

**USDA Child Nutrition Programs
Administrative Review Summary Report**

School Food Authority: Milwaukee County

Agency Code: 40-9149

School(s) Reviewed: Milwaukee County

Review Date(s): 3/21-3/22/2019

Date of Exit Conference: 3/22/2019

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 Milwaukee County 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 is confident that the Milwaukee County staff will continue to improve their knowledge and operation of child nutrition programs.

REVIEW AREAS

1. MEAL ACCESS AND REIMBURSEMENT

Certification and Benefit Issuance - N/A for RCCIs

Verification - N/A for RCCIs

Meal Counting and Claiming

Comments/Technical Assistance (TA)/Compliance Reminders

- Meals may only be charged to a student upon receipt of a reimbursable meal to assure proper benefits issuance.
- When entering the claim it is necessary to use the edit check to calculate your reimbursable meals by site for claim submission.
- **The meal counting and claim for the Review Month was conducted perfectly.**
- REMINDER: Meal benefits apply only to the reimbursable meal. The reimbursable meal includes milk as one of the required components, and must be priced as a unit. If the student decides to take only milk, this is not a reimbursable meal and will be charged for the milk as an a la carte item.
- **When entering the claim it is necessary to use the edit check to calculate your reimbursable meals by site for claim submission.**

2. MEAL PATTERN AND NUTRITIONAL QUALITY

Commendations

Thank you to the staff at Milwaukee County their cooperation throughout the administrative review. Thank you, also, for all your questions, willingness to learn and quickly implement recommendations and required changes. It has been a pleasure working with your staff.

Comments/Technical Assistance/Compliance Reminders

Week Of Review (February 4-10, 2019)

Documentation from the week of review, February 4-10, 2019, was reviewed for meal pattern compliance and the following errors were found with the documentation submitted:

- Missing vegetable subgroup - beans/peas/legumes. On the printed menu baked beans were menued for Thursday February 7th, however, they were not listed on production records. Any changes to the planned menu must be documented on the production record. A substitution should be a food that credits comparably to the original planned item, have a similar nutrition profile, and belong to the same vegetable subgroup (when applicable) to the extent practicable.

- Daily meat/meat alternate shortage. This is considered a repeat finding. 2 oz by weight of deli roast beef was served on Thursday, February 7th. Per the product formulation statement, 2 oz only credits as 1 oz eq meat/meat alternate. The cheese slice offered on the salad only credits as 0.25 oz eq meat/meat alternate. Total offered is 1.25 oz eq meat/meat alternate which is short the daily requirement of 2 oz eq meat/meat alternate. Increase the serving size to 3 oz by weight of deli roast beef. In this way, the roast beef would offer 1.75 oz eq meat/meat alternate and with the cheese slice a total of 2 oz eq meat/meat alternate would be served, which meets the daily requirements.

Onsite Lunch Observation

It is recommended to cut or score the whole fruit offered at breakfast (or if offered at lunch) so that it is easier for the students to eat. In addition, they may be more likely to consume the fruit.

Production Records

Thorough, accurate production records aid the menu planner with forecasting, ordering, menu planning, and reducing food waste.

The type of fruit served each day was not always recorded on the production record. The specific type(s) of fruit offered, along with planned portion size(s), must be included to document this component was planned and served. The production record should reflect substitutions, if any are made.

Sometimes the numbers in the *amount used/served* column were the exact same number as the *amount prepared* column, even though there were waste and leftovers. To ensure accuracy in the records, be sure that the *amount used/served* reflects the amount that was actually used/served. Please remind the staff distributing meals to fill this out correctly.

Signage

Signage helps students understand what components make up a reimbursable meal. Signage must be posted visible to students that indicates the offered components in each meal and tells students what they must select in order for their meal to count as reimbursable. Samples of signage that can be printed or updated and implemented in your school can be found on our [Signage](https://dpi.wi.gov/school-nutrition/national-school-lunch-program/menu-planning/signage) web page (<https://dpi.wi.gov/school-nutrition/national-school-lunch-program/menu-planning/signage>).

For lunch observation, two of the three pods reviewed had adequate meal signage, however, one room did not have any. Signage is required to be displayed in all locations where reimbursable meals are served (eg, common rooms, shelter care, secure care). Please add signage to all rooms where meals are served. It may be taped to the meal cart or displayed on side of the security desks.

