sex, religious creed, disability, age, political beliefs, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA.

Persons with disabilities who require alternative means of communication for program information (e.g. Braille, large print, audiotape, American Sign Language, etc.), should contact the Agency (State or local) where they applied for benefits. Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program complaint of discrimination, complete the [USDA Program Discrimination Complaint Form](#), (AD-3027) found online at: [How to File a Complaint](#), 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.*

This institution is an equal opportunity provider.

If the material is too small to permit the full statement above to be included, the material will, at a minimum include the statement (in print size no smaller than the text): ***“This institution is an equal opportunity institution.”***

2. RECORDS AND FORMS

2.1 Retention of Records/Forms - Centers must retain all program records for ***three years*** in accordance with 7 CFR 226.10(d) and 226.18(d), (e) and (g) of the Code of Federal Regulations.

Centers must maintain and have on hand for *immediate review* the following:

- a. Approved application and current sponsor/institution agreement

- b. **Daily** records of the number of children in attendance, and the number of meals, by meal type, served to enrolled children. Separate attendance records must be kept for each meal. Attendance records must indicate the child's time in and time out of the child care facility and should be verified by a parent's signature.
- c. Child enrollment forms signed and dated by parent/guardian
- d. Training certificates
- e. Review forms
- f. Menus that support their program activities for the current month, as well as the previous *twelve months* of operation.
- g. Building for the Future.
- h. "And Justice for All" poster.
- i. Original receipts for all purchases for CACFP operating expense.
- j. Payroll records.

The remaining two years of records may be stored outside the child day care center; however, they must still be in the control of the center and be accessible within a reasonable amount of time. If no off-site storage is used, centers must retain three years of records onsite at the child day care center. Records can be kept in hard copy or electronic format, provided that they are readily available to reviewers. Failure to maintain such records will be grounds for the denial of reimbursement.

- 2.2 Building for the Future (flyer)** – Centers are responsible for conspicuously posting the Building for the Future flyer in their child day care center and giving one to the parent of each enrolled child.
- 2.3 "And Justice For All" (Poster)** – Centers are responsible for conspicuously posting the "And Justice for All" USDA Poster in their center at all times.
- 2.4 Women's Infants & Children (WIC flyer)** – Centers are responsible for conspicuously posting the WIC flyer in their day care center and giving one to the parent of each enrolled child.
- 2.5 Enrollment Forms** – Parents *must* complete an enrollment form in its entirety for each child under the age of 13 in the child day care center, even if the child does not participate in the CACFP. Enrollment forms for each child must have the parent's signature, date and submit it to TPC in order for the child to be activated and the center to be reimbursed for that child. Centers must keep a signed and dated copy of the enrollment forms. Centers must also withdraw children online the last day they are enrolled in care. If a child is deleted from the program by the center for any period of time and is then re-added, a new enrollment form must be submitted so the center can claim the child's meals.

NOTE: Enrollment forms will expire **one (1)** year from the date of the child's original enrollment and/or enrollment renewal date. Centers are responsible for submitting a new enrollment form for each child, indicating any schedule changes for the child. The enrollment form must be signed and dated by the parent. Centers may find the date of expiration for each child on their Minute Menu program, under Reports> Children> Child roster, look at the column under "Expires". Centers will **not** be reimbursed for children claimed with expired enrollment dates. Enrollment forms signed by the parents are subject to monitoring review. *The Planning Council offers the Minute Menu software to childcare centers in its sponsorship free of charge.*

- 2.6 Meal Benefit/Income Eligibility Form (IEF)** – Completed by the parent.
 - a. Income Eligibility Form must be submitted by the parent for each new child(ren) enrolled in the center. Child(ren) with a missing Meal Benefit Income Eligibility Form will be reimbursed at the lower "paid" rate. Forms received after the monthly claim due date will be effective for the month in which the form was received.

- b. Meal Benefit/Income Eligibility Form must be submitted **annually** for each family enrolled in the center. Child(ren) with an expired Meal Benefit Income Eligibility Form will be reimbursed at the lower “paid” rate. Forms received after the monthly claim due date will be effective for the month in which the form was received.

