

VIBRANT FUTURES CHILD AND ADULT CARE FOOD PROGRAM POLICIES

www.vibrantfuturesmi.org

REIMBURSEMENT

YOUR MENUS ARE DUE IN THE VIBRANT FUTURES OFFICE ON OR BEFORE THE 5TH OF EACH MONTH. You may only use one claim reporting system. For example, you wouldn't submit part of the month on paper menus and then the rest of the month via KidKare. Any menu received after the 5th of the month is considered late, and your reimbursement may be delayed up to 60 days or forfeited. If the 5th falls on a weekend or a holiday, your menu must be in the office on the following workday. **Child and Adult Care Food Program (CACFP) checks, or a statement to those providers who have selected direct deposit, are scheduled to be mailed to paper claimers on the last working day of the month. KidKare users access their statements online.** If you have chosen direct deposit, your reimbursement is deposited on the last working day of the month and should be available to you that day, unless otherwise specified by the Michigan Department of Education Child and Adult Care Food Program. If you want to begin direct depositing your reimbursement, close or change your account, the paperwork must be submitted to us on or before the 5th of the month to be valid for that month's reimbursement. You may change your direct deposit account a maximum of two times per year by submitting a new Direct Deposit Authorization Form to us by the 5th of the month. You can access this form on our website.

MEAL/SNACK ATTENDANCE

Children's attendance at meals/snacks must be taken no later than the end of the day, unless you care for more than 12 children in a day, or you are on Corrective Action. If you care for more than 12 children in one day or are on Corrective Action, meal counts must be physically recorded when children are sitting down to eat the meal. This is called Point of Service.

Menus, meal counts, and daily attendance (Time In & Out) must be up to date, accurate, and available at the time of a home visit. While planning and recording meals and snacks on your menu ahead of time is allowable, attendance at meals and snacks can never be checked beforehand.

Children's daily attendance (Time In & Out) must be recorded on the menu for each child every day. The in & out times recorded must be actual times the child arrives and departs. For children who leave child care and then return the same day, for example a school-age child, both sets of times must be recorded.

Only meals and snacks approved on your Home Application will be reimbursed. If you begin to serve a meal or snack not approved or your days/times have changed, you must contact your CACFP Specialist before submitting a menu with that meal or snack claimed.

KIDKARE USERS

If you experience any problems or issues with KidKare, do the following: Login to KidKare. Click on Get Help in the lower left-hand side of the screen. You are then directed to the KidKare Knowledge Base. There are lists of webinars, videos and articles to access. If you can't find an answer, there's a place to click to submit a ticket on the lower right-hand side of the screen. If you are still unable to fix your problem, call your CACFP Specialist. If you cannot enter the information (meals/snacks served, hours of attendance, and what each child is being served daily) it MUST be recorded on paper to be entered later.

HOME VISITS

Federal regulations require we visit you at least three times a year. Home visits can occur any time during your hours of operation. The three visits must be in person and unannounced, with one observing a meal or snack. If you claim weekends, suppers, or shifts, we may be required to visit you and will attempt to incorporate the visit into one of the three. When someone else is in charge of your child care business in your absence, they must show the CACFP Specialist your menu/records on the home visit in order for you to be reimbursed. If you are not going to be home during your approved meal/snack times, you are required to notify your CACFP Specialist. If we do not receive notification and you are not present when we visit you during a meal/snack, we are not able to reimburse you for that meal or snack.

Current Enrollment Forms must be presented to your CACFP Specialist on every home visit along with your CACFP Agreement, Home Application and menus. All records must be maintained for three years plus the current fiscal year, with the last 12 months readily available. A CACFP fiscal year runs October 1st through September 30th.

HOLIDAYS

If you care for children on these major holidays (New Year's Day, Memorial Day, 4th of July, Labor Day, Thanksgiving, Christmas), you must include with your menu a note signed by the parent/guardian indicating children were in care on that day in order to be reimbursed for those meals/snacks.

MEALTIMES/SHIFTS

If you have relatives in care, including your own children, who cause you to be over your capacity for a meal/snack, we cannot reimburse you for those related children. You can only claim over your licensed capacity if you are shifting. A shift occurs when you claim more than your capacity as a result of children arriving and leaving your home within a meal/snack service. You must submit an accurate Shift Form to us in order to be reimbursed for those meals/snacks. Your menu must include all serving times. During meal service, children in care must never exceed your approved capacity whether they eat that meal or not. A written Shift Form is not required if you use KidKare.

MENU MATE

Providers have the opportunity to use Menu Mate supplied by Vibrant Futures. Failure to recall the last Menu Mate code on a Home Visit may result in extra visits or the loss of the use of Menu Mate. It could also result in Corrective Action and possible termination from the program.

