



**New Mexico Public Education Department  
Coordinated School Health & Wellness Bureau  
Administrative Review Corrective Action Plan**

SFA Name: New Mexico Youth Challenge Academy

Administrative Review Conducted on: 4/26/2017

Site(s) Selected for Review: New Mexico Youth Challenge Academy  
   
 

Date Corrective Action Plan was provided to SFA: 5/15/2017

**Due Date for Corrective Action Plan:** 6/14/2017

The following pages address the findings that were identified during your Administrative Review. For each finding you will be presented with the following:

- The finding, and details specific to the SFA regarding the finding*
- The Code of Federal Regulations citation number or alternate resource citation*
- A summary of the regulation / requirement*
- Suggested guidance for the SFA in order to achieve compliance*
- SFA area for reply to state how, when and by whom corrections will be made*

**Please provide a detailed response to each finding in the space provided.**

Finding #1
For the week of menu review, the 9-12 lunch menu did not meet the minimum daily requirement of 2 ounce equivalent grain. A grain was provided, however the minimum required portion size was not met on Tuesday and Saturday.
Technical Assistance Provided
During the review, the portion sizes required by the meal patterns were discussed with the SFA. The SFA must ensure that all meals counted for reimbursement contain the required components in the minimum portion size required for the specific grade group. The SFA should review all menus to ensure that at least the minimum portion size is planned for the specific grade group. The SFA should also provide additional training to the kitchen staff on the requirements of a reimbursable meal. The training should include what to do if a certain planned menu item is not available or if the item runs out during service. The USDA FNS website can be used for training materials, resources and guidance on the meal pattern. <a href="http://healthymeals.nal.usda.gov/">http://healthymeals.nal.usda.gov/</a>
Regulation / Citation and Summary

210.10(c) Meal pattern for school lunches. Schools must offer the food components and quantities required in the lunch meal pattern established: 9-12: 2 oz. equivalent daily grain.

#### **SFA Suggested Guidance for Compliance**

To come into compliance with meal pattern requirements, the SFA must provide a written plan that will be implemented to ensure future compliance. The plan should include; a statement that all menus will be reviewed to ensure that all portion sizes planned meet at least the minimum required amount for the specific grade group, a process for sites to reference when they do not have one of the planned menu items or there is insufficient quantities, a statement that the serving line will be visually reviewed prior to service to confirm that all required components are available and that additional menu training for all SFA staff will be provided. Provide the outline and dates for the trainings that will be completed. In addition please submit the name(s) and title(s) of the SFA representative(s) that will oversee this area and ensure future compliance. Submit the menu from the week of review with the corrections that were made to the menu to bring it into compliance moving forward. Provide any needed documentation to support the changes such as labels, recipes, production records, etc.

#### **SFA Response**

#### **Finding #2**

For the week of menu review, the 9-12 lunch menu did not meet the 100% Whole Grain Rich requirement for grains. Not all grains provided were Whole Grain Rich. The following menu items were not Whole Grain Rich: Peanut Butter Crackers, Macaroni Noodles, Dinner Roll, and Spanish Rice.

#### **Technical Assistance Provided**

During the review requirements for the meal pattern were reviewed with the SFA. All grains provided as part of the reimbursable meal must be Whole Grain Rich. To be considered Whole Grain Rich the item it must be comprised of at least 50% whole grain ingredients. An easy way to determine if a pre-purchased item is whole grain is to look at the ingredient list. If the first ingredient is whole grain, it is a Whole Grain Rich product. If the first ingredient is water, but the second is a whole grain it is also a Whole Grain Rich product. If the SFA is using a recipe as long as the whole grain ingredient is the largest by weight of all of the grain ingredients combined it is a Whole Grain Rich product. For additional information on whole grains visit the USDA FNS website.

<http://healthymeals.nal.usda.gov/menu-planning/whole-grains>. Please note that the Macaroni Noodles and Spanish Rice were considered as extras, and did not contribute to the grain requirements. The daily grain requirement was met when these two products were served with other Whole Grain Rich products. If you want the Macaroni Noodles and Spanish Rice to contribute to the grain component requirements, you must choose Whole Grain Rich products.

#### **Regulation / Citation and Summary**

220.8(c)(2)(iv) Grains component. (A) Enriched and whole grains. All grains must be made with

enriched and whole grain meal or flour, in accordance with the most recent FNS guidance on grains. Whole grain-rich products must contain at least 50 percent whole grains and the remaining grains in the product must be enriched.

