

USDA Child Nutrition Programs Administrative Review Summary Report

School Food Authority: Albany School District

Agency Code: #64-1638

School(s) Reviewed: Albany High School

Review Date(s): January 3-4, 2018

Date of Exit Conference: January 4, 2018

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, meal benefit determination process, professional standards, 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, or 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 (USDA) 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 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.

Appreciation/Commendations/Noteworthy Initiatives:

Thank you to the staff at the Albany school district for the courtesies extended to us during the on-site review and for being available to answer questions and provide additional information. All were very

receptive to recommendations and guidance. In addition, thank you for taking the time to respond to the off-site questions and requests, as well as pulling records for the on-site portion of the review.

The DPI review team appreciates the eagerness of the staff for their willingness to make changes to meet school nutrition program regulations. The staff does a terrific job of interacting with students during meal service and it is obvious they enjoy serving students of the district through the nutrition programs.

Kudos to administrators for recognizing the important role the school nutrition program plays in the ability for children to learn. Operating the school nutrition program is a critical part of serving children during the school day. It is important to remember the role of director includes numerous responsibilities other than cooking meals. Today's directors are responsible for planning menus that meet USDA regulations and are appealing to students, follow food safety and procurement guidelines, effectively managing USDA foods, maintain an appropriate budget based on meal and labor costs, supervise and train staff, collaborate with administrators, faculty, students and community members and provide administrative support. They must also ensure confidentiality of student meal eligibility, manage an appropriate point of service system, maintain and prepare meals for students with special dietary needs and offer regulatory guidance and promote nutrition education in and out of the cafeteria. It's important to remember that these responsibilities take a good deal of time. Moving forward the district is encouraged to ensure the FSD is allowed the time and tools she needs to be effective. This may include hiring a part time staff member to complete some of the cooking responsibilities or bringing in a substitute occasionally to allow time for the director to manage paperwork.

REVIEW AREAS

1. MEAL ACCESS AND REIMBURSEMENT

Certification and Benefit Issuance

Commendations/Comments/Technical Assistance (TA)/Compliance Reminders

Direct Certification – Reminders

As a reminder, you are required to run direct certification a minimum of three times a year: at or near the beginning of the school year, three months after the initial run and six months after the initial run.

The effective eligibility date for a DC eligible student is the date of the original output file.

Free and Reduced Price Meal Applications - Reminders

- When an application only has one frequency of payment indicated for all of their reported incomes on the application, the income should not be converted to annual, but rather use the [Income Eligibility Guidelines](#) chart based on the frequency. (i.e., weekly, twice monthly, every two weeks, monthly, annually).
- When a household has income in addition to a loss from a business, that income must be included on the free and reduced application in full and is not offset by the business loss. A business loss (negative dollar amount) would become \$0 for the income on the application.
- There has been a recent modification to the requirement pertaining to the reporting of annual income on an application. USDA released SP-19, 2017 on March 20, 2017 allowing households to report current income as an *annual figure*. Annual income is typically reported for households with

employment that is seasonal and/or self-employed since that is a more accurate representation of *current income*. These applications may now be processed at face value. However, most households that receive regular paychecks will report income based on what is *currently earned* and the frequency of that pay, i.e. weekly, biweekly, bimonthly or monthly.

- Any application that is missing required information, contains inconsistent information, or is unclear is considered an incomplete application and may not be determined until clarified with the household. The SFA may return the application to the household or contact the child's parent or guardian either by phone or in writing/email. The determining official should document the details of the conversation plus date and initial. Applications missing signatures must be returned to the parent to obtain. Reasonable effort should be made to obtain the missing information prior to denying the application.
- If a household submits an application that indicates Other Source Categorical Eligibility, such as homeless, migrant, or runaway, the SFA must confirm the children's status by an appropriate program official either through direct contact with the agency or by a list of names provided by the agency, before meal benefits can be provided. Once confirmed, this eligibility is only available to the designated child and is not extended to other members of the household.
- Applications that indicate a child is a foster child are categorically eligible for free meals. The child's status for free meals does not require confirmation of eligibility prior to receiving benefits. This benefit is not extended to other household members.
- For anyone receiving eligibility information to approve students for non-food service program benefits after parental consent is received, the *Disclosure Agreement* form should be signed and on file at the district. A template [Disclosure of Free and Reduced Price Information](http://dpi.wi.gov/sites/default/files/imce/school-nutrition/doc/disclosure-agreement.docx) form is located on the SNT website (<http://dpi.wi.gov/sites/default/files/imce/school-nutrition/doc/disclosure-agreement.docx>).

