

USDA Child Nutrition Programs Administrative Review Summary Report

School Food Authority: Middleton-Cross Plains

Agency Code: 133549

School(s) Reviewed: Park Elementary, Clark Street Community School

Review Date(s): December 5-7, 2017

Date of Exit Conference: 12/7/17

State agencies (SA) are required to conduct administrative reviews to assess School Food Authority (SFA)'s administration of the National School Lunch Program (NSLP), School Breakfast Program (SBP), and other school nutrition programs. The objectives of the Administrative Reviews are to:

- Determine whether the SFA meets program regulations,
- Provide technical assistance,
- Secure needed corrective action,
- Assess fiscal action, and when applicable, recover improperly paid funds.

General Program Reminders/Updates:

- The Department of Public Instruction (DPI) School Nutrition Team (SNT) conducts School Nutrition Skills Development Courses (SNSDC) each summer in various locations around the state. Courses cover many areas of the school nutrition programs including administrative responsibilities, program basics, meal pattern requirements and menu planning, financial management, professional standards, meal benefit determination process, procurement, and many other topics. More information along with other upcoming trainings and webinars can be found on the Wisconsin DPI [School Nutrition Training](http://dpi.wi.gov/school-nutrition/training) webpage (dpi.wi.gov/school-nutrition/training).
- SFA staff are encouraged to pursue GOALS Certification. GOALS stands for Goal Oriented Achievement Learning Skills. This is a certificate endorsed by the DPI and is obtained by completing training in nutrition, program administration and operations, and communications and marketing. For more information go to the Wisconsin DPI [School Nutrition Training](http://dpi.wi.gov/school-nutrition/training/goal-oriented-achievement-learning-skills) webpage (dpi.wi.gov/school-nutrition/training/goal-oriented-achievement-learning-skills).
- The US Department of Agriculture has a toolkit of resources to assist schools in meeting the nutrition standards on their [Healthier School Day: The School Day Just Got Healthier](http://www.fns.usda.gov/healthierschoolday) webpage. The topics covered include Smart Snacks, offering fruits and vegetables, reducing sodium, and serving whole grain-rich products (http://www.fns.usda.gov/healthierschoolday).
- [The Smarter Lunchrooms Movement](http://smarterlunchrooms.org) encourages schools to implement low-cost and no-cost lunchroom solutions to help students' select healthier meal options (http://smarterlunchrooms.org). Smarter Lunchroom techniques are easy to begin implementing and do help encourage student consumption of fruits, vegetables, legumes, non-flavored milk, and other healthful choices. These strategies are effective and research-based. Consider trying the Smarter Lunchroom techniques for [increasing consumption of white milk](https://www.smarterlunchrooms.org/scorecard-tools/smarter-lunchrooms-strategies#Milk) (https://www.smarterlunchrooms.org/scorecard-tools/smarter-lunchrooms-strategies#Milk).

Thank you to the staff of Middleton-Cross Plains School District (133549) for the courtesies extended to us during the on-site review. Thank you for being available when answering questions and providing additional information. All were very receptive to recommendations and guidance. In addition, thank you for taking the time to respond to off-site questions and requests, as well as pulling records for the on-site portion of the review. It was a truly a pleasure visiting and working with the Middleton-Cross Plains School District (133549).

REVIEW AREAS

1. MEAL ACCESS AND REIMBURSEMENT

Thank you to the Determining Official (DO) for being available to answer questions, clarify information and follow-up with households when necessary. The DO is detail-oriented and organized, two excellent characteristics that aid the DO in the correct processing of meal benefits.

420 of 1188 eligibility determinations were reviewed. Zero (0) errors were identified. Kudos to the DO for a job well done.

Application Forms and Letters

The SFA is timely in approval and distribution of approval and denial communications for free and reduced-price meal applications. However, it was noted that Spanish communication letters do not include all of the same information included on the English communication letters. It is important that communications in all languages provide the same program information in order to communicate equitably to all households within the district. Additionally, communications provided to households on USDA Child Nutrition Programs must include the USDA non-discrimination statement in the same size font as the rest of the document and formatting as provided by USDA. Please see the Finding and Corrective Action below that addresses this issue.

