

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

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**School Food Authority: Delavan-Darien SD**

**Agency Code: 64-1380**

**School(s) Reviewed: Phoenix Middle School**

**Review Date(s): 12/11-12/17**

**Date of Exit Conference: 12/12/17**

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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 at no charge. Courses cover many areas of the school nutrition programs including administrative responsibilities, program basics, meal pattern requirements and menu planning, financial management, 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, and communications and marketing. For more information go to the Wisconsin DPI [School Nutrition Training](http://dpi.wi.gov/school-nutrition/training/goal-oriented-achievement-learning-skills) webpage (dpi.wi.gov/school-nutrition/training/goal-oriented-achievement-learning-skills).
- The US Department of Agriculture has a toolkit of resources to assist schools in meeting the nutrition standards on their [Healthier School Day: The School Day Just Got Healthier](http://www.fns.usda.gov/healthierschoolday) webpage. The topics covered include Smart Snacks, offering fruits and vegetables, reducing sodium, and serving whole grain-rich products (<http://www.fns.usda.gov/healthierschoolday>).

**Appreciation/Commendations/Noteworthy Initiatives:**

Thank you to the staff at Delavan-Darien School District for the courtesies extended to us during the on-site review. Thank you for being available when answering questions and providing additional information. All were very receptive to recommendations and guidance. In addition, thank you for taking the time to respond to the off-site questions and requests, as well as pulling records for the on-site portion of the review. I hope that you found the time spent in providing technical assistance during the on-site review helpful.

## REVIEW AREAS

### 1. MEAL ACCESS AND REIMBURSEMENT

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

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

- Of the 1349 students eligible for free/reduced price meals in November, a sample of 450 was pulled and 5 students had benefits issued incorrectly
- Applications must be signed and dated by the determining official at the time of approval.
- The benefit's issuance document should have the date that the student became eligible for benefits not the start date of school.
- The effective eligibility date for a DC eligible student is the date of the original output file.

##### **Incomplete Applications**

- 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. 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.

##### **Household Size Box**

- The total household member size box (Step 3G) includes all children and adults in the household and must match the number of names on the application for the application to be considered complete.

#### Findings and Corrective Action Needed: Certification and Benefit Issuance

- Finding #1:** From the student sample reviewed for benefit's issuance, 3 students had free direct certification benefits extended to them but did not have a family member receiving direct certification free benefits.  
**Corrective Action Needed:** Please notify these households of the reduction in benefits (to take effect 10 days from the date they are notified in writing). Record date that corrective action is taken on the **SFA-1** form and send completed copy as corrective action. Fiscal action will be figured for these errors for the review period (November) and month of on-site review (December).
- Finding #2:** From the student sample reviewed for benefit's issuance, 2 students are receiving reduced benefits which should be full pay.  
**Corrective Action Needed:** Please notify this household of the reduction in benefits (to take effect 10 days from the date they are notified in writing). Record date that corrective action is taken on the **SFA-1** form and send completed copy as corrective action. Fiscal action will be figured for these errors for the review period (November) and month of on-site review (December).
- Finding #3:** The Benefit's Issuance document had most all DC benefits and income application benefits starting September 5, 2017.  
**Corrective Action Needed:** Please submit a statement of understanding that the BI list will contain the date the student became eligible for benefits not the start date of school.
- Finding #4:** The household size box on 2 applications did not match the number of household names reported on the application.

**Corrective Action Needed:** Please provide a statement of understanding that going forward, all applications will be checked to make sure names on application match household size box.

- ❑ **Finding #5:** The electronic applications had no eligibility determination listed on the application.

**Corrective Action Needed:** Please correct this issue in your software system and submit a copy of an online application with the correct information on it.

## Verification

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

- The LEA has a regulatory obligation to verify “for cause” all approved applications that may be questionable. For more information, refer to the current Eligibility Manual.
- 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.

### Findings and Corrective Action Needed: Verification

- ❑ **Finding #1:** One household supplied incomplete income information for its verification.  
**Corrective Action Needed:** Please contact the household and request complete income for entire household and submit results to DPI.

