

## USDA Child Nutrition Programs Administrative Review Summary Report

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School Food Authority: Jefferson School District

Agency Code: 28-2702

School(s) Reviewed: East Elementary

Review Date(s): 12/18/17-12/19/17

Date of Exit Conference: 12/19/17

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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 Jefferson School District for the courtesies extended to us during the on-site review and for being available to answer questions. In addition, thank you for taking the time to respond to the off-site questions and requests.

The DPI review team appreciates the eagerness of the staff and their willingness to make changes to meet school nutrition program regulations. The staff are concerned for the nutritional well-being of the students as evidenced through food safety plans, menus, service-models like Breakfast in the Classroom, and the Local Wellness Policy and Healthy Snack list.

## **REVIEW AREAS**

### **1. MEAL ACCESS AND REIMBURSEMENT**

#### **Certification and Benefit Issuance**

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

359 eligibility determinations were reviewed, 14 errors were identified.

##### **Free and Reduced Price Meal Applications and Direct Certification (DC)**

###### **Completeness of an Application**

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.

###### **Carryover**

- For up to 30 operating days into the new school year (or until a new eligibility determination is made, whichever comes first) an individual child's free or reduced price eligibility status from the previous year will continue within the same LEA. T
- Thank you for sending reminders (though not required) that households' meal eligibilities will be expiring—this helps manage unpaid meal charges and reduces gaps in meal access.

###### **Direct Certification**

- The effective eligibility date for a DC eligible student is the date of the original output file.
- Thank you for running the Direct Certification matches when you receive a new student and other times to pick up newly eligible students.

### Public Release

All SFAs are required to distribute a [Public Release](#) before the start of the school year (<https://dpi.wi.gov/school-nutrition/national-school-lunch-program/free-reduced-applications#apps>). The purpose is to inform the public that free and reduced price meals are available. SFAs must annually distribute the Public Release to:

- Local news media
- Grassroots organizations (local organizations providing services to populations in need)
- Major employers contemplating or experiencing large layoffs
- Local Unemployment Office (as applicable)

SFAs are not required to pay to have the public release published but must maintain documentation of whom it was sent to along with the specific materials distributed.

### Transferring Students

Transferring an eligibility determination between LEAs ensures that qualifying students continue to receive school meal benefits as they transition to new schools, and avoids the possibility of unpaid meal charges. FNS strongly encourages LEAs to accept the eligibility determinations made at a student's previous LEA (if they participated in NSLP) when a student transfers between LEAs during the school year, over the summer, or at the start of the next school year. The transfer of eligibility *between LEAs* for students attending CEP schools will be required by July 1, 2019.

**Note: Wisconsin requires copies of the source documentation of the student's previous eligibility before a status can become effective.**

### Independent Review of Applications

LEAs that have a 5% or higher error rate during the Administrative Review are required to conduct a second review of applications in the following school year. Jefferson School District had a 3.9% certification error rate and is not required to conduct a second review of applications.

### Disclosure

- The information provided by the family on the free and reduced price application is to be used only for determining eligibility for meal or milk benefits.
- The LEA must seek written consent from the parent or guardian 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, school fees, etc. Consent must be obtained each school year. Find the [Sharing Information with Other Programs](#) template on the Free and Reduced Meal Applications and Eligibility webpage (<https://dpi.wi.gov/sites/default/files/imce/school-nutrition/doc/sharing-info-other-programs.doc>).
- 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](#) 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 #1:** The Public Release was not distributed to appropriate locations.

**Corrective Action Needed:** The public release must be distributed to Grassroots organizations, major employers contemplating or experiencing large layoffs, or Local Unemployment Offices. Submit a statement outlining where the release will be sent in the 1819 SY.

**Corrected 12/21/17. No further action needed.**

□ **Finding #2:**

- 14 certification errors were found within the statistical sample, as indicated on the SFA-1 form provided onsite.
- 2 student certification errors were found outside the statistical sample, as indicated on the SFA-2 form provided onsite.

**Corrective Action Needed:** Follow-up with each household to clarify any missing and/or ambiguous information. For those who no longer qualify at the original determination status, send a letter of adverse action (decrease in meal benefits), notifying them of the review findings. Provide a full 10 *calendar* days for the household to appeal prior to changing their meal status in the point of sale system. If there is no response, the benefits change on the 11th calendar day. If the household appeals, continue the same meal benefit until the appeal is resolved.