2.7 Menus/Attendance - Menus must be recorded and posted *at least* one week before the meal service. It is suggested that menus be planned two weeks in advance. **Meal attendance must be recorded at the point of service (as the meal is served).** Meals that the center has not supplied or served may *not* be claimed.

2.7.1 Infant Menus - Meals containing breast milk or formula brought by parents may be claimed for infants 0 - 12 months *only if*:

- a. The meal meets the required guidelines (displayed on the back of the Food Chart) and other required meal components are served to the infant that are purchased by the institution; **and**
- b. The parent has refused the type of formula the center offers. A Parent Choice Form signed by the parent refusing the formula must be on file with TPC.

2.7.2 Infant Snack Reminders – Age 6 – 12 Months.

Infant snacks should consist of three (3) components 2 – 4 fluid ounces of Breast Milk or Infant Formula and when the infant is deemed developmentally ready, the following:

- Infants are allowed 0 – ½ slice of bread; or 0 – 2 crackers; or 0-4 Tbsp of infant cereal or “ready-to-eat” breakfast cereal **and** 0-2 Tbsp. of a vegetable or fruit.
- *NOTE:* Infants are not allowed to have juice, cookies or food containing honey at snack times.

3. SUBMITTING CLAIMS TO TPC

All forms/claims must be submitted to TPC *immediately after the last day of service for the month*. Centers must put the correct postage on their envelopes when returning forms to TPC. Postage-due mail cannot be accepted, and any postage-due mail will be returned to centers, which may result in a late claim.

3.1 Claims - must be *postmarked by the 3rd of the month* following the claim month to ensure timely reimbursement.

3.1.1 The following items must be submitted with each center claim for each claim month:

1. *Master Enrollment List*
2. *Signed Attendance Records/Meal Counts*
 - a. *Must be entered into CX, signed copies must be submitted w/the claim.*
3. *Menus*
4. *Original Receipts for food items and kitchen supplies (copies of receipts will not be accepted; your original receipts will be returned after copies are made at TPC)/Labor Tally/Payroll records. *Receipts will be returned quarterly during center reviews. TPC will not mail receipts back to the center.*
5. *New/re-enrollment forms with new Meal Benefit/Income Eligibility Forms.*
6. *Statement for donated items, with the quantity of each item. The statement must state name, address, and phone number of the giver.*

3.2 Centers are responsible for enrolling all new children in the Minute Menu program (that is provided by The Planning Council at no cost to the center).

3.2 Centers are responsible for entering both regular and infant menus into the Minute Menu program.

3.3 Attendance – Daily and meal attendance must be recorded at point of service, on paper and/or electronically.

3.3.1.1 If recorded on paper, final attendance meal counts must be entered by center staff in CX and a printed and signed copy of the electronic meal attendance should be submitted with the claim.

3.4 Enrollment Forms - Any signed and dated enrollment forms must be postmarked by the 3rd of the month following the claim month to insure timely reimbursement.

3.5 Meal Benefit/Income Eligibility Form (IEF) - Any signed and dated Meal Benefit Income Eligibility forms must be postmarked by the 3rd of the month following the claim month to insure timely reimbursement.

3.6 Late Claims - If a claim misses the deadline, it will result in a delay of reimbursement up to 60 days. **Any claim submitted over 45 days late will not be processed and will not be reimbursed for that month. No adjustment or corrections can be made to late claims.**

3.7 Check Mistakes – If a center feels that their reimbursement check has an incorrect amount, they must contact TPC *within 5 working days of receiving the reimbursement check*. No adjustments will be made after 5 working days. **No adjustments can be made to late claims.**

4. TRAINING

The Planning Council will offer ongoing training opportunities to the sponsored center. Centers (all foodservice team) are ***required to attend at least one TPC approved USDA “CACFP Recordkeeping” training session per year.*** Trainings will inform centers of CACFP recordkeeping procedures and offer health and nutrition education. Centers must also attend a Civil Rights training once per year. It is the responsibility of the Center to attend the required trainings and submit a copy of their training certificates to TPC to receive credit. Consideration will be given to centers that need in-center training, on a case by case basis. Failure to attend CACFP recordkeeping training is a serious deficiency.