## 2. MEAL PATTERN AND NUTRITIONAL QUALITY

### COMMENDATIONS/TECHNICAL ASSISTANCE

Thank you to all of the staff at Delavan-Darien School District for their timeliness and cooperation during this Administrative Review (AR). Thank you to the Food Service Director for providing documentation prior to coming on-site as this greatly expedited the AR process. The efforts to offer food items that were low-sodium, reduced-fat, light, and fat-free were noted. Providing fruits and vegetables at the beginning of the line as well as providing multiple options with a great variety was also noted. The nutrition professionals were positive, enthusiastic, friendly, personable, and worked well with the students.

### **Crediting Documentation**

- Any processed product that is not listed in the [USDA Food Buying Guide \(FBG\) for School Meal Programs](http://www.fns.usda.gov/tn/food-buying-guide-school-meal-programs) (<http://www.fns.usda.gov/tn/food-buying-guide-school-meal-programs>) requires a current Child Nutrition (CN) label or a detailed product formulation statement (PFS) to be credited toward the meal pattern.
  - A complete **CN** label includes the following: CN logo, product name, ingredient statement and inspection legend. It is important to save actual CN labels from product packaging that include these four things. Simply cutting out the CN logo is not adequate documentation. You may either cut the label off the package, make a copy of the label directly from the package, or take a picture of the label.
  - A complete **PFS** must be directly from the manufacturer and must 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. It is highly preferred that this documentation is printed on company letterhead and signed by an appropriate person

(e.g., a quality assurance agent or registered dietitian, rather than a salesperson). Remember to update records when new products are purchased or when product formulations change throughout the school year. 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>).

- Grains can be credited based on weight using [Exhibit A](#) of the FBG ([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)). Based on Exhibit A, the Benefit Bar credits as 1.00 ounce equivalent grain and the Appleways Bars and Betty Crocker Chocolate Chip Oatmeal Bar credit as 0.50 ounce equivalent grain. Because the menu planner is claiming these bars credit as more than Exhibit A, and alone would not meet meal pattern based on the planned menu, a signed Product Formulation Statement (PFS) from the manufacturer that lists the *grams of creditable grain* in the product is required.

### **Production Records**

- Production records are required to document that food meeting the meal pattern was served in the appropriate serving sizes. Production records are intended to be useful tools to record information prior to production, during production, and following production. Currently, there is missing information on the production records being used, including grade grouping, recipe and food item reference numbers, planned portion sizes, planned number of portions, planned portion size and actual usage of condiments and extras, and special dietary needs meals.
- Be specific on production records about the identity, brand, and description of the items served. Instead of “fruit, fresh assorted,” list the applesauce cup, banana, orange slices (along with the case count), and apple slices separately. The type of fruit served each day was not recorded on the production record. This, along with planned portion sizes, must be included on production records to document the component was planned and served. The production record should reflect if substitutions are made, if any. List the specific type of snack bar or cereal offered, as a variety are out on the line daily, rather than just listing “cereal” or “snack bar” which does not indicate exactly what was served. There is a wide variation in formulation of the many products that fall into these categories. Fruit sizes (e.g. case count) should also be recorded. It is helpful to include not just portion size, but also crediting, on the production records.
- Planned portion sizes are required for every meal component. Even in self-service, such as the salad bar and condiment station, the menu planner must plan a specific portion size for what they intend for students to select. While there is no required production record template, there are some examples that may be used on our [Production Records](#) webpage (<http://dpi.wi.gov/school-nutrition/national-school-lunch-program/menu-planning/production-records>). A copy of the production record requirements (“Must haves and Nice to haves” list) can also be found at that link.

### **Standardized Recipes**

- Standardized recipes are required for all menu items that have more than one ingredient. The marinara sauce for the lasagna roll ups had additional herbs and spices added during production, but a recipe was not followed and measuring utensils were not used.
- Additionally, recipes should be updated to reflect current practices and products. Standardized recipes exist, but many are not accurately reflecting what is happening in the kitchen. For example, recipes showed certain ingredients crossed out with new quantities written in. Adjusting standardized recipes can change crediting, which may result in a daily and/or weekly shortage of a food component. Guidance on standardized recipes can be found on the [Recipe Resources and Tools](#) webpage (<http://dpi.wi.gov/school-nutrition/national-school-lunch-program/menu-planning/recipes>).

