



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

SFA Name: Hobbs Municipal Schools  
 Administrative Review Conducted on: 4/25-27/2017  
 Site(s) Selected for Review: Hobbs High School  
Edison Elementary School  
Heizer Middle School

**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>
410. For the week of menu review, the 6-8 and 9-12 breakfast menus did not meet the minimum daily requirement of 1 ounce equivalent grain. A grain was provided, however the minimum required portion size was not met and not all grains offered were Whole Grain Rich.
<b>Technical Assistance Provided</b>
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>
<b>Regulation / Citation and Summary</b>

220.8(c) Meal pattern for school breakfasts. A school must offer the food components and quantities required in the breakfast meal pattern established. K-12: 1 oz. equivalent of grains daily.

#### **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 to show that at least 1 oz. equivalent of whole grain rich grain products will be offered with each meal choice daily. Please provide pertaining nutrition facts labels for any added products.

#### **SFA Response**

#### **Finding #2**

410. For the week of menu review, the 6-8 and 9-12 breakfast menus did not meet the minimum weekly requirement for grain.

#### **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 meet the weekly requirements as well as the daily requirements for grains required for the specific grade group. The SFA should review all menus to ensure that at least the minimum daily and weekly requirement 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 how to determine the total number of weekly servings if there are multiple menu items each day. 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(c) Meal pattern for school breakfasts. A school must offer the food components and quantities

required in the breakfast meal pattern established. Grades 6-8: minimum 8 oz. equivalents of grain weekly. Grades 9-12: minimum of 9 oz. equivalents of grain weekly. Effective July 1, 2013 (SY 2013-2014), schools may substitute meats/meat alternates for grains, after the daily grains requirement is met, to meet the weekly grains requirement. One ounce equivalent of meat/meat alternate is equivalent to one ounce equivalent of grains.

#### **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 grains 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 any needed documentation to support the changes such as labels, recipes, production records, etc.

#### **SFA Response**

#### **Finding #3**

410. For the menu review week, the 6-8 and 9-12 breakfast menus did not meet the 100% Whole Grain Rich requirement. Not all grains offered were Whole Grain Rich. The following menu items were not Whole Grain Rich: waffles, French toast, pancakes, biscuit, and breakfast burrito.

#### **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>

#### **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/manufacture 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 #4**

410. For the week of menu review, the 6-8 and 9-12 lunch menus did not meet the minimum daily requirement for meat/meat alternate. A meat/meat alternate was provided, however the minimum required portion size was not met daily.

#### **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: Grades 6-8: 1 oz. equivalent meat/meat alternate daily. Grades 9-12: 2oz. equivalent meat/meat alternate daily.

#### **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 #5**

410. For the week of menu review, the 6-8 and 9-12 lunch menus did not meet the minimum weekly requirement for weekly meat/meat alternate.

#### **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 meet the weekly requirements as well as the daily requirements for meat/meat alternates required for the specific grade group. The SFA should review all menus to ensure that at least the minimum daily and weekly requirement 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 how to determine the total number of weekly servings if there are multiple menu items each day. 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: Grades 6-8: minimum of 9 oz. equivalent of meat/meat alternate per week. Grades 9-12: minimum of 10 oz. equivalent of meat/meat alternate per week.

#### **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 meat/meat alternates 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 any needed documentation to support the changes such as labels, recipes, production records, etc.

#### **SFA Response**

#### **Finding #6**

410. For the week of menu review, the K-5, 6-8, and 9-12 lunch menus did not meet the minimum daily requirement for grain. A grain was provided, however the minimum required portion size was not met and not all grains offered were Whole Grain Rich.

#### **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: Grades K-5 and 6-8: 1 oz. equivalent daily grain. Grades 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 #7**

410. For the week of menu review, the K-5, 6-8, and 9-12 lunch menus did not meet the minimum weekly requirement for grain.

#### **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 meet the weekly requirements as well as the daily requirements for grains required for the specific grade group. The SFA should review all menus to ensure that at least the minimum daily and weekly requirement 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 how to determine the total number of weekly servings if there are multiple menu items each day. 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: Grades K-5 and 6-8: minimum of 8 oz. equivalent of grains per week. Grades 9-12: minimum of 10 oz. equivalent of grains per week.

#### **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 grains 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 any needed documentation to support the changes such as labels, recipes, production records, etc.

#### SFA Response

#### Finding #8

410. For the week of menu review, the K-5, 6-8, and 9-12 lunch menus did not meet the 100% Whole Grain Rich requirement for grains. Not all grains provided were Whole Grain Rich. The following grain products offered were not Whole Grain Rich: Fritos, Cheetos, tortilla, dinner roll, crackers, pasta salad, burrito, and pizza.

#### 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>

#### Regulation / Citation and Summary

210.10(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 grains FNS guidance. 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/manufacture 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 #9**

410. For the week of menu review, the K-5, 6-8, and 9-12 lunch menus did not meet the minimum weekly requirement of 1/2 cup dark green vegetable subgroup. No creditable amounts of dark green vegetables were offered this 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: Grades K-12: 1/2 C dark green vegetable weekly.