Send a date-stamped copy of each adverse action letter to the Nutrition Consultant along with a copy of the updated benefit issuance list.

✓ **Finding #3:** Building secretaries with access to Free and Reduced data for non-meal program purposes (scholarships and WISEData reporting) do not have [Disclosure Agreements](http://dpi.wi.gov/sites/default/files/imce/school-nutrition/doc/disclosure-agreement.docx) on file (<http://dpi.wi.gov/sites/default/files/imce/school-nutrition/doc/disclosure-agreement.docx>).

**Corrective Action Needed:** Complete the Disclosure Agreement Form and retain on file for all those that “need to know” this information for state and federal reporting.

**Completed onsite. No further action required.**

## **Verification**

### **Technical Assistance /Compliance Reminders**

- When a benefit eligibility status increases, the change must take place within 3 days. When a benefit eligibility decreases, the change cannot take place before 10 *calendar* days and a notice of adverse action is sent in writing with appeal rights procedures.
- The Confirming Official only needs to check and sign-off on applications selected for verification. The confirmation review must be done *before* sending the “We Must Check your Application” letter.
- The district does not need to have a second individual review each original application determination prior to notifying households. Jefferson School District’s error rate was below 5% on the last AR in the 2013-14 SY and during this AR for the 2017-18 SY.

## **Findings and Corrective Action Needed: Verification**

□ **Finding #1:** The “We Must Check” letter is missing the non-discrimination statement. The “We Have Checked” letters has the incorrect non-discrimination statement.

**Corrective Action Needed:** Update both letter templates to contain the correct [non-discrimination statement](https://dpi.wi.gov/sites/default/files/imce/school-nutrition/doc/snt-mail-120415.docx) (https://dpi.wi.gov/sites/default/files/imce/school-nutrition/doc/snt-mail-120415.docx). Submit the updated copies to the consultant.

**Finding #2:** The “We Have Checked” letter does not contain language outlining an appeal deadline for adverse action.

**Corrective Action Needed:** Update the letter template to include language that would clearly communicate the appeal deadline to households.

## Meal Counting and Claiming

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

- All meals claimed for reimbursement must be counted, recorded, consolidated, and reported through a system that *consistently* yields accurate claims. This means that back-out counts (only marking who is absent) and forecast counts are unallowable. Meals must be claimed as the student passes the point of service and where it can be determined they have the components required for a reimbursable meal.
- For field trips, reviewer discussed sending a student roster or check-off sheet with the teachers/staff on the field trip. A supervising staff member would then check that a reimbursable meal was received at the point of sale and return the list to foodservice. Food service then uses this list (actual participation counts) to consolidate the monthly claim.
- SFAs may claim visiting students in the paid category or the individual’s category with documentation. Meals would then be billed in the appropriate category (Free, reduced, or full pay).

### Findings and Corrective Action Needed: Meal Counting and Claiming

**Finding #1:** Inaccurate breakfast point of sale at East Elementary.

**Corrective Action Needed:** A recalculation of breakfast counts will be required at East Elementary. Submit 30 *consecutive operating* days of corrected count records. This would include the edit check report for the chosen timeframe for all classrooms and the green point of sale rosters for the one classroom in error. The corrected edit check counts will be used to adjust months back to the beginning of the school year and may result in fiscal reclaim.

**Finding #2:** Two fifth grade classrooms did not have access to the milk component during breakfast service. Milk was offered mid-morning between breakfast and lunch service. This resulted in a missing meal component at breakfast, making meals non-reimbursable.

**Corrective Action Needed:** Submit a written statement outlining how the agency will ensure milk is offered during breakfast service along with all other required components. **23 meals will be disallowed as part of the overall fiscal action calculation.**

## 2. MEAL PATTERN AND NUTRITIONAL QUALITY

### Commendations

Thank you to all staff at Jefferson School District. Staff were pleasant to work with, receptive to feedback, and have created an inviting meal environment for students. Thank you to the Food Service Director for providing thorough and orderly documentation ahead of time. This greatly expedited the Administrative Review process. Planning menus to include two entree options and

multiple fruits and vegetables provides students with multiple food choices. Line staff clearly understands Offer versus Serve as all meals served during lunch observation contained all the required components.