### **Portioning Utensils**

- Planned, controlled portion sizes are essential for compliance with meal pattern requirements and dietary specifications. Portion control teaches students good eating habits by demonstrating and providing appropriate portion sizes of foods. The salad bar offers shredded cheese and cottage cheese in addition to the reimbursable meal. These food items should be portion controlled using appropriate utensils for their nutrition label serving size if not contributing toward the meal pattern. Tongs are not appropriate portion control utensils. Cottage cheese should use the appropriate spoodle for the serving size on the nutrition facts label. To figure out the appropriate serving utensil for shredded cheese, weigh out one serving and find a spoodle in which this serving size fits best.

#### **Extras (Non-Creditable Food Items)**

- Extra, non-creditable items such as croutons, cheese, condiments, and peanut butter are offered daily in addition to the reimbursable meal. These foods are not being credited toward the meal pattern as it is after the point of service (POS), but must be included in the dietary specifications (calories, saturated fat, trans fat, and sodium). Currently, the croutons offered on the salad bar are enriched. Since croutons are offered daily, consider using a whole grain-rich product and crediting these toward the meal pattern if offered before the POS. While offering extra, non-creditable items on occasion is allowable and can be an incentive for program participation, staying within the dietary specification limits can be very difficult when extras are frequently served. These foods also add to the cost of the meal without the value of being creditable components of a reimbursable meal.
- Condiments can be significant sources of calories, saturated fat, and sodium in a meal, especially when usage is not controlled. Condiment usage is not monitored nor are portion sizes communicated to students. Please monitor your school's condiment usage and communicate appropriate portion sizes to students through signage. This can be done with a photo of what one tablespoon of Ranch dressing looks like or using signage such as "One pump, please!" on self-serve pump bottles.

#### **Service Line**

- At the POS, there are additional apple slices and baby carrots at lunch, and juice and cheese sticks at breakfast. While this is an excellent practice in order to ensure students are taking the required  $\frac{1}{2}$  cup fruit or vegetable, the baby carrots and cheese sticks are not offered at any other point in the service line. Because these items are on the planned menu for the day, they need to be out on the line with the other planned menu options. Students are not being offered all of the food components or food items equally if this practice continues.

#### **Signage**

- Because the mixed greens on the salad bar are being used to meet the weekly vegetable requirements, portion sizes of at least 1 cup each should be communicated to students with signage. Consider including a photo of what 1 cup of mixed greens looks like or an appropriate serving utensil for 1 cup of mixed greens.
- According to the USDA [Food Buying Guide for School Meal Programs](http://www.fns.usda.gov/tn/food-buying-guide-school-meal-programs) (<http://www.fns.usda.gov/tn/food-buying-guide-school-meal-programs>), one standard 113 count orange credits as  $\frac{5}{8}$  cup fruit. Therefore, if an orange is cut into quarters, four slices only equal  $\frac{5}{8}$  cup and two slices only equal  $\frac{1}{4}$  cup. A full orange needs to be selected in order to obtain a full  $\frac{1}{2}$  cup portion. Consider including signage on the service line indicating that a full orange, or four slices or quarters, of an orange credit as  $\frac{1}{2}$  cup fruit.

#### **$\frac{1}{2}$ Cup Fruit and/or Vegetable Requirement**

- As a reminder, under the Offer Versus Serve policy at lunch, a student is required to select three food components, one of which is  $\frac{1}{2}$  cup fruit and/or vegetable, or a combination of both. During the day of on-site review, a few students went through the line with less than  $\frac{1}{2}$  cup fruit (specifically pineapple). Although a fruit or vegetable was on the student's tray, ensure that it is in the full,  $\frac{1}{2}$  cup requirement.

