May xx, 2024

Navneet Kaur Sandhu, Branch Chief
Program Integrity and Innovation Division
USDA Food and Nutrition Service
1320 Braddock Place
Alexandria, VA 22314

Dear Ms. Sandhu,

CACFP Roundtable appreciates the opportunity to submit comments to the United States Department of Agriculture’s (USDA), Food and Nutrition Service (FNS) related to the proposed rule, Serious Deficiency in the Child and Adult Care Food Program and Summer Food Service Program.

Formed in 1977, CACFP Roundtable is a nonprofit organization that works alongside the Child and Adult Care Food Program (CACFP) community to educate, advocate, and support the field. Our work is centered around child, family, and caregiver needs and we value the services care centers and community-based organizations offer through the CACFP. The program serves as a vital strategy for improving nutritional security and addressing rampant food insecurity in our communities.

CACFP Roundtable has convened several stakeholder groups, ranging from small workgroups to a deliberative forum with over 100 attendees, to discuss the serious deficiency process as it relates to the different types of programs in the CACFP. We’ve talked about serious deficiency in general and about the proposed rule itself. The comments and recommendations that follow are based on our community engagement and discussions and policy analysis of the serious deficiency process in the CACFP.

General Comments

CACFP Roundtable appreciates USDA FNS hearing the community in the public comments from the Child Nutrition Program Integrity Rule of 2016 and The Serious Deficiency Process in the Child and Adult Care Food Program Request for Information in 2019. As stated in the present rule preamble, USDA FNS heard that the serious deficiency process and terminology are confusing, inconsistent, subjective, and inequitable. The proposed rule aims to address clarity, equity, fairness, and effectiveness of the serious
deficiency process; CACFP Roundtable appreciates the direction USDA FNS is going. CACFP Roundtable, with numerous modifications, supports elements of the proposed rule.

Throughout this letter, CACFP Roundtable will highlight community perspectives for USDA FNS to consider, propose new ideas for the serious deficiency process in CACFP, and make recommendations regarding specific areas in the proposed rule.

An Overview

The recommendations throughout this letter are reflective of the community’s experiences and collective suggestions. As a whole, the recommendations urge USDA FNS to consider a different pathway for operators who cannot manage the program because of the complexities layered on throughout the years of CACFP administration.

Serious deficiency process, even when triggered by serious management problems (as proposed in the rule), should be reserved for those with the most severe financial mismanagement issues, intentional misuse of federal funds, and/or fraud. The alternate pathway is at the heart of all of the comments and recommendations in this letter. We propose the alternate pathway in effort to reserve the serious deficiency process, to be used as it was intended; a tool to remove the bad actors from CACFP.

Highlights specific to the proposed rule:

- **Emphasize technical assistance is preferred and required** prior to the serious deficiency process and that state agencies and sponsors are empowered to provide as much technical assistance as needed prior to removal from the program.
- **Temporary deferral** has not been eliminated, as it is written in the proposed rule; it now has a time limit.
- The **five criteria** proposed to be codified, must be considered (and met) as a whole during the assessment of a serious management problem. If one or two of the criteria are met, this should not equate to a serious management problem. USDA FNS must make this clear in the final rule.
- **Current serious deficiency list** should be removed from regulation and replaced with a list specific to severe financial mismanagement, intentional misuse of federal funds, and/or fraud.
- **We support a path to full correction. Good standing** should equate to full correction. Remove the extended time frames that are proposed prior to full correction for new and/or repeat findings for all operators.
- **National Disqualified List (NDL)** should be reserved for only those operators who have gone through the serious deficiency process and terminated for cause because of severe financial mismanagement, intentional misuse of federal funds, and/or fraud, as well as imminent threat to health and safety through suspension. Additionally, the time required on the NDL should be four years or less.
- **Family child care homes** and sponsored unaffiliated centers should have the same amount of time for corrective action (90 days) as institutions.
- **Due process/fair hearing:**
At the time of serious management problem determination, operators should be able to contest the determination prior to continuing down the serious deficiency pathway.

At the time of fair hearing for a serious deficiency and termination for cause, operators should be able to contest the determination itself, not just the process.

Family child care homes should be able to request an in person hearing, as institutions are allowed.

- **Require technical assistance** throughout all parts of corrective action, including the creation of the corrective action plan.
- Make clear that **serious deficiency can only be used for federal regulations.** Added and unnecessary state rules layered on top of federal regulation cannot be considered a serious management problem and place operators on the serious deficiency pathway.
- **Required suspension** for false claims is dangerous and cannot be in the final rule. There is currently no definition of false claim in the current or proposed rule. False claims are interpreted differently across the states and even down to staff reviewers. This provision in the proposed rule does not meet the intended or stated goals of USDA FNS.
- **Serious management problem** definition needs to be narrowly tailored to severe financial mismanagement, intentional misuse of federal funds, and/or fraud. If this is not possible, it needs to be more specific and remove the reference to “quality of meals.”

What’s happening in CACFP/Community Perspective

**CACFP is a critical and necessary program but overcomplicated, cumbersome, and intimidating**

CACFP is crucial to a viable family support system. It serves as a lifeline for families with low incomes who depend on the meals and snacks served in care settings. It also stabilizes child care businesses, who commonly operate with shoe-string budgets. Further, child care providers themselves often experience food insecurity and participate in other social safety net programs, such as SNAP.

CACFP is a well-documented support of meal and nutritional access for children and adults in care settings. It is also a necessary economic support for the caregivers and families. Research has shown that care settings, particularly child care, on CACFP serve better nutritional quality meals than those who are not on CACFP. Additionally, research has shown that the quality of care itself increases when a setting participates in the food program.

*It is also well-documented that institutions and family child care homes that could participate do not.* Aside from limited understanding of what the CACFP is and how to participate — the rules and regulations deter eligible sites from participating. The rules of the program are too complicated, too hard, and intimidating. This contributes to underparticipation and therefore lack of access to the program for children, adults, and families most in need.

The intent of the CACFP, as stated in law, is to “provide aid to child and adult care institutions and family or group day care homes for the provision of nutritious foods that contribute to the wellness, healthy
growth, and development of young children, and the health and wellness of older adults and chronically impaired disabled persons.” This goal is not being fully achieved because of the constant overlay of cumbersome rules, processes, regulations, and perceptions of the CACFP. The USDA FNS has authority to create and modify regulations and a responsibility to take action through regulations to simplify the program in order to better serve the original intent and goal of the CACFP. Improvements to the regulatory structure can occur while also ensuring there are checks and balances in place to preserve integrity and due process of the program. The USDA FNS must also standardize the program rules and regulations across state lines.