Findings and Corrective Action Needed: Certification and Benefit Issuance

Finding: Two applications were approved with invalid case numbers. In addition several applications were approved without the total household member box completed. USDA regulations require that only complete applications be approved.

Corrective Action Needed: The students on the applications with incorrect case numbers appeared on the direct certification run completed by the district on January 3, 2018. Their free benefit remains the same with no further corrective action due. Please contact the remaining household's to verify that the number of members in each household and submit documentation showing the results of each application. Once corrective action is received, fiscal action will be calculated. USDA allows a \$600 forgiveness by program before requiring repayment of funds.

Finding: Letters sent to households at the beginning of the year with the USDA application for meal benefits included a notice that a discount on school fees would be provided to any household that completed a free or reduced meals application. Under USDA regulations the meals application may only be used for determining free and reduced priced benefits to children participating in the school nutrition program. Completing an application for free or reduced priced meals is completely at the discretion of the household and schools may not require or offer financial incentives for families to complete the application.

Corrective Action Needed: Please submit a detailed statement indicating the steps the district intends to take to immediately discontinue the practice of providing fee discounts in exchange for completed meal applications.

Finding: During the review it was determined that a separate table for accepting free and reduced applications is located in an open gymnasium during back to school registration activities. Per USDA regulations schools must have a system of accepting application materials that will not overtly identify students or households applying for meal benefits.

Corrective Action Needed: Please submit a detailed statement indicating the steps the district intends to take to ensure that the procedure for applying for meal benefits maintains the confidentiality of the household.

Verification

Commendations/Comments/Technical Assistance (TA)/Compliance Reminders

The district did an excellent job of completing the verification process. Please commend the verifying official for her great work with verification. No corrective action is required.

- When applications are selected for verification, the person designated as the Confirming Official must review the application(s) to ensure the initial determination is correct prior to contacting the family. There is a place for the Confirming Official to sign and date on the back of the application.
- If a household does not comply with the request for verification and then submits a new application for meal benefits, they must also submit proof of income before the application can be processed or approved. These are not considered new applications.

Meal Counting and Claiming

Technical Assistance (TA)/Compliance Reminders

Meal Counts for this review for the lunch and breakfast programs were submitted without errors. Please commend the claim preparer for her diligence in maintaining an appropriate edit check system and submitting accurate breakfast and lunch claims.

Under the [Wisconsin School Day Milk Program \(WSDMP\)](https://dpi.wi.gov/school-nutrition/milk-programs/wisconsin-school-day-milk) schools are able to claim partial reimbursement for the milk they serve to children that qualify for free or reduced priced meals in grades preK-5 provided during a non-meal time milk break (<https://dpi.wi.gov/school-nutrition/milk-programs/wisconsin-school-day-milk>). Claims are submitted annually in June. The WSDMP requires a Point of Service count (POS) that does not overtly identify children receiving the benefit.

Findings and Corrective Action Needed: Claims – Milk Programs

Finding: The Wisconsin School Day Milk Program (WSDMP) claim was submitted using the collaborative counts for the Special Milk Program (SMP) monthly claims rather than milk counts obtained under the WSDMP. As a result, the annual claim, as submitted, grossly under claimed the number of milks served during the school year under the WSDMP. In addition, the point of service count was questionable with some of the classrooms counted consistently while others were counted based on attendance, and some not counted at all. The concern for this review is that the district is missing not only reimbursement for children eligible for a free milk but also not receiving payment from the household for the milks served to paid students. Technical assistance was provided on how to enable a counting system that will ensure that all milks are accounted for.

Corrective Action Needed: Please submit a detailed statement indicating the steps that will be taken to correct the WSDMP claim and POS system to ensure that milks are accurately counted at the time

the student accepts the milk. The 2016-2017 WSDMP claim was amended during the onsite review to include the correct reimbursement for the program.

2. MEAL PATTERN AND NUTRITIONAL QUALITY

Commendations

Thank you to the school nutrition staff at Albany School District for all they do to feed the children of their district healthy, good food. We appreciate your time and efforts spent preparing for and participating in the onsite review. All school nutrition staff were welcoming and professional. They had pleasant interactions with students during observed meal services. Kitchens and service areas were very clean as well. The Food Service Director was available to answer questions and receptive to feedback, both positive and constructive criticism.