#### **Offer Versus Serve (OVS)**

- Food service staff were somewhat unclear about the Offer versus Serve (OVS) requirements for breakfast. Although all students observed at breakfast took a reimbursable meal, it is important for staff to fully understand the OVS requirements. There is some confusion over the difference between OVS and the planned menu. The planned menu must be in compliance with all meal pattern requirements, both daily and weekly. OVS occurs only during meal service. Signage indicated that cereal and string cheese are offered together as two food items as one true grain needs to be offered with a meat/meat alternate. Some students went through the line and had string cheese put on their tray even though there were three other food items on their tray, one of which was ½ cup fruit or vegetable. For example, one student had cereal, milk, and juice on their tray. A string cheese was placed on their tray even after denying the food. In this case, the student did not have to take an additional food item in order to have a reimbursable meal. The [Offer Versus Serve Guidance manual](http://dpi.wi.gov/sites/default/files/imce/school-nutrition/pdf/offer-versus-serve-guidance-manual.pdf) is available on our website (<http://dpi.wi.gov/sites/default/files/imce/school-nutrition/pdf/offer-versus-serve-guidance-manual.pdf>). DPI SNT's [Training webpage](https://dpi.wi.gov/school-nutrition/training/webcasts#ovs) also has a webcast available, which outlines the OVS requirements for breakfast and lunch (<https://dpi.wi.gov/school-nutrition/training/webcasts#ovs>).

#### Juice

- No more than half (50 percent) of the fruit offered over the course of a week can be in the form of juice. It is possible to offer juice daily and still meet the 50 percent juice limit if it is offered along with fruit. Based on the production records, the menu planner planned for every student to be offered ½ cup fruit choice and ½ cup juice at breakfast. On the day of observation, a student selected two juices, which was not the intent of the planned menu. Consider using signage such as, “limit one juice,” to communicate this to your students.

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

- ❑ **Finding #1:** Acceptable crediting documentation was not available for the following products: UBR Breakfast Rounds, Appleways Oatmeal Bars, Benefit Bars, Betty Crocker Chocolate Chip Oatmeal Bar, and Azteca 8” Low Sodium Ultra Grain Flour Tortilla. Because these products are being claimed as having more ounce equivalent grain than what Exhibit A states, further documentation is required.  
**Corrective Action Needed:** Please obtain and submit crediting information for these products by securing a PFS directly from the manufacturer.
- ❑ **Finding #2:** Production records were incomplete and missing information, such as salad bar, fruit, vegetables, juice, cereal, snack bars, condiments, grade grouping, recipe and food item reference numbers, planned portion sizes, planned number of portions, planned portion sizes of and actual usage of condiments and extras, and special dietary needs meals.  
**Corrective Action Needed:** Submit one week of production records for both breakfast and lunch, which include the information listed above.
- ❑ **Finding #3:** Documentation provided for the week of review demonstrated a weekly grain shortage due to the required minimum amount of grains, 8.00 ounce equivalents (oz. eq.), not being met. The minimum grains for each day for the week of review are as follows:
  - Monday- Cheese Ravioli 1.00 oz. eq.
  - Tuesday- PB&J 1.00 oz. eq.
  - Wednesday- Popcorn Chicken 1.25 oz. eq.
  - Thursday- Lasagna Rollup 1.00 oz. eq.
  - Friday- Creamed Chicken and Biscuit or Burrito 2.00 oz. eq.

For additional information on meal pattern requirements, please visit the [Menu Planning](https://dpi.wi.gov/school-nutrition/national-school-lunch-program/menu-planning) webpage (<https://dpi.wi.gov/school-nutrition/national-school-lunch-program/menu-planning>).

**Corrective Action Needed:** Please submit a written statement explaining how you will meet the 8.00 ounce equivalent grain requirement for the week of review and your plan for ensuring the minimum grain requirement is met for future service weeks. Please include respective serving sizes and labels, if applicable.

- **Additionally, fiscal action is required for any repeat violations from the previous Administrative Review. Because a grain shortage was found during the last AR as well as the current AR, fiscal action will be applied. Per page 83 of the Administrative Review Manual, there will be a re-claim for meals for one weekday with the lowest participation at each AR site with a weekly shortage. The following repeat finding was documented from the School Year (SY) 2013-14 Administrative Review:**
  - *Additional meat/meat alternate (M/MA) and grains must be menued with PBJ so weekly minimum quantities can be met ( $\geq 8$  oz M/MA per week for K-5 and  $\geq 9$  oz M/MA per week for grades 6-8;  $\geq 8$  grains per week for both K-5 and 6-8 grade groups).*

Update 12/19/17:

- **Finding #4:** Eight non-reimbursable meals were observed during lunch service. Five of the non-reimbursable meals were due to two orange slices being selected crediting as  $\frac{1}{4}$  cup, which does not meet the  $\frac{1}{2}$  cup fruit or vegetable requirement. Technical assistance was provided on crediting a 113 count orange (2 orange quarters =  $\frac{1}{4}$  cup). The other three non-reimbursable meals contained less than or did not contain the required  $\frac{1}{2}$  cup fruit or vegetable or combination. The first meal selected  $\frac{1}{4}$  cup pineapple without any other fruit or vegetable on the tray. The second meal selected only three cherry tomatoes without any other fruit or vegetable on the tray. The third meal did not select  $\frac{1}{2}$  cup fruit or vegetable or combination.

**Corrective Action Needed:** Please submit a written statement explaining how you will ensure all meals have a minimum of three components, one of which is a  $\frac{1}{2}$  cup fruit and/or vegetable or combination. This statement could include signage or creating a “cheat sheet” for the POS staff with crediting information on how commonly used fruits in your food service operation credit.

- **Fiscal action will be assessed on these eight non-reimbursable meals.**

### 3. RESOURCE MANAGEMENT

#### Nonprofit School Food Service Account

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

##### Annual Financial Report (AFR):

- All revenues, including reimbursements and student payments, and expenses, including food, labor, equipment, purchased services, and other need to be allocated to the program to which they belong. 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>). The [purchase record template](https://dpi.wi.gov/sites/default/files/imce/school-nutrition/xls/purchase-record-revenue-template-monthly.xlsx) on the DPI website may aid in this expense and revenue separation (<https://dpi.wi.gov/sites/default/files/imce/school-nutrition/xls/purchase-record-revenue-template-monthly.xlsx>).

##### Allowable Costs

- 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](#) may be found on our [Financial Management](#) webpage (<https://dpi.wi.gov/school-nutrition/national-school-lunch-program/financial>).
- Money from food service (Fund 50) cannot be used to support local initiatives to donate or give away

food. It is critical for a school participating in the federal school nutrition programs to be able to show that federal and state reimbursement received for reimbursable meals is used specifically to support the cost of providing reimbursable meals.

### **Unpaid Meal Charge Policy**

- USDA Policy Memorandum SP 46-2016 requires all SFAs operating federal school meal programs, by July 1, 2017, to have a written and clearly communicated policy that addresses unpaid meal charges. For a snap-shot on what the policy must include, see the [Unpaid Meal Charges In a “Nutshell”](http://dpi.wi.gov/sites/default/files/imce/school-nutrition/pdf/unpaid-meal-charges-nutshell.pdf) (<http://dpi.wi.gov/sites/default/files/imce/school-nutrition/pdf/unpaid-meal-charges-nutshell.pdf>). For a more comprehensive overview, see SP 23-2017: [Unpaid Meal Charges Guidance](https://dpi.wi.gov/sites/default/files/imce/school-nutrition/pdf/sp-23-2017.pdf): <https://dpi.wi.gov/sites/default/files/imce/school-nutrition/pdf/sp-23-2017.pdf>
  - Best Practices
  - Local meal charge policy checklist
  - Sample outstanding balance letter
  - Sample robo-call script

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

- ❑ **Finding #1:** On the Annual Financial Report, all of the expenses were not separated out by individual programs. Many of the expenses were put into NSLP.  
**Corrective Action Needed:** Please provide a statement that going forward all expenses will be reported in their correct program and category.
- ❑ **Finding #2:** Phoenix Middle School provides peanut butter and vegetable items on the condiment table outside of the food service line which can be taken by anyone in the cafeteria even if they have not selected a reimbursable meal.  
**Corrective Action Needed:** Please remove the peanut butter and vegetables from the condiment table or move the table to a place where only students receiving a reimbursable meal have access to it. If you wish to continue to serve these items outside of the food service line, the district must reimburse food service for these food items at a nonprogram food pricing structure from a nonfederal source such as the school general fund.
- ❑ **Finding #3:** The district’s unpaid meal charge policy states that reduced students will be given an alternate meal, but paid students will be denied. This would be considered overt identification as the reduced children would be identified by their receipt of an alternate meal. This policy needs have specific negative balance allotments allowed in writing, be consistent for each grade group, and be adhered to by all staff and administration SFA-wide.  
**Corrective Action Needed:** Develop a timeline for an updated written unpaid meal charge policy and distribution to households.

