

## **APPEAL PROCEDURES FOR CHILD CARE CENTERS**

All Child Care Centers (hereinafter Centers) who receive a notice of intent to terminate and disqualify participation in the Child and Adult Care Food Program (CACFP) for cause have the right to appeal that termination and disqualification and request an administrative review appeal. An appeal is a process by which an impartial hearing official reviews information provided by the CACFP Child Care Centers RPEP Inc. (RPEP Inc.) and the Center to determine if procedures were followed and were within the federal and state laws, regulations, policies, and procedures governing the CACFP. The procedure for an appeal follows.

### **Purpose**

The CACFP appeal procedure allows centers participating in the program an avenue for appealing the action of their CACFP RPEP INC...

A Center may appeal (request an administrative review) when the CACFP RPEP INC...:

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

### **Procedure**

Notification, request, and procedure for hearing:

1. Whenever RPEP INC. takes action that will affect the participation of a Center in the CACFP, RPEP INC... will inform the center in writing of the action and the grounds upon which its decision is based. Then RPEP INC... will advise the Center of their right to appeal.
2. Upon receipt of the letter of proposed termination, the Center must submit to RPEP Inc. A written request for appeal postmarked no later than 15 calendar days from the date the notice of proposed termination was received by the Center. The appeal request must be sent to RPEP INC. via US mail, Certified mail, Federal Express or USP. The address is as follows:

**Rising Phoenix Enrichment Program,  
Inc.**

950 Eagles Landing Pkwy, Suite 429  
Stockbridge, Ga 30281  
Attention: (Ashley Gay)

1. RPEP INC. will forward the original copy of the appeal request to the hearing official via US mail, certified mail, Email, Feb Ex or UPS. The hearing officials (**RPEP Inc. Board of Directors/Appeals Review Board**) will acknowledge receipt of the request for appeal to both the Center and the RPEP INC. within ten calendar days. This notice must be in writing.
2. The Center may refute the charges (show they are false) by providing written documentation to the hearing official. In order for the Center's request for an appeal to be considered, written documentation must be filed with the hearing officials (**RPEP Inc. Board of Directors**) within ten calendar days of the request for appeal. RPEP INC., will forward the information to the hearing official no later than 15 calendar days after the additional written documentation is filed with the RPEP INC. The hearing official will review only the written documentation/record unless there are extenuating circumstances, as defined by the hearing official. The Center may select to have a written review, written review with oral argument, or an oral hearing. The hearing official will set the time and place for the review of the Center records and RPEP INC. records.
3. In the case of an oral hearing, failure of the Center to appear at a scheduled hearing will forfeit the Center's right to appeal.
4. The Center may represent him/herself, may be represented by another per RPEP Inc. or may retain legal counsel.
5. Any information on which RPEP Inc. action was based will be available to the Center for review. The hearing official will make copies of this information available to the Center, if necessary.
6. The hearing official will make a decision based RPEP Inc. solely on information provided by RPEP INC., on program regulations, federal and state laws, and procedures governing the CACFP and RPEP Inc. Center agreements.
- 7.

The Center, RPEP INC.'s Executive Director, and the Bright from the Start Ga Department of Early Care and Learning, must be notified in writing of the hearing official's final decision within 30 days from the date of receipt of the request for appeal.

8. The Center may continue to operate during an appeal of proposed termination unless there is evidence of eminent threat or danger to the health or welfare of the children.
9. Centers continuing to operate while appealing the proposed termination will be reimbursed for any eligible meals served during the period of the appeal.
10. During the period of the review by the hearing official, the RPEP INC. will not take action to collect or offset any overpayment noted in the termination letter.
11. The decision by the hearing official is the final administrative decision. There is no further opportunity to appeal to the Bright from the Start, GA Department of Early Care and Learning.
12. If the Center loses the appeal, the termination date of the agreement is the date of the hearing official's decision.
13. The Center will be placed on the National Disqualified List of Centers for a period of seven years, or until such time that the RPEP INC..., in consultation with DECAL, determines that the SDs have been corrected. However, if any debt relating to the SDs has not been repaid, they will remain on the list until the debt has been repaid.

### **Appeal Procedure—Notice of Suspension**

Whenever RPEP INC... suspends the participation of a Center for Imminent Threat to the safety or health of children, the Center must be notified both verbally and in writing that CACFP participation has been suspended; that the Child Care Centers is seriously deficient; and that the RPEP Inc... organization proposes to terminate the Center's agreement for cause. The written notification must be sent by certified mail, Federal Express or USP.

1. The notice must specify the serious deficiency(ies) found and state that the Center has the opportunity for an appeal of the proposed termination and disqualification from the CACFP.

2. The written notice must inform the Center that CACFP participation, including all payments, will remain suspended until the appeal is conducted.
3. If the hearing official overturns the suspension, the Center may claim CACFP reimbursement for eligible meals served during the suspension unless otherwise noted.
4. The written notice must inform the Center that termination of the CACFP agreement will result in being listed on the National Disqualified List of Centers. The Center will remain on this list for a period of seven years or until such time that the RPEP INC..., in consultation with DECAL, determines that the SD's have been corrected. However, if any debt relating to the SDs has not been repaid, they will remain on the list until the debt has been repaid.
5. The written notice must inform the Center that if (s)he seeks to voluntarily terminate the CACFP Agreement after receiving the notice of proposed termination, the Center will still be considered terminated for cause and the RPEP INC... will propose to place the Center on the National Disqualified List of Centers.

The above information has been read and understood by the Center as indicated by the signature below.

\_\_\_\_\_  
Center's Name (Print)

\_\_\_\_\_  
Center's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
CACFP RPEP Inc. Name (Print)

\_\_\_\_\_  
CACFP RPEP Inc. Signature

\_\_\_\_\_  
Date

**As stated above, if the Appellant would like an actual hearing to be held, in lieu of, or in addition to a review of the written information, the institution must specifically request a hearing in its written Appeal Request.** If a hearing is not requested in the written Appeal Request, the administrative review official will only review and consider written information submitted by each party within thirty (30) days after receipt of notice of action.