The USDA FNS’s Serious Deficiency in the Child and Adult Care Food Program and Summer Food Service Program proposed rule is an attempt to standardize the program and make it more accessible, equitable, consistent, and fair. However, the CACFP needs a deeper look. USDA must standardize the program in earnest across the states. USDA FNS must also compare the law with the regulation and guidance provided through memos to make the program feasible to operate for people who do not have a background in law or finance. The people who operate the program are caregivers and nonprofit administrators whose motivation and expertise is providing needed meals to their communities.

As a federal entitlement program, the CACFP is positioned to provide broad economic support for the community, for both caregivers and parents, and ensure children and adults are fed nutritious and healthy meals when away from their homes. But the CACFP is underutilized, and in some regions of our country entirely inaccessible. The USDA FNS needs to address the crisis in CACFP through standardizing, streamlining, simplifying, and providing transparency into the rules and regulations that are in the power of the Secretary.

Fear of providing too much technical assistance before a serious deficiency trigger

As the community continues to seek clarity about the serious deficiency process, in particular the point at which it should be triggered, CACFP Roundtable is compelled to share with USDA why the process is unclear in order to illuminate why the proposed rule does not clarify or address the nature of the problem with the serious deficiency process.

Sponsors and states have created their own policies to address errors or purposeful mismanagement of the CACFP rules based on USDA FNS, USDA FNS Regional offices, and state agency rules and guidance. They vary from sponsor to sponsor and state to state. There are state agencies and sponsors who are confident to give as much technical assistance as they see fit to ensure success in the CACFP. There are others that have specific policies in place that do not allow for contextual factors that operators experience, but minimize their own risk.

In conversations with stakeholders and during the CACFP Roundtable’s Serious Deficiency Deliberative Forum, it is clear that some sponsors hedge on the conservative side. For example, providing a warning to a family child care home provider when she forgot to tell the monitor she was not going to be at her house for a meal because they went to the park. If it happens just one more time with this agency, the
provider is placed in the serious deficiency process. Sponsors expressed frustration because the consequences are so severe, they don't feel it is fair but they have created policies to protect themselves from being determined seriously deficient. State agencies similarly establish protective policies so they don't get findings during their management evaluations. Consequently, even if they believe the operator simply made a mistake or would benefit from additional technical assistance, they take the most severe approach and place the operator into the serious deficiency process.

The majority of sponsors we talk to are relationship-forward agencies; they want to provide as much technical assistance as possible prior to triggering the serious deficiency process. However, they are nervous and fearful of state agencies interpreting the rules differently than they do. A family child care home sponsor has stated, “I want to make sure I’m not giving too much technical assistance and I’m not going to get in trouble with my state agency” before she starts the serious deficiency process.

One monitor stated, “Technical assistance should not get us in trouble. Not everyone learns the same way, or as fast as other people. I have providers that get the program in 5 minutes. They know what to do and will never make a mistake. And I have some that I have had to train over and over because they don’t understand it. If we [the sponsor] get punished for technical assistance, then we are getting punished for doing our job and providing services to people of different learning abilities.”

Another sponsor of homes shared that while she was intending to provide as much technical assistance as needed to ensure the family child care homes on her program received the needed and required training, during the administrative review, the state agency required the sponsoring organization to place the family child care homes (many of whom were on the program for only three months) in serious deficiency.

CACFP Roundtable believes this is not the intent of the USDA FNS regulations, currently or in the proposed rule. The serious deficiency process should be the last resort, a tool used to remove bad actors from the program; those with severe financial mismanagement issues, intentional misuse of federal funds, or intent of fraud. Unfortunately, many states and sponsors do not approach the process this way, not because they don’t want to give as much technical assistance as the operator needs but because they are nervous they are going to interpret the situation incorrectly or differently than their own oversight agency, and the risks are too great.

Unfortunately, the proposed rule, as it is written, does not adequately address the varying interpretations of when to place an institution, unaffiliated sponsored center, or family child care provider on the serious deficiency path.

Serious deficiency process is a tool to remove bad actors from the program

CACFP Roundtable acknowledges that the serious deficiency process was designed as a tool to remove bad actors from the program. It is meant for bad actors who misuse federal funds for their own benefit
and have little regard for following the rules and regulations. This tool is important to have in place to protect the integrity and mission of the program and the taxpayer dollars being used to fund the CACFP.

However, the process does not just keep bad actors from accessing the program. The process negatively impacts the goals of the CACFP, which are to ensure nutritious and healthy meals to those in most need because institutions, sponsored unaffiliated centers, and family child care homes cannot risk the consequences of serious deficiency; or if they are placed on the National Disqualified List (NDL) for seven years, children in those communities lose access to the meals which could have generational impacts.

Corrective action and financial consequences regardless of serious deficiency process

Enforcing compliance with CACFP rules and regulations occurs regularly outside of the serious deficiency process. When operators do not comply with rules and regulations, there are corrective actions taken along with immediate financial consequences. Family child care homes are paid in the arrears and monitored regularly. Their meals, if out of compliance, are disallowed and not paid prior to the claims disbursement. Sponsors use this required method to show the need for compliance with rules and provide technical assistance. Centers, upon their reviews, must return funds that do not have proper documentation, even if due to human error, to support the claim. *It is well-documented that the caregiving field operates on budgets that cannot afford the loss of financial resources for nutritious and healthy meals that have already been paid for and provided to the children. Losing CACFP reimbursements, or having to pay them back, can be detrimental to the financial health of the caregiving entity. If systemic and severe financial mismanagement, intentional misuse of federal funds, and/or fraud is not the cause of noncompliance, this is consequence enough.*

The serious deficiency process, termination for cause, and placement on the NDL, should be reserved for only severe financial mismanagement, misuse of federal funds, and/or fraud.

Decline in participation impacts those who are most in need

CACFP family child care sponsors are on a precipitous decline and there is a negative growth for new sponsors. Institutions that are well-positioned to become a family child care home sponsor will not engage with CACFP and this has been equated with both the lack of financial resources and the risk of managing the program.

Steps Toward an Alternate Path

The community has suggested that one way to alleviate the fear of subjectivity and the severity of the consequences when placing operators on the path to serious deficiency is to reserve the use of the serious deficiency process for only the most severe financial mismanagement, intentional misuse of federal funds, and/or fraud.