Disclosure

The SFA is seeking written consent from parents and/or guardians to use the information provided on the application or through Direct Certification for non-program purposes, such as athletic or testing fee waivers, registration fee waiver, etc. Review of the consent form indicated that the SFA is separating program fees (i.e. athletic, technology, registration). However, the registration program fee should be further separated as it includes various individual fees that a household should have the option to select or decline.

Food service is requesting a signed *Disclosure Agreement* form from social workers, Point of Service staff, and principals. The SFA and individuals receiving eligibility information are ***reminded*** that this information is only to be used for purposes agreed upon by the household in the consent form or as described in Section 5 of the [Eligibility Manual for School Meals](https://dpi.wi.gov/sites/default/files/imce/school-nutrition/pdf/eligibility-manual.pdf) (<https://dpi.wi.gov/sites/default/files/imce/school-nutrition/pdf/eligibility-manual.pdf>).

❑ Finding #1: The following communication letters differed between the English and Spanish versions:

1. Approval/Denial Communication for Meal Benefits Letter
2. Verification Notification and Adverse Action Letters
3. Disclosure of Meal Benefits Letter

It is important that communications in all languages provide the same program information in order to communicate equitably to all households within the district. Additionally, communications provided to households on USDA Child Nutrition Programs must include the USDA non-discrimination statement in the same size font as the rest of the document and formatting as provided by USDA.

Corrective Action Required: Please work with district translators to review and updated the noted letters above. Please provide copies of the updated letters or a timeline for when these letters will be updated by district translators.

Verification

Thank you for updating the contract during the on-site to correctly reflect the Confirming Official. The SFA completed Alternate Two for verification, correctly verifying four (4) applications. The SFA completes a 'best practice' by both mailing verification notification letters home to households and calling households letting them know to expect the letter. Verification was completed correctly on all four applications. However, the SFA is reminded that when a household has not responded to the second-attempt due date, the SFA should send the adverse action notification letter soon after the due date, notifying the household of the outcome from verification and providing 10 calendar days before decreasing the meal benefit. Delay of the adverse action letter lengthens the time the household is receiving the meal benefit even though verification has yielded that the household is not entitled to the meal benefit. All verification activities must be completed by November 15.

Technical assistance was provided on-site, encouraging the SFA to bold important due dates on verification letters to better highlight the response timeframes for households. Updates have been requested to the verification notification and adverse action letters in the Finding #1 and Corrective Action above.

Meal Counting and Claiming

Park Elementary School:

Wednesday, December 6, 2017 (Breakfast and Lunch): No non-reimbursable meals were observed at breakfast or lunch.

Clark Street Community School:

Thursday, December 7, 2017 (Lunch): No non-reimbursable meals were observed at lunch.

October 2017 Breakfast and Lunch: No issues noted with the October 2017 breakfast and lunch claims for reimbursement.

2. MEAL PATTERN AND NUTRITIONAL QUALITY

The food service director at Middleton-Cross Plains School District is doing an exemplary job of planning appealing meals that meet the meal pattern requirements. Meal pattern documentation was well-organized and thorough, and the week of review met all meal pattern requirements. Thank you to all of the food service staff for welcoming us into their schools and for working hard each day to serve healthy meals to students.

Comments/Technical Assistance/Compliance Reminders

Breakfast Signage

The meal pattern signage that is posted at Park Elementary is very well done, in that it includes not only signage posted on the wall but also signage on the line that tells student which component each food item credits towards. However, the breakfast signage posted on the wall indicates that students must select either fruit or juice. In actuality students may select both, and must be able to select both in order to be offered the required 1 cup of fruit each day. During meal observation it was clear that students could take both fruit and juice and understood this requirement. Nevertheless, please update the breakfast signage to tell students that they may select both fruit and juice.