### **Comments/Technical Assistance/Compliance Reminders**

#### Production Records

Thorough, accurate production records aid the menu planner with forecasting, ordering, menu planning, and reducing food waste. The Product Codes included on the production records should be continuously updated to reflect the current products being used. Additionally, crediting should be checked to ensure new or reformulated products meet the meal pattern requirements.

#### Standardized Recipes

All standardized recipes must include detailed information about the specific ingredients, equipment, and procedures used to prepare the recipes. It produces a consistent quality and yield every time when the exact procedures, equipment, and ingredients are used, which is crucial for crediting school food service recipes. Standardized recipes should be updated to be more specific; reference the exact products being used, use brands or reference numbers when possible, and include the forms of the products to be used. For example, the pineapple in the Tropical Yogurt Parfait recipe could be updated to read "Pineapple tidbits, canned," with the product code and the can size.

Technical assistance was given on-site to update standardized recipes to include detailed information on the exact products, amounts used, and ingredient forms. More information can be found on the [Meal Planning](http://dpi.wi.gov/school-nutrition/national-school-lunch-program/menu-planning/recipes) web page (<http://dpi.wi.gov/school-nutrition/national-school-lunch-program/menu-planning/recipes>).

#### Milk recipe

A milk recipe is documentation of average milk usage by meal (breakfast or lunch) and grade group. When a milk recipe is on file, total milk usage must still be recorded on production records. Milk recipes must be updated twice per year or when you notice that students' preferences have changed. You can find instructions and a milk recipe template on our [Meal Pattern Components](https://dpi.wi.gov/school-nutrition/national-school-lunch-program/menu-planning/meal-pattern#milk) webpage, under the milk heading (<https://dpi.wi.gov/school-nutrition/national-school-lunch-program/menu-planning/meal-pattern#milk>).

#### Crediting Documentation

Acceptable crediting documentation was not available for the Canadian Bacon used in the Egg Canadian Bacon Muffin. Processed foods that are not listed in the USDA *Food Buying Guide* for School Meal Programs must be accompanied by product formulation statements (PFS) or Child Nutrition (CN) labels to sufficiently document meal component crediting. Please request crediting information, such as a PFS, for this product directly from the manufacturer. If proper documentation cannot be obtained, you should continue to not credit or use this product for school meals. More information about crediting documentation can be found on the [Meal Pattern Components](http://dpi.wi.gov/school-nutrition/national-school-lunch-program/menu-planning/meal-pattern) webpage (<http://dpi.wi.gov/school-nutrition/national-school-lunch-program/menu-planning/meal-pattern>).

### Crediting Grain Products

Grains can be credited based on weight using [Exhibit A](#) of the USDA *Food Buying Guide* ([http://dpi.wi.gov/sites/default/files/imce/school-nutrition/pdf/exa\\_fbg.pdf](http://dpi.wi.gov/sites/default/files/imce/school-nutrition/pdf/exa_fbg.pdf)). Alternatively, grains may also be credited using a signed Product Formulation Statement (PFS) from the manufacturer that lists the *grams of creditable grain* in the product. The crediting may differ between methods. It may benefit the menu planner to compare methods in order to credit the largest possible grain amount in each product.

### In-house Yield Study

During the Administrative review, the school was serving a pre-prepared potato salad and crediting the potatoes toward the starchy vegetable subgroup based upon the volume of potatoes left after rinsing away the non-creditable ingredients. Both the daily vegetable requirement and the weekly starchy vegetable subgroup requirement were met without this menu item. The Wisconsin Department of Public Instruction – School Nutrition Team (DPI-SNT) allows the use of in-house yield data for crediting food items contributing to meal pattern requirements. Technical assistance was given on-site to maintain original documentation showing the method and procedures used to determine yield. Visit our website for [in-house yield study](#) procedures and a documentation template (<https://dpi.wi.gov/school-nutrition/national-school-lunch-program/menu-planning#ihy>).

### Fruit and Vegetable Requirement on Signage

Signage helps students understand what components make up a reimbursable meal. The signage during lunch observation included a statement instructing students to select a minimum of ½ cup of vegetables. TA was given to change the statement to instruct students to take at least ½ cup fruit or vegetable. This was corrected on-site.