For an ongoing issue with paperwork or forgetting to indicate that a whole grain was served, for example, even if systemic, these errors should not result in the serious deficiency process, termination
for cause, and placement on the NDL for seven years. These consequences are too severe for inadvertent human error - even if it is systemic.

Compliance with program rules and regulations is important. However, child care providers are juggling a multitude of responsibilities; CACFP paperwork and training are a sliver of their programming as they ensure a safe and growth-oriented environment to raise children and support their communities.

The USDA FNS has done a commendable job gathering information and listening to the CACFP community needs. The proposed rule changes some terminology to provide clarity and addresses the severity of the serious deficiency process, eliminates continuous temporary deferral, and creates a pathway to full correction, which CACFP Roundtable supports with caution. These are steps toward a more fair, consistent, and equitable process, but the proposed rule does not adequately address the severity of consequences for infractions that are unintentional noncompliance. The proposed rule also does not clearly state to state agencies and sponsoring organizations that ample technical assistance is required and preferred prior to the serious deficiency process. There are many state agencies and sponsors who use the serious deficiency process as a corrective action and technical assistance tool and platform; this is not the intent of the serious deficiency process. It should be reserved for the most severe intentional infractions.

1. **Serious Management Problem.** Naming the step that triggers the serious deficiency process a “serious management problem” addresses the community request to make the terminology less severe and intimidating. However, let’s be clear, once an Institution, family child care home, and/or sponsored unaffiliated center is declared to go down this path there is no alternative way out. They are required to do the corrective action plan, implement the corrective action plan, and have zero repeat or new serious management problems again during the review cycle. This change in terminology does not change the severity of consequences for a program that simply cannot do the program correctly because of any number of contextual factors, outside of CACFP operations. The definition of serious management problem is unclear, all-encompassing, and does not limit itself to what could be considered the most severe noncompliance in the CACFP. Additionally, the quality of the meals served should not be a part of this definition. Quality of meals, while an important aspect of the CACFP, is subjective and not a regulation. This definition leads to a determination that is far too subjective and inconsistent for the severity of consequences, i.e. being terminated for cause and placed on the NDL for seven years, perpetuating the known inequities in the system.

2. **Five Criteria and removal of serious deficiency lists.** The five criteria and removal of the lists is an attempt to address the subjectivity in determinations that trigger the serious deficiency process. A state agency or sponsoring organization would be required, according to the proposed rule, to apply these five criteria in their analysis of a serious management problem determination, which places operators in the serious deficiency process. CACFP Roundtable supports codifying the five criteria as a measurement of what would raise to the most severe level of infractions that would lead to a serious management determination, if and only if they
are required to be considered as a whole. By this we mean that each of the five criteria would have to be considered and met prior to the determination. However, it begs the question, what is the state agency and sponsoring organization supposed to apply the five criteria to if there is not a specific list? The entire regulation would technically be fair game. This does not achieve the goal of USDA FNS to create a more consistent and fair process. CACFP Roundtable supports the removal of the current lists but recommends that USDA FNS create a list that is specific to severe financial mismanagement, intentional misuse of federal funds, and/or fraud. This list should not include training, meal pattern, recordkeeping, or mistakes on applications. There are state agencies that require corrective action plans for a number of regulatory noncompliance such as “teachers not counting meals for infants under 6 months of age” regulation cited CFR 226.11. Should this mistake, which did not impact use of federal funds as the meals were not even claimed, continue to happen, it could meet the five criteria and place an operator in the serious deficiency process. This is not the intent of the proposed rule.

3. **Path to full correction.** The technical removal of temporary deferral and path to full correction is a welcome element of the proposed rule. CACFP Roundtable appreciates and supports the path to full correction. However, the timing and emphasis on repeat or new findings is of great concern.

   a. This timeframe, in particular for Institutions, essentially creates a temporary deferral process that lasts for a minimum of 24 months, but could be longer depending on how long it takes the state agencies to complete their first and last reviews. This timeframe is too long for the severity of consequences that happen if a “repeat finding” or “new finding” occurs. The timeframe is essentially a shortened temporary deferral. Full correction should happen when a program is placed in good standing.

   b. Additionally, it is unclear what is meant by a repeat finding or new finding. Findings and serious management problems should be two explicitly different things. It must be made clear that if there is a repeat finding that it is SAME repeat serious management problem (not finding) and, if there is marked improvement, it cannot be a repeat serious management problem with proposed termination; allow the operator to continue on the path to full correction. It is also not clear in the proposed rule what “new findings” entail. It needs to be stated explicitly that any new finding must also meet all five criteria to be considered a new serious management problem.

   c. The timeline for family child care homes and sponsored unaffiliated centers to achieve full correction is dependent upon the completion of three consecutive reviews, without a minimum timeframe. While this seems more reasonable than the current process, the community shares that family child care home providers need more time to successfully implement their corrective action plans because of contextual factors including the provider’s comfortability with English, literacy skills, and experience with computers/technology. Therefore, repeat serious management problem identification is more likely and sponsors would like more time to provide technical assistance to those
operators. The timeframe is essentially a shortened temporary deferral. Full correction should happen when a program is placed in good standing.

4. **Good Standing.** The proposed rule provides an opportunity for an operator to be placed in good standing after the corrective action plan has been approved, successfully implemented, and all of the funds have been returned (if that was necessary). Good standing with a minimum 24-month risk for “repeat findings” or “new findings” and then being placed on the path to termination is confusing and unnecessary. CACFP Roundtable recommends that once an operator is placed in good standing and has been reviewed to verify they have successfully implemented their corrective action within the specified timeframe, they should be fully corrected.

5. **National Disqualified List (NDL).** Placement on the NDL is unchanged in the proposed rule. As the community has stated in previous public comment, the timeframe of seven years on the NDL is far too long for those infractions that place most operators down the serious deficiency path. Once a serious management problem is determined and notice is given, an operator cannot be removed from the program without this most severe consequence. There are thousands of family child care homes that have been placed on the NDL for infractions like “any other circumstance related to nonperformance under the sponsoring organization” which is not inclusive of fraud or misuse of federal funds. Some examples under “other” are that the provider was not home without telling the sponsor or not following monitoring requirements. These are not infractions that should place operators on the NDL for seven years. The proposed rule, as it stands, does not address the severity of subjectivity and extreme punitive results in the CACFP. We encourage USDA FNS to consider a reduction of time one spends on the NDL that accounts for the number of years young children who are served by that provider or site spend in child care. Ideally, an operator would be removed from the NDL and able to reenter into the CACFP before the child moves on to elementary school at age 4 or 5 years. We also think it worthy for USDA FNS to consider a full elimination of the NDL for anything less than severe financial mismanagement, intentional misuse of federal funds, and/or fraud.