Portioning on Salad Bar

At Park Elementary, the salad bar is an alternate entrée option for students. Diced turkey and shredded cheese are offered daily to fulfill the meat/meat alternate component, and students self-serve using tongs. While all meals observed were reimbursable, it can be difficult to visually determine how many ounce equivalents of turkey or cheese are on a tray. It would be helpful to use portion cups to pre-portion 1 ounce equivalents each of turkey and cheese so that students could more easily select a reimbursable meal and staff could easily identify whether or not the meat/meat alternate counts as a full component. If pre-portioning isn't an option, please make sure that staff are routinely trained on how to visually identify the correct amount of these items.

Offer versus Serve

On the day of observation at Clark Street, a few students were sent back to get an additional ounce equivalent (oz eq) of grain even though they already had three full components on their tray. The confusion occurred because the chicken rings and the muffin each provided 1 ounce equivalent (oz eq) of grain to meet the students' daily grain requirement of 2 oz eq. To count as a component under Offer versus Serve (OVS), students must select the component in their full daily requirement. For grades 9-12, this means they must select 2 oz eq of grain for the grain to count as a component. Make sure to provide refresher trainings on this topic and to clarify what must be selected to count as a component for specific meals.

3. RESOURCE MANAGEMENT

As the SFA sells non-program foods, the SFA triggered for a comprehensive review in Resource Management – Non-program Foods.

Non-program foods include adult meals, a la carte, extra entrees, extra milk (for cold lunch or milk break), vended meals (meals sold to other agencies), catered meals, and food service operated vending machines. All non-program food costs, including food, labor, equipment, and purchased services, **must** be covered by revenues received from the sale of these foods. Non-program foods may not be supported by reimbursable meals or have a loss absorbed by the food service account. Non-program foods may never run in the negative unless non-federal funds are transferred into the food service fund to cover the deficit. Non-program food costs and revenues must be separated from program food costs and revenues on the Annual Financial Report (AFR) to demonstrate compliance.

The [USDA Nonprogram Foods Revenue Tool](https://dpi.wi.gov/sites/default/files/imce/school-nutrition/xls/npr_tool.xls) must be, at a minimum, completed yearly (https://dpi.wi.gov/sites/default/files/imce/school-nutrition/xls/npr_tool.xls). The [DPI Non-program Food Revenue Tool/Calculator](https://dpi.wi.gov/sites/default/files/imce/school-nutrition/xls/non-program-food-price-calculator.xlsx) aids in calculating prices of non-program foods to meet the [USDA non-program food regulation](https://www.fns.usda.gov/nonprofit-school-food-service-account-nonprogram-food-revenue-requirements) (http://dpi.wi.gov/sites/default/files/imce/school-nutrition/xls/non-program-food-price-calculator.xlsx; https://www.fns.usda.gov/nonprofit-school-food-service-account-nonprogram-food-revenue-requirements).

Along with the DPI Non-program Food Revenue Tool, the [Wisconsin Adult Meal Pricing Worksheet](http://dpi.wi.gov/sites/default/files/imce/school-nutrition/doc/wisconsin-adult-meal-pricing-guide.doc) has been developed to assist SFAs in pricing adult meals (http://dpi.wi.gov/sites/default/files/imce/school-nutrition/doc/wisconsin-adult-meal-pricing-guide.doc).

The SFA completed the DPI Non-program Food Revenue Tool for a week in SY 16-17 and is in compliance with non-program food regulations.

4. GENERAL PROGRAM COMPLIANCE

Civil Rights

Nondiscrimination Statement

It is necessary to use the current [non-discrimination statement](http://dpi.wi.gov/school-nutrition/national-school-lunch-program/civil-rights) on letters, menus, websites, and other documents used to convey USDA program information (http://dpi.wi.gov/school-nutrition/national-school-lunch-program/civil-rights). When space is limited, such as on printed menus, the abbreviated statement may be used, “**This institution is an equal opportunity provider.**” Both statements should be in the same size font as other text in the document and must maintain the formatting set by USDA.

