
West Virginia Department of Education (WVDE)

Sponsor Reviews, Corrective Action and Termination Procedures

in the

Summer Food Service Program (SFSP)

Sponsor Reviews

To ensure compliance with program regulations, the WVDE conducts reviews of sponsors and sites for the SFSP. As part of the required sponsor review, the WVDE must review at least 10 percent of a selected sponsor's sites, or one (1) site, whichever is greater. For example, if a sponsor has 13 sites, the WVDE must review two (2) sites, at a minimum. In determining which sites to review, the WVDE uses the following criteria (as listed at [7 CFR 225.7\(e\)\(5\)\(i\)](#)):

- The maximum number of meals approved to serve under [225.6\(h\)\(1\)](#) and [\(2\)](#).
- Method of obtaining meals (i.e., self-preparation or vended meal service).
- Time since last site review by the state agency.
- Type of site (e.g., open, closed enrolled, camp).
- Type of physical location (e.g., school, outdoor area, community center).
- Rural designation (i.e., rural, as defined in [7 CFR 225.2](#), or non-rural).
- Affiliation with the sponsor, as defined in [7 CFR 225.2](#).

Additional criteria may be used in conjunction with the characteristics listed above; some examples include but are not limited to sponsor recommendations, previous audit or review findings, and potential errors in daily meal counts such as identical or similar claiming patterns and large changes. The WVDE may also consider the site's previous participation in the SFSP, current and previous program performance, and results from prior reviews. In addition, in rural areas, whether sites provide congregate or non-congregate meal service are considered.

Corrective Action and Termination

Violations observed during the course of a site review by the WVDE shall require the sponsor to take corrective action. If the WVDE finds a high level of meal service violations, the WVDE shall require a specific immediate corrective action plan to be followed by the sponsor and shall either conduct a follow-up visit or in some other manner verify that the specified corrective action has been taken. Corrective action plans may be submitted via WVACES or e-mail.

(a) Investigations. The WVDE promptly investigates complaints received or irregularities noted in connection with the operation of the [program](#), and will take appropriate action to correct any irregularities. The WVDE will contact the sponsor in order to address the corrective action. All evidence relating to such investigations and actions will be kept on file. The WVDE will inform the United States Department of Agriculture (USDA) [Mid-Atlantic Regional Office \(MARO\)](#) of any suspected fraud or criminal abuse in the SFSP which would result in a loss or misuse of Federal funds. MARO may make investigations at the request of the WVDE, or where it determines investigations are appropriate.

(b) Denial of applications.

- Except as specified below, WVDE shall not enter into an [agreement](#) with any applicant [sponsor](#) identifiable through its corporate [organization](#), officers, employees, or otherwise, as an institution which participated in any Federal child nutrition [program](#) and was seriously deficient in its operation of any such [program](#).
- The State agency may approve the application of a sponsor which has been disapproved or terminated in prior years if the sponsor demonstrates to the satisfaction of the State agency that the sponsor has taken appropriate corrective actions to prevent recurrence of the deficiencies.

(c) Meal service restriction. With the exception for residential camps set forth at § 225.16(b)(1)(ii), the WVDE shall restrict to one meal service per day:

- Any food service site which is determined to be in violation of the time restrictions for meal service set forth at [§ 225.16\(c\)](#) when corrective action is not taken within a reasonable time as determined by the WVDE; and
- All sites under a sponsor if more than 20 percent of the sponsor's sites are determined to be in violation of the time restrictions set forth at [§ 225.16\(c\)](#).

If this action results in children not receiving meals under the Program, the WVDE shall make reasonable effort to locate another source of meal service for these children.

(d) Meal disallowances.

- If the WVDE determines that a sponsor has failed to plan, prepare, or order meals with the objective of providing only one meal per child at each meal service at a site, the WVDE shall disallow the number of children's meals prepared or in ordered excess of the number of children served.
- If the WVDE observes meal service violations during the conduct of a [site](#) review, the WVDE shall disallow as meals served to children all of the meals observed to be in violation.
- The WVDE shall also disallow children's meals which are in excess of a site's approved level established under [§ 225.6\(h\)\(2\)](#).

For more information on meal disallowances, go to: [Policies-and-Procedures-for-Disallowing-Meals.docx \(live.com\)](#)

Termination

The WVDE shall terminate a sponsor or site's participation in the SFSP for the following reasons:

- The WVDE shall terminate the program agreement with any sponsor which it determines to be seriously deficient. However, the WVDE will afford the sponsor reasonable opportunity to correct problems before terminating the sponsor for being [seriously deficient](#).
- The WVDE shall terminate the participation of a sponsor's site if the sponsor fails to take action to correct the Program violations noted in a State agency review report within the timeframes established by the corrective action plan.
- The WVDE shall immediately terminate the participation of a sponsor's site if during a review it determines that the health or safety of the participating children is imminently threatened.
- If the site is vended, the State agency shall within 48 hours notify the food service management company providing meals to the site of the site's termination.

Technical assistance for improved meal service

If the State agency finds that a sponsor is operating a program with poor quality meal service and is operating below the reimbursement level, the State agency should provide technical assistance to the sponsor to improve the meal service.

Nondiscrimination Statement:

In accordance with federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, this institution is prohibited from discriminating on the basis of race, color, national origin, sex (including gender identity and sexual orientation), disability, age, or reprisal or retaliation for prior civil rights activity.

Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication to obtain program information (e.g., Braille, large print, audiotape, American Sign Language), should contact the responsible state or local agency that administers the program or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339.

To file a program discrimination complaint, a Complainant should complete a Form AD-3027, USDA Program Discrimination Complaint Form which can be obtained online at: <https://www.usda.gov/sites/default/files/documents/USDA-OASCR%20P-Complaint-Form-0508-0002-508-11-28-17Fax2Mail.pdf>, from any USDA office, by calling (866) 632-9992, or by writing a letter addressed to USDA. The letter must contain the complainant's name, address,

telephone number, and a written description of the alleged discriminatory action in sufficient detail to inform the Assistant Secretary for Civil Rights (ASCR) about the nature and date of an alleged civil rights violation. The completed AD-3027 form or letter must be submitted 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; or
2. **fax:**
(833) 256-1665 or (202) 690-7442; or
3. **email:**
program.intake@usda.gov

This institution is an equal opportunity provider.