6. **False Claims.** False claims are not clearly defined in the regulation, current or proposed, and are always coupled with “fraudulent.” False claims should be defined as infractions that rise to the level of fraud, and while fraud is technical and legal term, false claims should mirror what people think of as intentional and egregious misuse of federal funds. This is not clear. The definition used in guidance is too inclusive of any sort of record keeping error; even inadvertent human errors. The proposed rule makes this subjective determination all that more severe by requiring states to immediately suspend programs for false claims. USDA FNS must clarify what false claims are and that definition must mirror the severity of fraud. For example, an operator who forgets to accurately update her menus in one month, and the next month mistakenly claims the wrong child for a meal, and two months later doesn’t have a signed enrollment form for a child because the parent wouldn’t return it would be considered to be submitting false claims and according the the five criteria this could qualify for suspension without an
opportunity to correct the issue(s). This is dangerous: 1) the term “false claim” needs to be reserved for the most severe circumstances, and 2) it should remain an option for the state to suspend, not a requirement.

7. **Fair Hearing/Appeal.** This is unchanged from the current regulation except for a terminology change to fair hearing. The community in previous public comments have shared that a change needs to be made to the fair hearing process. Currently and in the proposed rule, there is no step in the serious deficiency process in which an operator can contest the determination of serious deficiency/serious management problem. With the combination of subjectivity of the determination and severity of the consequences, operators need to be able to contest why they are being placed in the serious deficiency process. CACFP Roundtable recommends adding two opportunities for operators to contest the determination: 1) at the original serious deficiency/serious management problem determination/notification, and 2) when notice is received of the proposed termination for cause and disqualification.

8. **Limit serious deficiency findings to USDA federal requirements only.** Integrate current USDA guidance that state level CACFP requirements should not be used as the basis for a serious deficiency into the final regulation.

The proposed rule can be taken further, as described above, to ensure USDA FNS’s goals of a clear, consistent, fair, and equitable accountability process are achieved in the final rule.

*The Alternate Pathway.* The community has expressed support for a serious deficiency process that ensures integrity and is a tool to immediately address serious financial mismanagement, misuse of federal funds, and/or fraud. For issues such as meal pattern, recordkeeping, and training, sponsors would like to be provided the comfort of offering technical assistance for as long as they see fit until it’s clear the operator just can’t do the program appropriately. If serious financial mismanagement, misuse of federal funds, and/or fraud are not a factor, there should be a separate process and pathway that includes due process, but is not the serious deficiency process, which results in removal from the program.

**Specific Response to the Proposed Rule**

**Fair Hearing.**


The USDA FNS notes that the serious deficiency process is not only necessary to ensure integrity but also to ensure due process in the CACFP. This is a legal requirement of government programs. However, due
process as it stands in the regulations and proposed regulations do not ensure that removal from the program is fair.

Currently and in the proposed rule, CACFP operators can only appeal the procedure that placed them in serious deficiency, not the determination of what triggered the serious deficiency. Serious deficiency determinations, currently and with the proposed rule, remain relatively subjective, and as such CACFP operators should be able to contest the determination and provide evidence that the determination was an incorrect interpretation of the rules and regulations or a misunderstanding of what was happening at the program level.

The severity of the consequences and the subjectivity by which the infraction is determined requires a more thorough due process procedure. When considering what is at stake and possible errors made in determinations, procedural due process should be expanded to enable the CACFP operator to provide evidence that the determination itself was incorrect. If this does not take place during the procedural due process appeal or as it is proposed to be called “fair hearing” there should be another step in the process for mediation or contestation of the serious definition determination or finding itself.

Support terminology change with recommendations to make the process more fair

The community, in the 2019 Request for Information, expressed a concern about the appeal/fair hearing process. Aside from the terminology change, this community need was not addressed in the proposed rule. We agree changing the term to fair hearing helps eliminate confusion regarding the administrative reviews done at the program level.

However, this does not address the time frame in which an Institution is able to request a fair hearing, the impartial hearing official, and an ability to appeal the determination of the serious deficiency (or as proposed, the serious management problem) not just the process itself.

A true opportunity for fair due process would look different than proposed and would be more equitable for institutions, family child care homes, and sponsored unaffiliated centers.

Recommendations

● Create a contestation period prior to the corrective action plan process, at the time of serious management problem notification. This would allow institutions, family child care homes, and unaffiliated centers to mediate or have a conversation with authorities to share why or why not the determination should lead to the level of entrance into the serious deficiency process.

● Lengthen the time frame to request a fair hearing; if nothing else, at least business days and not calendar days. We recommend changing it from 15 calendar days to 30 business days from receipt of notice of action.

● Ensure due process and a system of checks and balances for the proposed serious deficiency process by allowing operators and sponsors the option to:
Contest an initial determination of a “serious management problem” when the first notification is received; and

Appeal the final serious deficiency determination to terminate an operator/sponsor participation in the program on the basis of the validity of the findings, not just procedural issues.

● Allow family child care homes to request in-person hearings (same as Institutions).

Corrective Action and Path to Full Correction for Institutions.

A. 1. Defining Serious Deficiency, A. 2. Oversight and Implementation of the Serious Deficiency Process in Institutions

Support path to full correction, do not support timeframe

Good Standing = Full Correction
As the proposed rule is written, USDA FNS is not eliminating temporary deferral but shortening the length of time. The proposed rule further defines good standing - when an approved corrective action plan has been fully implemented and all funds have been repaid. When an operator is considered to be in good standing, it is at this time they should be fully corrected.

As it is proposed, the 24 month minimum timeline is confusing, too long, does not eliminate temporary deferral, and places an extra burden on state agency staff to complete the reviews for those placed in the serious deficiency process.

Too long. A two year or longer period increases the plausibility of scenarios where human error and record keeping mistakes related to staffing turnover and substitute teachers easily become documented “repeat findings.” Findings such as these should not be an immediate determination of termination for cause and placement on the NDL (if they do not elect to or lose their fair hearing). The two year minimum time period defeats the purpose of making this proposed rule a less confusing and less punitive process. This is temporary deferral with a shortened and limited period of time, and does not eliminate temporary deferral.