Comments/Technical Assistance/Compliance Reminders

Signage

No signage was found in the lunchroom or at the point of service and signage is a requirement. The National School Lunch Program regulation at 7 CFR 210.10(a)(2) requires that schools identify, near or at the beginning of serving lines, what constitutes the unit priced reimbursable meals at breakfast and lunch. When implementing Offer versus Serve (OVS), schools must also identify what a student must select in order to have a reimbursable meal. Samples of signage that can be printed or updated and implemented in your school can be found on our [Signage Resources webpage](http://dpi.wi.gov/school-nutrition/national-school-lunch-program/menu-planning/signage) (dpi.wi.gov/school-nutrition/national-school-lunch-program/menu-planning/signage).

Standardized Recipes

Recipes used in the Albany school food service are either neatly hand written or are from a food service company no longer employed by the district, but are not standardized. Many recipes are lacking needed information or are using outdated USDA foods in recipes. Any menu item that has more than one ingredient should have a standardized recipe. This is defined as one that has been tried, tested, evaluated, and adapted for use by your food service. It produces a consistent quality and yield every time when the exact procedures, equipment, and ingredients are used. This will be a continuous work in progress as you modify older recipes and update with current ingredients in stock. Continue to use the resources on our website regarding recipe standardization. These include a checklist for pieces of information needed to standardize a recipe, tools to help analyze the meal component contribution, nutrient analysis tools, and templates to organize all information once obtained. These are found on the [Meal Planning](http://dpi.wi.gov/schoolnutrition/national-school-lunch-program/menu-planning/recipes) webpage (http://dpi.wi.gov/schoolnutrition/national-school-lunch-program/menu-planning/recipes). We encourage viewing the webcast, [What's the Yield with Standardized Recipes?](http://dpi.wi.gov/school-nutrition/training/webcasts#sr), which guides the viewer through the recipe standardization process (http://dpi.wi.gov/school-nutrition/training/webcasts#sr).

Production Records

Daily production records are neatly hand written but are missing some information that would benefit your operation (crediting information and forecasting). If production records are saved on your computer as word documents, consider typing each menu item to reduce time spent writing. These can then be easily reused by copying and changing the date and any other information that needs updating. Be specific on production records about the identity, brand, and description of the items served. Instead of "cereal or assorted muffins", list the names of the cereals or the flavors of muffins separately. Listing the specific type of cereal or muffin indicates exactly what was served. There can be a wide variation in formulation of the many products that fall into these categories. Fruit sizes (e.g. case count)

should also be recorded. A list of production record requirements (“Must Haves and Nice to Haves”) and sample production record templates can be found on our [Production Records](http://dpi.wi.gov/school-nutrition/national-school-lunch-program/menu-planning/production-records) webpage (<http://dpi.wi.gov/school-nutrition/national-school-lunch-program/menu-planning/production-records>).

Garden Bar Production Record

Planned portion sizes are required for every meal component. Even in self-service, like garden bars, the menu planner must plan a specific portion size that he or she intends students to take. Please refer to the Production Record Requirement list found on our [Production Records](https://dpi.wi.gov/school-nutrition/national-school-lunch-program/menu-planning/production-records) webpage (<https://dpi.wi.gov/school-nutrition/national-school-lunch-program/menu-planning/production-records>). This page also has garden bar production records.

Grain Requirement

Grains can be credited based on weight using [Exhibit A](http://dpi.wi.gov/sites/default/files/imce/school-nutrition/pdf/exa_fbg.pdf) of the USDA *Food Buying Guide* (http://dpi.wi.gov/sites/default/files/imce/school-nutrition/pdf/exa_fbg.pdf). If a product is not on Exhibit A, you must obtain a signed Product Formulation Statement (PFS) from the manufacturer that lists the *grams of creditable grain* in the product. Divide this number by 16 grams per ounce equivalent to calculate the grain contribution for that product. More information on PFS use are found on the [NSLP Meal Requirements and Nutrition Assessment](https://dpi.wi.gov/school-nutrition/national-school-lunch-program/menu-planning#cnpfs) (<https://dpi.wi.gov/school-nutrition/national-school-lunch-program/menu-planning#cnpfs>).

Multiple Entrée Options

The meal pattern requires a minimum amount of each food component per age/grade group to be offered, regardless of what the student chooses to select. Each line (or entrée option) needs to meet the daily meal pattern requirements as well as the weekly meal pattern requirements. Each serving line must meet the daily and weekly requirements, including vegetable subgroups, independently. More information on meal pattern requirements for lunch are found within the [NSLP In a Nutshell](https://dpi.wi.gov/sites/default/files/imce/school-nutrition/pdf/lunch-in-a-nutshell.pdf) (<https://dpi.wi.gov/sites/default/files/imce/school-nutrition/pdf/lunch-in-a-nutshell.pdf>) resource.

