

# REMOVAL FROM THE NATIONAL OR STATE DISQUALIFIED LIST

## CACFP Policy 13-01

### Purpose

To set forth the procedure to be used when an institution, home provider, or institution's responsible principal/individual wishes to be removed from the USDA National Disqualified List (NDL) prior to the seven year regulatory timeframe. This also sets forth the procedures to be used when a sponsored unaffiliated center or unaffiliated center's responsible principal/individual wishes to be removed from the Indiana State Disqualified List (SDL).

### Scope

Institutions, home providers, or institution's responsible principals/individuals that have been placed on the NDL, and unaffiliated centers or the unaffiliated center's responsible principals/individuals that have been placed on the SDL.

### Description

To be considered for removal from the NDL prior to the seven year regulatory timeframe, an institution, responsible principal(s) and/or responsible individual(s) or family day care home provider(s) must have been on the NDL for a minimum of 36 months. For an unaffiliated center to be considered for removal from the SDL prior to the State agency seven year timeframe, the center, responsible principal(s) and/or responsible individual(s) must have been on the SDL for a minimum of 36 months.

To be considered for removal from the NDL or SDL, the institution, unaffiliated sponsored center, or family day care home provider or any responsible principals/individuals must submit:

1. A letter requesting that the organization, responsible principal and/or responsible individual, or family day care home provider be removed from the NDL or SDL.
2. Corrective action that includes:
  - **An acceptable corrective action plan (CAP):** The institution, unaffiliated center, responsible principal and/or responsible individual or family day care provider must submit an acceptable CAP outlining how the deficiencies that caused the institution, unaffiliated center, responsible principal and/or responsible individual or family day care provider to be placed on the NDL or SDL have been or will be corrected. The CAP must demonstrate that full and permanent corrective action has been implemented to resolve the serious deficiencies that caused the termination. If the State Agency rejects the requestor's CAP, the institution, unaffiliated center, responsible principal and/or responsible individual, or family day care home provider may not appeal this decision.
  - **Any outstanding audits:** If the institution's serious deficiencies included failure to submit an acceptable audit, the most recent audit that is in compliance with 2 CFR Part 200 must be submitted. Corrective action must also include a plan to address any deficiencies identified in the audit.
  - **All outstanding funds owed:** If the institution, unaffiliated center, or family day care home provider owes funds to the CACFP, the outstanding debt must be repaid.
  - **A written explanation or statement that addresses the following:**

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<b>If the person or persons identified as being responsible for the serious deficiencies are:</b>	<b>Then the institution, unaffiliated center, responsible principal/individual, or family day care home provider will need to provide...</b>
Still part of the organization and will be involved with the operation or administration of the CACFP	An explanation of why the person or persons identified as being responsible for the serious deficiencies should no longer be disqualified.
Still part of the organization, but will not be involved with administering or operating CACFP	A statement that the person or persons identified as being responsible for the serious deficiencies will not be involved in the operation or administration of the CACFP.
No longer employed by the organization,	A statement that the person(s) identified as being responsible for the serious deficiencies is/are no longer employed by the organization.

The above documents must be emailed or mailed to:

CACFP Assistant Director, Carol Markle  
[cmarkle@doe.in.gov](mailto:cmarkle@doe.in.gov)  
 School and Community Nutrition  
 115 W Washington St, 600S  
 Indianapolis, IN 46204

NDL Acceptable Corrective Action\*: When the State Agency determines the institution, responsible principal and/or responsible individual, or family day care home provider has taken acceptable corrective action, the State Agency will forward an assessment to the USDA Midwest regional office, with the final determination resting with the USDA national office

The State Agency will notify the institution, responsible principal and/or responsible individual, or family day care home provider of USDA’s decision.

If USDA determines that the institution, responsible principal and/or responsible individual will be removed from the NDL, the institution may reapply for participation in the CACFP and the responsible principal and/or responsible individual may perform CACFP duties. If USDA decides to retain the institution, responsible principal and/or responsible individual on the NDL, the decision may not be appealed and the institution, as well as the persons identified as responsible for the serious deficiencies, will continue to be ineligible to participate in the CACFP.

The sponsoring organization that terminated the family day care home provider agreement is not required to sponsor the family day care home provider if they are removed from the NDL

SDL Acceptable Corrective Action: If the State Agency determines that the unaffiliated center or the unaffiliated center’s responsible principals/individuals will be removed from the SDL, the unaffiliated center may reapply for participation in the CACFP and the responsible principal and/or responsible individual may perform CACFP duties. The sponsoring organization that terminated the unaffiliated center and the unaffiliated center’s responsible principals/individuals is not required to sponsor the unaffiliated center if they are removed from the SDL.

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If the State Agency decides to retain the unaffiliated center or the unaffiliated center's responsible principals/individuals on the SDL, the decision may not be appealed and the unaffiliated center, as well as the persons identified as responsible for the serious deficiencies, will continue to be ineligible to participate in the CACFP.

\*Note: While terminated and disqualified unaffiliated centers are placed on the SDL, these centers have been placed on the NDL in the past. For those centers on the NDL, the corrective action and removal request must follow the above guidelines related to the removal from the NDL.

### **Sources**

CACFP 26-2011, Indiana Department of Education, School and Community Nutrition