Confusing. Being placed in good standing after 90 days, but then vulnerable to termination for cause within a minimum of 24 months, depending on when state agencies can begin and complete their reviews, is confusing and unnecessary.

Burden on State Agencies. Tracking corrective action plans, good standing, follow up reviews and repeat or new findings is overly burdensome on state agencies. State agencies can continue to regularly visit and provide technical assistance and training to Institutions that need additional help to
successfully participate in the program. It is not necessary to place this time frame for full correction on Institutions or state agencies.

Additionally, it is unclear whether “corrective action” is referring to the corrective action plan, corrective action plan implementation, or successful completion of a corrective action.

Recommendations

Preferred Option A: Good Standing = Fully Corrected
- Full correction should be achieved when the Institution is placed in good standing.
- State agencies should be required to do a review, after the corrective action implementation timeline has ended or the Institution has provided notification that they have successfully implemented their corrective action.
- Adequately support state agencies and sponsoring organizations with funds and other resources to train and implement successful programming.

Option B: Shorten timeframe to full correction
- Shorten the length of time for the review cycle process to one year after corrective action has been taken.
- If there are repeat findings found during the review, then: 1) they must meet all 5 criteria for a serious management problem, 2) the repeat finding(s) has to be the exact same repeat finding and 3) if there is substantial improvement made towards the exact same repeat finding, it no longer qualifies as severe and substantial.
- If there are new findings they must meet all 5 criteria for a serious management problem.
- Make explicit in the final rule that the state agency/sponsoring organization must provide technical assistance to the institution, family child care homes, and/or sponsored unaffiliated centers as they create their corrective action plan.
- Clarify the process around new findings. We suggest that new findings during the review cycle period should be approached with technical assistance and training. The new findings during this period should not launch another serious management problem/serious deficiency and corrective action unless it is severe financial mismanagement, intentional misuse of funds and/or fraud.
- Repeat findings during the review cycle process should be approached with technical assistance and training. The repeat findings should not lead to proposed termination and placement on the NDL.
- There should be a separate pathway for termination from the CACFP, with due process, for integrity issues that the state or sponsor believe are because of contextual factors – not
intentional misuse of the CACFP. This would eliminate the severe consequences of being terminated for cause and being placed on the NDL, which can have long-term impact on a person’s well-being and livelihood.

Corrective Action Timing and Definition for Family Child Care Homes

A. 1. Defining Serious Deficiency, A. 3. Oversight and Implementation of the Serious Deficiency Process in Day Care Homes and Unaffiliated Sponsored Centers

Do Not Support
Thirty calendar days is not enough time to respond to and/or implement corrective action. This timing does not take into consideration individual and business schedules. It is not an adequate amount of time to effectively provide technical assistance and create a shared understanding to best ensure repeat findings will not occur again, which, of course, is a superior goal to speed. Additionally, individuals whose first language is not English, have low literacy, and/or low computer skills will need more time and support to understand what is happening in the process, propose a corrective action plan, and correct the finding(s).

Large family child care programs and unaffiliated centers have more staff and larger operations. Thirty calendar days is not enough time to implement policies and procedures and train staff to correct the findings.

Additionally, it is unclear whether “corrective action” is referring to the corrective action plan, corrective action plan implementation, or successful completion of a corrective action.

Recommendations

- Move from calendar days to business days for corrective action plan implementation and completion.
- Change the maximum amount of time from 30 calendar days to 90 business days.
- Provide an option for those who can document language, literacy, technology, or other relevant barriers to extend the amount of time for correction action as decided by the sponsoring agency.
- Make clear in the final rule when referring to “corrective action plans” versus “corrective action plan implementation” versus “corrective action plan completion,” in particular when deadlines and timelines are involved.
- Align family child care homes and sponsored unaffiliated centers with the corrective action plan timeline for institutions.
- Provide a substantial grace period or delayed implementation for sponsors of unaffiliated centers to appropriately ramp up their policies and procedures and train their staff.
• Make explicit in the final rule that the state agency/sponsoring organization needs to provide technical assistance to the institution, homes, and unaffiliated sponsored centers as they create their corrective action plan.

Path to Full Correction for Family Child Care Homes

A. 1. Defining Serious Deficiency, A. 3. Oversight and Implementation of the Serious Deficiency Process in Day Care Homes and Unaffiliated Sponsored Centers

Support the pathway to full correction, do not support the timeframe

We support and applaud the path to full correction. However, we are concerned that repeat or new findings during this time period will still place operators in an unfair and punitive situation, especially given the nature of this detailed and complex program. The timeframe for full correction does not take into consideration inadvertent human error. Again, we applaud the path to full correction, however the proposed rule does not eliminate temporary deferral but simply shortens the length of time.

Fully support path to full correction. The community expressed that the temporary deferment process was unclear, unfair, and inequitable. We fully support the elimination of temporary deferral and a path to full correction. However, as the proposed rule is written, it does not eliminate temporary deferral but shortens the timeframe.

Do not support the timeframe for full correction

Operators need more time to successfully implement their corrective action plans because of contextual factors including the provider’s comfortability with English, literacy skills, and experience with computers/technology. New or repeat findings are likely to happen when this is the case and sponsors would like more time to provide technical assistance while in the corrective action process. Operators also need more time to ensure they will not make new or repeat mistakes. The way the proposed rule is written, both with the corrective action timeframe (as stated above) and the three consecutive reviews without new or repeat findings, it is likely that inadvertent human error will remove operators from the program which is not the intent of USDA FNS.

Recommendations

Preferred Option A: Good Standing = Fully Corrected

• Full correction should be achieved when the family child care home is placed in good standing.

• Adequately support state agencies and sponsoring organizations with funds and other resources to train and implement successful programming.

Option B: Technical assistance on the path to being fully corrected

• If there are repeat findings found during the review, then: 1) they must meet all 5 criteria for a serious management problem, 2) the repeat finding(s) has to be the exact same repeat finding
and 3) if there is substantial improvement made towards the exact same repeat finding, it no longer qualifies as severe and substantial.

- If there are new findings they must meet all 5 criteria for a serious management problem.
- Make explicit in the final rule that the state agency/sponsoring organization must provide technical assistance to the institution, family child care homes, and/or sponsored unaffiliated centers as they create their corrective action plan.
- Clarify the process around new findings. We recommend that new findings during the three consecutive review cycle period should be approached with technical assistance and training. The new findings during this period should not launch another serious management problem and subsequent corrective action process unless it is intentional and meets all of the five criteria that is to be used for determination of a serious management problem.
- Repeat findings during the review cycle process should be approached with technical assistance and training. The repeat findings should not lead to proposed termination and placement on the NDL.
- There should be a separate pathway for termination from the CACFP, with due process, for integrity issues that the state or sponsor believe are because of contextual factors – not intentional misuse of the CACFP. This would eliminate the severe consequences of being terminated for cause and being placed on the NDL, which can have long-term impact on a person's well-being and livelihood.