CHILD ENROLLMENT FORMS

A Child Enrollment Form for every child in your care must be on file at the Vibrant Futures office. You will not be reimbursed for children whose enrollment forms are received **after** the receipt of the monthly menu in which they are claimed. **Suggestion:** It is a good idea to have the Enrollment Form completed at your home immediately by the parent. Paper claimers retain your copy (yellow), give the parents their copy (pink), and send the top white copy to Vibrant Futures. KidKare claimers print the online Child Enrollment Form, have the parent make any changes, sign the form and send to Vibrant Futures. Keep a copy for yourself and give the parent a copy.

Children must be enrolled for the meals you claim. You will only be reimbursed for those meals checked on the Child Enrollment Form. Enrollment Forms must be filled out completely **by the parent or guardian**. Please be sure to double-check each Enrollment Form before you email or mail it to us. If the information on an Enrollment Form(s) changes or you have made an error, please notify us. If there are significant changes, send in a new form. You will need a new/updated form every October for any children you wish to continue being reimbursed for; this includes your own children if you are income eligible to claim them. You will not be reimbursed after September 30 for any children who do not have a **NEW** Child Enrollment Form.

CIVIL RIGHTS

To comply with the Civil Rights Act you need to put the following Non-Discrimination Statement in your Handbook or any other print materials you give to the parents in your care. The USDA Nondiscrimination Statement below contains important information on what forms of discrimination the USDA prohibits. It also provides information on how a parent/guardian or provider would file a civil rights complaint of discrimination.

USDA 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, audiotope, 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, 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. USDA Civil Rights Complaint Link: <https://www.usda.gov/sites/default/files/documents/USDA-OASCR%20P-Complaint-Form-0508-0002-508-11-28-17Fax2Mail.pdf>

Also, be sure to show diversity and equal opportunity in all photos and graphics you use on your website and other print materials. Please contact our office if you ever need assistance or have questions about what is considered reasonable accommodations.

The Michigan Department of Education (MDE) developed a free Civil Rights on-line course. To take the class click on the following link-

<https://mdoe.state.mi.us/mdedocuments/NutritionTrainingFiles-2022/SNPSFSPCivilRights/index.html#/>

PROVIDER INCOME ELIGIBILITY STATEMENT

You may be reimbursed for your own children until their 13th birthday if you meet income guidelines and have an approved Provider Income Eligibility Statement on file with us. If you are a Tier I Home, based on area eligibility, no income documentation is required with the Provider Income Eligibility Statement for approval. If you are a Tier II Home, income documentation must be submitted with the Provider Income Eligibility Statement for approval. If income eligible, at least one day care child must be present and claimed in order to be reimbursed for your own children. This means your child must eat at the same time as another day care child to be reimbursed. If you claim your own children, you must submit a Child Enrollment Form for them.

If you are a Tier II Home and have no children of your own under thirteen years of age, you may submit a Provider Income Eligibility Statement with the required income documentation for approval to receive Tier I Rates.

A new Provider Income Eligibility Statement and the required income documentation must be on file at the Vibrant Futures office every October. Parent fees must be included as income. You **may** need a new Provider Income Eligibility Statement if you move and already have one approved within the Fiscal Year (October 1 – September 30).

HOUSEHOLD INCOME ELIGIBILITY STATEMENTS

If you are a Tier II Home, you may request Household Income Eligibility Statements from Vibrant Futures for the families in your care. It is your responsibility to call your Specialist and request the number of Income Eligibility Statements you need mailed to you and distribute them to your families in care. The statement is completed by the parent/guardian and submitted to Vibrant Futures. We are not permitted to let you know if it is approved, or any other information included on the statement. In addition, we cannot tell you if the statement has been returned, as it is the Parent's/Guardian's choice to mail it back to Vibrant Futures.

APPROVAL OF INCOME ELIGIBILITY STATEMENTS

Reimbursement for children(ren) listed on a Household and/or Provider Income Eligibility Statement is retroactive to the 1st of the month that the statement is approved. Example: If we receive a statement on August 29th, and we do not approve it until September 5th, reimbursement may begin September 1st if the statement is approved. If it is approved on August 29th, reimbursement may begin August 1st.

LICENSED/LICENSE-EXEMPT RELATED CHILD CARE CHANGES

To avoid loss of reimbursement, please notify your CACFP Specialist immediately if you move, your license expires, your capacity changes, you go from a Family Home to a Group Home, a Group Home to a Family Home, your license number changes or anything else related to your license. If you are a License-Exempt Provider and you stop providing care, notify your CACFP Specialist. **We cannot reimburse you until the necessary paperwork is completed.**

If you are a Licensed Child Care Provider and moving, the following steps must be taken in order for reimbursement to continue:

1. Contact the Child Care Licensing Division at 1-866-685-0006, press 2.
2. Process the necessary paperwork for a new license for your new address. If your license is closed, you cannot be reimbursed.
3. Inform your Vibrant Futures CACFP Specialist of the address change.

