August 15, 2019

Ms. Autumn McCain  
Program Monitoring Branch  
Program Monitoring and Operational Support Division, Child Nutrition Programs  
USDA Food and Nutrition Service  
U.S Department of Agriculture  
3101 Park Center Drive  
Alexandria, Virginia 22302

Dear Ms. McCain:

On behalf of the 58,000 members of the School Nutrition Association (SNA), we appreciate this opportunity to comment on the Food and Nutrition Service’s (FNS) Notice Request for Information: The Serious Deficiency Process in the Child and Adult Care Food Program (CACFP) published in the Federal Register on May 17, 2019. Many of our school nutrition operators sponsor meal service programs that operate under these regulations as well as the Summer Food Service Program (SFSP).

After consultation with our State Agency Advisory Council, there are some general comments we would like to provide about the serious deficiency (SD) process. Overall the concept of serious deficiency seemed to be a tool to address needed corrective action and compliance for some CACFP programs that were challenged in program administration, management and operations. Because of many state-specific administrative nuances, what was thought to be clear, direct and consistent has become very inconsistent. There are different interpretations across states and across programs of the complex guidance, Serious Deficiency, Suspension, & Appeals for State Agencies & Sponsoring Organizations, February 2015, therefore, it would be worthwhile to develop training on consistency as the basis for serious deficiency training.

The terminology, ‘fully and permanently corrected’, is one area that FNS should review and rethink the language and intent. It is a clause that is somewhat unforgiving especially when in some serious deficiency situations there is no ill intent. In some instances, if the SD is caused by principles of an organization, removal of these people may not fully and completely correct the findings. In other cases, the timelines of the SD process may not parallel what the organization is able to implement. It may be best for State agency discretion to guide the final decision and resulting action. We also recommend that FNS discuss the sequence that an appeal can only be made on termination with State agency administrators to see if continuing this order of the SD process is best.
As FNS notes that it is committed to the rule making process and reciprocity between programs, the sponsorship nature of CACFP and SFSP seems to be an area that has smaller and more varied organizations. If there are revisions to the process, FNS might look for consistency if SD is applied to the SFSP and the appropriateness to apply SD to the unaffiliated centers in CACFP.

We look forward to continued collaboration with the Food and Nutrition Service.

Sincerely,

Gay Anderson, SNS
President

Patricia Montague, CAE
Chief Executive Officer