### **Revenue from Nonprogram Foods**

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

- Nonprogram Food costs and revenues must be separated from Program food costs and revenues.
- 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 nonprogram food costs 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.

- 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>).

- ❑ **Finding #1:** The Nonprogram Foods Revenue Tool has not been completed for the current school year.

**Corrective Action Needed:** Please watch the [Nonprogram Foods Revenue Tool webinar](#) and a complete the Nonprogram Food Revenue Tool for the current school year using a minimum of a 5-day reference period ([https://media.dpi.wi.gov/school-nutrition/nonprogram-food-revenues/story\\_html5.html](https://media.dpi.wi.gov/school-nutrition/nonprogram-food-revenues/story_html5.html)).

#### 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 October 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, the abbreviated statement may be used, “**This institution is an equal opportunity provider.**” Both statements should be in the same size font as the other text in the document.

##### **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 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 Complain Form](#) for assistance in filing these complaints ([https://www.ocio.usda.gov/sites/default/files/docs/2012/Complain\\_combined\\_6\\_8\\_12.pdf](https://www.ocio.usda.gov/sites/default/files/docs/2012/Complain_combined_6_8_12.pdf)).

##### **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. You may use the [prototype Medical Statement](#) for Special Dietary Needs posted on our website, which is also available in Spanish and Hmong (<http://dpi.wi.gov/school-nutrition/national-school-lunch-program/special-dietary-needs>).
- Medical statements must include

- A description of the child’s physical or mental impairment that is sufficient to allow the SFA to understand how it restricts the child’s diet, and
- An explanation of what must be done to accommodate the disability (for example, the food(s) to be omitted and food(s) to be substituted).
- SFAs must accommodate dietary requests that are supported by a signed medical statement from a licensed medical practitioner. Meals served to students with special dietary needs who have a signed medical statement from a licensed medical practitioner do not need to meet meal pattern requirements. Additional information on [special dietary needs](#) can be found on the DPI School Nutrition Team website (<http://dpi.wi.gov/school-nutrition/national-school-lunch-program/special-dietary-needs>).
- Food Service should have copies of all medical statements for students within their school to provide correct meal substitutions.

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

- **Finding #1:** The shortened statement on the menu is not the correct statement.  
**Corrective Action Required:** Please submit the January with the correct shortened statement, “This institution is an equal opportunity provider”. Completed on site no further action required.
- **Finding #2:** The medical statement on file at Phoenix Middle School do not contain the required information.  
**Corrective Action Required:** Please work with the families to receive complete medical statements for the students.

### **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 2016-2017 and full compliance with the requirements 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 each school 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>). 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).
- 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)). 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>).
- **SFA is required to review and update Local Wellness Policy (1002)**  
**Technical Assistance:** The final *Local School Wellness Policy Implementation Under the Healthy, Hunger-Free Kids Act of 2010* rule requires the SFA to review and update the local school wellness policy on a periodic basis. The frequency of updates is based on the content and structure of the plan. It is recommended that this review occur annually. Your SFA has not reviewed nor updated your policy within the past 2 years. Additionally, your SFA does not have documentation indicating when and how the plan is/will be reviewed and updated.
- **SFA is required to complete an assessment of the Local Wellness Policy (1005)**  
**Technical Assistance:** 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](http://www.healthatlas.wisconsin.gov)

(<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.

- **SFA required to inform the public of the results of the most recent assessment (1006)**  
**Technical Assistance for 1006, if do have a policy:** The final *Local School Wellness Policy Implementation Under the Healthy, Hunger-Free Kids Act of 2010* rule requires the SFA to inform and update the public about the assessment of the implementation of LWP. The notification should include the extent to which SFAs are in compliance with their LWP; the progress made toward attaining the goals of the LWP; and the extent to which the SFA's LWP compares to a model policy. SFAs are required to retain a copy of the assessment and documentation regarding the public notification. SFAs may use a variety of methods to notify the public about the assessment. This may include mailing flyers, newsletters, emails, website postings, and newspaper articles. It is recommended SFAs include a plan to improve upon the results of the assessment.

