



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

SFA Name: Bread Springs Day School  
 Administrative Review Conducted on: 4/25/2017  
 Site(s) Selected for Review: Bread Springs Day School  
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**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.**

<b>Finding #1</b>
803. The SFA does not have a procedure in place for handling civil rights complaints.
<b>Technical Assistance Provided</b>
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.
<b>Regulation / Citation and Summary</b>
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.

<b>SFA Suggested Guidance for Compliance</b>
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 as corrective action.
<b>SFA Response</b>

<b>Finding #2</b>
806. The SFA did not provide the yearly civil rights training for the appropriate staff.
<b>Technical Assistance Provided</b>
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.
<b>Regulation / Citation and Summary</b>
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 sub recipients, 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.
<b>SFA Suggested Guidance for Compliance</b>
To come into compliance with this requirement, the SFA must submit to the written 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.
<b>SFA Response</b>

<b>Finding #3</b>
800. 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.
<b>Technical Assistance Provided</b>
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. <a href="http://www.fns.usda.gov/fns-nondiscrimination-statement">http://www.fns.usda.gov/fns-nondiscrimination-statement</a>
<b>Regulation / Citation and Summary</b>
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 sub recipients 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.
<b>SFA Suggested Guidance for Compliance</b>
To come into compliance with civil rights requirements, the SFA must submit written 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 as part of the corrective action.
<b>SFA Response</b>

<b>Finding #4</b>
1410. The site had products in storage that violated the Buy American provision and no documentation was available to show domestic alternatives were considered. Additionally, the SFA was not sure if the Buy American clause is part of the product specification language.
<b>Technical Assistance Provided</b>
The USDA requires that a SFA purchase, to the maximum extent practicable, domestic commodities or products. Using food products from local sources supports small local farmers and provides healthy choices for children in the school meal programs. Purchasing from these entities also supports the local economy. 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. Further, bidder assurance of the Buy American provision ensures that the bidder is responsive and responsible to the solicitation.
<b>Regulation / Citation and Summary</b>
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.

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

To come into compliance with the Buy American requirement the SFA must provide a statement that they will ensure language is included in procurement documentation, ensure they are aware of and utilizing the procurement manual when communicating with distributors.

#### **SFA Response**

#### **Finding #5**

801. The SFA did not submit a public release.

#### **Technical Assistance Provided**

During the review the requirement for a public release to be submitted for publishing was discussed with the SFA. At or near the beginning of each year, the SFA must submit a public release to the local media, the unemployment office and any major employers who are contemplating large layoffs in the attendance area of the school.

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

§245.5(a)(1) After the State agency, or FNSRO where applicable, notifies the local educational agency (as defined in §245.2) that its criteria for determining the eligibility of children for free and reduced-price meals and for free milk

§245.2J that its criteria for determining the eligibility of children for free and reduced price meals and for free milk have been approved, the local educational agency (as defined in §245.2) shall publicly announce such criteria: Provided however, that no such public announcement shall be required for boarding schools, residential child care institutions (see §210.2 of this chapter, definition of Schools), or a school which includes food service fees in its tuition, where all attending children are provided the same meals or milk. Such announcements shall be made at the beginning of each school year or, if notice of approval is given thereafter, within 10 days after the notice is received. The public announcement of such criteria, as a minimum, shall include the following: (1) Except as provided in §245.6(b), a letter or notice and application distributed on or about the beginning of each school year, to the parents of all children in attendance at school. The letter or notice shall contain the following information: (i) In schools participating in a meal service program, the eligibility criteria for reduced price benefits with an explanation that households with incomes less than or equal to the reduced price criteria would be eligible for either free or reduced price meals, or in schools participating in the free milk option, the eligibility criteria for free milk benefits; (ii) How a household may make application for free or reduced price meals or for free milk for its children; (iii) An explanation that an application for free or reduced price benefits cannot be approved unless it contains complete information as described in paragraph (1)(i) of the definition of Documentation in §245.2; (iv) An explanation that households with children who are members of currently certified SNAP, FDPIR or TANF households may submit applications for these children with the abbreviated information described in paragraph (2)(ii) of the definition of Documentation in §245.2; (v) An explanation that the information on the application may be verified at any time during the school year; (vi) How a household may apply for benefits at any time during the school year as circumstances change; (vii) A statement to the effect that children having parents or guardians who become unemployed are eligible for free or reduced price meals or for free milk during the period of unemployment, Provided, that the loss of income causes the household income during the period of unemployment to be within the eligibility criteria; (viii) The statement: "In the operation of child feeding programs, no child will be discriminated against because of race, sex, color, national origin, age or disability."; (ix) An explanation that Head Start enrollees and foster, homeless, migrant, and runaway children, as defined in §245.2, are categorically eligible for free meals and free milk and their families should contact the school for more information; (x) How a household may appeal the decision of the local educational agency with respect to the application under the hearing procedure set forth in §245.7. The letter or notice shall be accompanied by a copy of the application form required under §245.6; (xi) A statement to the effect that the Special Supplemental Nutrition Program for Women, Infants and Children (WIC) participants may be eligible for free or reduced price meals.

**SFA Suggested Guidance for Compliance**

To come into compliance with civil rights requirements, the SFA must indicate that the public release will be sent to the local media at the beginning of the school year. Additionally, the SFA must identify the name(s) and title(s) of the person(s) who will be responsible for submitting the public release for publishing. Please submit the assurance and plan as corrective action.

**SFA Response**

**Finding #6**

Resource Management Comprehensive Review - Nonprogram Food Revenue  
 The SFA did not submit requested documentation to confirm that nonprogram food revenues accrued to the food service program.

**Technical Assistance Provided**

The SFA did not provide the requested documentation to complete the NonProgram Foods Testing Chart as required by the Resource Management Comprehensive Review. The reviewer requested the general ledger entries for the week of October 5-9, 2015 showing the nonprogram (adult meal) revenues accruing to the food service account. This documentation must be submitted.

#### Regulation / Citation and Summary

7 CFR 210.15 (b) Recordkeeping summary. In order to participate in the Program, a school food authority or a school, as applicable, must maintain records to demonstrate compliance with Program requirements. These records include but are not limited to: (6) Records to document compliance with the requirements in § 210.14(e).

#### SFA Suggested Guidance for Compliance

As the corrective action response, submit the general ledger entries for the week of October 5-9, 2015, showing the adult meal deposits accruing to the food service account. If it is easier to submit an entire month's worth of data, October 2015 information may be submitted.

#### SFA Response

Signature of Reviewer: Debbie Hawkins

Date: 4/25/2017

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

Date: \_\_\_\_\_

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



*Administrative Review Team*

CN Resource

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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