Separation of Responsible Individual or Principal Individual

A. 1. Defining Serious Deficiency, A. 2. Oversight and Implementation of the Serious Deficiency Process in Institutions

Support
We support separation of responsible individual and principal individual, however, letting the states determine what defines a responsible or principal individual, leads to inconsistency and subjectivity in the area. Board chairs and executive directors of large Institutions are not going to want to be held responsible for subjective human error. This keeps Institutions off of the program, such as sponsors of family child care homes, and as previously described, the CACFP is in critical need of creating more pathways to sponsorship as opposed to more barriers.

Recommendations
- Create a more specific definition of "responsible individuals" and "principal individuals" for state agencies so that there is less variance across states.
- Ensure clear separation of responsibility for principal individuals and responsible individuals. For example, if an affiliated center director continues to egregiously and purposefully keep
inadequate records creating major systemic problems, that person as a “responsible individual” should be held responsible, not the board chair who has no insight into the day to day operations of all centers of the affiliated center.

- Ensure in the final rule that only the responsible individual(s) or responsible principal(s) directly involved with the serious management problem would be at risk of being placed on the NDL.
- Clarify in the final rule that contractors and volunteers should not be considered responsible individuals unless the triggering infraction is severe financial mismanagement, intentional misuse of federal funds, and/or fraud.

Serious Management Problems

A. 1. Defining Serious Deficiency

Limited Support

The community previously requested a middle step before the serious deficiency process as well as the removal of temporary deferral. CACFP Roundtable observes that USDA FNS has attempted to address these concerns by creating new terminology; instead of the first triggering infraction being named a serious deficiency, the operator, as proposed in the rule, would be considered to have a serious management issue. This in and of itself is simply a terminology change, because the procedures would stay the same. With the removal of temporary deferral and path to full correction, it does become a “middle step,” but not the middle step that the community requested. While this addresses part of the intimidation of terminology at the outset of the serious deficiency process, which the community expressed as an issue in the 2019 Request for Information, it does not change the point at which operators and institutions enter into the serious deficiency process, which can and does escalate quickly.

We appreciate a change in terminology at the point of entry into the serious deficiency process (i.e. serious management issues) and we think that eliminating temporary deferral and creating a path to full correction are important changes that address some concerns expressed by the community. We fully support these proposals and hope to see them in the final rule. However, we have several concerns about what is lacking in the proposed rule:

- There are no expectations or requirements around the amount of technical assistance that should be provided prior to entry into the serious deficiency process;
- There is no opportunity to contest the serious management issue determination; and
- The serious deficiency process has not been limited to the most severe infractions related to severe financial mismanagement, misuse of federal funds, and or fraud.

Our recommendations for creating a usable definition for “serious management problem” is contingent upon the above three bullet points being achieved elsewhere in the final rule.
Recommendations

- Narrow the definition of “serious management problem” to be directly related to severe financial mismanagement, intentional misuse of federal funds, and/or fraud.

- Eliminate the phrase “quality of meals” from the definition of “serious management problem.” We suggest simply removing this language in the definition, but if you must draw a connection to the meals being served, we suggest language that focuses on the meal pattern.

Termination for Cause

D. Disqualification and the National Disqualified List

Recommended change
Issues that can be considered an “inability to properly perform responsibilities under its program agreement” are too broad for the severe consequences of being terminated for cause and placed on the NDL. Some infractions currently listed on the NDL are failure to participate in training, the provider not being home when sponsor visited, and failure to keep required records. Institutions, family child care homes, and sponsored unaffiliated centers are not only operating the CACFP. They have other responsibilities such as caring for children, keeping up with curriculum, talking with parents, and so much more. It is likely that their food program paperwork could take a backseat to these responsibilities. If they sign up for the CACFP, and learn through their sponsor or state agency that they are not taking the time to correctly participate in the program, the consequence should not be a termination for cause and placement on the NDL.

Additionally, when they receive the initial notice and requirements for corrective action, they may decide it is too hard to effectively manage and want to leave the CACFP. This should not be a termination for cause and placement on the NDL unless it has to do with severe financial mismanagement, intentional misuse of federal funds, and/or fraud.

Recommendations

- Allow for voluntary termination once a serious management problem has been identified and notice has been sent if the finding does not have to do with child health and safety, severe financial mismanagement, intentional misuse of federal funds, or fraud.

- Change the list of items that one can be placed on the NDL for to reflect only: child health and safety, severe financial mismanagement, intentional misuse of federal funds, and/or fraud.

- Create an alternate pathway that allows state agencies and sponsors to terminate, always with an option for contestation or fair hearing, if the institution, family child care home, or unaffiliated center cannot keep up with the rules and regulations of the program without being determined seriously deficient, terminated for cause, and placed on the NDL.
Good Standing

A. 1. Defining Serious Deficiency

Clarification Needed

We support the notion of creating a status of “good standing.” However, the way the proposed rule is written, being placed in good standing will create a shortened version of temporary deferral, which we know is not the intent of USDA FNS, nor does it further the goals of reducing subjectivity, severity of consequences, and increasing fairness of the process.

It is also unclear how the state agencies will track "good standing" and notify the institution of being placed in good standing. Furthermore, when the state agency holds all discretion for when an institution is to be placed in good standing, it perpetuates the subjectivity and unnecessarily lengthens the process. The process is procedural, not discretionary: if the debt is fully paid and the institution has fully implemented all corrective actions, the institution will be placed in good standing.

A whole host of complexities occur when “good standing” is not the same as “fully corrected,” as it is currently proposed in the rule. We suggest simplicity in a program that critically needs it.

Recommendations

- Remove "at the state's discretion" for placing an Institution in good standing.
- Once an institution is placed in good standing, they will be considered fully corrected and serious deficiency is vacated.
- If USDA FNS declines to make the aforementioned changes in the final rule, it is critical to ensure that if the institution is placed in good standing, but not considered fully corrected, and at the review there is a repeat finding of the initial serious management problem, the institution should have the opportunity to continue down the path of full correction and not be terminated for cause and placed on the NDL.