#### **SFA Suggested Guidance for Compliance**

To come into compliance with meal pattern requirements, the SFA must provide a written plan that will be implemented to ensure future compliance with the Whole Grain Rich requirements. The plan should include; a statement that only Whole Grain Rich grain products will be used as part of the reimbursable meal, a statement that all labels/recipes/manufacturer statements will be kept on file to document the Whole Grain Rich compliance, and a statement that additional menu training will be provided to SFA staff. Provide the outline for the training and the dates that the training(s) will be completed. In the plan include the name(s) and title(s) of the SFA representative(s) that will oversee this area and ensure future compliance. In addition to the plan please submit a revised menu from the week of review that clearly identifies the products that have been changed to bring the menu into compliance, submit any needed supporting documentation such as labels, recipes, and/or manufacturer statements.

#### **SFA Response**

#### **Finding #3**

For the week of menu review, the 9-12 lunch menu did not meet the minimum daily requirement of 1 cup fruit. Fruit was provided, however the minimum required portion size was not met on two days. Only 1/2 cup of fruit was offered on Saturday and Sunday.

#### **Technical Assistance Provided**

During the review, the portion sizes required by the meal patterns were discussed with the SFA. The SFA must ensure that all meals counted for reimbursement contain the required components in the minimum portion size required for the specific grade group. The SFA should review all menus to ensure that at least the minimum portion size is planned for the specific grade group. The SFA should also provide additional training to the kitchen staff on the requirements of a reimbursable meal. The training should include what to do if a certain planned menu item is not available or if the item runs out during service. The USDA FNS website can be used for training materials, resources and guidance on the meal pattern. <http://healthymeals.nal.usda.gov/>

#### **Regulation / Citation and Summary**

210.10(c) Meal pattern for school lunches. Schools must offer the food components and quantities required in the lunch meal pattern established: 9-12: 1 cup of fruit.

#### **SFA Suggested Guidance for Compliance**

To come into compliance with meal pattern requirements, the SFA must provide a written plan that will be implemented to ensure future compliance. The plan should include; a statement that all menus will be reviewed to ensure that all portion sizes planned meet at least the minimum required amount for the specific grade group, a process for sites to reference when they do not have one of the planned menu items or there is insufficient quantities, a statement that the serving line will be visually reviewed prior to service to confirm that all required components are available and that additional menu training for all SFA staff will be provided. Provide the outline and dates for the trainings that will be completed. In addition please submit the name(s) and title(s) of the SFA representative(s) that will oversee this area and ensure future compliance. Submit the menu from the week of review with the corrections that were made to the menu to bring it into compliance moving forward. Provide updated production records showing that a total of 1 cup of fruit will be offered daily. If any new juice products are added to the menu, please provide nutrition facts labels to confirm the product is 100% fruit juice.

### SFA Response

#### Finding #4

For the week of menu review, the 9-12 lunch menu did not meet the minimum daily requirement of 1 cup vegetable. Vegetables were provided, however the minimum required portion size was not met on one day. On Sunday only 1/2 cup of vegetables were offered.

#### Technical Assistance Provided

During the review, the portion sizes required by the meal patterns were discussed with the SFA. The SFA must ensure that all meals counted for reimbursement contain the required components in the minimum portion size required for the specific grade group. The SFA should review all menus to ensure that at least the minimum portion size is planned for the specific grade group. The SFA should also provide additional training to the kitchen staff on the requirements of a reimbursable meal. The training should include what to do if a certain planned menu item is not available or if the item runs out during service. The USDA FNS website can be used for training materials, resources and guidance on the meal pattern. <http://healthymeals.nal.usda.gov/>

#### Regulation / Citation and Summary

210.10(c) Meal pattern for school lunches. Schools must offer the food components and quantities required in the lunch meal pattern established: 9-12: 1 cup of vegetable.

#### SFA Suggested Guidance for Compliance

To come into compliance with meal pattern requirements, the SFA must provide a written plan that will be implemented to ensure future compliance. The plan should include; a statement that all menus will be reviewed to ensure that all portion sizes planned meet at least the minimum required amount for the specific grade group, a process for sites to reference when they do not have one of the planned menu items or there is insufficient quantities, a statement that the serving line will be visually reviewed prior to service to confirm that all required components are available and that additional menu training for all SFA staff will be provided. Provide the outline and dates for the trainings that will be completed. In addition please submit the name(s) and title(s) of the SFA representative(s) that will oversee this area and ensure future compliance. Submit the menu from the week of review with the corrections that were made to the menu to bring it into compliance moving forward. Provide the following documentation to support the changes: updated production records showing that at least 1 cup of creditable vegetables will be offered daily.