Crediting Documentation

SFAs are required to document how foods offered credit towards weekly meal pattern requirements. This requirement is outlined in the vended meals agreement template, part B.3.d.: "The Vendor Agrees to maintain full and accurate records that document providing the SFA with daily production/transport sheets indicating how menu items contribute to meal pattern requirements and *supporting documentation*

for contribution.” Documentation was not readily available for many products white online. As discussed with staff, this documentation may be kept in a binder onsite or readily accessible via thumb drive or electronically.

The [USDA Food Buying Guide for Child Nutrition Programs](https://www.fns.usda.gov/tn/food-buying-guide-for-child-nutrition-programs) contains yield and crediting information for foods with a standard of identity (in large part, unprocessed foods) (<https://www.fns.usda.gov/tn/food-buying-guide-for-child-nutrition-programs>). Fruits, vegetables, and unprocessed grains, meat/meat alternates, and dairy can be credited using the Food Buying Guide (FBG). After logging in to the FBG, click on “food items search” and type in a specific food in the “keywords” search box. Many different options may appear. Find the one that exactly matches your product and click on it for more information (e.g. Peaches, canned, diced, light syrup pack). After clicking, you will be able to view the purchase unit, servings per purchase unit of the Edible Portion (EP), serving size per meal contribution, purchase units for 100 servings, and any additional information about the product.

Any processed product that is not listed in the USDA Food Buying Guide for Child Nutrition Programs requires a current Child Nutrition (CN) label or a detailed product formulation statement (PFS) to credit toward the meal pattern. A complete PFS must be directly from the manufacturer and include the product name and number; weights of raw and cooked ingredients; portion size; statement of contribution to meal pattern requirements; and an original signature from the manufacturer certifying that the information is correct. Documentation should be printed on company letterhead and signed by an appropriate person (e.g., a quality assurance agent or registered dietitian, rather than a salesperson).

If a processed item does not have a valid CN label or PFS and cannot be found in the USDA Food Buying Guide for Child Nutrition Programs, it may not be credited when served as part of the USDA School Meal Programs. Additionally, remember to collect new product labels annually. Update records when new products are purchased and when product formulations change throughout the school year as well.

If proper documentation cannot be obtained, you should discontinue using these products for school meals. More information about crediting documentation can be found on the [NSLP Menu Planning](https://dpi.wi.gov/school-nutrition/national-school-lunch-program/menu-planning#cnpfs) webpage, under the Child Nutrition Labels and Product Formulation Statements heading (<https://dpi.wi.gov/school-nutrition/national-school-lunch-program/menu-planning#cnpfs>).

Findings and Corrective Action Needed: Meal Pattern and Nutritional Quality

Finding #1: Missing vegetable subgroup during the week of review. Beans/peas/legumes were not offered.

Corrective Action Needed: Submit a week of production records showing that all the required vegetable subgroups were offered including the beans/peas/legumes subgroup.

Finding #2: Daily m/ma shortage. 2oz of deli roast beef only credits as 1 oz eq meat/meat alternate. The cheese offered on the salad only credits as 0.25 oz eq meat/meat alternate. Total offered is 1.25 oz eq meat/meat alternate which is short the daily requirement of 2 oz eq meat/meat alternate.

Corrective Action Needed: Increase the serving size of the roast beef to 3 oz by weight. Update and submit the recipe.

Finding #3: Reimbursable meal signage not posted in every pod.

Corrective Action Needed: Post reimbursable meal signage in each pod. *Completed onsite, thank you! No further corrective action needed.*

Once the Public Health Nutritionist has all crediting documentation and updated standardized recipes for the week of review, it can be analyzed to determine if the meal patterns for the National School Lunch Program and School Breakfast Program are being met. Until that time, the review cannot be closed. Please be aware that the possibility to conduct a weighted nutrient analysis exists if substantial errors are found. Additional errors may require additional corrective action and may also be subject to fiscal action.