Findings and Corrective Action Needed: Meal Pattern and Nutritional Quality

Finding: Grains Shortage

Under the 9-12 lunch meal pattern, a minimum of 2 oz. eq. grain is required to be offered daily and a minimum of 10 oz. eq. grain is required to be offered weekly. During the week of review, there were grain shortages for the following entrée options.

1. Tuesday, 12.05.2017 - Chicken Nuggets were served, which credits 1 oz. eq. grain. There were no other grain options served with this entrée. This is a daily grain shortage as 2 oz. eq. grain is required for grades 9-12.
2. Friday, 12.08.2017 – Turkey BLT Salad with a roll was served, which credits 1 oz. eq. grain. This is a daily grain shortage as 2 oz. eq. grain is required for grades 9-12.
3. Monday-Friday 12.04-08.2017 – Chef Salad with a roll was served, which credits 1 oz. eq. grain. This is a daily grain shortage as 2 oz. eq. grain is required for grades 9-12. Because this entrée option was offered daily, there is also a weekly grain shortage (only 5 oz. eq. grain offered) as 10 oz. eq. grain is required per week for grades 9-12.

Corrective Action Needed:

- Please state what you will do to the Chicken Nugget entrée, Turkey BLT Salad entrée, and Chef Salad entrée so that a minimum of 2 oz. eq. grain is offered daily to grades 9-12 with each

entrée option. Include respective serving sizes, nutrition facts labels, or crediting documentation, if applicable.

- Please state what you will do to the Chef Salad entrée so that a minimum of 10 oz. eq. grain is offered weekly to grades 9-12 with this entrée option. Include respective serving sizes, nutrition facts labels, or crediting documentation, if applicable.
- The grain shortage is a repeat violation from the AR conducted in the SY 2013-14. Fiscal Action will be accessed for the meals served during the week with a daily grain shortage. The 46 Chicken Nugget entrée meals served on 12.05.17 and the 2 BLT Salad entrée offered on 12.08.17 may be reclaimed.

Finding: Signage

Signage is required to show student how to select a reimbursable meal. Separate signage is needed for breakfast and lunch. Signage is reusable so that each day it can be shown what makes a reimbursable meal.

[Signage information](https://dpi.wi.gov/sites/default/files/imce/school-nutrition/pdf/signage-overview.pdf) (https://dpi.wi.gov/sites/default/files/imce/school-nutrition/pdf/signage-overview.pdf) and [signage](https://dpi.wi.gov/school-nutrition/national-school-lunch-program/menu-planning/signage) (https://dpi.wi.gov/school-nutrition/national-school-lunch-program/menu-planning/signage) to print or order is found on our website, please follow the links.

Also, best practice would be to have signage on the garden bar showing the minimum amount of each item that can be taken to meet the weekly vegetable requirements. Because the vegetables on the garden bar are being used to meet the weekly vegetable requirements, portion sizes of at least 1/8 cup each should be communicated to students with signage

Corrective Action Needed:

Take a picture of your service area with the signage posted and send to the PHN (*an example picture was sent to the FSD on 01.09.18 by the PHN of a garden bar with signage*).

Finding: Standardized Recipes

Some standardized recipes from a past Food Service Management Company are being used, but many are not accurately reflecting what is happening in the kitchen. Also other non-standardized recipes are being used as well. These recipes are missing needed information, like portion sizes and total yield.

Corrective Action Needed:

Although it is expected that the Food Service Director will be working towards all menu item that have more than one ingredient having a standardized recipe, only three standardized recipes should be submitted:

- Egg Bake served on 12.07.17
- Italian Pasta Bake served on 12.07.17
- Creamy Pasta Salad served on 12.07.17

Finding: Production Records

At Breakfast, “assorted muffins” and “cereal” is listed. Each flavor/type of muffin to be offered is to be listed individually on the production record, which will aid with forecasting by providing historical usage, how much to order, help with menu planning, and can reduce food waste.

Offering a garden bar is a great way to offer students a variety of fruits and vegetables. Having accurate portion sizes for each menu option on the garden bar is important for menu planning purposes and so students know how much they can select. Currently, ½ cup is listed for all menu items, including black olives. Realistically, this is most likely not what students are actually expected to select.

Corrective Action Needed:

- Provide complete breakfast production records for one week, indicating each flavor of muffin offered and/or cereal variety being offered.
- Provide complete lunch production records for one week listing milk usage.
- Provide complete garden bar production records for one week with accurate portion sizes offered.