#### **SFA Response**

#### **Finding #5**

For the week of menu review, the 9-12 lunch menu did not meet the minimum weekly requirement of 1 1/4 cup red/orange vegetable subgroup. The menu offered a total of 5/8 cup red/orange vegetables for the week.

#### **Technical Assistance Provided**

During the review, the portion sizes required by the meal patterns were discussed with the SFA. The SFA must ensure that all meals counted for reimbursement contain the required components in the minimum portion size required for the specific grade group. This includes meeting the weekly requirements for the vegetables sub-groups. Over the course of the standard school week the SFA must at a minimum meet the required servings for each sub-group. The SFA should review all menus to ensure that at least the minimum serving for each sub-group is planned for the specific grade group. The SFA should also provide additional training to the kitchen staff on the requirements of a reimbursable meal. The training should include what to do if a certain planned menu item is not available or if the item runs out during service. The USDA FNS website can be used for training materials, resources and guidance on the meal pattern. <http://healthymeals.nal.usda.gov/>

#### **Regulation / Citation and Summary**

210.10(c)(iii) Vegetables component. Vegetable offerings at lunch over the course of the week must include the vegetable subgroups, as defined in this section in the quantities specified in the meal pattern in paragraph (c) of this section: 9-12: 1 and 1/4 C red/orange.

#### **SFA Suggested Guidance for Compliance**

To come into compliance with meal pattern requirements, the SFA must provide a written plan that will be implemented to ensure future compliance. The plan should include; a statement that all menus will be reviewed to ensure that all weekly requirements for vegetable subgroups are met for the specific grade group, a process for sites to reference when they do not have one of the planned menu items or there is insufficient quantities, a statement that the serving line will be visually reviewed prior to service to confirm that all required components are available and that additional menu training for all SFA staff will be provided. Provide the outline and dates for the trainings that will be completed. In addition please submit the name(s) and title(s) of the SFA representative(s) that will oversee this area and ensure future compliance. Submit the menu from the week of review with the corrections that were made to the menu to bring it into compliance moving forward. Provide the following documentation to support the changes: updated production records to show that at least 5/8 cup of creditable red/orange vegetable were added to the menu this week, to total 1 1/4 cup for the week.

#### SFA Response

#### Finding #6

The SFA does not have a procedure in place for handling civil rights complaints.

#### Technical Assistance Provided

During the review the requirement for the SFA to have a complaint procedure was discussed. The procedure must indicate: that any person or representative alleging discrimination based on a prohibited basis has the right to file a complaint; all complaints, written or verbal, must be forwarded to the appropriate Regional or FNS OCR Director, unless an approved State complaint procedure is in place; in the event a complainant makes the allegations verbally or in person and refuses or is not inclined to place such allegations in writing, the person to whom the allegations are made must write up the elements of the complaint for the complainant. The procedure must also identify the outside agency to which the complaints are forwarded.

#### Regulation / Citation and Summary

FNS Instruction 113-1 Section XV All complaints, written or verbal, must be forwarded to the appropriate Regional or FNS OCR Director, unless an approved State complaint procedure is in place. Anonymous complaints will be handled as any other complaints, to the extent feasible, based on available information.

#### SFA Suggested Guidance for Compliance

To come into compliance with civil rights requirements, the SFA must develop a procedure that will be put into place to handle any discrimination complaints and to forward them to an appropriate agency. The process must outline the steps that will be taken when a complaint is received, the name and contact information of the agency that the complaint will be forwarded to, and the name(s) and title(s) of the person(s) who will be responsible for forwarding complaints to the appropriate agency. Please submit the procedure to the State Agency.

#### SFA Response

#### Finding #7

The SFA did not provide the yearly civil rights training for the appropriate staff.

#### Technical Assistance Provided

During the on-site review the requirement to provide a yearly civil rights training was discussed with the SFA. The SFA must provide civil rights training at least once a year to all frontline staff and supervisor and maintain all required documentation.

#### Regulation / Citation and Summary

FNS Instruction 113-1 Section XI Training is required so that people involved in all levels of administration of programs that receive Federal financial assistance understand civil rights related laws, regulations, procedures, and directives. Persons responsible for reviewing CR compliance must receive training to assist them in performing their review responsibilities. This training may be carried out as part of ongoing technical assistance. The FNS Regional OCR and State agencies will be responsible for training State agency staffs. State agencies are responsible for training local agencies. Local agencies are responsible for training their subrecipients, including "frontline staff." "Frontline staff" who interact with program applicants or participants, and those persons who supervise "frontline staff," must be provided civil rights training on an annual basis. Specific subject matter must include, but not be limited to: A. Collection and use of data, B. Effective public notification systems, C. Complaint procedures, D. Compliance review techniques, E. Resolution of noncompliance, F. Requirements for reasonable accommodation of persons with disabilities, G. Requirements for language assistance, H. Conflict resolution, and I. Customer service.