GENERAL

You may claim up to two meals and one snack, or one meal and two snacks per child per day.

You may be reimbursed for day care children until their 13th birthday and your own children until their 13th birthday if income eligible.

If you are a Tier 2 provider, you may ask us for a reclassification by Census Data at any time. Please note that Vibrant Futures checks all Tier 2 homes for possible area eligibility which includes looking at new School Data and Census Data when new School Data is released by the Michigan Department of Education.

Keep a supply of menus and Child Enrollment Forms. If you are a Tier II Home, keep a few Household Income Eligibility Statements on file for new families in your care. Please be sure to ask your CACFP Specialist for any forms you need on your home visits to keep our mailing costs to a minimum. **YOU ARE RESPONSIBLE FOR HAVING THE FORMS YOU NEED.**

Vibrant Futures CACFP will not enter into an Agreement with a provider if they have had non-compliance/serious deficiency issues with other CACFP Sponsors and may choose not to renew with existing providers who have been on Corrective Action.

Vibrant Futures

Child and Adult Care Food Program Guidelines for Non-Compliance

A Family Child Care Home Sponsor must initiate action to terminate the Agreement of a child care home for cause if the child care home has committed one or more serious deficiencies. A Provider once determined deficient will be asked to send a Corrective Action Plan to the Sponsor. The request will be sent by Certified Return Receipt mail (or the equivalent private delivery service) and by regular mail or email. If the notice is undeliverable, it is considered to be received five calendar days after being sent to the addressee's last known mailing address or email address. Once the plan is received, and accepted, a temporary deferral is sent, then a follow up visit is conducted and the Provider is either found to be in compliance, or an intent to terminate participation from the Child and Adult Care Food Program (CACFP) is sent Certified Return Receipt to the Provider. A Provider has the right to appeal an intent to terminate participation from the CACFP.

If the same Serious Deficiency is cited in less than 30 months or 8 visits, the Sponsor must propose to terminate. If thirty months or eight visits pass and the same deficiency is cited for the same Provider, a new serious deficiency must be started.

Termination: A period of up to seven years during which a Provider cannot participate in the CACFP. The Provider's name is placed on a National Disqualified List. Additionally, the Provider will not be able to participate until all funds owed to the CACFP are paid in full. Reasons for termination may extend beyond a fiscal year.

A Provider could be terminated from the CACFP according to the United States Department of Agriculture for any of the following Serious Deficiencies, but not limited to:

- Submission of false information on the application.
- Submission of false claims for reimbursement.
- Simultaneous participation under more than one Sponsoring Organization.
- Non-compliance with CACFP meal patterns.
- Failure to keep required records.
- Conduct or conditions that threaten the health or safety of a child(ren) in care or the public health and safety.*
- A determination that the child care home has been convicted of any activity that occurred during the past seven years that indicated a lack of business integrity. A lack of business integrity includes fraud, antitrust violations, embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, receiving stolen property, making false claims, obstruction of justice or any other activity indicating a lack of business integrity as defined by the Michigan Department of Education CACFP or the concealment of such a conviction.
- Failure to participate in CACFP training.
- Any other circumstances related to non-performance under the Provider/Sponsoring Organization Agreement. This includes being over capacity more than once.

* When the serious deficiency constitutes an imminent threat to the health or safety of children, the Sponsor must immediately suspend the Provider's participation using the suspension procedures in 226.16(1)(4). The Sponsor is also required to send in a complaint to the Department of Licensing and Regulatory Affairs (LARA), Bureau of Community and Health Systems, Child Care Licensing Division stating the health and safety violations.

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Appeal Procedures

All Licensed and License-Exempt Related Child Care Providers (providers) who receive a notice of Proposed Termination, Proposed Disqualification or Suspension in the Child and Adult Care Food Program (CACFP) for cause have the right to appeal and request an Administrative Review Appeal. An Appeal is a process by which an impartial Hearing Official reviews information provided by the CACFP Family Day Care Home (FDCH) Sponsor and the Provider to determine if procedures were followed and were within the federal and state laws, regulations, policies, and procedures governing the CACFP.

Purpose

The CACFP Appeal Procedures allow Providers participating in the program an avenue for appealing the action of their FDCH Sponsor.

A Provider may Appeal (request an administrative review) when the FDCH Sponsor:

1. Proposes termination of the Provider's program participation.
2. Proposes to disqualify the Provider from future CACFP participation.
3. Suspends the Provider's Agreement for program participation.