3. RESOURCE MANAGEMENT

Comments/Technical Assistance Nonprofit School Food Service Account

Unpaid Meal Charge Policy

- USDA Policy Memorandum SP 46-2016 requires all SFAs operating federal school meal programs to have a written and clearly communicated policy that addresses unpaid meal charges. For a snapshot on what the policy must include, see the [Unpaid Meal Charges In a "Nutshell"](http://dpi.wi.gov/sites/default/files/imce/school-nutrition/pdf/unpaid-meal-charges-nutshell.pdf) (<http://dpi.wi.gov/sites/default/files/imce/school-nutrition/pdf/unpaid-meal-charges-nutshell.pdf>). For a more comprehensive overview, see SP 23-2017: [Unpaid Meal Charges Guidance](https://dpi.wi.gov/sites/default/files/imce/school-nutrition/pdf/sp-23-2017.pdf) (<https://dpi.wi.gov/sites/default/files/imce/school-nutrition/pdf/sp-23-2017.pdf>)
 - Best Practices
 - Local meal charge policy checklist
 - Sample outstanding balance letter
 - Sample robo-call script
- Funds in student meal accounts are considered a liability until a meal is purchased. When the funds are left "unclaimed", they cannot be used to offset another student's negative account, unless *paid* households have *chosen to donate* those funds to the school food service account. All funds left in any student meal account which cannot be contacted must be turned over to the Wisconsin Department of Revenue (DOR) as unclaimed property. The DOR has rules concerning [unclaimed property](https://www.revenue.wi.gov/DOR%20Publications/pb82.pdf) that must be followed (<https://www.revenue.wi.gov/DOR%20Publications/pb82.pdf>).

Revenue from Nonprogram Foods

Comments/Technical Assistance (TA)/Compliance Reminders

- Nonprogram 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.
- Nonprogram foods may not be supported by reimbursable meals or have a nonprogram foods loss absorbed by the food service account. Thus nonprogram foods may never run in the negative unless non-federal funds are transferred into the food service fund to cover the deficit.
- The USDA Nonprogram Revenue Tool must be completed yearly, at a minimum. The [DPI Nonprogram Food Revenue Tool/Calculator](http://dpi.wi.gov/sites/default/files/imce/school-nutrition/xls/non-program-food-price-calculator.xlsx) located on our website feeds into the USDA tool and aids in calculating prices of nonprogram foods and meeting the USDA nonprogram food regulation (<http://dpi.wi.gov/sites/default/files/imce/school-nutrition/xls/non-program-food-price-calculator.xlsx>).

$$\frac{\text{Nonprogram food revenue}}{\text{Total program and nonprogram revenue}} \geq \frac{\text{Total nonprogram food costs}}{\text{Total program and nonprogram food costs}}$$

Adult Meals

- Adult meals are considered non-program foods. Food service programs must price adult meals above the overall cost of the meals. Since adult meal costs can be difficult to calculate, SFAs must, at a minimum, follow the **minimum** pricing guidelines in Food Nutrition Services Instruction 782-5.
- A [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 the SFA in pricing adult meals (http://dpi.wi.gov/sites/default/files/imce/school-nutrition/doc/wisconsin-adult-meal-pricing-guide.doc).
- Districts need to assess adult meal prices annually prior to contract submission to ensure student reimbursements are not being used to subsidize adult meals. The current reimbursement rates (2017-18 SY) should be used to determine adult prices.

Resources

- [Nonprogram Foods Revenue Rule SP-20-2016](http://dpi.wi.gov/sites/default/files/imce/school-nutrition/pdf/sp-20-2016.pdf) (http://dpi.wi.gov/sites/default/files/imce/school-nutrition/pdf/sp-20-2016.pdf)
- [Nonprogram Foods In a "Nutshell"](http://dpi.wi.gov/sites/default/files/imce/school-nutrition/pdf/nonprogram-foods-in-a-nutshell.pdf) (http://dpi.wi.gov/sites/default/files/imce/school-nutrition/pdf/nonprogram-foods-in-a-nutshell.pdf)

Findings and Corrective Action Needed: Revenue from Nonprogram Foods

Finding: The Nonprogram Foods Revenue Tool has not been completed for the current school year.

Corrective Action Needed: Watch the [Nonprogram Foods Revenue Tool webinar](https://media.dpi.wi.gov/school-nutrition/nonprogram-food-revenues/story_html5.html) and provide a copy of the completed quiz questions and a completed tool for Albany School District using a 5-day reference period (https://media.dpi.wi.gov/school-nutrition/nonprogram-food-revenues/story_html5.html).

Meal Pricing – Breakfast

Finding: Breakfast prices are listed as \$1.70 for paid students on the online contract. The district is advertising and charging \$1.60 for a paid student breakfast.