### Updated CACFP meal pattern: Co-mingling flexibility

Pre-kindergarten students are allowed to be served the K-5 menu if they are served at the same time and in the same place as the other age/grade groups, under the co-mingling flexibility from the USDA. This flexibility may be used in situations in which it would be a challenge for staff to determine during meal service if a child is in pre-kindergarten or K-5. During on-site observation, pre-kindergarten students were co-mingled and served the K-5 menu at lunch. However, breakfast was served to all students in the classroom, which would not be a co-mingling service situation. Children who are not yet in kindergarten must be served the updated CACFP meal pattern if not co-mingled with other age/grade groups at meals. Training and additional resources can be found on the [Infants and Preschool in NSLP and SBP](#) webpage (<https://dpi.wi.gov/school-nutrition/national-school-lunch-program/infants-and-preschool>).

### Updated CACFP meal pattern: Grain-based desserts

Grain-based desserts are not creditable toward the grains component under the updated CACFP meal pattern. Grain-based desserts include foods such as cookies, sweet pie crusts, doughnuts, granola bars, cereal bars, toaster pastries, cakes, and brownies. Items with names such as “breakfast rounds” resemble grain-based desserts and are also not creditable grains. When determining whether a food is a grain-based dessert, the menu planner should consider whether the food is thought of as a dessert or treat. For a complete list of foods considered grain-based desserts, please refer to [Exhibit A for Child Nutrition Programs](#) (<https://dpi.wi.gov/sites/default/files/imce/school-nutrition/pdf/cacfp-16-2017.pdf>).

Pre-kindergarten students were not co-mingled at breakfast and therefore should follow the updated CACFP meal pattern. Some of the items on the current breakfast menu would be considered grain-based desserts, such as the Soft Granola Bar, Breakfast Bar, and Cinna Mini Roll. These items should not be credited as a grain for the pre-kindergarten students and alternative items should be served instead.

#### Updated CACFP meal pattern: Offer Versus Serve

As a reminder, Offer Versus Serve (OVS) is not an appropriate service style for pre-kindergarten students when they are not co-mingled with older students. It may interfere with the nutrition goals of the updated CACFP meal pattern, as well as the goal of introducing new foods to children while they are still developing food preferences. Pre-kindergarten students are being served breakfast in the classroom and therefore must be served all the required meal components in at least the minimum daily serving size. For more information, please visit the [Infants and Preschool in NSLP and SBP](https://dpi.wi.gov/school-nutrition/national-school-lunch-program/infants-and-preschool) webpage (<https://dpi.wi.gov/school-nutrition/national-school-lunch-program/infants-and-preschool>).

#### **Findings and Corrective Action Needed: Meal Pattern and Nutritional Quality**

**❑ Finding:** A milk recipe is currently being used, but total milk usage is not being recorded on the production record for each meal.

**Corrective Action Needed:** Please submit your milk recipe along with both the breakfast and lunch production records for two days showing the total milk usage per day, per meal. Alternatively, you may begin recording all milk usage per meal by type on your production records. If you choose this method, please submit breakfast and lunch production records for two days showing recorded milk usage by type.

### **3. RESOURCE MANAGEMENT**

#### **Nonprofit School Food Service Account**

##### **Commendations/Comments/Technical Assistance/Compliance Reminders**

##### Annual Financial Report (AFR)

All revenues (reimbursements and student payments) and expenses (including food, labor, equipment, purchased services, and the other category) need to be separated into each program; this will aid the school in calculating its “yearly” reference period for nonprogram food compliance. The new [16-17 Annual Financial Report instructions](https://dpi.wi.gov/sites/default/files/imce/school-nutrition/pdf/annual-financial-report-instructions.pdf) are located on the DPI website (<https://dpi.wi.gov/sites/default/files/imce/school-nutrition/pdf/annual-financial-report-instructions.pdf>).

##### Unallowable Costs

- As a reminder, when purchasing equipment that is shared outside of school food service, the amount funded by the nonprofit school food service account must be prorated.
- Bad debt is an unallowable expense to the food service program. A transfer must be made from non-federal funds to cover student account write-offs. [SP23-2017 Unpaid Meal Charges guidance Q & A](https://dpi.wi.gov/school-nutrition/national-school-lunch-program/financial) may be found on our Financial Management webpage (<https://dpi.wi.gov/school-nutrition/national-school-lunch-program/financial>).