5. CENTER MONITORING VISITS

Centers will be monitored at least three times per year. ***At least two of these visits will be unannounced, and one may be announced.*** Centers must cooperate with their CACFP monitor during these visits and allow entry to representatives of USDA, VDH, MSDE, District of Columbia OSSE, and TPC. If the center offers care in the evenings or on weekends, some of the monitoring visits will take place during those hours. Any assistant(s) or substitute(s) must be informed by the center to allow entry to representatives of USDA, VDH, MSDE, OSSE and TPC, be trained on CACFP requirements and have all necessary information available for review. Please refer to Section 6, “Absences/Closures of Day Care Center” if the center will be closed during a meal. Please Note: **If TPC has made two unsuccessful attempts to visit a center, the center will be issued a Corrective Action Plan. The sponsor reserves the right to conduct addition monitoring to verify meals or milk requirements are being meets by the center.**

6. ABSENCES/CLOSURES OF CHILD DAY CARE CENTER

Centers must notify TPC whenever they plan to be out of their child day care center during a meal service period or when there are no children in care. Centers do not need to notify TPC if the child day care center will be open with an assistant or a substitute serving the meal(s). (Please note that all assistants and substitutes must be informed about CACFP visiting policies and trained on CACFP requirements so they will

allow TPC, VDH, USDA, OSSE and MSDE representatives into the child day care center.) If a review by a TPC field monitor is attempted when children are not present in the child day care center, the meal(s), and/or snack(s) that would have been observed during the review will not be reimbursed.

Centers **must** follow the procedures below for notification of their absence or closure as soon as they know that the center will be closed and/or no children in attendance (e.g. going on a field trip, picnic, or the child day care center is going to be closed for any other reason):

- a. Call 1-800-477-3993.
- b. When the automated service picks up, press extension 3070.
- c. At the tone, leave your name, center name, the state in which the center is in and the time(s) and date(s) the center will be closed, or the children will be away from the center. (Example: **Susan Star; Center name, the center is in Maryland; the center will be closed on Monday, August 26th.**)
- d. Centers do not need to notify TPC of the reason for closure unless they are going on a field trip and want to claim a meal for the children while on the trip. Centers wanting to claim a meal while on a trip, must state the meal(s) they plan to serve on the trip (See Section 6.1 Field Trips).

6.1 Field Trips - An occasional meal may be claimed while taking children on a field trip. At least one day in advance of the field trip, the center must inform TPC of the date, location, number of children expected to participate, menu and the method of transporting the meals. Meals offered during field trips must be prepared by the center (meal components purchased from fast food and/or off-site vendors are not creditable).

7. CHANGES TO CHILD DAY CARE CENTER INFORMATION

Centers must notify TPC of the following:

- a. Change of address (If a center moves, it will not be eligible for reimbursement until a new site approval has been approved from VDH, MSDE, or OSSE).
- b. Change of license capacity or status.
- c. Temporarily or permanently withdrawing from the program.
- d. Change in regular meal times.
- e. Change in days and/or hours of operation.
- f. Field trips and/or other closures from the center, and;
- g. Any times that the child care program will not be operating during normal hours.

8. REDUCTION OF CLAIMS

A center's claim may be reduced for the following reasons:

- a. Meals claimed for children who are not **enrolled** in the program.
- b. Meals claimed for children who have **expired enrollments** in the program.
- c. Meals/snacks claimed in excess of the approved license.
- d. Meals/snacks claimed outside of the operating days and hours approved on center's license.
- e. Meals served to children over age 13 (unless TPC has a medical waiver for special needs or the parent is a migrant worker).
- f. Meals (*including milk and components*) which do not meet the USDA meal pattern requirements (unless there is a "Statement for Special Diet Prescription" form **on file**).
- g. Meals claimed that differ from those recorded by the field monitor at the time of the visit.
- h. Meals that have invalid components or missing components.
- i. Meals for which there are no pre-recorded menus. Menus must be recorded **before** a meal is served.
- j. Attendance recorded in advance of a meal being served. Attendance must be recorded at point of service on the day the meal is served.
- k. Meals not served.

