



Indiana Department of Education

Dr. Katie Jenner, Secretary of Education

Summer Food Service Program Serious Deficiency/Termination Policy

Policy Statement of Purpose:

The purpose of this policy is to comply with Code of Federal Regulations (CFR) Title 7, section 225.11. If any part of this policy conflicts with the regulations or memoranda issued by the U.S. Department of Agriculture (USDA), the federal regulations and memoranda shall take precedence. The Indiana Department of Education (IDOE) will afford a sponsoring agency reasonable opportunity to correct program violations before terminating the sponsor for being seriously deficient. IDOE may approve the application of a sponsoring agency that has been disapproved or terminated in prior years if the sponsoring agency demonstrates, to the satisfaction of IDOE, that it has taken appropriate corrective actions to prevent recurrence of the deficiencies.

Reference/Sources for Authority: 7 CFR § 225.11

Policy Overview

Notice of Serious Deficiency

IDOE will issue a Notice of Serious Deficiency when serious deficiencies are identified. The Serious Deficiency status is not appealable, however the findings which lead to the Serious Deficiency determination will be identified in the correspondence. 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 IDOE.
3. Failure to return to IDOE any 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.
4. Program violations at a significant number of the sponsor's sites. Such violations include, but are not limited to, the following:
 - a. Noncompliance 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.
 - h. Continued use of food service management companies that are in violation of health codes.

Corrective Action

Whenever IDOE observes violations in the application process or during the course of review, it will require the sponsoring agency to take corrective action. During a review, if high levels of program



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violations are found, IDOE will immediately require a corrective action plan to be submitted 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 IDOE, a Termination Notice will be issued, certified mail, to the sponsoring agency. The Termination Notice will specify if a site and/or sponsor is the subject of the action. Sponsors/Sites may appeal the termination by following the appeal procedures included with the notification of termination. IDOE will immediately terminate the participation of a sponsor's site and issue a Termination Notice for the 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 IDOE's action, reimbursement will be paid for the meals served during the appeal process. However, such continued program operation will not be allowed if IDOE's action is based on imminent dangers to the health or safety of the children. The determination by IDOE's appeal official will be the final administrative determination to be afforded to the sponsoring agency.

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, disability, age, 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.