#### **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 sub-groups 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 showing that at least 1/2 cup creditable dark green vegetables were added to the menu this week as well as pertaining labels/recipes for the added product (s).

**SFA Response**

**Finding #10**

410. For the week of menu review, the K-5 and 6-8 lunch menus did not meet the minimum weekly requirement of 1/2 cup beans/legumes vegetable subgroup.

**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: Grades K-12: 1/2 C bean/peas/legumes weekly.

**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 sub-groups 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 showing that at least 1/2 cup beans/legumes were added to the menu this week as well as pertaining labels/recipes for the added product (s).

**SFA Response**

**Finding #11**

410. For the week of menu review, the 6-8 and 9-12 lunch menus did not meet the requirement of no more than 50% of the fruit or vegetable offerings may be in the form of juice.

**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 may contain no more than 50% of the fruit or vegetable offerings in the form of juice. 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**

220.8(c) Meal pattern for school lunches. A school must offer the food components and quantities required in the lunch meal pattern established. K-12: No more than 50% of the fruit or vegetable offering may be in the form of juice.

**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 #12**

105. The SFA took more than 10 operating days to process applications, once they were received from the household.

**Technical Assistance Provided**

During the review, processing applications timely was discussed with the SFA. The SFA must process applications within 10 operating days of receiving the application from the household. The 10 day period applies to complete applications. If the SFA receives an application that is missing any required information, they should contact the household and try to obtain the missing information. Once an application is complete the SFA has 10 operating days to process the application and notify the household of the eligibility status.

**Regulation / Citation and Summary**

245.6(c)(6) Notice of approval—(i) Income applications. The local educational agency must notify the household of the children's eligibility and provide the eligible children the benefits to which they are entitled within 10 operating days of receiving the application from the household.

**SFA Suggested Guidance for Compliance**

To come into compliance with requirements for processing applications timely, the SFA must provide a written assurance that staff administering the free and reduced lunch program understand the timeline requirements, and the SFA must put a plan in place to ensure future compliance. Please submit the assurance and plan.

**SFA Response**

<b>Finding #13</b>
200. The most recently submitted FNS 742 was not submitted accurately.
<b>Technical Assistance Provided</b>
During the review, details of the fields in the FNS 742 were discussed with the SFA. The SFA was informed that they must complete the FNS 742 according to the verification requirements and to the instructions for this form.
<b>Regulation / Citation and Summary</b>
245.6a(h) Verification reporting and recordkeeping requirements. By February 1, each local educational agency must report information related to its annual statutorily required verification activity, which excludes verification conducted in accordance with paragraph (c)(7) of this section, to the State agency in accordance with guidelines provided by FNS. Local educational agencies are encouraged to collect and report any or all verification data elements before the required dates.
<b>SFA Suggested Guidance for Compliance</b>
To come into compliance with submitting an accurate FNS 742, the SFA must provide an assurance that staff conducting verification understand this requirement, and the SFA must put a plan in place to ensure future compliance. Please submit the assurance, plan and copy of the revised FNS 742.
<b>SFA Response</b>

<b>Finding #14</b>
The SFA did not have documentation to show that a public release was submitted.
<b>Technical Assistance Provided</b>
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.
<b>Regulation / Citation and Summary</b>
§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 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

**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.

**SFA Response**

**Finding #15**

The SFA has a procedure in place for handling civil rights complaints, but the procedure does not identify the outside agency to which complaints are forwarded (i.e., SA, FNSRO, FNS Office of Civil Rights, or USDA Office of Civil Rights)

**Technical Assistance Provided**

<p>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.</p>
<p><b>Regulation / Citation and Summary</b></p>
<p>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.</p>
<p><b>SFA Suggested Guidance for Compliance</b></p>
<p>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.</p>
<p><b>SFA Response</b></p>

<p><b>Finding #16</b></p>
<p>900. On-site monitoring for the School Breakfast Program was not completed.</p>
<p><b>Technical Assistance Provided</b></p>
<p>During the review, the requirement for on-site monitoring was reviewed with the SFA. It was determined that the SFA did not complete on-site monitoring by February 1st and an extension was not requested. Since the SFA has multiple sites they are required to monitor the lunch counting and claiming system for each site in the SFA prior to February 1st of each year unless an extension was requested by the SFA and approved by the State Agency. The SFA is required to monitor 50% of schools operation the SBP as well. Each school approved to participate in the SBP must be reviewed at least once every two years. Review the memo for monitoring :  <a href="https://www.fns.usda.gov/sites/default/files/cn/SP56-2016os.pdf">https://www.fns.usda.gov/sites/default/files/cn/SP56-2016os.pdf</a></p>
<p><b>Regulation / Citation and Summary</b></p>
<p>SP56-2016 Every school year (as defined in 7 CFR Part 210.2, July 1 to June 30), each SFA with more than one school must perform no less than one on-site review of the meal counting and claiming system and the readily observable general areas of review identified under 7 CFR 210.18(h) in each school operating the NSLP and 50% of schools operating the SBP administered by the SFA.</p>
<p><b>SFA Suggested Guidance for Compliance</b></p>

As the corrective action response the SFA must complete the monitoring review for at least 50% of sites operation the SBP within the SFA. Submit copies of the monitoring forms with the response. Please submit a process that will be put in place moving forward to ensure that all on-site reviews are completed prior to February 1st of each year. Additionally, please submit a process that will be put in place should an extension need to be requested from the State Agency. Please identify the name(s) and title(s) of the person(s) who will be responsible for completing on-site monitoring.