SMART SNACKS

Comments/Technical Assistance/Compliance Reminders

At the time of the on-site review there were no competitive foods or beverages sold. 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

Finding #: none

Corrective Action Needed: none

BUY AMERICAN PROVISION

Comments/Technical Assistance/Compliance Reminders

The USDA requires that School Food Authorities (SFAs) purchase, to the maximum extent practicable, domestic commodities or products. It is each school's responsibility to ensure USDA dollars are spent on American grown products. Non-domestic items must have sufficient documentation, as outlined below.

A "domestic product" is defined as an agricultural commodity or product that is produced or processed in the United States (U.S.), including Guam, American Samoa, Virgin Islands, Puerto Rico, and the Northern Mariana Islands. "Substantial" means that over 51 percent of the final processed product consists of agricultural commodities that were grown domestically.

If no country of origin is identified on the label, the 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 be accepted in an email. Labels should indicate if the product is grown, processed, and packaged in the continental U.S. or any U.S. Territory. If the label indicates that the 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.

The following information must be recorded on a Buy American Non-Compliant Product List. *Note:* In reference the competitive procurement process, this form may be valid up to the full duration of the contract. DPI allows for a max-term of 5 years with all contracts.

When completing the [Buy American Non-Compliant Product list](#) there are 4 pieces of information that must be recorded:

1. Date
2. Name of product
3. Country of origin
4. Reason
 - a. **Cost analysis** – SFA determined the cost of the domestic product when compared to the non-domestic product was above the predetermined allowable cost difference established by the SFA.
 - i. *Ex. If domestic product costs 20% more than non-domestic product, and no domestic option/alternative is available, then SFA will purchase non-domestic product.*
 - b. **Seasonality**- Product(s) is not available domestically during certain times of the year. (SFA is required to record or list the months that the domestic product is not available.)
 - i. *Ex. Blueberries are not available domestically during the months of December – June.*
 - c. **Availability** – Product(s) is not available to purchase domestically.
 - i. *Ex. pineapples, bananas, mandarin oranges, and black Pepper/other spices.*
 - d. **Substitution**- In the event a domestic product is unavailable due to a distributors' inability to provide, a substitution of product(s) may occur. (The SFA is required to record the reason the distributor substituted the product.)
 - i. *Ex. At the time of ordering/shipping domestic products was unavailable/damaged at distributor site and domestic options could not be substituted and as a result non-domestic products was substituted in its place.*
 - e. **Distribution**- the SFA's contracted distributor is unable to source domestic products and as a result, distributor does not carry the domestic product(s). (The SFA is required to record the reason the distributor carries the non-domestic product.)
 - i. *Ex. Due to supply, chain constraints, recall of domestic product by processor, SFA contracted distributor was unable to source domestic product leaving only non-domestic option available for order fulfillment.*
 - f. **Other**- Please provide a written explanation.
 - i. *Ex. The SFA received a donation of non-domestic oranges*
 - ii. *Ex. The SFA did not use School's Nonprofit Food Service Account to purchase the non-domestic products.*

You may record additional information if you find it beneficial. A suggested [Buy American - Non Compliant Product List template](#) can be found on the [Buy American webpage](https://dpi.wi.gov/school-nutrition/procurement/buy-american) (https://dpi.wi.gov/school-nutrition/procurement/buy-american).

Include the Buy American Provision in solicitations, contracts, and product specifications. The SFA should maintain written procedures to ensure product received and inventory are compliant with the Buy American procedure. Sample written [Procurement Contract Management Procedures](#) and Buy American monitoring procedures may be used and adjusted to meet the SFA's needs (https://dpi.wi.gov/school-nutrition/procurement/contract-procedures/contract-management).

Findings and Corrective Action Needed: Buy American Provision

- Finding #1:** Non-compliant products not being tracked: Mandarin oranges from China.
Corrective Action Needed: Submit a statement with a brief summary of your understanding of the Buy American Provision and its requirements and submit a [non-compliant product sheet](#) for the

Mandarin oranges (<https://dpi.wi.gov/sites/default/files/imce/school-nutrition/doc/buy-american-noncompliant-list.docx>).