### 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>), which covers:

- o Best Practices
- o Local meal charge policy checklist
- o Sample outstanding balance letter
- o Sample robo-call script

### Refunds

Funds in student meal accounts are considered a liability until a meal is purchased. When 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>). For more information see the new [WI Financial Q&A](https://dpi.wi.gov/sites/default/files/imce/school-nutrition/pdf/financial-questions-answers.pdf)—Unpaid Meal Charges section (<https://dpi.wi.gov/sites/default/files/imce/school-nutrition/pdf/financial-questions-answers.pdf>).

### **Findings and Corrective Action Needed: Nonprofit School Food Service Account**

✓ **Finding:** The student breakfast charges listed within the online contract do not match local communications to households and charges in the point of sale system.

**Corrective Action Needed:** Update the online contract and point of sale system to reflect charges of \$1.40 and \$1.50. Consider refunding households if the point of sale system was over-charging the posted rate.

**Corrected onsite. No further action needed.**

### **Paid Lunch Equity (PLE)**

Thank you for completing the Paid Lunch Equity tool each year and adhering to the pricing requirements. However, the PLE tool was not completed correctly, which is important because each tool builds off of past years. Technical assistance was provided, the tool was fixed and re-uploaded to the online contract.

### **Findings and Corrective Action: Paid Lunch Equity**

✓ **Finding:** The PLE tool was run incorrectly.

**Corrective Action Required:** Correct the PLE tool to fill in “Step 1” on the “Unrounded Requirement Finder” tab. It is also recommended that the SFA complete “Step 3 optional” and the “Report” tab to best document how the agency chose to set prices for the 1718 SY.

**TA provided onsite. Tool fixed and re-uploaded to the online contract. No further action required.**

## Revenue from Nonprogram Foods

### Commendations/Comments/Technical Assistance/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.
- All costs associated with nonprogram foods, including food, labor, equipment, and purchased services must be covered by revenues received from the sale of those foods. 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.
- Nonprogram Food costs and revenues must be separated from Program food costs and revenues.
- The USDA Nonprogram Revenue Tool must be completed yearly, at a minimum. The [DPI Nonprogram Food Revenue Tool/Calculator](#) 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>).

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

### Resources

- [Nonprogram Foods Revenue Rule SP-20-2016](#) (<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>)

### Findings and Corrective Action Needed: Revenue from Nonprogram Foods

- Finding:** The Nonprogram Foods Revenue Tool was not completed for the 1617 SY. The tool was completed for the onsite visit using 5 operating days in 2017-18, but is still missing vending machine sales.

**Corrective Action Needed:** Update the Nonprogram Foods Revenue Tool to include vending sales. Submit a copy of the updated tool demonstrating the agency is still meeting the revenue ratio requirement.

## 4. GENERAL PROGRAM COMPLIANCE

### Civil Rights

### Commendations/Comments/Technical Assistance/Compliance Reminders

#### Nondiscrimination Statement

When including the [non-discrimination statement](#) 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.

### 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. The agency is currently using Georgia Department of Education’s Civil Rights training video. DPI encourages the agency to utilize Wisconsin’s Civil Rights trainings in the future to ensure all required topic areas are covered.

### 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. SFAs may offer lactose-free milk to children who have lactose intolerance without requiring DPI pre-approval for use.

### Processes for complaints

- Schools must have a process for receiving and processing complaints alleging discrimination within the school meals program.
- All verbal or written civil rights complaints regarding the school nutrition programs that are filed with the district must be forwarded to the Civil Rights Division of USDA Food and

Nutrition Service within 3 days. You will want to make sure that this is included in the district procedures to ensure compliance.

- All SFAs should have procedures (written procedures preferred) in place for handling civil rights complaints in regards to discrimination in the National School Lunch Program and School Breakfast Program. A SFA may always attempt to resolve a situation that is occurring in real time. However, if an individual states that they wish to file a civil rights complaint, the SFA must provide them with the information necessary to do so and not impede an individual's right to file. Please refer to the [USDA Program Discrimination Complaint Form](https://www.ocio.usda.gov/sites/default/files/docs/2012/Complain_combined_6_8_12.pdf) for assistance in filing these complaints (https://www.ocio.usda.gov/sites/default/files/docs/2012/Complain\_combined\_6\_8\_12.pdf).