Sample Reimbursable CACFP Expenses for For-Profit Childcare Centers

1. Food items served to children in care. These items must be reflected on your menus. (Items that are not included in the menus will be disallowed). Receipts are required to reflect food purchases.
2. Food Service Labor, including preparation, service, and record keeping (Only staff who has been trained on CACFP by The Planning Council may be claimed).
3. Nonfood supplies including cleaning supplies for the kitchen and eating areas, paper and plastic items used to feed the children, printer ink and paper used in the operation of the program.
4. Food service equipment (equipment over \$50 must be pre-approved).

**The Planning Council (TPC)
Child and Adult Care Food Program (CACFP)**

Serious Deficiency, Termination and Appeal Procedures for Unaffiliated Institutions

The Planning Council (TPC) must initiate action to terminate the agreement of the unaffiliated day care center (hereafter “the institution”) for cause in the operation of the Child and Adult Care Food Program (CACFP) if TPC determines the institution has committed one or more serious deficiency (ies) listed below. Upon making a serious deficiency determination, if the institution does not act to fully and permanently correct the serious deficiency within the allotted period of time, the institution’s agreement must be terminated.

If, however, the serious deficiency (ies) constitutes an imminent threat to the health and safety of participants, or the institution has engaged in activities that threaten the public health or safety, TPC must follow the procedures for suspension outlined below.

List of Serious Deficiencies

1. Submitting a fraudulent claim(s) which may include:
 - Claiming meals not actually served.
 - Claiming meals for children who are not present or not enrolled for care; and/or
 - Claiming meals under more than one sponsoring organization.
2. Participating without a valid license
3. Failing to complete required corrective action during the allotted period of time.
4. Refusing entry to TPC, or the State agency (Maryland State Department of Education; Virginia Department of Health; District of Columbia Office of the State Superintendent of Education).
5. Falsifying information on CACFP forms and documents.
6. Noncompliance with the program meal pattern.
7. Failing to follow CACFP regulations.
8. Failure to keep required records.
9. Conduct or conditions that threaten the health or safety of a child(ren) in care, or public health or safety.
10. A determination that the institution and/or it’s responsible principal has been convicted of any activity that occurred during the past seven years and that indicated a lack of business integrity. This could include fraud, antitrust violations, embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, receiving stolen property, making false claims, obstruction of justice, or any other activity indicating a lack of business integrity, and/or;
11. Any other circumstance related to non-performance under the sponsor/institution agreement. This may include, but not be limited to, continuous submission of late and/or incomplete claims for reimbursement, failure to comply with civil rights laws, and failure to attend required trainings.

Serious Deficiency Notification Procedures

TPC will thoroughly investigate the serious deficiency (ies) and notify the institution, in writing, that he/she has been found to be seriously deficient. TPC will provide a copy of the serious deficiency notice to the State agency. The notice will include:

- the serious deficiency(ies).
- the actions to be taken by the institution to correct the deficiency(ies).
- the allotted time to correct the serious deficiency(ies).
- that the serious deficiency determination is not subject to appeal.

- that failure to fully and permanently correct the serious deficiency(ies) within the allotted timeframe will result in TPC's proposed termination of the institution's agreement and disqualification of the institution, and,
- that the institution's voluntary termination of its agreement with TPC after having been notified that he/she is seriously deficient will still result in the institution's formal termination by the sponsor and placement on the National Disqualified List.

Successful Corrective Action

If the institution corrects the serious deficiency (ies) to TPC's satisfaction within the allotted timeframe, TPC will notify the institution that the determination of serious deficiency has been temporarily deferred, and that a recurrence will result in an immediate proposal to terminate the institution's agreement for cause and disqualify the institution from Program participation. The sponsor will also provide a copy of this notice to the State agency.