3. RESOURCE MANAGEMENT

Nonprofit School Food Service Account

Comments/Technical Assistance (TA)/Compliance Reminders

- The consultant addressed financial topics with the Authorized Representative, including the agency's Child Nutrition Program report, which provides a compilation of meals claimed, your reported revenues and expenditures, amount of federal reimbursement received and per meal costs for lunch and breakfast.
- The Aids Register shows the amount deducted from reimbursement to pay for shipping, handling and processing costs of USDA Foods and to track all program deposits made to the agency's account. Both resources are accessible from our [Online Services](http://dpi.wi.gov/nutrition/online-services) webpage (dpi.wi.gov/nutrition/online-services).
- SFAs must limit the net cash resources in order to not exceed three months average expenditures.

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 which is highly recommended. The report was changed starting with the 2016-2017 SY and the new ['16-'17 Annual Financial Report instructions](#) are located on the DPI website (<https://dpi.wi.gov/sites/default/files/imce/school-nutrition/pdf/annual-financial-report-instructions.pdf>).
- When a student deposits funds in their lunch account which will be used for meal purchases, the amount received is not treated as revenue until the meal has actually been served to the student. The amount of funds on hand in student accounts is treated as a deposit or liability account in either the foodservice fund (Fund 50) or the general fund (Fund 10) until the meal is served, at which point the deposit account is converted to revenue. This amount should not be recorded as revenue or part of the fund balance on your Annual Financial Report.
- The ending balance on June 30 from the previous year needs to be the beginning balance on July 1 for the current year.
- The ending balance, on June 30, can never be a negative balance. A transfer must be made from the non-federal funds to bring the ending balance to \$0.00.
- The school food service fund may not have an ending fund balance in excess of 3 month operating expenses, as this is considered "Excess Cash Balance". While we commend your staff for the fiscal viability of the child nutrition programs, federal regulations limit net cash resources to an amount not to exceed a three month average of operating expenses to remain in compliance with a non-profit status.
- These categories of the AFR that should be addressed when tracking revenues and expenditures include:
 - Expenses for paper supplies, chemicals, thermometers, etc., should be reported under "Other". Only expenses for edible food items and beverages should be reported under "Food".
 - "Equipment" should reflect major purchases of equipment. Utensils, pans, smaller equipment such as a cart, etc., should be reported under "Other".

- Under “Purchases Services” report any time you pay someone for services provides such as equipment repair and health inspections.
- Under “nonprogram foods”, report the expenses for any food items served to students that are not claimed as part of the reimbursable meal. Revenues and expenses from adult meals, a la carte, and caterings would also be included here.
- When revenues are recorded from the federal reimbursement payments, make sure that you are recording the full reimbursement based on the printed claim form and not what is actually deposited into your account. As you will note on the claim, there may be money deducted from shipping, handling and processing fees for USDA Foods. The amount deducted from your revenue should be reported as an NSLP food expenditure for private schools and a purchased service for public schools.

Allowable Costs

- The nonprofit school food service account is to be used for the operation of the school meal program including food, supplies, equipment and personnel.
- The nonprofit school food service account may not be used to purchase land and/or buildings unless approved by FNS.
- Allowable costs are defined in 2 CFR 200 Subpart E and should be necessary, reasonable and allocable. More information on allowable costs can be found within the [Indirect Costs guidance](http://dpi.wi.gov/school-nutrition/national-school-lunch-program/financial) (<http://dpi.wi.gov/school-nutrition/national-school-lunch-program/financial>).
- 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 our Financial Management webpage (<https://dpi.wi.gov/school-nutrition/national-school-lunch-program/financial>).

Unpaid Meal Charge Policy

- The requirement to develop a meal charge policy applies to the SFA rather than to individual schools within the SFA. If all schools in an SFA operate a non-pricing provision (such as CEP or Provision 2), the SFA is not required to develop a meal charge policy, as no children would be charged for meals. RCCIs, where all students are court-appointed and, therefore, eat for free, are not required to have an unpaid meal charge policy.