### **Findings and Corrective Action Needed: Wellness Policy**

- **Finding #1: SFA LWP meets some but not all requirements as stipulated above (1000).**  
**Corrective Action Required:** Please provide a timeline for updating your policy to become compliant with the final rule. The LWP needs updated language regarding nutrition promotion and guidelines for all foods made available (sold and non-sold) on campus during school day. Additionally, LWP requires a plan for measuring implementation. Please include:
  - The updated new language
  - The official responsible for oversight of the LWP to ensure school compliance with the wellness policy
  - How the public is notified and who is involved on the committee
  - Triennial Assessment information
  - Other School Based Strategies for Wellness

### **Smart Snacks in Schools**

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

- The Wisconsin Department of Public Instruction (DPI) allows two fundraiser exemptions per student organization per school per school year, not to exceed two consecutive weeks each. An exempt fundraiser may sell foods and beverages that are not allowable under the Smart Snacks rule, but sales may not occur in the meal service area during meal service times. There was an inquiry about a candy cane sale with one week dedicated to selling the candy canes and then one day of service of the purchased candy canes. This would be considered a one week fundraiser because the transaction of money occurred for one week.
- All exempt and non-exempt fundraisers **must be documented**. Using DPI-provided tracking tools is a great way to ensure schools are meeting Smart Snacks regulations. Templates, such as the Exempt Fundraiser Tracking Tool, are available on the [Smart Snacks](#) webpage, under the resources heading (<https://dpi.wi.gov/school-nutrition/national-school-lunch-program/smart-snacks>).

### **Food Safety, Storage and Buy American**

## Commendations/Comments/Technical Assistance/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](http://www.fns.usda.gov/ofs/food-safety-flashes)). The [Office of Food Safety](#) website ([www.fns.usda.gov/ofs/food-safety](http://www.fns.usda.gov/ofs/food-safety)) includes food safety resources.

### Food Safety Plans

- The most recent food safety inspection must be posted in a publically visible location.

### Time/Temperature Control for Safety (TCS) Food

Milk and dairy products	Tofu or other soy protein
Shell eggs	Sprouts and seed sprouts
Meat (beef, pork, and lamb)	Sliced melons
Poultry	Cut tomatoes
Fish	Cut leafy greens
Shellfish and crustaceans	Untreated garlic-and-oil mixtures
Baked potatoes	Synthetic ingredients, such as textured soy protein in meat alternatives
Heat-treated plant food, such as cooked rice, beans, and vegetables	

### 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.

## Findings and Corrective Action: Food Safety

- **Finding #1:** A 2014 Food safety inspection was posted in the Phoenix Middle School cafeteria.  
**Corrective Action Needed:** Corrected on site no further action required.
- **Finding #2:** Since cheese sticks, a TCS food, are served to students at the register outside of mechanical refrigeration, at Phoenix Middle School, the use of Time as a Public Health Control must be used. With the use of this plan, all TCS foods must be discarded at the end of service no matter the length of time held outside of temperature control.  
**Corrective Action Needed:** Serve the cheese sticks in the line under mechanical refrigeration or develop a SOPs for Time as a Public Health Control to reflect site-specific procedures. Submit updated process or SOP.

### Buy American

- The USDA requires that an SFA purchase, to the maximum extent practicable, domestic commodities or products. Using food products from local sources supports the local economy,

small local farmers and provides healthy choices for children in the school meal programs. The Buy American provision is required whether food products are purchased by SFAs or entities that are purchasing on their behalf.