Unsuccessful Corrective Action – Proposed Termination & Proposed Disqualification Procedures

If the institution fails to implement timely corrective action to fully and permanently correct the serious deficiency(ies) cited, the sponsor will issue a notice proposing to terminate the institution's agreement for cause and disqualify the institution from Program participation. TPC will provide a copy of this notice to the State agency. The notice will:

- Provide explanation of the institution's opportunity for an appeal of the proposed termination and disqualification and the procedures to follow to request such appeal.
- Inform the institution that he/she may continue to participate and receive program reimbursement for eligible meals served until the appeal concludes.
- Inform the institution that termination of the agreement will result in the day care home's termination for cause and disqualification.
- State that if the institution seeks to voluntarily terminate the agreement with TPC after receiving the Notice of Proposed Termination and Disqualification, the home will still be placed on the National Disqualified List.

If an appeal is requested by the institution within the allotted period of time, TPC will follow the Appeal Procedures detailed in this policy. If the Appeal Official overturns TPC's proposed actions, formal notification will be used to temporarily defer the serious deficiency. If an appeal is not requested by the institution within the allotted period of time, or if the institution loses the appeal, TPC will issue a Notice of Termination and Disqualification to the institution. TPC will provide a copy of these notices to the State agency.

Suspension Procedures

Suspension of an institution's participation in the CACFP will occur if the serious deficiency (ies) constitutes an imminent threat to the health and safety of participants, or the institution has engaged in activities that threaten the public health or safety. TPC will not make program payments to an institution who has been suspended until any appeal of the proposed termination is completed. If the suspended institution prevails in the appeal, TPC will reimburse him/her for eligible meals served during the suspension period.

TPC will notify the institution that his/her participation has been suspended, that the institution has been determined to be seriously deficient, and that TPC proposes to terminate the institution's agreement for cause. TPC will provide a copy of the notice to the State agency. The notice will:

- Specify the serious deficiency (ies) found and the institution's opportunity for an appeal of the proposed termination, and the procedures to follow to request such appeal.

- State that participation (including all program payments) will remain suspended until the appeal concludes.
- Inform the institution that if the Appeal Official overturns the suspension, the institution may claim reimbursement for eligible meals served during the suspension.
- Inform the institution that termination of the day care home's agreement will result in the placement of the home on the National Disqualified List; and
- State that if the institution seeks to voluntarily terminate its agreement after receiving the notice of proposed termination, the day care home will still be terminated for cause and disqualified.

If an appeal is requested, TPC will follow the Appeal Procedures below.

Appeal Procedures

1. An institution may appeal TPC's proposed termination and disqualification. The written appeal must be received by TPC within **fifteen "calendar" (15)** days of the institution's receipt of the Notice of Proposed Termination and Disqualification.
2. TPC Quality Assurance Program Manager (VA and DC) or the Program Coordinator (MD) must acknowledge the receipt of the appeal request within ten (10) days.
3. TPC will ensure that an appeal hearing is held within thirty (30) days of receipt of the institution's request for a hearing.
4. TPC will appoint an Appeal Board for each hearing. The Board will consist of a minimum one (1) individual(s) for the Board who are impartial, independent, and not have been involved in the action that is the subject of the appeal or have direct personal or financial interest in the outcome.
5. Institutions may continue to claim CACFP reimbursement during the appeal process until the final decision of the Appeal Board is made, unless the termination action is based on imminent danger to the health or safety of the children.
6. TPC will notify the institution of the Appeal Board's decision within sixty (60) days of the receipt of the appeal request.
7. The decision of the Appeal Board is final.
8. If the institution loses the appeal, does not attend the appeal hearing, or does not appeal, the sponsor will send the institution a Notice of Termination and Disqualification. Upon disqualification, the institution will be placed on The National Disqualified List. While on the list, institutions cannot participate in the CACFP as a day care home institution or serve as a principal in any CACFP institution or facility. Institutions will remain on the list until such time as the State agency determines that the serious deficiency (ies) has been corrected or until seven (7) years after being disqualified. Any outstanding debt must be repaid. These actions are pursuant to 7 CFR 226.16(1) of The Code of Federal Regulations.