Special Dietary Needs

All food substitutions made outside of the meal pattern requirements must be supported by a signed medical statement from a licensed medical professional. SFAs may use the [template Medical Statement](http://dpi.wi.gov/school-nutrition/national-school-lunch-program/special-dietary-needs) for Special Dietary Needs (http://dpi.wi.gov/school-nutrition/national-school-lunch-program/special-dietary-needs).

SFAs must accommodate dietary requests that are supported by a signed medical statement from a licensed medical practitioner. Meals served to students with special dietary needs who have a signed medical statement from a licensed medical practitioner do not need to meet meal pattern requirements. Additional information on special dietary needs can be found on the [DPI SNT Special Dietary Needs webpage](http://dpi.wi.gov/school-nutrition/national-school-lunch-program/special-dietary-needs). (http://dpi.wi.gov/school-nutrition/national-school-lunch-program/special-dietary-needs)

School food service staff may make food substitutions, at their discretion, for children that do not have a signed medical statement from a licensed medical practitioner. It is highly recommended that the SFA have a completed medical statement on file from a medical authority (which could be the school nurse) to support the request. Accommodations made for students without a signed medical statement from a licensed medical practitioner must meet the USDA meal pattern requirements in order for the meals to be reimbursable. It is recommended that the SFA develop a policy for handling these types of accommodations to ensure that requests are equitable for everyone.

Juice may not be substituted for fluid milk in the NSLP or SBP unless juice is specified as a substitution on a medical statement signed by a licensed medical practitioner. Water is available to all students, lactose free milk may be offered, or schools may choose to provide a fluid milk substitute that meets the nutritional requirements set forth by USDA. If choosing to provide a fluid milk substitute, SFAs must first notify the DPI SNT in writing and provide the nutrition information from the product to be served. For more information on [fluid milk substitutes](#), please see our Special Dietary Needs webpage (<http://dpi.wi.gov/school-nutrition/national-school-lunch-program/special-dietary-needs>).

Overt Identification

While not displayed on the Point of Service (POS) screen for long, the reimbursable meal price for each student does flash on the screen, noting \$0.00 for those qualifying for free and reduced and the full meal price for paid students. This is considered overt identification. Conversations indicated at the SFA noted the software program has been contacted about removing the price but is unable to do so. Alternatives for when the price cannot be removed from the software include screen guards or shields, limiting view of the screen to only those operating the POS. Please see the Finding and Corrective Action below that addresses this issue.

Processes for complaints

The SFA is reminded that for discrimination complaints involving USDA Child Nutrition Programs, the SFA must provide individuals with the information necessary to do so and not impede an individual's right to file. Please refer to the [USDA Program Discrimination Complain Form](#) for assistance in filing these complaints (https://www.ocio.usda.gov/sites/default/files/docs/2012/Complain_combined_6_8_12.pdf).

❑ Finding #2: The reimbursable meal price for each student does flash on the screen, noting \$0.00 for those qualifying for free and reduced and the full meal price for paid students.

Corrective Action Required: Please provide a summary detailing changes the SFA will make to ensure the reimbursable meal price is only visible to staff operating the POS.

On-site Monitoring

On-site monitoring forms completed thus far for SY16-17 were reviewed. 5 of the 10 required lunch reviews and 1 of the 5 required breakfast reviews have been completed. The SFA is on track to complete all required reviews by February 1, 2018.

Local Wellness Policy

The final *Local School Wellness Policy Implementation Under the Healthy, Hunger-Free Kids Act of 2010* rule requires the SFA to retain basic records demonstrating compliance with the local school wellness (LWP) requirements. LWPs should include specific goals related to:

- Nutrition education: Recommended goals related to nutrition education include integrating into other core subjects or offering as a stand-alone course for all grade levels.
- Nutrition promotion: At a minimum SFAs must review smarter lunchroom tools and strategies. Additional promotional activities include contests, surveys, food demonstrations, taste testing, and farm to school programming.
- Physical activity: Recommended that SFAs offer time for students to meet the 60 minute goal, this could include recess, classroom physical activity breaks, and opportunities for physical activity before and after school.
- Guidelines for all foods and beverages *sold* on the school campus during the school day: The LWP must contain guidelines for Federal school meal requirements and competitive food standards [Smart Snacks].
- Guidelines for all foods and beverages *provided* on the school campus during the school day: SFAs must develop standards for foods provided to students, this includes classroom parties, schools celebrations, food offered as rewards/incentives.
- Guidelines for food and beverage marketing: At a minimum, SFAs must restrict marketing to food and beverages that meet competitive food standards on the school campus during the school day.
- Public involvement and committee leadership: SFAs must invite and allow for a diverse group of stakeholders to participate in the development, implantation, review, and updating of the LWP. SFAs must also identify the official responsible for oversight of the LWP to ensure school compliance.
- Implementation, assessment and update of policy: At a minimum, SFAs must notify the public about the content, implementation of, and updates to the LWP. SFAs must complete a triennial assessment to evaluate compliance with the LWP, how the LWP compares to model wellness policies, and progress made in attaining the goals of the LWP.

Please refer to the USDA [summary of the requirements](http://www.fns.usda.gov/sites/default/files/tn/LWPsummary_finalrule.pdf) for local school wellness policies (http://www.fns.usda.gov/sites/default/files/tn/LWPsummary_finalrule.pdf). Wisconsin Team Nutrition has several [wellness policy resources](#) available, including a toolkit, a wellness policy builder, and wellness policy report card (<http://dpi.wi.gov/school-nutrition/wellness-policy>).

The Middleton-Cross Plains School District LWP meets all requirements put into place on July 1, 2017. Kudos for a job well done.

Smart Snacks

At Park Elementary and Clark Street Community School

Food service operates one vending machine at Clark Street Community School, which contains compliant items. Clark Street also has a beverage vending machine that is run by another entity, and all beverages in it are compliant. Based on the documentation received before and during the on-site review, the only food or beverage that falls under the Smart Snacks Rule at Park Elementary is a la carte milk.

If any other food or beverage sales occur in the future, the items must either be in compliance with the Smart Snacks general and nutritional guidelines, or must qualify as an exempt fundraiser. A staff member at each school should be responsible for documenting compliance of exempt fundraisers and any other competitive food sales. You can find fundraiser tracking tools on Smart Snacks webpage at the link above.

Professional Standards

Annual training must be job-specific and intended to help employees perform their duties well. The required annual training hours vary according to the employee's role in the management and operation of the school nutrition program. Trainings can be provided in a variety of formats (online, in person, webinars) and through various providers (DPI, USDA, in-house, etc.).

SFAs should clearly document all required training information and maintain that file including the name of staff person, date hired, title/position, brief list of core duties/responsibilities, status (full, part-time, volunteer, etc.), professional standards position (director, manager or staff). Learning codes are not required, but encouraged. A template tracking tool is posted to our [Professional Standards](http://dpi.wi.gov/school-nutrition/training/professional-standards) webpage (<http://dpi.wi.gov/school-nutrition/training/professional-standards>).

Annual Training Requirements for All Staff

Directors: 12 hours

Managers: 10 hours

Other Staff (20 hours or more per week): 6 hours

Part Time Staff (under 20 hours per week): 4 hours

If hired January 1 or later, only half of the training hours are required during the first school year of employment.

Middleton-Cross Plains maintains individual files for all staff requiring Professional Standards continuing education training hours. Staff have met or are on track to meet all required training hours for SY16-17. The SFA is reminded to include date of hire and job responsibilities on individual staff training logs.

Food Safety and Buy American

[A Flash of Food Safety](#) is a video series designed to help school nutrition professionals understand and apply safe food practices (www.fns.usda.gov/ofs/food-safety-flashes). Additionally, visit the [Office of Food Safety](#) website (www.fns.usda.gov/ofs/food-safety) and explore all of the great food safety resources available to USDA's nutrition assistance program operators.