Findings and Corrective Action Needed: Nonprofit School Food Service Account

- ❑ **Finding #1:** On the Annual Financial Report, all expenses not broken out by expense category-all expenses, by program, put into Purchased Services.
Corrective Action Needed: Please submit statement of understanding regarding breaking out expenses by respective expense category and resubmit your '17-'18 Annual Financial Report with expenses broken out by expense category. Make manual corrections on 17-18 AFR and submit to reviewer as corrective action.
- ❑ **Finding #2:** Current online contract does not have current vended meal contract uploaded.
Corrective Action Needed: Please upload current vended meals contract to the Meal Charges, Purchase and Officials Information page of the contract. **Corrected on-site, no further action needed.**

Paid Lunch Equity (PLE) - N/A in nonpricing SFAs

Revenue from Nonprogram Foods – N/A no nonprogram foods available

Indirect Costs

Comments/Technical Assistance (TA)/Compliance Reminders

- DPI does not allow the annual assigned indirect cost rate to be applied to Fund 50 (Foodservice account within WUFAR). For both public and private schools in Wisconsin, any costs assessed to foodservice must be based on documented and justifiable costs for each school building as they pertain to your school situation rather than an indirect cost rate. This may include utilities, rent, printing and mailing services, administrative oversight, etc.
- Allowable Expenditures assessed to the food service fund must be supported with documentation for items such as gas, electricity, waste removal, fuel, water, etc. for the school district. Examples of supporting documentation for costs assessed to food service fund could include:
 - Rent – consultation with knowledgeable resource person on appropriate charges per facility (i.e., local realty broker who has knowledge of current rates for rent of similar facilities).
 - Utility charges - separately metered or current usage study by the local utility company.
 - Labor expenditures - based on actual amount of time worked specifically for the purpose of school food service times the employee's wages and benefits.
 - Printing/publishing – documentation of actual costs or documentation to support how these costs were prorated from the district's total costs, based on volume.
 - Waste disposal services, extermination services, and laundry services - documentation of actual costs or documentation to support how these costs were prorated from the district's total.

4. GENERAL PROGRAM COMPLIANCE

Civil Rights

Comments/Technical Assistance (TA)/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.

And Justice for All Poster

- **“And Justice for All” posters need to be posted in public view where the program is offered.**

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.**

Civil Rights Self-Compliance Form

- The [Civil Rights Self-Evaluation Compliance](#) form is required to be completed by October 31 annually (<https://dpi.wi.gov/sites/default/files/imce/forms/doc/f1441.doc>).

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.

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 five 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](#) 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 #1:** And Justice for All poster not posted in public view where meals offered.
Corrective Action Needed: Please post current (green) And Justice for All poster in each pod and in family visit area. **Corrected on-site, no further action needed.**
- ❑ **Finding #2:** Annual, Civil Rights training for all staff and volunteers who administer any portion of a school nutrition program is not being done.
Corrective Action Needed: Have all SFA staff involved in serving meals watch abridged version of Civil Rights powerpoint and send sign-in roster to reviewer.
- ❑ **Finding #3:** Annual Civil Rights Self-Compliance form not being completed.
Corrective Action Needed: Complete PI-1441 and send to reviewer.
- ❑ **Finding #4:** No policy in place for accepting alleged USDA Child Nutrition Program complaints.
Corrective Action Required: Send copy of complaint procedure policy or a timeline of bringing this into compliance.

Local Wellness Policy

Comments/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 general 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

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.)
- 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).
- 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: SFA does not have a LWP

Corrective Action Needed: SFA does not have a LWP per Child Nutrition and WIC Reauthorization of 2004 and further requirements of HHFKA of 2010. Please provide a policy or a timeline for compliance with this rule.

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.
- Each SFA must designate at least one staff member as a program “director”. A program “director” is the person designated to perform or oversee the majority of the program duties such as sanitation, food safety, nutrition and menu planning, food production, procurement, financial management, record keeping, customer service, nutrition education, and general day-to-day program management.
- The [hiring standards for SFA directors](http://dpi.wi.gov/sites/default/files/imce/school-nutrition/pdf/professional-standards-hiring-chart-by-district-size.pdf) are based on the size of the SFA and includes education, school nutrition experience and food safety training requirements (http://dpi.wi.gov/sites/default/files/imce/school-nutrition/pdf/professional-standards-hiring-chart-by-district-size.pdf).

- Per SP 38-2016, any School Food Service Director hired after July 1, 2015 that does not meet the minimum education requirements cannot use the nonprofit school food service account to pay their salary; this would be an unallowable cost and the SFA's general fund may be used to pay the salary of a new director who is actively pursuing the minimum education requirements.

