

Serious Deficiency Process

General

This policy is used to comply with the federal regulation 7 CFR Part 225.11. If any part of this policy conflicts with the regulations or memoranda issued by the U.S. Department of Agriculture, the federal regulations and memoranda shall take precedence.

The Illinois State Board of Education (ISBE) will afford a sponsoring agency reasonable opportunity to correct program violations before terminating the sponsor for being seriously deficient. ISBE 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 ISBE that it has taken appropriate corrective actions to prevent recurrence of the deficiencies.

Notice of Serious Deficiency

ISBE will issue a Notice of Serious Deficiency when serious deficiencies are identified. 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. Submission of false information to ISBE
3. Failure to return to ISBE 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 the 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 proportion 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. Simultaneous service of more than one meal to any child
 - e. 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

When ISBE observes violations during the course of a site review or Administrative Review, it will require the sponsoring agency to take corrective action. If several meal service violations

are found, ISBE will immediately require a Corrective Action Plan to be followed by the sponsor and will either conduct a Follow-Up Review or in some other manner verify that the required corrective measures have been fully implemented. If ISBE does not receive a Corrective Action Plan from the sponsor within the given timeframe, ISBE will also issue a Notice of Serious Deficiency.

Termination Notice

If serious deficiencies are not fully and permanently corrected within the time period identified by ISBE, a Termination Notice will be issued to the sponsor agency. The Termination Notice will specify if a feeding site or the sponsor is the subject of the action.

ISBE will immediately issue a Termination Notice for a sponsor's site if it is determined 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 ISBE's action, reimbursement will be paid for meals served during the appeal process. However, such continued program operation will not be allowed if ISBE's action is based on imminent dangers to the health or safety of the children. The determination by ISBE appeals official will be the final administrative determination to be afforded to the appellant.