

Authority

7 CFR 226.6(d)(3)

7 CFR 226.16(l)(4)

7 CFR 226.18(a)

7 CFR 226.18(a)(2)

7 CFR 226.18(b)(2)

501. CACFP Participation

Family Child Care Homes that would like to participate on the CACFP program shall do under the sponsorship of a Family Child Care Home sponsoring organization. Family Child Care Home providers will enter into a written agreement with a sponsoring organization. The written agreement will specify the rights and responsibilities of both the provider and sponsoring organization and must include the provider's full name, address (physical and/or mailing) and date of birth.

502. Training

All new homes shall be trained in CACFP recordkeeping requirements, CACFP regulations and the benefits of the CACFP prior to the beginning of program participation. This initial training may fulfill the annual training requirement for the current fiscal and program year. On-going training must be provided to all homes at least once each program year thereafter. Training topics should include, but are not limited to the following:

- Meal Patterns,
- Menus,
- Meal Types,
- Monitoring Reviews,
- Reimbursement,
- Safety and Sanitation,
- Termination,
- Civil Rights,
- Recordkeeping, and
- Nutrition Education

Training must be given in detail through workshops or in-home annual training and must be documented in each provider's file. Documentation must include a sign in roster, agenda, location and date or individual form signed by the provider. If done during an in-home training may not occur in conjunction with a regularly scheduled monitoring visit, as this does not allow adequate quality time. An agenda of the topics covered during annual training must be made available to the State Agency upon request during an administrative review.

503. Recordkeeping

Family Child Care Home providers are required to have a number of documents readily accessible upon review by sponsoring organization. Providers are required to maintain records for 5 years. Providers are only required to have, on site, records for the current claim month and the previous 12 months. Records for the previous 4 years may be maintained off site but must be accessible by the provider in a reasonable amount of time. Records that are applicable are noted with an asterisk below. Upon a sponsoring organization's monitoring visit, the provider will have the following documents available:

- Menus and meal counts for the current month, *
- Enrollment forms on all children in care *
- Sign in/sign out sheets (**sign in sheets are per child, not per family**) *
- Sponsor/Provider Agreement
- Medical statement (if applicable)
- DHS License or DES certification
- Copies of monitoring visit forms for current fiscal year

In addition to the above, monitors will review to ensure:

- Food is properly labeled and dated,
- The Building for the Future poster is where parents can see it,
- Refrigerator and freezer both have a thermometer,
- Provider has a fire extinguisher that has been serviced within the past 12 months, smoke detector working and evacuation plan and emergency numbers are posted,
- There is no evidence of insect or rodent infestation,

- All cleaning supplies and toxic materials are stored out of the reach of children,
- All trash cans have a lid, and
- There is no imminent threat to the children's health and safety.

504. Provider Transfers

A provider who wishes to transfer from one sponsoring organization to join another must send written notification of termination to their current sponsoring organization. If the provider has not completed the required two hour CACFP related and approved training within the fiscal year, the provider cannot transfer to another sponsoring organization until completing this requirement.

In order for a Family Child Care Home provider to transfer from one sponsoring organization to another, the following procedures must be followed:

- The provider must notify both the current sponsor and the new sponsor in writing of their desire to transfer and is terminating their agreement with the current sponsor,
- The provider must have written approval from both sponsors in order to transfer,
- The previous sponsor is required to issue a "letter of conveyance" to the new sponsor upon written request of the Family Child Care Home provider to transfer to the new sponsor,
- Providers who are involved in a formal termination process will not be allowed to transfer to another sponsoring organization,
- A sponsor may accept a provider with documented problems, however careful monitoring will be required,
- Transfers must be completed no later than the 20th day of any given month. If completed after the 20th day of the month, the request to transfer should not be processed until the following month,
- The date of the termination is the last day of the month,
- The new sponsor must:
 - Submit the written request from the provider to ADE,
 - Include documentation acknowledging the transfer from the current sponsor and/or the "letter of conveyance" from the current sponsor,

- Submit this information to ADE by the 25th day of the month and list the termination date from the current sponsor, and
- Inform providers the change of sponsorship is subject to approval by the state agency and is not guaranteed.

Note: A provider may transfer only one time within a federal fiscal year.

505. Transfer to an AA Home

A DHS or DES provider may change to an Alternate Approved (AA) provider when the sponsoring organization adheres to the following procedures:

- The sponsoring organization shall determine that the provider has not had their license or certification revoked or is on suspension by contacting the appropriate state agency,
- Have a fire and health inspection conducted within 45 days of the status change;
- Ensure the home has passed the fire and health inspections and must be within the current fiscal year,
- Have the provider sign the Child Care Standards,
- Complete the fingerprinting only if the provider does not have a current fingerprint clearance card, and
- Submit the change of status in the Status Code section on the new provider information sheet and submit to the state agency by the 10th of the month following completion of the status change.

506. Dropped for Cause

A sponsoring organization shall drop a provider for cause when the provider has failed to comply with the written corrective action prescribed by the sponsoring organization. Whenever a provider is dropped for cause, the sponsoring organization must have documentation to support it. Before dropping a home for cause, the provider must be given every reasonable opportunity to correct problems and be given additional training and technical assistance by the sponsoring organization, if applicable. The sponsoring organization shall issue a written corrective action plan and must follow up with the provider within the prescribed time frame. If the provider fails to comply with and implement the corrective action, the sponsoring organization must send the provider a notice of intent to terminate and grant the provider a reasonable amount of time to appeal (30 days is suggested).

During this time, the sponsoring must continue to process the provider's claim for reimbursement to the extent its accuracy can be verified. If the provider loses the appeal or chooses not to appeal the intent to terminate, the sponsoring organization may finalize the termination at that time.

A provider will be dropped for cause for the following reasons:

- Serious and continuous recordkeeping errors,
- Meals that consistently do not meet CACFP meal pattern requirements,
- Number of children claimed is greater than number of children enrolled,
- Number of meals claimed is greater than the number of children in attendance,
- Participation under more than one sponsoring organization at the same time,
- Home not open for monitoring visits,
- Fraud,
- Revocation or denial of certification on license by DES or DHS due to criminal background checks,
- Noncompliance with civil rights requirements,
- Imminent danger to children, which includes anything so defined in certification standards and anything a reasonable person could determine to be hazardous to children's health and safety. [Note: Imminent danger to children demands immediate suspension of the provider and a report to the applicable authority.](#)
- Not informing the sponsoring organization about changes in child enrollment,
- DES/DHS revocation and/or revocation of the fingerprinting clearance card,

The sponsoring organization must submit the name, address and telephone number of the provider to the State agency to be added to the National Seriously Deficient List. Providers dropped for cause are unable to participate on CACFP any point in the future, unless their certifying entity (DES or DHS) reinstates their license or certification.

507. Dropped for Convenience

A sponsoring organization may drop a home for convenience at any time for the following reasons:

- Inability of the provider to meet program requirements,
- No access to the home,
- Sponsoring organization's financial and geographic considerations,
- The sponsoring organization cannot meet the needs of the provider,
- Any other reasons of convenience.

A provider dropped for convenience may subsequently enroll with another sponsoring organization.