Corrective Action Needed: Update the online contract or update the breakfast price to correct the discrepancy. Submit a statement indicating the decision and steps taken to correct this issue.

4. GENERAL PROGRAM COMPLIANCE

Civil Rights

Technical Assistance (TA)/Compliance Reminders

Nondiscrimination Statement

- When including the [non-discrimination statement](http://dpi.wi.gov/school-nutrition/national-school-lunch-program/civil-rights) on letters, menus, website, and other documents used to convey program information, it is necessary to use the current statement which was updated in 2015 (http://dpi.wi.gov/school-nutrition/national-school-lunch-program/civil-rights). However, when space is very limited, such as on the printed menus or low balance notices, the abbreviated statement may be used, **"This institution is an equal opportunity provider."** Either of these statements must be in the same size font as the other text in the document.

And Justice for All Poster

- “And Justice for All” posters need to be posted in public view where the program is offered including areas outside of the cafeteria.

Civil Rights Training

- Civil rights training must be conducted on a yearly basis for all staff and volunteers who administer any portion of a school nutrition program including administrative staff involved with the benefit issuance process and faculty members involved in meal counting at the POS.

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 [prototype Medical Statement](#) for Special Dietary Needs posted on the DPI website, which is also available in Spanish and Hmong (<http://dpi.wi.gov/school-nutrition/national-school-lunch-program/special-dietary-needs>). Meals served to students with special dietary needs with the signed medical statement do not need to meet meal pattern requirements. Additional information on [special dietary needs](#) can be found on the DPI School Nutrition Team website (<http://dpi.wi.gov/school-nutrition/national-school-lunch-program/special-dietary-needs>). This [flow chart](#) gives guidance on special dietary needs, as well (<https://dpi.wi.gov/sites/default/files/imce/school-nutrition/pdf/sdn-flowchart.pdf>)
- School food service staff may make food substitutions, at their discretion, to accommodate children without 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. These accommodations made for students 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 unless juice is specified as a substitution on a medical statement signed by a licensed medical practitioner. Water is available to all students, but an SFA may choose to offer lactose free milk or provide a fluid milk substitute that meets the nutritional requirements set forth by USDA. Nutrition information for a fluid milk substitute the SFA wishes to provide for students must be approved by the SNT office. 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>).
- Fluid milk substitution rules apply to all federal school nutrition programs, including the National School Lunch Program, School Breakfast, and After School Snack Program, but do not apply to the Wisconsin School Day Milk Program. WSDMP allows juice as a milk substitution and is reimbursable. SFAs may offer lactose-free milk to children who have lactose intolerance without requiring DPI pre-approval for use.

Finding: The non-discrimination statement is not included on some district materials relating to the school nutrition programs. A written procedure for processing discrimination complaints related to the school nutrition program is not available.

Corrective Action Needed: Submit a copy of school menus, letters to households, and any other written materials for the school nutrition program with the nondiscrimination statement included. In addition submit a copy of the written procedure Albany has in place to address discrimination complaints relating to the school nutrition program.

Local Wellness Policy

Technical Assistance (TA)/Compliance Reminders

The local wellness policy requirement was established by the Child Nutrition and Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) Reauthorization Act of 2004 and further strengthened by the Healthy, Hunger-Free Kids Act (HHFKA) of 2010. The final rule requires School Food Authorities (SFAs) to begin developing a revised local school wellness policy during School Year 2016-17 with full compliance of the final rule by June 30, 2017.

At a minimum, SFAs must permit participation by the public and the school community including parents, students, and representatives of the school food authority, teachers of physical education, school health professionals, the school board, and school administrators in the wellness policy process. In addition, SFAs must designate one or more school officials to ensure the SFA complies with the policy.

Content of the Wellness Policy

At a minimum, the wellness policy must include:

- Specific goals for nutrition promotion and education, physical activity, and other school-based activities that promote student wellness. LEAs are required to review and consider evidence-based strategies in determining these goals.
- Standards and nutrition guidelines for all foods and beverages sold to students on the school campus during the school day that are consistent with Federal regulations for school meal nutrition standards, and the Smart Snacks in School nutrition standards.
- Standards for all foods and beverages provided, but not sold, to students during the school day.
- Plan for measuring policy implementation.
- Designation of one or more officials as being 'in charge' of the policy.
- An assessment of the policy every three years to determine compliance with the wellness policy, how the wellness policy compares to model policies, and progress made in attaining the goals of the wellness policy. SFAs must make the Triennial Assessment available to the public. In addition, SFAs must make available to the public the wellness policy and any updates to the wellness policy on an annual basis.