#### SFA Suggested Guidance for Compliance

To come into compliance with this requirement, the SFA must submit the process that will be put into place to ensure that the yearly civil rights training will be provided to all SFA staff and that the training will cover the required topics. Provide supporting documentation to demonstrate that the required topics will be covered, such as an agenda or a copy of the training.

#### SFA Response



### Finding #8

The SFA does not have a Local School Wellness Policy.

### Technical Assistance Provided

During the review, Local Wellness Policies were discussed with the SFA. The Local Wellness Policy is required to contain the following: a designation of one or more SFA officials in charge of school compliance oversight; a plan for measuring compliance; goals for nutrition education, nutrition promotion, other school based activities to promote student wellness, and physical activity; and guidance for all foods available on school campus. The SFA should also contact the state agency to determine if there are any additional requirements from the state or if they have any state specific resources. The SFA was provided with the USDA link for Wellness Policies.

<http://www.fns.usda.gov/tn/local-school-wellness-policy>

### Regulation / Citation and Summary

210.30 Local School Wellness Policy. (c) Content of the plan. At a minimum, local school wellness policies must contain: (1) Specific goals for nutrition promotion and education, physical activity, and other school-based activities that promote student wellness. In developing these goals, local educational agencies must review and consider evidence-based strategies and techniques; (2) Standards for all foods and beverages provided, but not sold, to students during the school day on each participating school campus under the jurisdiction of the local educational agency; (3) Standards and nutrition guidelines for all foods and beverages sold to students during the school day on each participating school campus under the jurisdiction of the local educational agency that; (i) Are consistent with applicable requirements set forth under §§ 210.10 and 220.8 of this chapter; (ii) Are consistent with the nutrition standards set forth under § 210.11; (iii) Permit marketing on the school campus during the school day of only those foods and beverages that meet the nutrition standards under § 210.11; and (iv) Promote student health and reduce childhood obesity. (4) Identification of the position of the LEA or school official(s) or school official(s) responsible for the implementation and oversight of the local school wellness policy to ensure each school's compliance with the policy; (5) A description of the manner in which parents, students, representatives of the school food authority, teachers of physical education, school health professionals, the school board, school administrators, and the general public are provided an opportunity to participate in the development, implementation, and periodic review and update of the local school wellness policy; and (6) A description of the plan for measuring the implementation of the local school wellness policy, and for reporting local school wellness policy content and implementation issues to the public, as required in paragraphs (d) and (e) of this section.

### SFA Suggested Guidance for Compliance

To come into compliance with the requirements for Local School Wellness Policies, the SFA must submit a written assurance that the appropriate staff understand the requirements for the wellness policy. The SFA must also develop a Local Wellness Policy that has all of the required areas and submit this. If the SFA needs additional time to develop the wellness policy and have it approved by the school board, the SFA must submit a detailed timeline that shows when each step will be completed. Once the policy is in place it must be submitted to the state agency for review. Submit the name and title of the SFA representative that will oversee this process and ensure compliance.

### SFA Response

### Finding #9

The SFA did not have a School Nutrition Program Director designated to meet the training requirements.

### Technical Assistance Provided

During the on-site review, annual training hour requirements were discussed with the SFA. To be in compliance, the SFA must ensure that the School Nutrition Program Director completes the required amount of training annually. For further information, please see the USDA's Guide to Professional Standards for School Nutrition Programs.

### Regulation / Citation and Summary

210.30(b)(3) Continuing education/training standards for all school nutrition program directors. Each school year, the school food authority must ensure that all school nutrition program directors, (including acting directors, at the discretion of the State agency) complete annual continuing education/training. For the school year beginning July 1, 2015, program directors must complete eight hours of annual training. Beginning July 1, 2016, twelve hours of annual training are required. The annual training must include, but is not limited to, administrative practices (including training in application, certification, verification, meal counting, and meal claiming procedures), as applicable, and any other specific topics identified by FNS, as needed, to address Program integrity or other critical issues. Continuing education/training required under this paragraph is in addition to the food safety training required in the first year of employment under paragraph (b)(1)(v) of this section.

### SFA Suggested Guidance for Compliance

To come into compliance with the requirements for Professional Standards, the SFA must provide an assurance that the appropriate staff understand these requirements, and the SFA must put a plan in place to ensure future compliance. Please submit the assurance and plan to the State Agency, indicating how the SFA will ensure that the appropriate training is completed and the dates of all future trainings.