Procedure

Notification, request, and procedure for Hearing:

1. Whenever the FDCH Sponsor takes action that will affect the participation of a Provider in the CACFP, the FDCH Sponsor will inform the Provider in writing of the action and the ground on which its decision is based. The FDCH Sponsor will advise the Provider of their right to appeal.
2. Upon receipt of the notice detailing the action to be taken, the Provider must submit to the FDCH Sponsor a written request for appeal postmarked no later than 15 calendar days from the date the notice was received by the Provider. The appeal request must be sent to the FDCH Sponsor via certified mail. The address is as follows:

Vibrant Futures
Attention: Shelly Vondale
233 Fulton Street East, Ste 107
Grand Rapids, MI 49503-3262

The FDCH Sponsor will forward the original copy of the Appeal request to the Hearing Official via Certified Return Receipt mail.

3. The Provider may refute the charges by providing written documentation to the FDCH Sponsor in order for the request for an appeal to be considered. The documentation must be filed with the FDCH Sponsor within ten calendar days of the request for an Appeal. The FDCH Sponsor will forward the information to the Hearing Official no later than five calendar days after the additional written documentation is received from the Provider. The Hearing Official will review only the written documentation/record unless there are extenuating circumstances, as defined by the Hearing Official. The Provider may select to have a written review, written review with in-person argument, or an in-person Hearing. The Hearing Official will set the time and place for the review of the Provider records and FDCH Sponsor records if there is an in-person hearing.
4. In the case of an in-person hearing, failure of the Provider to appear at a scheduled hearing will forfeit the Provider's right to Appeal.
5. The Provider may represent him/herself, may be represented by another person, or may retain legal counsel.

6. Any information on which the FDCH Sponsor's action was based will be available to the Provider for review. The Hearing Official will ensure copies of this information are available to the Provider, if necessary.
7. The Hearing Official will make a decision based solely on information provided by the FDCH Sponsor, the Provider, and on program regulations, federal and state laws, procedures governing the CACFP, and Provider/Sponsor Agreement.
8. The Provider, the FDCH Sponsor's Chief Executive Officer, and the Michigan Department of Education (MDE) must be notified in writing of the Hearing Official's final decision within 75 days from the date of the receipt of the request for an Appeal.
9. The Provider may continue to operate during an Appeal unless there is evidence of imminent threat or danger to the health or welfare of the children.
10. Providers continuing to operate while appealing will be reimbursed for any eligible meals served during the period of the Appeal.
11. During the period of the review by the Hearing Official, the FDCH Sponsor will not take action to collect or offset an overpayment noted in the termination letter.
12. The decision by the Hearing Official is the final administrative decision. There is no further opportunity to Appeal to MDE.
13. If the Provider loses the appeal, the termination date of the agreement is the date of the Hearing Official's decision.
14. The Provider will be placed on the National Disqualified List (NDL) for a period of seven years, or until such time as the FDCH Sponsor, in consultation with MDE, determines that the Serious Deficiency (SD) has been fully corrected. However, if any debt relating to the SD has not been repaid, the Provider will remain on the list until the debt has been repaid.

Appeal Procedures – Notice of Suspension

Whenever a FDCH Sponsor suspends the participation of a provider for imminent threat to the safety or health of participants, the provider must be notified both verbally and in writing that CACFP participation has been suspended, that the Day Care Home is Seriously Deficient (SD), and the FDCH Sponsor proposes to terminate the provider's agreement for cause. The written notification must be sent by Certified Return Receipt mail.

1. The notice must specify the SD found and state that the Provider has the opportunity for an appeal of the Proposed Termination and Proposed Disqualification from the CACFP.
2. The written notice must inform the Provider that CACFP participation, including all payments, will remain suspended until a final decision is made by the Hearing Official.
3. The written notice must inform the Provider that if the Hearing Official overturns the Suspension, the Provider may claim CACFP reimbursement for eligible meals served during the Suspension.
4. The written notice must inform the Provider that termination of the CACFP agreement will result in being listed on the National Disqualified List. The Provider will remain on this list for a period of seven years or until such time that the FDCH Sponsor, in consultation with MDE, determines that the SD has been corrected. However, if any debt relating to the SD has not been repaid, the Provider will remain on the list until the debt has been repaid.
5. The written notice must inform the Provider that if the Provider seeks to voluntarily terminate the CACFP Agreement after receiving the notice of the Proposed Termination, the Provider will still be considered terminated for cause and the FDCH Sponsor will propose to place the Provider on the National Disqualified List.

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: [USDA Program Discrimination Complaint Form](https://www.usda.gov/sites/default/files/documents/USDA-Program-Discrimination-Complaint-Form), 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. USDA Civil Rights Complaint Link: <https://www.usda.gov/sites/default/files/documents/USDA-OASCR%20P-Complaint-Form-0508-0002-508-11-28-17Fax2Mail.pdf>