Resources:

- 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).
- USDA Food and Nutrition Service has information on the [local school wellness policy](https://healthymeals.nal.usda.gov/school-wellness-resources) process and wellness policy elements (<https://healthymeals.nal.usda.gov/school-wellness-resources>).
- Wisconsin Team Nutrition has several [wellness policy resources](http://dpi.wi.gov/school-nutrition/wellness-policy) available, including a toolkit, a wellness policy builder, and wellness policy report card (<http://dpi.wi.gov/school-nutrition/wellness-policy>).

Findings and Corrective Action Needed: Local Wellness Policy

Finding: The SFA's local wellness policy has not been updated since 2006. The 2006 policy meets some but not all requirements as stipulated above (1000). This was addressed during the 2013 administrative review with extensive technical assistance and again during this review process.

Corrective Action Needed: Please provide a timeline for updating your policy and/or provide a copy of the updated policy, if the board approves it prior to the corrective action date. Include a statement indicating how the district plans to invite and include stakeholders in the process, inform and make the policy and subsequent assessments available to the public and review and update the policy as required under USDA regulations. [The Wellness Policy Checklist](https://dpi.wi.gov/sites/default/files/imce/school-nutrition/pdf/local-wellness-policy-checklist.pdf) provides the tool that will assist in ensuring that policy requirements are met (<https://dpi.wi.gov/sites/default/files/imce/school-nutrition/pdf/local-wellness-policy-checklist.pdf>).

Smart Snacks

Comments/Technical Assistance/Compliance Reminders

The Smart Snacks Final Rule, published in the Federal Register on July 29, 2016, finalized science-based nutrition guidelines for competitive foods sold on the school campus during the school day to students. Foods and beverages sold in schools must meet both the general standards and nutrient standards unless the sales qualify for an exemption. You can find more information on our [Smart Snacks](https://dpi.wi.gov/school-nutrition/national-school-lunch-program/smart-snacks) webpage (<https://dpi.wi.gov/school-nutrition/national-school-lunch-program/smart-snacks>).

A staff member at each school should be responsible for documenting compliance of exempt, and non-exempt fundraisers, and any other competitive food sales. You can find fundraiser tracking tools on our [Smart Snacks](https://dpi.wi.gov/school-nutrition/national-school-lunch-program/smart-snacks) webpage (<https://dpi.wi.gov/school-nutrition/national-school-lunch-program/smart-snacks>).

If multiple grades have access to vending machines with beverages, products must meet Smart Snacks standards for the youngest age/grade group. For example, if a vending machine with beverages is available to 6-12th graders, beverages must meet Smart Snacks standards for the 6-8 age/grade group; therefore, items like caffeinated, low-calorie (≤ 5 kcal/fluid oz.) flat or carbonated, or no-calorie beverages (< 5 kcal/8 fluid oz; ≤ 10 kcal/20 fluid oz.) flat or carbonated beverages are unallowable. To assess a product's compliance we recommend using the Alliance for a Healthier Generation [Smart Snacks Product Calculator](https://dpi.wi.gov/school-nutrition/national-school-lunch-program/smart-snacks), found on the Smart Snacks webpage (<https://dpi.wi.gov/school-nutrition/national-school-lunch-program/smart-snacks>). Simply answer a series of questions to see if the general and nutrition standards are met, then save and print the results for your records. A demonstration of how to use this tool was given to the Food Service Director.

Findings and Corrective Action Needed: Smart Snacks

Finding: Beverages and food items available for purchase to middle (6-8th graders) and high school (9-12th graders) students do not meet Smart Snack standards. When multiple age groups have access to the same a la carte items, the beverages sold must meet Smart Snacks standards for the youngest age/grade group. Under the Smart Snacks rule the allowable beverages for middle schoolers are milk, 100% juice, and plain water. If food service staff can ensure that middle school students do not have access to the Izze fusion or SoBe water (for example), it is allowable to continue selling it in the cafeteria. However, there needs to be a clear plan in place for how to ensure that only grades 9-12 will be able to purchase this product.

The following products did not meet Smart Snack Standards for middle school students:

- SoBe water – not made with 100% fruit juice. Only plain water, plain low fat milk, plain or flavored non-fat milk or 100% fruit or vegetable juice (may be diluted with water) with no added sweeteners are allowed for Middle School.
- Izze Fusion beverage – carbonated, contains added sugar, not 100% fruit juice

- Sun Chips (garden salsa) - calories per serving too high and sodium content too high
- Oreo Thin Crisps – not a whole grain product

Corrective Action Needed:

- Provide a written statement confirming that the school will no longer sell non-compliant food items (Sun Chips and Oreo Crisps). Please also submit a plan of action explaining how the Izze fusion and SoBe water (and any other beverages in the future that only meet the 9-12 standards) will be sold to grades 9-12 only.