### SFA Response

**Finding #10**

The School Nutrition Program Manager did not meet the training requirements and did not have scheduled/planned trainings for the remainder of the school year to meet annual training requirements.

**Technical Assistance Provided**

During the on-site review, training requirements were discussed with the SFA. To be in compliance, the SFA must ensure that the School Nutrition Program Manager completes the required amount of training annually. For further information, please see the USDA's Guide to Professional Standards for School Nutrition Programs.

**Regulation / Citation and Summary**

210.30(c) Continuing education/training standards for all school nutrition program managers. Each school year, the school food authority must ensure that all school nutrition program managers have completed annual continuing education/training. For the school year beginning July 1, 2015, program managers must complete six hours of annual training. Beginning July 1, 2016, ten hours of annual training are required. The annual training must include, but is not limited to, the following topics, as applicable: (1) Administrative practices (including training in application, certification, verification, meal counting, and meal claiming procedures); (2) The identification of reimbursable meals at the point of service; (3) Nutrition; (4) Health and safety standards; and (5) Any specific topics identified by FNS, as needed, to address Program integrity or other critical issues.

**SFA Suggested Guidance for Compliance**

To come into compliance with the requirements for Professional Standards, the SFA must provide an assurance that the appropriate staff understand these requirements, and the SFA must put a plan in place to ensure future compliance. Please submit the assurance and plan to the State Agency, indicating how the SFA will ensure that the appropriate training is completed and the dates of all future trainings.

**SFA Response****Finding #11**

The SFA is not tracking training hours.

**Technical Assistance Provided**

During the on-site review, training requirements were discussed with the SFA. To be in compliance, the SFA must track the hours of training completed by all School Nutrition staff. For further information, please see the USDA's Guide to Professional Standards for School Nutrition Programs.

#### **Regulation / Citation and Summary**

210.30(g) School food authority oversight. Each school year, the school food authority director must document compliance with the requirements of this section for all staff with responsibility for school nutrition programs, including directors, managers, and staff. Documentation must be adequate to establish, to the State's satisfaction during administrative reviews, that employees are meeting the minimum professional standards.

#### **SFA Suggested Guidance for Compliance**

To come into compliance with the requirements for Professional Standards, the SFA must provide an assurance that the appropriate staff understand these requirements, and the SFA must put a plan in place to ensure future compliance. Please submit the assurance and plan to the State Agency, indicating how the SFA will ensure that training is now being tracked.

#### **SFA Response**

#### **Finding #12**

Breakfast outreach did not occur throughout the school year.

#### **Technical Assistance Provided**

It was determined during the review that the SFA has not performed breakfast outreach. Breakfast outreach must occur prior to or at the beginning of the school year, as well as throughout the school year. Examples of outreach such as posting the menus on the SFA's website, parent newsletters and district-wide emails were discussed with the SFA.

#### **Regulation / Citation and Summary**

210.12(d) Outreach activities. (1) To the maximum extent practicable, school food authorities must inform families about the availability of breakfasts for students. Information about the School Breakfast Program must be distributed just prior to or at the beginning of the school year. In addition, schools are encouraged to send reminders regarding the availability of the School Breakfast Program multiple times throughout the school year.

#### **SFA Suggested Guidance for Compliance**

To come into compliance with this requirement, the SFA must submit an assurance that the SFA will conduct outreach on the availability of breakfast prior to or at the beginning of the school year and again multiple times throughout the year. Please state the name and title of the person responsible for bringing this area into compliance.

#### **SFA Response**

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### **Finding #13**

The SFA has not performed SFSP outreach.

#### **Technical Assistance Provided**

It was determined during the review that the SFA has not performed SFSP outreach. The SFA must perform SFSP outreach before the end of the school year. Methods of outreach such as posting SFSP information on the SFA's website, parent newsletters and district-wide emails were discussed with the SFA.

Schools may fulfill this requirement through Robo calls, flyers or other methods that notify the community of locations of summer meal sites.

Methods to locate sites that serve free meals to children during the summer include the following:

- Call 211
- Call 1.866.3Hungry or 1.877.8Hambre
- Visit the website: [www.fns.usda.gov/summerfoodrocks](http://www.fns.usda.gov/summerfoodrocks) (note, this replaces the whyhunger.org website)
- Use the site locator for smartphones - Rangeapp.org

#### **Regulation / Citation and Summary**

210.12(d)(2) School food authorities must cooperate with Summer Food Service Program sponsors to distribute materials to inform families of the availability and location of free Summer Food Service Program meals for students when school is not in session.