Food Safety Plan

All schools must have a comprehensive, site-specific food safety plan on-site which includes all process 1, 2, and 3 items, all applicable standard operating procedures (SOP), all equipment, and food service staff. The food safety plan must be reviewed annually. The site-specific food safety plan should include SOPs for all programs and procedures utilized at the site and should be followed by all food service staff, student workers, volunteers, and any other people involved in the implementation of Child Nutrition Programs at all times.

Conversations with the SFA indicated they are working with the local sanitarian to update plans to make each plan site-specific. Following review by DPI, the SFA is encouraged to continue working with the local sanitarian on updating SOPs, providing special attention to the following SOPs:

- Field Trip Meals, with a template [Field Trip Meals SOP](https://dpi.wi.gov/sites/default/files/imce/school-nutrition/doc/fieldtrip_may2014.docx) available on the DPI SNT Food Safety webpage (https://dpi.wi.gov/sites/default/files/imce/school-nutrition/doc/fieldtrip_may2014.docx)
- Time as a Public Health Control, with additional information included below.
- Donations of Food Items from a 'No, Thank You' table, with additional information included below

Time as Public Health Control

When using "Time as a Public Health Control:"

- The internal temperature must be at or below 41 degrees Fahrenheit (°F) at the beginning of this holding period for cold time/temperature control for safety (TCS) food.
- TCS food can be held up to 6 hours at an internal temperature between 41°F and 70°F under monitored conditions. Provisions must be made to discard product if the 6 hour time limit is exceeded, the temperature of the cold TCS food rises above 70°F, or the food is removed from service.
- Hot TCS foods can be held up to 4 hours at an internal temperature greater than 70°F. Provisions must be made to discard product if the 4 hour time limit is exceeded, the temperature of the hot TCS food falls to 70°F, or the food is removed from service.
- **There can be no leftovers and no reuse of the items covered under this plan.** Thus, if any TCS food is held without mechanical refrigeration during service, including TCS foods on garden bars, all leftover TCS food must be discarded.

Time/Temperature Control for Safety (TCS) Food

Milk and dairy products

Shell eggs

Meat (beef, pork, and lamb)

Poultry

Fish

Shellfish and crustaceans

Baked potatoes

Heat-treated plant food, such as cooked rice, beans, and vegetables

Tofu or other soy protein

Sprouts and seed sprouts

Sliced melons

Cut tomatoes

Cut leafy greens

Untreated garlic-and-oil mixtures

Synthetic ingredients, such as textured soy protein in meat alternatives

Sharing and No Thank You Tables

Both Sharing Tables and No Thank You Tables are permitted in Wisconsin. Definitions, considerations, and guidance for safe and responsible implementation for each type of table is outlined below.

Sharing Table

A sharing table is a designated table for items students do not intend to consume. Students may pick up items from the sharing table during the meal period. Items must be pre-packaged and unopened. A designated food service worker or trained individual must monitor the sharing table throughout meal service, inspecting items for wholesomeness. The table should not be located immediately after the point of service/sale.

No Thank You Table

A no thank you table is a designated table placed after the point of service for items students do not intend to consume. Students may not pick up items from this table during the meal period. At the end of meal service, a designated worker or trained individual must inspect the items for wholesomeness.

Sharing or no thank you tables are appropriate for students in first grade and up. Preschool, pre-kindergarten, and kindergarten students are considered a susceptible population at greater risk for foodborne illness.

Considerations

1. School food authorities (SFA) are making a conscientious effort to be good stewards of federal and state funding and USDA Foods received for the school meal and afterschool snack programs.
2. Offer versus Serve is effectively implemented. This includes training and supervising food service employees, informing students they may turn down up to two components at lunch and one food item at breakfast, and providing age appropriate signage.
3. The legal entity (e.g. school board, administrator) stated, in writing, sharing or no thank you tables are allowed at specific serving locations and accepts liability in the event of foodborne illness or injury.
4. Parents will be informed in writing.
5. The food safety plan for the specific serving locations where sharing or no thank you tables are allowed includes a standard operating procedure (SOP). Please work with the sanitarian and/or local regulatory authority before, during, and after the development of the SOP. Any changes required by the sanitarian will be made.
6. Items on the sharing or no thank you table are limited to school meal or snack components. Food items brought from home are excluded.
7. Fruits and vegetables with edible peels must be washed and wrapped or packaged for meal service.
8. Food on sharing or no thank you tables is not for adults (e.g. food service staff, aides, teachers, custodians).