Professional Standards: New Food Service Director Hiring Requirements (<https://dpi.wi.gov/school-nutrition/professional-standards>). Please see the DPI Professional Standards webpage for more information.

New Food Service Director Minimum Hiring Standards:

SFA Enrollment under 500: High school diploma (or GED) AND at least 1 year relevant experience in school nutrition.

SFA Enrollment under 2,499: High school diploma (or GED) AND at least 3 years relevant experience in school nutrition.

SFA Enrollment 2,500-9,999: Associate degree (or equivalent) with a related academic major AND at least 2 years relevant experience in school nutrition.

SFA Enrollment > 10,000: Bachelor's degree (or equivalent) in any academic major AND at least 5 years relevant experience in school nutrition.

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 for tracking professional development is posted to our [Professional Standards Tracking Tool](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.

Findings and Corrective Action: Professional Standards

- ❑ **Finding #1:** The Food Service Director was hired after July 1, 2015 and does not have the minimum education and/or school food service experience for this SFA.
Corrective Action Needed: Complete the Professional Standards Exemption form and submit to reviewer. **Completed on-site, no further action needed.** It will be forwarded to DPI School Nutrition Team Assistant Director for review.
- ❑ **Finding #2:** In a vended meal contract, the SFA must designate an SFA staff member as the Food Service Director.
Corrective Action Needed: Please correct the contract to indicate Authorized Representative as the FSD with corresponding contact information. **Corrected on-site, no further action needed.**

Water

Comments/Technical Assistance (TA)/Compliance Reminders

Water is required to be available at no charge to students during the lunch and breakfast meal services. Schools can provide free water in a variety of ways, such as water pitchers and cups on lunch tables, a water fountain, or a faucet that allows students to fill their own bottles or cups.

For more information and resources on the water requirement, see our [Water Availability webpage](https://dpi.wi.gov/school-nutrition/national-school-lunch-program/water-availability) (<https://dpi.wi.gov/school-nutrition/national-school-lunch-program/water-availability>).

Food Safety and Storage

Comments/Technical Assistance (TA)/Compliance Reminders

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

Food Safety Inspections

- Every school operating USDA School Child Nutrition Programs must have two food safety inspections during each school year: including food safety inspection and a review of the site's Food Safety Plan.
- Food safety inspection reports must be posted in public view. Posting the food safety inspection report in the same location as the "And Justice For All" poster can be a convenient way to have both items publicly visible.

Temperatures

- All cooling equipment must have internal temperatures taken and recorded daily on temperature logs. Posting them directly on the equipment makes recording convenient and a regular part of daily routines.

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](#) (<https://dpi.wi.gov/school-nutrition/food-safety#templates>) may be found on the [SNT 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 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. As all meals at Milwaukee County are served, “in the classroom,” there should be an SOP developed for “Breakfast and Lunch in the Classroom.”

Food Employee Reporting Agreements

- All food service employees must have a signed [Food Employee Reporting Agreement](https://datcp.wi.gov/Documents/foodemployee-reporting-agreement-supplement.pdf) on file (<https://datcp.wi.gov/Documents/foodemployee-reporting-agreement-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.

Storage

- SFAs are required to ensure that facilities for the handling, storage, and distribution of purchased and donated foods are properly safeguarded against theft, spoilage, and other loss (7 CFR 210.13(d)).
- The on-site storage areas were reviewed, including freezers, refrigerators, dry good storage rooms and other areas.

Findings and Corrective Action: Food Safety

- Finding #1:** No food safety plan available.
Corrective Action Needed: Submit completed, site-specific Food Safety Plan as attachment to assigned DPI Nutrition Program Consultant via email.
- Finding #2:** 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.**
- Finding #3:** Missing Food Employee Reporting Agreements.
Corrective Action Needed: Complete all missing agreements. Submit copies of completed agreements as an attachment to assigned DPI Nutrition Program Consultant via email.