False or fraudulent claim suspension

C. Suspension

Do Not Support

The proposed rule section that would require state agencies to suspend Institutions for false or fraudulent claims is moving further away from the goal of the proposed rulemaking creating “improvements to ensure that the serious deficiency process is fair, equitable, and effective.” The proposed consequences are too severe to rely upon the subjectivity of state agencies. It is unclear in the proposed rule whether this same requirement would be applied to sponsoring organizations; the following is applicable regardless.
Here are some real life examples of items state agencies have determined as “false claims” or “inaccurate claims” (the terms are synonymous) and identified as such in findings or triggered the serious deficiency process:

- Citation of a child care center for 4 meal errors, because they were not creditable, out of 6,000+ (less than a 1% error rate).
- Calculation errors when the state counted more valid meals than the child care center counted when reviewing all of the meals counts, these meals were not claimed and not federal funds were distributed for them. The totals simply didn’t match.
- Meals were disallowed because attendance was not documented properly and was cited.
- One lunch was disallowed because of a mistake made on an Income Eligibility Form (IEF) – this can happen for a number of contextual reasons.
- Child care center reported expenses in the nonfood/supplies and the State said it did not match the child care center’s budget.

These are just a few examples of findings that could potentially lead to immediate suspension based on the proposed rule.

We understand the need for a tool to remove institutions from the program immediately when there is a suspicion of misuse of federal funds in the CACFP. This tool already exists; state agencies have the option to suspend institutions immediately with due cause. Turning this into a requirement increases the risk of state agencies over-citing false claims. State agencies are cautious of anything that could cause a finding on their own management evaluations and, based on our discussions with state agencies, we believe most states will adopt a conservative approach that over-captures false claims, in order to minimize their own risk and liability. The word "knowingly" is not enough to defray the misinterpretation or risk of bias to require this action. The definition of a false claim is broad and thereby subject to interpretation which will vary vastly from state to state and sponsor to sponsor.

Additionally, this process of suspension is different from suspension from health and safety, which will confuse state agencies and sponsors for how to implement the process correctly.

Once an institution, family child care home, or sponsored unaffiliated center is considered to have a false claim, currently and under this proposed rule, they are immediately suspended – they have no right to corrective action or to contest or request a fair hearing for the determination itself. The consequences and penalties for false claiming are severe for likely over- and misinterpretation of false claims.
Recommendations

- Maintain the current rule (not proposed rule) as it stands. Do NOT require state agencies to suspend Institutions for false or fraudulent claims. Rather, continue to provide states the option to suspend if they believe the infraction is that serious.

- Narrowly tailor the definition of "false claim." The definition must make it so that paperwork mistakes and inadvertent human error do not place an institution, sponsored unaffiliated center, family child care home, in this category. The definition must mirror the severity of what would be considered fraud.

The Five Criteria and Questions that state agencies and sponsoring organizations must consider when determining a program violation as a serious management problem.


Limited Support
The community has expressed a genuine concern about the subjectivity of such a severe serious deficiency process and ultimate consequences. USDA FNS has tried to address this by codifying the five criteria and questions that are currently used as guidance in the Serious Deficiency, Suspension, & Appeals for State Agencies & Sponsoring Organizations: A Child and Adult Care Food Program Handbook. State agencies and Sponsors of homes would then be required to use these five criteria and questions to determine a serious management problem. This is a step toward encouraging technical assistance and training until the errors are obviously systemic and risking the integrity of the program.

While we appreciate the direction USDA FNS is moving, the proposed rule and the five criteria still perpetuate subjectivity and as it is written now, may even lead to more strict and confusing serious management determinations.

It is not clear if five criteria are required to be considered as a whole. It is imperative that all five criteria be considered, and met, when making a serious management problem determination. Without requiring consideration of all five criteria, CACFP Roundtable cannot support this proposed change.

Additionally, we are concerned about what the five criteria are supposed to be applied to, if not a specific list. Applying the five criteria to the entire regulation would lead to inconsistency, unfairness, and increase subjectivity of this process unless it is made clear that the most severe situations are tied to fraud, severe financial mismanagement, or intentional misuse of federal funds.

Recommendations
- Codify the 5 Criteria (and take out the example in #1 - severity of the problem - it adds to confusion).
● Require state agencies and sponsors to apply the 5 criteria as a whole, not singularly.

● We support removing the current lists of serious deficiencies from regulation, but we urge USDA FNS to consider creating a new list that focuses on fraud, severe financial mismanagement, or intentional misuse of federal funds.

● Clearly define “false claims,” as previously explained, and narrowly tailor the definition so that it is clear that it is a severe issue - akin to what we understand as fraud.

Legal Requirements for Records Maintained on Disqualified Individuals

D. Disqualification and the National Disqualified List

Recommended change
The NDL is an excessively severe consequence for human error, missing training, and/or inability to do the meal pattern. The CACFP is a complicated program and many operators' skills and strengths are in caregiving and human relationships – not in business management and paperwork. If they cannot maintain program requirements, it is fair they should not participate. However, termination for cause and placement on the NDL is not a consequence that matches the infraction.

Additionally, those who will be placed on the NDL are not an accurate reflection of who is responsible for the operations of the CACFP. A board chair or CEO of a large organization is not tracking the day to day of point of service meal counts or enrollment form gathering. Placement on the NDL should be commensurate with the infraction and the behavior that placed the Institution on the NDL. If an Institution, that has many other contracts and operations, maintains good business standing in other areas – they should not be placed on the NDL because of one bad actor in CACFP operations.

Length of time on the NDL is also egregious, unless a severe financial mismanagement, intentional misuse of federal funds, and/or fraud was the problem.

Recommendations
● Shorten the length of time on the NDL to four years, or shorter. People placed on the NDL should be directly tied to the reason they are being placed on the NDL.

● Change the infractions for which an institution, family child care home, or sponsored unaffiliated center is placed on the NDL. This should only be tied to fraud, severe financial mismanagement, or intentional misuse of federal funds.

● These two recommendations are a package deal; if you do not limit the infractions that result in placement on the NDL, then the length of time on the NDL should be even shorter than four years.
New Institution Disqualification

A. 1. Defining Serious Deficiency, D. Disqualification and the National Disqualified List

Support
The CACFP is a rigorous and difficult program to operate and is reflected in the extensive application process. We support the alternate path to disqualification of a new institution.

It is important to recognize that administration of CACFP is also not the only job most program operators have. They are juggling multiple administrative duties and most importantly caring for children and adults. The strengths of many of these operators is in caregiving and business acumen comes second. They need additional time to learn how to apply in addition to the program itself; the expectations, how to find the rules, and how to implement them.