Professional Standards

Comments/Technical Assistance (TA)/Compliance Reminders

- The Professional Standards regulations in 7 CFR 210.30 established hiring standards for new school nutrition program directors, hired on or after July 1, 2015, that manage and operate the National School Lunch and School Breakfast Programs. In addition, the regulations established annual training standards for all school nutrition program directors, managers, and staff, which must be tracked.

Professional Standards: Training Requirements

- 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, substitute, 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).
- Technical assistance was provided during the onsite visit on the new [USDA Professional Standards Tracker Tool](https://pstrainingtracker.fns.usda.gov) (https://pstrainingtracker.fns.usda.gov).

Finding: Professional standards training is not recorded for school nutrition employees.

Corrective Action Required: Please submit a copy of tracked training activities for all nutrition staff. In addition submit a plan for completion for training hours not yet completed for the current school year. Technical assistance was provided during the onsite visit on professional standards training and tracking requirements.

Food Safety and Storage

Commendations/Comments/Technical Assistance (TA)/Compliance Reminders

[A Flash of Food Safety](http://www.fns.usda.gov/ofs/food-safety-flashes) is a video series designed to help school nutrition professionals understand and apply safe food practices (www.fns.usda.gov/ofs/food-safety-flashes). The [Office of Food Safety](http://www.fns.usda.gov/ofs/food-safety) website (www.fns.usda.gov/ofs/food-safety) includes food safety resources.

Food Safety Plans

- 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 a listing of food service staff at that site. The food safety plan must be reviewed annually. A prototype food safety plan template as well as template SOPs may be found on the [SNT Food Safety](https://dpi.wi.gov/school-nutrition/food-safety) webpage. (<https://dpi.wi.gov/school-nutrition/food-safety>)

Food Employee Reporting Agreements

- All food service employees must have a signed [Food Employee Reporting Agreement](https://datcp.wi.gov/Documents/foodemployee-reporting-agreements-supplement.pdf) on file (<https://datcp.wi.gov/Documents/foodemployee-reporting-agreements-supplement.pdf>).
- Employees must sign a new Food Employee Reporting Agreement form if changes are made to the document. While there are no requirements as to how frequently food service employees must sign a Food Employee Reporting Agreement form, it is the best practice for each food service employee to annually review and sign an agreement to reinforce the information contained in the document.

Findings and Corrective Action: Food Safety

Finding: Standard operating procedures (SOPs) are not site-specific.

Corrective Action Needed: Need SOP for Time as a Public Health Control. Submit updated SOP as an attachment to assigned DPI Nutrition Program Consultant via email.

Finding: No annual food safety plan review completed.

Corrective Action Needed: Review entire food safety plan and update as needed. Document date and name of reviewer on the Food Safety Plan Review page. Submit completed Food Safety Plan Review page as an attachment to assigned DPI Nutrition Program Consultant via email.

Finding: Most recent food safety inspection report is not posted in a publicly visible location.

Corrective Action Needed: Post most recent food safety inspection report in location visible to public.

- Completed on-site. No further action required.

Buy American

- The USDA requires that an 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.
- Agricultural products, which are processed and produced outside of the U.S., may be accepted with proof from the manufacturer that poor market conditions exist (weather, and/or supply availability of market); this requirement applies to private labels as well as other labels. This was the case with Broccoli which came from Mexico.
- The SFA should maintain written procedures to ensure product received and inventory is compliant with the Buy American procedure. Sample written procurement contract management procedures and Buy American monitoring procedures can be found in the [Contract Management](https://dpi.wi.gov/school-nutrition/procurement/contract-procedures/contract-management) chapter of the *Introduction to the Procurement Policy and Procedures Handbook* (<https://dpi.wi.gov/school-nutrition/procurement/contract-procedures/contract-management>).

Additional Buy American monitoring procedures can be found on the [Buy American Provision](https://dpi.wi.gov/school-nutrition/procurement/buy-american/monitoring) webpage (https://dpi.wi.gov/school-nutrition/procurement/buy-american/monitoring).

- 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 noncompliant products, can be found on the SNT [Procurement](http://dpi.wi.gov/school-nutrition/procurement/buy-american) webpage (http://dpi.wi.gov/school-nutrition/procurement/buy-american).

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 student success.

For more information on this initiative, please visit the Wisconsin DPI Every Child a Graduate webpage (dpi.wi.gov/statesupt/agenda-2017).



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