

OFFICE OF INSTRUCTIONAL ENHANCEMENT AND INTERNAL OPERATIONS
Summary of State Board of Education Agenda Items
August 19-20, 2010

OFFICE OF HEALTHY SCHOOLS

Office of Child Nutrition

Approval to revise State Board Policy 2006 – Eligibility, Management, and Monitoring (Child Care Programs)

EXECUTIVE SUMMARY

State Board Policy Number 2006 was adopted in April of 1990. This policy identifies the requirements for participation for new Family Day Care Homes sponsors and Family Day Care Home providers.

To be in compliance with federal regulations, the requested recommendation proposes to clarify specific reasons that a provider would be declared “seriously deficient” and add the words “and Adult” to the title of the policy

Section 243(c) of Public Law 106-224 Agriculture Risk Protection Act of 2000 (ARPA) amended section 17(d) of the National School Lunch Act to mandate several new provisions concerning termination and appeals for family or group day care home providers.

- These procedures included a new standard for termination--a requirement to take corrective action prior to termination, except in situations that eminently threaten health or safety and provisions of a fair hearing.
- Sponsors must inform providers of their right to request an administrative review of intent to terminate and the procedures to appeal. Our current policy does not allow due process for the provider and requires amendment. Currently policy states that providers can be terminated for cause or convenience. The regulations do not specifically identify when to declare a provider seriously deficient.

Note: Proposed language is underlined in bold. Current language is indicated by strikethrough.

Recommendation: Approval

Back-up material attached

DESCRIPTOR TERM: Eligibility, Management, and Monitoring (Child and Adult Care Programs)	CODE: 2006
ADOPTION DATE: April 20, 1990	REVISION: August 2010

STATE BOARD POLICY

1. Sponsor Requirements

- Each new sponsor will provide evidence of a successful organizational history which includes administration of Federal and/or State Programs or providing services to children.
- All sponsors will maintain a continuous log which indicates any change in the days or hours a provider is scheduled to provide care, any days when a substitute caregiver is utilized and the name of the substitute.
- All changes in information provided to the State Agency on the provider application shall be submitted to the State Agency for approval in advance of the change date.
- All required sponsor monitoring visits must be conducted during meal service, annually shall cover all approved meal types, i.e., breakfast, a.m. snack, lunch, p.m. snack, supper, and shall be unannounced.
- Homes caring for children on weekends or on split shifts (breakfast, child leaves for school/center/head start, then returns for snack and supper) shall be monitored a minimum of six times a program year.
- If a provider is keeping an outside child all day and is not claiming lunch for reimbursement, this provider shall be monitored by the sponsor a minimum of six times a program year.
- Homes claiming reimbursement for meals served on Memorial Day, Fourth of July, Labor Day, Thanksgiving Day, Christmas Day, and New Years Day shall be monitored during meal service on each named holiday.
- Inform providers of their right to request an administrative review of intent to terminate and the procedures to appeal.

2. Provider Requirements

- The primary or substitute caregiver shall be at least eighteen years of age.
- A substitute for the primary provider can be utilized only in event of a short term emergency, and the sponsor must be given advance notice.
- All changes in information provided to the sponsor on the provider application shall be submitted to the sponsor for approval in advance of the change date.
- When the state agency audits/reviews a sponsor, a provider is labeled "Seriously Deficient" if the following occurs:

- Children or provider are not present as scheduled,
- Provider has no required records on site,
- Provider is serving meals that do not meet the meal pattern requirements,

A corrective action plan must be implemented. Failure of the provider to permanently correct the problem will result in termination by the sponsor.

- Breakfast will not be approved for Day Care Home Providers where the enrolled children attend a school, child care center, or head start that offers the Breakfast Program under another Child Nutrition Program.
- Minimum hours of care shall be provided in order to claim reimbursement for a meal type as follows:

2 Hours - One Meal Type
4 Hours - Two Meal Types
6 Hours - Three Meal Type

- A minimum of 2 ½ hours shall lapse between the beginning service time of any meal type and the service of the next meal type.
- All providers shall have an operable telephone on site during hours of operation.

3. Service Area Requirements

- New sponsors will be approved only in a county where inadequate services are available to children.

The staff of the State Department of Education shall have the authority to develop procedures as necessary to implement these requirements.

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- Homes claiming reimbursement for meals served on Memorial Day, Fourth of July, Labor Day, Thanksgiving Day, Christmas Day, and New Years Day shall be monitored during meal service on each named holiday.
- **Inform providers of their right to request an administrative review of intent to terminate and the procedures to appeal.**

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- **When the state agency audits/reviews a sponsor, a provider is labeled “Seriously Deficient” if the following occurs:**

- **Children or provider are not present as scheduled,**
- **Provider has no required records on site,**
- **Provider is serving meals that do not meet the meal pattern requirements,**
- **automatically be terminated. An exception will be granted if the sponsor log documents that an emergency existed.**

A corrective action plan must be implemented. Failure of the provider to permanently correct the problem will result in termination by the sponsor.

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