Additionally, family child care home sponsors have been declining over the decade and exponentially over the last five years. New sponsor Institutions are not sponsoring the program because of the severe consequences and inability to navigate the rules and regulations. Eliminating this added risk is an important element of attracting new sponsors and institutions to the program.

Recommendations
- Adequately fund state agencies to provide extensive technical assistance to support institutions through the application and approval process.
- Provide a grace period to new institutions, family child care homes, and sponsored unaffiliated centers as they learn the rules, paperwork, and meal patterns. The grace period is specifically in relation to serious management determinations and the risk of being placed in the serious deficiency process.
- If USDA FNS does make a list of serious deficiencies or maintain he current lists, USDA FNS must eliminate the application provision for family child care homes as serious deficiency trigger as proposed for institutions in this proposed rule.
- Provide clarity of what the "separate process" for new institutions is expected to be with an emphasis on onboarding support, technical assistance, and training.

Including Unaffiliated Centers that are Sponsored in Proposed Rule

A. 3. Oversight and Implementation of the Serious Deficiency Process in Day Care Homes and Unaffiliated Sponsored Centers

Support
It makes sense to update regulation to add unaffiliated centers to the same process as others in the CACFP. From talking with the community, those who already sponsor homes and sponsor unaffiliated centers are using the same process for both and it should be a smooth transition to following regulation.
However, those sponsors of unaffiliated centers who do not operate homes will need adequate time to put policies and procedures together and train staff in order to implement the serious deficiency process adequately.

**Recommendations**

- The timelines for family child care homes and sponsored unaffiliated centers’ corrective action plan implementation should mirror that of institutions.
- Provide a grace period for sponsors of unaffiliated centers to appropriately ramp up their policies and procedures and train their staff.

**E. Multi-State Sponsoring Organizations (MSSO)**

In the proposed rule, USDA FNS clarifies cognizant state responsibilities in an effort to solve for a gap in the regulations for Multi State Sponsoring Organizations (MSSO). While there has been limited guidance in the past, these organizations often have more sophisticated operational structures and struggle to meet the requirements as states interpret them for smaller organizations. CACFP Roundtable appreciates USDA FNS’s efforts in streamlining requirements in key program areas for MSSO and their cognizant state agencies.

**Recommendations**

- Cognizant states should be given preemptory authority to review and approve an MSSO’s comprehensive budget to demonstrate viability, capability, and accountability (VCA), as well as ensure compliance with procurement procedures. MSSOs should no longer have to demonstrate compliance in these areas to each state individually.
  - **VCA and Comprehensive Budgets**: Because an MSSO is more likely to have a sophisticated operating structure, the cognizant state should review the organization’s Comprehensive Budget and verify that they meet VCA requirements in order to participate in the CACFP. This verification should then be provided to all other states in which the MSSO operates and accepted in place of their individual determinations. Individual states may still review and approve shared administrative and operational costs in their specific states.
  - **Procurement**: Cognizant states should review and ensure compliance with their state and federal procurement regulations. Once approved, individual states must accept this cognizant state verification in place of their individual evaluations.
  - **Coordination of audits/Program Reviews**: While additional guidance is needed in this area of the program for MSSOs, the proposed rule as currently written may inadvertently penalize MSSOs by encouraging states to review other state audit findings in addition to conducting their own reviews. State agencies place different levels of emphasis on portions of the CACFP and may consider some aspects as technical assistance. Without context, one state’s audit results may be interpreted by another state agency as more serious than intended.
○ USDA FNS should create clear and specific audit tools for CACFP, similar to those developed for the National School Lunch Program and described in FNS-GD-2020-0128. For example, these resources may include onsite and offsite assessment forms that will help ensure states evaluate instances of program noncompliance with the same weight and severity. Additionally, CACFP Roundtable proposes that federal audit funds be directed to the cognizant state to conduct a full program review every 2 years for each MSSO. This will ensure that all locations operated by the program meet cognizant state and federal requirements. Alternatively, CACFP Roundtable strongly urges USDA to conduct further evaluations on opportunities to streamline program reviews without unfairly penalizing MSSOs and potentially discouraging their participation.

Previous public comment periods

Here is a bulleted list of the stated challenges heard in the 2016 proposed integrity rule and the 2019 Request for Information. Please continue to take these previous comments into consideration and you finalize the current rule.

Recap of what was in the RFI and integrity proposed rule comments:

● National Disqualified List (NDL). Time on the NDL is too long and the consequences too severe. This contributes to the decline of participation of centers, family child care homes, and sponsors of family child care homes.

● Inconsistency. It is difficult for sponsors of family child care homes to confidently determine serious deficiency. The subjectivity of determination is believed to create inequities throughout the program. Sponsors are more likely to begin the serious deficiency process instead of doing the necessary technical assistance because they are protecting themselves against their own serious deficiency determination.

● Administrative Burden. Creating serious deficiency letters and corrective action is a hardship for sponsors and state agencies. It is also not cost-effective and an overly prescriptive, inefficient process. Additionally, the amount of time required to maintain the records for the sponsors, state agencies, and USDA FNS is a burden.

● Turnaround time. The turnaround time is unrealistic for family child care homes to: 1) submit their corrective action plan, and 2) correct the issue.

● Temporary Deferment. This element of serious deficiency creates a situation in which a serious deficiency can never be resolved completely. If an institution makes the same mistake, then the overseeing agency is required to “re-issue a notice of proposed termination and disqualification” without a corrective action process.

● Language/Literacy Barriers. The most common errors are due to paperwork errors, which are often tied to limited language and literacy proficiencies. These types of errors are repeated
because the CACFP funding and rules lack proper accommodations and support for language and literacy barriers. This leads to unfair and severe actions which fall hardest on the most vulnerable populations.

- Appeal Process (Administrative Review process). The process, as it stands, does not allow for a provider or institution to appeal the reason for the serious deficiency and the process, in particular for family child care homes, is unclear.

CACFP Roundtable thanks the USDA FNS for their support of child and adult nutrition through the CACFP. Thank you for considering our comments. We request you incorporate all of our comments in the final rule, as they are reflective of community experience, insight, and need. We believe that you will continue to support the CACFP, increase access to the program, and engage with the stakeholders to understand the impact of these proposed rules.

Sincerely,

Samantha Marshall, M.A., M.P.A.P.
Director of Programs and Policy
CACFP Roundtable