- The Buy American provision should be included in solicitations, contracts, and product specifications. A reply offer to comply with Buy American terms in a solicitation ensures contractors are aware of Buy American requirements. Furthermore, bidder assurance of the Buy American provision ensures that the bidder is responsive and responsible to the solicitation.
- SFAs must monitor contractor performance as required in 2 CFR Part 200.318(b), formerly in 7 CFR Part 3016.36(b)(2), to ensure that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders.
  - The following products may be exceptions to Buy American provisions: pineapples, mandarin oranges, olives, tuna, bananas and coffee.
  - If no country of origin identified on label, than SFA must get certification from distributor or supplier stating: “We certify that (insert product name) was processed in the U.S. and contains over 51% of its agricultural food component, by weight or volume, from the U.S.” This can accepted within an email.
  - What is acceptable to determine compliance on a label? Label should indicate if the product is grown, processed and packed in the continental U.S. and any U.S. Territories. If 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 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](https://dpi.wi.gov/school-nutrition/procurement/contract-procedures/contract-management) (https://dpi.wi.gov/school-nutrition/procurement/contract-procedures/contract-management) and Buy American monitoring procedures.
- There are limited exceptions to the Buy American provision which allow for the purchase of products not meeting the “domestic” standard as described above (“non-domestic”) in circumstances when use of domestic products is truly not practicable. Refer to SP 24-2016 for more information on the Buy American provision and limited exceptions.
- More information on this new requirement, including a tool to assist with tracking noncompliance products, can be found on the SNT [Procurement](http://dpi.wi.gov/school-nutrition/procurement/buy-american) webpage (http://dpi.wi.gov/school-nutrition/procurement/buy-american).

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

- ❑ **Finding #1:** 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, or did not have proper labeling to identify the country of origin:
  - Canned Pears - Chile
  - Canned Peaches – Greece

- Canned Mandarin Oranges – China
- Canned Pineapple – Pineapple
- Frozen California Blend – Mexico
- Frozen Broccoli – Mexico
- Fresh snap peas – Guatemala
- Fresh Zucchini - Mexico

**Corrective Action:** The identified noncompliant food item(s) qualify to be on the non-compliant product list, but the SFA did not have a noncompliant list/process in place for tracking. The SFA began using a Noncompliant Product List for tracking nondomestic products today. Provide the completed list as corrective action. A [template form](https://dpi.wi.gov/sites/default/files/imce/school-nutrition/doc/buy-american-noncompliant-list.docx) is located on the procurement webpage (<https://dpi.wi.gov/sites/default/files/imce/school-nutrition/doc/buy-american-noncompliant-list.docx>).

- **Label does not identify country of origin:**  
In USDA Memo SP 38 -2017, any product that does not identify the country of origin now requires certification from the manufacturer or distributor. See the TA notes above for sample certification language. This will be treated as TA for the 2017-18 school year, but work with your distributor/supplier to move toward compliance.

## 5. OTHER FEDERAL PROGRAMS REVIEWS

### Afterschool Snacks

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

- Each site participating in the Afterschool Snack Program needs to receive a review within the first four weeks of operation, and a second review within the school year. The review form 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>).
- Snacks must be checked off as the student receives the snack by an adult who can determine if a reimbursable snack has been taken. Sample [production records](https://dpi.wi.gov/sites/default/files/imce/school-nutrition/doc/assnacks_menu_prod_ct.doc) ([https://dpi.wi.gov/sites/default/files/imce/school-nutrition/doc/assnacks\\_menu\\_prod\\_ct.doc](https://dpi.wi.gov/sites/default/files/imce/school-nutrition/doc/assnacks_menu_prod_ct.doc)) and [check-off sheets](https://dpi.wi.gov/sites/default/files/imce/school-nutrition/doc/assnacks_dly_record.doc) ([https://dpi.wi.gov/sites/default/files/imce/school-nutrition/doc/assnacks\\_dly\\_record.doc](https://dpi.wi.gov/sites/default/files/imce/school-nutrition/doc/assnacks_dly_record.doc)) are available.

#### Findings and Corrective Action Needed

- ❑ **Finding #1:** No review was done of the Afterschool Snack Program, at Phoenix Middle School, within the first 30 days.  
**Corrective Action Required:** Please review the Afterschool Snack Program at Phoenix Middle School and provide a statement of understanding that the first review of the program will be completed within the first 30 days of operation each year
- ❑ **Finding #2:** The children sign in inside the room and are given their snack outside of the room by other children. This is an inaccurate point of service as there is lack of point of service.  
**Corrective Action Required:** Please correct the point of service and submit check-off sheets for 30 days of clean correct data. Fiscal action will be assessed from the beginning of the school year through the corrective action date.
- ❑ **Finding #3:** There was an overclaim for one snack from the afterschool snack program.  
**Corrective Action Required:** Same as finding #2

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

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

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



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