#### **SFA Suggested Guidance for Compliance**

To come into compliance with this requirement, the SFA must submit an assurance that the SFA will cooperate with Summer Food Service Program sponsors to conduct outreach on the availability of the Summer Food Service Program. Additionally, please state the name and position of the person who will oversee compliance in this area.

#### **SFA Response**

### **Finding #14**

On the day of review, meals that were claimed at the point of service for reimbursement did not contain all required components for breakfast. All required components were available, however students did not select the minimum number of components required. This finding may result in fiscal action due to incomplete meals claimed for reimbursement.

#### **Technical Assistance Provided**

During the review, the components of the meal patterns were discussed with the SFA. The SFA must ensure that all meals counted for reimbursement contain the required components in the minimum portion size required for the specific grade group. The SFA should consider providing additional signage and training to students to make sure they know what is required for a reimbursable meal. The SFA should also provide additional training to the point of service staff on the requirements of a reimbursable meal. The USDA FNS website can be used for training materials, resources and guidance on the meal pattern. <http://healthymeals.nal.usda.gov/>

#### **Regulation / Citation and Summary**

220.8(b)(iii) (iii) Meal selected by each student must have the number of food components required for a reimbursable meal and include at least one fruit or vegetable.

#### **SFA Suggested Guidance for Compliance**

To come into compliance with meal pattern requirements, the SFA must provide a written plan that will be implemented to ensure future compliance. The plan should include; a statement that all menus will be reviewed to ensure that all required components are planned, a process for sites to reference when they do not have one of the planned menu items or there is insufficient quantities, a statement that the serving line will be visually reviewed prior to service to confirm that all required components are available and that additional menu training for all SFA staff will be provided. Provide the outline and dates for the trainings that will be completed. In addition please submit the name(s) and title(s) of the SFA representative(s) that will oversee this area and ensure future compliance. Submit the menu from the day of review with the corrections that were made to the menu to bring it into compliance moving forward.

#### **SFA Response**

#### **Finding #15**

The SFA did not request two health inspections for each school year.

#### **Technical Assistance Provided**

During the review, health inspections were discussed with the SFA. The SFA must request two health inspections for each site for each school year and must maintain documentation of this request.

#### **Regulation / Citation and Summary**

210.13(b) Food safety inspections. Schools shall obtain a minimum of two food safety inspections during each school year conducted by a State or local governmental agency responsible for food safety inspections. Sites participating in more than one child nutrition program shall only be required to obtain two food safety inspections per school year if the nutrition programs offered use the same facilities for the production and service of meals.

#### **SFA Suggested Guidance for Compliance**

To come into compliance with the requirements for food safety, the SFA must provide an assurance that the appropriate staff understand these requirements, and that moving forward the SFA will annually request that two inspections be completed. Please submit the assurance and plan. Additionally, the SFA must request to the local health agency for two inspections and must submit a copy of this request.

### SFA Response

### Finding #16

The point of service did not provide an accurate meal count by eligibility status. This is a systemic error. The SFA did not have a staff member at the end of the breakfast meal service line to ensure all meals counted were reimbursable.

### Technical Assistance Provided

During the review, an accurate point of service was discussed with the SFA. The point of service does not provide an accurate meal count by eligibility status. This is a systemic error. To be in compliance, the SFA must ensure that meal counts taken at the point of service correctly identify the number of free, reduced priced and paid lunches served. Tracking students accurately at the point of service was reviewed with the SFA. The SFA acknowledged the finding and will implement needed changes immediately.

### Regulation / Citation and Summary

210.7(c)(1) Lunch count system. To ensure that the Claim for Reimbursement accurately reflects the number of lunches and meal supplements served to eligible children, the school food authority shall, at a minimum:(iii) Base Claims for Reimbursement on lunch counts, taken daily at the point of service, which correctly identify the number of free, reduced price and paid lunches served to eligible children; (iv) Correctly record, consolidate and report those lunch and supplement counts on the Claim for Reimbursement.

### SFA Suggested Guidance for Compliance

To come into compliance with the requirements for counting and claiming, the SFA must provide an assurance that the appropriate staff understand these requirements, and the SFA must put a plan in place to ensure future compliance. Please submit the assurance and plan. The plan must include: an indication that the SFA will advise that the systemic error has been corrected, a description of the new process that has been implemented, a description of the training that was provided to staff to inform them of the new process, the date the training was completed and the name and title of the SFA representative that will ensure compliance moving forward.