Wholesome Leftovers

Wholesome leftovers may be re-served; given away to students during the same meal period (sharing tables) or later part of or subsequent school day (no thank you tables); given to the school nurse for students with medications or complaints of hunger; donated; or composted. "Wholesome" must be defined by the SFA as part of the SOP.

Only non-time/temperature control for safety (TCS) food items may be re-served and sold in child nutrition programs by the SFA.

Food safety decisions surrounding sharing and no thank you tables are at the discretion of the sanitarian and/or local regulatory authority. Implementation may vary across the state.

Monitoring Log

Consider using a monitoring log for items left the sharing table or no thank you table. List prepackaged items and fruits with a non-edible peel or wrapper. At the end of meal service, count the items placed on the table. The employee who initials this log must check all leftover items for wholesomeness. No open items may be re-served. Use data to inform future menu planning and purchasing decisions. A template is available on the [Food Safety](https://dpi.wi.gov/school-nutrition/food-safety) webpage (<https://dpi.wi.gov/school-nutrition/food-safety>).

Buy American Provision

The USDA requires that a SFA purchase, to the maximum extent practicable, domestic commodities or products. Using food products from local sources supports the local economy, small local farmers and provides healthy choices for children in the school meal programs. The Buy American provision is required whether food products are purchased by SFAs or entities that are purchasing on their behalf.

The Buy American Provision should be included in solicitations, contracts, and product specifications. A reply offer to comply with Buy American terms in a solicitation ensures contractors are aware of Buy American requirements. Furthermore, bidder assurance of the Buy American provision ensures that the bidder is responsive and responsible to the solicitation.

SFAs must monitor contractor performance as required in 2 CFR Part 200.318(b), formerly in 7 CFR Part 3016.36(b)(2), to ensure that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders.

The following products may be exceptions to Buy American provisions: pineapples, mandarin oranges, olives, tuna, bananas and coffee. If no country of origin identified on label, than SFA must get certification from distributor or supplier stating: "We certify that (insert product name) was processed in the U.S. and contains over 51% of its agricultural food component, by weight or volume, from the U.S.," This can accepted within an email.

What is acceptable to determine compliance on a label? Labels should indicate if the product is grown, processed and packed in the continental U.S. and any U.S. Territories. If a label indicates a product is distributed or packed in the U.S, but the country of origin is not listed, this product requires the distributor's certification as mentioned above.

Any substitution of a non-domestic product for a domestic product (which was originally a part of the RFP), must be approved, in writing, by the Food Service Director (FSD), prior to the delivery of the product to the School. Any non-domestic product delivered to the school, without the prior, written approval of the FSD, should be rejected. Should non-domestic substitutes that were not pre-approved in writing by the FSD be delivered to and rejected by the school, selected distributor(s) shall be held accountable for all over-claims that result from failure to meet the school's required meal pattern.

Agricultural products which are processed and produced outside of the U.S. may be accepted with proof from manufacturer that poor market conditions exist (weather, and/or supply availability of market); this requirement applies to private labels as well as other labels.

The SFA should maintain written procedures to ensure product received and inventory is compliant with the Buy American provision. Sample written [procurement contract management procedures](https://dpi.wi.gov/school-nutrition/procurement/contract-procedures/contract-management) (<https://dpi.wi.gov/school-nutrition/procurement/contract-procedures/contract-management>) and [Buy American monitoring procedures](https://dpi.wi.gov/school-nutrition/procurement/contract-procedures/buy-america) (<https://dpi.wi.gov/school-nutrition/procurement/contract-procedures/buy-america>).