### **Findings and Corrective Action Needed: Civil Rights**

- ❑ **Finding:** Secretaries collecting meal payments and assisting with enforcement of the unpaid meal charge policy do not have Civil Rights training.

**Corrective Action Required:** Have these individuals complete civil rights training. Submit the Civil Rights training sign-off roster with these additional names to support training completion.

### **Local Wellness Policy**

#### **Commendations/Comments/Technical Assistance/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.
- The final *Local School Wellness Policy Implementation Under the Healthy, Hunger-Free Kids Act of 2010* rule requires the SFA to assess the local school wellness policy (LWP) every three years, at a minimum. The first assessment should be completed within three years of your SFA's policy being updated, but no later than June 30, 2020 to be in compliance with this rule. The triennial assessment must evaluate compliance with the LWP, how the LWP compares to model wellness policies, and progress made in attaining the goals of the LWP. SFAs must retain documentation of the results of the triennial assessment and when it took place. To assist SFAs with evaluating compliance with their LWP, a report card has been developed and is available at [School Nutrition Team's Wellness Policy webpage](https://dpi.wi.gov/school-nutrition/wellness-policy) (https://dpi.wi.gov/school-nutrition/wellness-policy). A sample model wellness policy is available at the [USDA Wellness Policy webpage](http://www.fns.usda.gov/tn/implementation-tools-and-resources) (http://www.fns.usda.gov/tn/implementation-tools-and-resources). Public School Districts that participated in the Wisconsin Obesity Prevention's Wellness Policy project, in SY16-17, have received a copy of a report comparing their policy to a model policy (reports were sent in August, 2017). Additional information about interpreting your schools report is available at the [Wisconsin Health Atlas webpage](https://www.wihealthatlas.org/lwp/) (https://www.wihealthatlas.org/lwp/). Schools are encouraged to establish an account with the Rudd Center for Food Policy and Obesity to access the Wellness School Assessment Tool ([WellSAT](#)) for assistance in assessing the LWP.

### Content of the 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. If no LWP has been developed, the SFA must establish a written policy. For assistance in the creation of a LWP, SFAs are encouraged to utilize the [Wisconsin Wellness: Putting Policy into Practice - School Wellness Policy Toolkit](http://dpi.wi.gov/school-nutrition/wellness-policy/toolkit) (<http://dpi.wi.gov/school-nutrition/wellness-policy/toolkit>). At a minimum the wellness policy must include:
  - 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.) The SFA's current LWP does not contain language about food and beverage marketing. Please remember to add language regarding this topic during the next review of the policy.
  - 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).

### 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](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 LWP meets some, but not all, requirements as stipulated above. The current LWP does not contain language about public involvement, the triennial assessment, or updating/informing the public about the policy. While the wellness pages of the school website indicate these practices are occurring, the policy itself must contain language addressing each topic.

**Corrective Action Required:** Provide a timeline for updating your policy to become compliant with the final rule.

## **Smart Snacks in Schools**

### **Comments/Technical Assistance/Compliance Reminders**

At the time of the on-site review milk was the only food or beverage sold outside of the reimbursable meals at East Elementary. If any 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 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).

## **Findings and Corrective Action Needed: Smart Snacks in Schools**

- ❑ **Finding:** The agency is selling bundled 2<sup>nd</sup> meals to students at the adult rate.
- Corrective Action Required:** Discontinue selling second meals priced as a unit. Selling a second meal does not meet the general or nutrient standards for Smart Snacks. Items must be priced/analyzed separately to comply. Update the website and point of sale communications as necessary.

## **Professional Standards**

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

Staff are receiving annual training in job-specific areas, helping staff perform their duties well.

### **Training Requirements**

- 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).
- **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.

