

**Iowa Department of Education  
Bureau of Nutrition and Health Services (State Agency)  
Child and Adult Care Food Program (CACFP)  
HOME PROVIDER APPEAL PROCEDURES**

You as a childcare home provider have received an adverse decision from which you may appeal. The appeal procedures according to CACFP regulations are as follows:

1. If you desire to appeal, you must do so within 15 days of receiving the letter proposing to terminate your CACFP agreement by filing a Notice of Appeal in the form of an affidavit with the Iowa Department of Education ("Department"). The affidavit must clearly state the adverse decision being appealed and the date of decision.
  - "Form of an affidavit" means that a notary public must witness your signature and sign the Notice of Appeal OR that you include the following statement with your signature: "I certify under penalty of perjury and pursuant to the laws of the state of Iowa that the preceding is true and correct."
  - The Notice of Appeal shall be considered timely if it is postmarked, hand-delivered or sent by facsimile transmission within the 15 days (see address and number below).
2. The home provider (and if applicable - other designated responsible individuals), named in the letter proposing to terminate your CACFP Agreement may appeal all adverse decisions bulleted below either individually or together. Home providers shall appeal individually on their own behalf for adverse decisions by the Home Sponsor. You may represent yourself, retain legal counsel or be represented by another person.
3. The adverse decision that may be appealed is the proposed termination of your CACFP agreement. Written evidence may be submitted to the review official to refute the Home Sponsor's action.
4. The following actions are not appealable:
  - USDA Food and Nutrition Service (FNS) decisions on claim deadline exceptions and requests for upward adjustments;
  - Denial of all or part of the claims for reimbursement.
  - Determination of a serious deficiency;
  - Home Sponsor's determination that a provider's correction action plan is inadequate to completely and permanently correct a serious deficiency;
  - Home Sponsor's decision that a provider's approved corrective action plan was not completely and permanently implemented.
  - Termination from CACFP participation;
  - Disqualification and placement on the State agency list and National Disqualified List (NDL);
  - The State agency's or FNS's decision that a provider's corrective action is inadequate to be removed from the NDL; and
  - The State agency's refusal to consider an application submitted by a Home Sponsor organization on behalf of a home provider who is currently on the NDL.

The Department shall notify the parties affected by the appeal of the hearing date and location at least ten (10) days prior to the hearing, OR the evidence may be evaluated by the hearing official based on written documents in the form of a desk review.

All appeals must be addressed to:

Director  
Iowa Department of Education  
Grimes State Office Building, 2<sup>nd</sup> Floor  
400 E 14<sup>th</sup> St  
Des Moines, IA 50319-0146

Fax: 515-242-5988  
Phone: 515-281-5295

Questions about the appeal process may be addressed to the Administrative Assistant of the Hearing Official using the contact information provided above.