### SFA Response

<p style="text-align: center;"><b>Finding #17</b></p> <p>The point of service did not provide an accurate meal count by eligibility status for the After School Snack Program. This is a systemic error. The SFA counts the number of snacks given to staff to hand out to students, not the actual number of snacks taken by students.</p>
<p style="text-align: center;"><b>Technical Assistance Provided</b></p> <p>During the review, the requirements for maintaining point-of-service snack counts by student/benefit category were discussed with the SFA. The SFA must maintain documentation of point-of-service snack counts by student and benefit category. This finding may result in fiscal action.</p>
<p style="text-align: center;"><b>Regulation / Citation and Summary</b></p> <p>SP 99-4: At a minimum, school food authorities participating under this provision must maintain the following records for the time periods required in 7 CFR section 210.23(c): Meal counts (total for sites qualifying for free reimbursement for all children; meal counts by type for other sites).</p>
<p style="text-align: center;"><b>SFA Suggested Guidance for Compliance</b></p> <p>To come into compliance with the requirement to maintain point-of-service counts by student/benefit category, the SFA must provide an assurance that staff administering the Afterschool Care Snack Program understand this requirement, and the SFA must put a plan in place to ensure future compliance. Please submit the assurance and plan. Additionally, submit point of service meal count sheets for the month of May.</p>
<p style="text-align: center;"><b>SFA Response</b></p> <p> </p>

<p style="text-align: center;"><b>Finding #18</b></p> <p>The program was not monitored within the first 4 weeks of operation.</p> <p>The program is not monitored twice per year.</p>
<p style="text-align: center;"><b>Technical Assistance Provided</b></p> <p>During the review, program monitoring was discussed with the SFA. The SFA must monitor the program twice per year, with the first review occurring within the first 4 weeks of the program.</p>
<p style="text-align: center;"><b>Regulation / Citation and Summary</b></p> <p>210.9(c) Afterschool care requirements. Those school food authorities with eligible schools (as defined in §210.10(n)(1)) that elect to serve meal supplements during afterschool care programs, shall agree to: (7) Review each afterschool care program two times a year; the first review shall be made during the first four weeks that the school is in operation each school year, except that an afterschool care program operating year round shall be reviewed during the first four weeks of its initial year of operation, once more during its first year of operation, and twice each school year thereafter.</p>

<b>SFA Suggested Guidance for Compliance</b>
To come into compliance with monitoring requirements, the SFA must provide an assurance that staff administering the Afterschool Care Snack Program understand these requirements, and the SFA must put a plan in place to ensure future compliance. Please submit the assurance and plan. The SFA must also complete the monitoring reviews and submit them or, if early in the year, must provide the date when monitoring will occur. Once these reviews are completed, they should be submitted at that point. Include the person by position will be in charge of completing the snack program monitoring reviews.
<b>SFA Response</b>

<b>Finding #19</b>
Based on the number of components listed and the number of meals claimed, production records do not support that each snack claimed for reimbursement met the 2 component per student requirements.
Production records do not demonstrate that the components and planned portion sizes met the meal pattern requirements on each day of the review period. On some days, 1/2 cup fruit was served which did not meet the 3/4 cup requirement.
<b>Technical Assistance Provided</b>
During the review, production record, component, and portion size requirements were discussed with the SFA. The SFA must complete production records and serve snacks as described in 7 CFR 210.10(a)(3) and 7 CFR 210.10(o)(2). This finding may result in fiscal action.
<b>Regulation / Citation and Summary</b>
210.10(a)(3) Production and menu records. Schools or school food authorities, as applicable, must keep production and menu records for the meals they produce. These records must show how the meals offered contribute to the required food components and food quantities for each age/grade group every day.
<b>SFA Suggested Guidance for Compliance</b>
To come into compliance with milk fat and flavor requirements, the SFA must provide an assurance that staff administering the Afterschool Care Snack Program understand these requirements, and the SFA must put a plan in place to ensure future compliance. Please submit the assurance and plan. Training for all afterschool snack program staff must be completed. Submit a copy of the completed sign in sheet and agenda for the training along with the date that the training was completed. The SFA must also submit revised snack menus for the next time this menu would be offered to show compliance with the snack meal pattern.
<b>SFA Response</b>

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### Finding #20

The SFA must use the current civil rights statement on all Program materials. The SFA is not using the civil rights statement on all Program materials.