## **Food Safety and Storage**

### **Commendations/Comments/Technical Assistance /Compliance Reminders**

#### **Temperatures and Logs**

- At East Elementary milk kept in insulated milk bags is re-served in Child Nutrition Programs when it is not taken by students during breakfast in the classroom, therefore temperatures of milk cartons returned to the kitchen must be taken and recorded. This procedure should be outlined in a standard operating procedure and included in the site-specific food safety plan. See corrective action below.
- Upon review of the food safety inspections at East Elementary, it was noted that previous food safety citations related to sanitizer concentrations. This was discussed with the food service staff and recommended that sanitizer concentrations be tested and recorded daily to ensure safe, effective concentrations. On site, the staff developed a plan for recording sanitizer concentrations daily on a designated log. A [template for sanitizer concentrations](https://dpi.wi.gov/sites/default/files/imce/school-nutrition/doc/stsl.doc) is available on the DPI Food Safety website <https://dpi.wi.gov/sites/default/files/imce/school-nutrition/doc/stsl.doc>).

#### **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>).
- The site-specific food safety plan should include SOPs for all programs and procedures utilized at the site. The food safety plan for East Elementary did not include SOPs related to breakfast in the classroom or the use of insulated milk bags. See corrective action below.
- The procedures detailed in the SOPs included in the site-specific food safety plan 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.
- SFAs are required to update food safety programs based on Hazard Analysis Critical Control Point (HACCP) principles to cover any facility where food is stored, prepared, or served for the purposes of the NSLP, SBP, or other FNS programs. This means the food safety program should contain standard operating procedures (SOP) for safe food handling on school buses, in hallways, school courtyards, kiosks, classrooms, or other locations outside the cafeteria.

#### **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 the 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.

As a reminder, time/temperature control for safety (TCS) food includes:

- 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 alternative

### **Findings and Corrective Action: Food Safety**

❑ **Finding #1:** Standard operating procedures (SOPs) are not site-specific for East Elementary. The food safety plan does not include SOPs for breakfast in the classroom meal service or the use of milk bags as part of breakfast in the classroom.

**Corrective Action Needed:** Develop and add SOPs for these two practices to the food safety plan at East Elementary to reflect the site-specific procedures. Submit updated SOPs as attachments to assigned DPI Nutrition Program Consultant via email. DPI has [SOP templates](https://dpi.wi.gov/school-nutrition/food-safety#templates) (https://dpi.wi.gov/school-nutrition/food-safety#templates) available to use as a starting point for developing site-specific SOPs.

❑ **Finding #2:** No annual food safety plan review completed for East Elementary.

**Corrective Action Needed:** Submit a timeline outlining the SFA's plan for completing a review and update of East Elementary's food safety plan to assigned DPI Nutrition Program Consultant via email.

### **Buy American**

#### **Commendations/Comments/Technical Assistance /Compliance Reminders**

- 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.
- 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.

- If no country of origin is identified on the label, than SFA must get certification from the 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? Label should indicate if the product is grown, processed and packed in the continental U.S. and any U.S. Territories. If the label indicates that 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, 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 Food Service Director, will be rejected. Should non-domestic substitutes that were not pre-approved in writing by the food service director 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 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.
- 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](#) 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](#) 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](#) webpage (<http://dpi.wi.gov/school-nutrition/procurement/buy-american>).

### **Findings and Corrective Action Needed: Buy American**

#### **Findings and Corrective Action Needed: Buy American**

- ✓ **Finding:** The following products were identified in SFA’s storage area as non-domestic and not listed on the SFA’s Buy American – Noncompliant List or SFA equivalent form:
  - Olive Oil- Italy
  - Quinoa- Peru
  - Poultry Gravy- Canada

**Corrective Action Needed:** Begin using a Noncompliant Product List for tracking nondomestic products. Provide a copy of the form that will be used and include any noncompliant products currently in the SFAs food storage areas. Provide the completed list as corrective action. A [template form](#) is located on the procurement webpage (<https://dpi.wi.gov/sites/default/files/imce/school-nutrition/doc/buy-american-noncompliant-list.docx>).

**Completed onsite. No further action needed.**

### **School Breakfast Program (SBP) and Summer Food Service Program (SFSP) Outreach**

Jefferson School District does a wonderful job promoting the School Breakfast Program and the Summer Food Service Program. The district participates in National School Breakfast week in addition to posting Breakfast menus on the yearly calendar, and on the website. The Summer Food Service Program is advertised in the paper, with yard signs, and even posters in the community. The school is also registered within the 211 call system to help families find a free meal.

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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](http://dpi.wi.gov/statesupt/agenda-2017)).



*With School Nutrition Programs!*