There are limited exceptions to the Buy American Provision which allow for the purchase of products not meeting the “domestic” standard as described above (“non-domestic”) in circumstances when use of domestic products is truly not practicable. Refer to SP 24-2016 for more information on the Buy American provision and limited exceptions.

More information on this new requirement, including a tool to assist with tracking noncompliance products, can be found on the DPI SNT [Procurement Buy American](http://dpi.wi.gov/school-nutrition/procurement/buy-american) webpage (<http://dpi.wi.gov/school-nutrition/procurement/buy-american>).

Pineapples and mandarin oranges were noted as non-domestic products. The SFA had non-compliance documentation for both products, noting both domestic products of as being cost-prohibitive. However, the SFA noted it would be moving to a domestic pineapple in the coming weeks as the domestic product was now available at a lower cost. Thank you to the SFA for maintaining appropriate documentation on the Buy American provision and for continuing to monitor prices of domestic and non-domestic prices throughout the school year to help ensure federal program dollars are working to support domestically-grown products.

5. OTHER FEDERAL AND STATE PROGRAMS REVIEWS

Special Milk Program (SMP)

Schools in the National School Lunch Program (NSLP) or School Breakfast Program (SBP) also may participate in the Special Milk Program (SMP) to provide milk to children in half-day pre-kindergarten and kindergarten programs where children do not have access to the NSLP and SBP.

The October 2017 claim for reimbursement was reviewed. Review of milk count rosters indicated the SFA over-claimed by one milk. Check marks were not verified against totals recorded by classroom teachers. One classroom counted two additional milks for one day while another classroom failed to include one milk, resulting in a net over-claim of one milk.

❑ Finding #3: Review of October 2017 SMP milk count rosters indicated the SFA over-claimed by one milk.

Corrective Action Required: Please provide a summary detailing changes the SFA will make to ensure accuracy for future SMP claims for reimbursement.

Wisconsin School Day Milk Program (WSDMP)

Wisconsin School Day Milk Program (WSDMP) requires the distribution of free milk to free and reduced priced students in grades K-5. Wisconsin-produced milk must be served in the WSDMP. Language requesting Wisconsin-produced milk should be included in milk procurement documentation. As a reminder, expenses and reviews associated with students not of free and reduced-price status (paid WSDMP students) must be reported in the non-program foods category, as these students are not claimed in the WSDMP and are therefore not considered program participants.

Regulations for the WSDMP can be found in the [Wisconsin School Day Milk Program State Statute](https://docs.legis.wisconsin.gov/statutes/statutes/115.pdf) (https://docs.legis.wisconsin.gov/statutes/statutes/115.pdf). Interpretation and guidance for the WSDMP can be found on the DPI SNT [WSDMP webpage](https://dpi.wi.gov/school-nutrition/milk-programs/wisconsin-school-day-milk) and in the [WSDMP Frequently Asked Questions](https://dpi.wi.gov/sites/default/files/imce/school-nutrition/pdf/WSDMP-FAQ.pdf). (https://dpi.wi.gov/school-nutrition/milk-programs/wisconsin-school-day-milk, https://dpi.wi.gov/sites/default/files/imce/school-nutrition/pdf/WSDMP-FAQ.pdf). The SY16-17 WSDMP claim was reviewed. No errors were identified.

Dr. Tony Evers, State Superintendent of Wisconsin Department of Public Instruction, shares a vision that every student will graduate prepared for college and career. His goals are for students to have the knowledge, skills, and habits that will allow them to succeed in life after high school. Access to quality nutrition plays a major role in developing those life-long habits.

The School Nutrition Team believes that what school nutrition programs do every day plays a very important part in the success of every child being able to graduate. We all know that well-nourished children are ready to learn. Thank you for all you do to ensure your students' success.

Please visit the Wisconsin DPI [Every Child a Graduate](https://dpi.wi.gov/statesupt/every-child-graduate) webpage (https://dpi.wi.gov/statesupt/every-child-graduate) for more information on this initiative.