### Technical Assistance Provided

During the review the requirement for the most current civil rights statement to appear on all Program material was discussed with the SFA. The SFA must use the most current statement on all Program material. Per USDA requirements the new Non-discrimination statement must be on all program materials no later than September 30, 2016. The SFA was provided with the USDA link to the new non-discrimination statement. <http://www.fns.usda.gov/fns-nondiscrimination-statement>

### Regulation / Citation and Summary

FNS Instruction 113-1 IX A 3 Nondiscrimination Statement. All information materials and sources, including Web sites, used by FNS, State agencies, local agencies, or other subrecipients to inform the public about FNS programs must contain a nondiscrimination statement. It is not required that the nondiscrimination statement be included on every page of the program information Web site. At the minimum, the nondiscrimination statement, or a link to it, must be included on the homepage of the program information.

### SFA Suggested Guidance for Compliance

To come into compliance with civil rights requirements, the SFA must submit an assurance that the current non-discrimination statement has been added to all program materials. In addition, the SFA must submit a sample of program materials, such as a menu or letter to households with the statement added.

### SFA Response

The SFA is not following the requirements in the fluid milk substitution rule. Milk substitutions were not offered.

### Technical Assistance Provided

During the review, the fluid milk substitution rule discussed with the SFA. This rule must be followed as outlined in 7 CFR 210.10(m)(2)(i).

### Regulation / Citation and Summary

210.10(m)(2)(i) Fluid milk substitutions for non-disability reasons. Schools may make substitutions

for fluid milk for non-disabled students who cannot consume fluid milk due to medical or special dietary needs. A school that selects this option may offer the nondairy beverage(s) of its choice, provided the beverage(s) meets the nutritional standards established under paragraph (d) of this section. Expenses incurred when providing substitutions for fluid milk that exceed program reimbursements must be paid by the school food authority. (ii) Requisites for fluid milk substitutions. (A) A school food authority must inform the State agency if any of its schools choose to offer fluid milk substitutes other than for students with disabilities; and (B) A medical authority or the student's parent or legal guardian must submit a written request for a fluid milk substitute identifying the medical or other special dietary need that restricts the student's diet. (iii) Substitution approval. The approval for fluid milk substitution must remain in effect until the medical authority or the student's parent or legal guardian revokes such request in writing, or until such time as the school changes its substitution policy for non-disabled students.

#### **SFA Suggested Guidance for Compliance**

To come into compliance with this requirements for special dietary needs, the SFA must provide an assurance that appropriate staff understand the requirement, and the SFA must put a plan in place to ensure future compliance. The plan must include the SFA's process for students that have life threatening allergies and the SFA's process for student with special dietary needs that do not rise to a level of a disability. Each process should include; the type of documentation that must be maintained on file, how the sites will be informed of the child's specific needs, the process that will be used to ensure that the SFA is meeting the requirements for both groups of dietary needs, and the name and title of the SFA representative that will oversee compliance.

#### **SFA Response**

#### **Finding #22**

On the day of review, fluid milk was not available in at least two varieties on all serving lines for breakfast. There was milk available throughout the meal, however two options were not available for the entire meal.

#### **Technical Assistance Provided**

During the on-site review, the fluid milk requirements were discussed with the SFA. The SFA must ensure that fluid milk is offered that is 1% unflavored or nonfat unflavored or flavored. Milk that is above 1% fat content is not allowable for a reimbursable meal. The SFA must provide at least 2 different varieties of milk throughout the meal service.

#### **Regulation / Citation and Summary**

220.8(d) Fluid milk requirement. A serving of fluid milk as a beverage or on cereal or used in part for each purpose must be offered for breakfasts. Schools must offer students a variety (at least two different options) of fluid milk. Effective July 1, 2012 (SY 2012-2013), all milk must be fat-free or low-fat. Milk with higher fat content is not allowed. Fat-free fluid milk may be flavored or unflavored, and low-fat fluid milk must be unflavored. Low fat or fat-free lactose-free and reduced-lactose fluid milk may also be offered.

#### **SFA Suggested Guidance for Compliance**

To come into compliance with the fluid milk requirements, the SFA must provide a written assurance that staff administering the Program understand these requirements, and the SFA must put a plan in place to ensure future compliance. Please submit the assurance and plan along with an indication that corrections have been made at this site, as well as system-wide, in order to bring the menus into compliance. Submit a copy of documentation (milk receipts, labels, menus, or production records) to demonstrate compliance.

**SFA Response**

Signature of Reviewer: Danielle Reidy \_\_\_\_\_ Date: 4/26/2017

Signature of SFA Representative: \_\_\_\_\_ Date: \_\_\_\_\_

If you have any questions, feel free to contact CN Resource at your convenience. Thank you.



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Please insert your detailed responses, save, print, sign, scan and upload the signed copy to [cnrsupport.com](http://cnrsupport.com) by the indicated. Thank you.





































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due date