Reporting and Recordkeeping

Comments/Technical Assistance (TA)/Compliance Reminders

- Thank you for completing the required USDA and DPI reports and maintaining the paperwork in an organized manner.
- There are additional record retention rules for CEP. “LEAs/schools must retain records used in the development of the ISP (e.g., records for the initial approval year and all records from the year any updates are made to the ISP) during the entire period CEP is in effect. In addition documentation must be retained for five years after the submission of the final claim for reimbursement for the last

fiscal year of CEP.” Documents would also need to be maintained longer if there were an open audit issue needing to be resolved.

- All free and reduced price applications, including applications from households denied benefits must be kept on file for a minimum of three years after the final claim is submitted for the fiscal year to which they pertain.

School Breakfast Program (SBP) and Summer Food Service Program (SFSP) Outreach Comments/Technical Assistance (TA)/Compliance Reminders

School Breakfast Program

At the beginning of the school year, the SFA must notify families of the availability of breakfast and schools should send reminders regarding the availability of the SBP multiple times throughout the school year.

Summer Meals

A goal of USDA Child Nutrition Programs is to ensure all students have access to healthy and nutritious meals year-round. USDA requires all SFAs to inform families of where their students can receive a free meal in the summer months. SFAs can inform families of summer meals via the following methods:

- Promotion of the [summer meals locator](https://dpi.wi.gov/community-nutrition/sfsp/find-summer-meals-site) on the DPI Summer Meals webpage (<https://dpi.wi.gov/community-nutrition/sfsp/find-summer-meals-site>)
- Promotion of calling 211 to locate meals in the area
- Promotion of the ability to text ‘food’ to 877-877 to locate meals in the area
- Promotion of the USDA [Summer Food](http://www.fns.usda.gov/summerfoodrocks) website (<http://www.fns.usda.gov/summerfoodrocks>)

Resources:

- To access an inclusive map of all potential participating sites in your area, see the [interactive map](http://www.fns.usda.gov/capacitybuilder) on the SFSP website (<http://www.fns.usda.gov/capacitybuilder>).
- For more information on Summer Feeding option contact:
Amy J. Kolano, RD, CD, Summer Food Service Program Coordinator
Phone: 608.266.7124; e-mail: amy.kolano@dpi.wi.gov

Findings and Corrective Action: SBP and SFSP Outreach

Finding #1: SBP and SFSP Outreach not occurring.

Corrective Action Needed: Please provide a statement of understanding regarding requirement of outreach for these programs and explain how this outreach will be done going forward. **Completed on-site, no further action needed.**

Provide literature in form of letter, alerting parents of the SFSP, in the visiting area, to contact 2-1-1 and/or web address. Free school breakfast available in detention will also be posted in visiting area.

5. OTHER FEDERAL PROGRAMS REVIEWS

Afterschool Snacks

Comments/Technical Assistance/Compliance Reminders

- Each site participating in the Afterschool Snack Program needs to have an onsite monitoring review completed within the first four weeks of operation, and a second review within the school year. The review form to complete may be found on our [Afterschool Snack Program](http://dpi.wi.gov/school-nutrition/after-school) webpage (<http://dpi.wi.gov/school-nutrition/after-school>).

- Area Eligible Afterschool Snacks are all claimed at the free rate. The 2018-2019 [USDA reimbursement rate](https://dpi.wi.gov/school-nutrition/national-school-lunch-program/financial) (https://dpi.wi.gov/school-nutrition/national-school-lunch-program/financial) for area-eligible snacks is \$.91.
- Each afterschool snack location is required to maintain documentation supporting that reimbursable meals/snacks were provided to students, including production records with snack items and serving size. Menus are not required, but encouraged. Production record examples are found on the afterschool snack program webpage linked above.
- Participating students are claimed by eligibility category (free, reduced, or paid) when a reimbursable snack is selected.
- Afterschool sites must provide educational or enrichment activities in an organized, structured, and supervised environment.
- [Snack Count Sheets](http://dpi.wi.gov/school-nutrition/after-school) and [production record templates](http://dpi.wi.gov/school-nutrition/after-school) are located on the Afterschool Snack webpage (http://dpi.wi.gov/school-nutrition/after-school).

“The Wisconsin Department of Public Instruction has a vision that every student will graduate prepared for college and career. Goals are for students to have the knowledge, skills, and habits that will allow them to succeed in life after high school. Access to quality nutrition plays a major role in developing those life-long habits.

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

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