**SFA Response**

**Finding #17**

1001. The Local School Wellness Policy has not been made available to the public. This is a repeat finding.

**Technical Assistance Provided**

During the review, Local Wellness Policies were discussed with the SFA. The Local Wellness Policy is required to be made available to the public. The easiest method would be to post the wellness policy on the SFAs website. They can also send it out in a newsletter.

**Regulation / Citation and Summary**

210.30 Local School Wellness Policy (d) Public involvement and public notification. Each local educational agency must: (1) Permit parents, students, representatives of the school food authority, teachers of physical education, school health professionals, the school board, school administrators, and the general public to participate in the development, implementation, and periodic review and update of the local school wellness policy; (2) Inform the public about the content and implementation of the local school wellness policy, and make the policy and any updates to the policy available to the public on an annual basis; (3) Inform the public about progress toward meeting the goals of the local school wellness policy and compliance with the local school wellness policy by making the triennial assessment, as required in paragraph (e)(2) of this section, available to the public in an accessible and easily understood manner.

**SFA Suggested Guidance for Compliance**

To be in compliance the SFA must provide a statement that the wellness policy has been made public. In addition please submit documentation to support the statement, if the policy was posted to the website please provide the link, if it was sent out in a newsletter please provide a copy of the newsletter.

**SFA Response**

**Finding #18**



1002. The SFAs Local School Wellness Policy has not been reviewed or updated.
<b>Technical Assistance Provided</b>
During the on-site review, Local Wellness Policies were discussed with the SFA. The Local Wellness Policy is required to be reviewed and updated on a periodic basis to ensure that the policy reflects current requirements and SFA practices.
<b>Regulation / Citation and Summary</b>
210.30 Local School Wellness Policy (e) Implementation assessments and updates. Each local educational agency must: (1) Designate one or more local educational agency officials or school officials to ensure that each participating school complies with the local school wellness policy; (2) At least once every three years, assess schools' compliance with the local school wellness policy, and make assessment results available to the public. The assessment must measure the implementation of the local school wellness policy, and include: (i) The extent to which schools under the jurisdiction of the local educational agency are in compliance with the local school wellness policy; (ii) The extent to which the local educational agency's local school wellness policy compares to model local school wellness policies; and (iii) A description of the progress made in attaining the goals of the local school wellness policy. (3) Make appropriate updates or modifications to the local school wellness policy, based on the
<b>SFA Suggested Guidance for Compliance</b>
To come into compliance with this requirement the SFA must submit a statement that the wellness policy will be reviewed and updated by the wellness committee. In addition to the statement the SFA must submit the minutes from the meeting that was held to determine the needed updates. If the policy has been updated by the corrective action due date, submit a copy of the revised wellness policy. If the due date is prior to the completion of the updates, submit a detailed timeline for the implementation of the changes. Once the revisions have been made a copy of the wellness policy should be submitted for review.
<b>SFA Response</b>

<b>Finding #19</b>
1005. An assessment of the Local School Wellness Policy has not been completed. This is a repeat finding.
<b>Technical Assistance Provided</b>
During the review, Local Wellness Policies were discussed with the SFA. The SFA is required to perform an assessment of the Local Wellness Policy at a minimum once every three years. The results of the assessment need to be made available to the public. The SFA should use the results of the assessment to determine any changes or updates that need to be made to the wellness policy.
<b>Regulation / Citation and Summary</b>
210.30 Local School Wellness Policy (e) Implementation assessments and updates. Each local

educational agency must: (1) Designate one or more local educational agency officials or school officials to ensure that each participating school complies with the local school wellness policy; (2) At least once every three years, assess schools' compliance with the local school wellness policy, and make assessment results available to the public. The assessment must measure the implementation of the local school wellness policy, and include: (i) The extent to which schools under the jurisdiction of the local educational agency are in compliance with the local school wellness policy; (ii) The extent to which the local educational agency's local school wellness policy compares to model local school wellness policies; and (iii) A description of the progress made in attaining the goals of the local school wellness policy.

(3) Make appropriate updates or modifications to the local school wellness policy, based on the triennial assessment.

**SFA Suggested Guidance for Compliance**

To come into compliance with this requirement the SFA must submit a statement that an assessment of the wellness policy will be completed by the wellness committee. In addition to the statement the SFA must submit the minutes from the meeting that was held to complete the assessment. If the assessment has been updated by the corrective action due date, submit a copy of the assessment report. If the due date is prior to the completion of the assessment, submit a detailed timeline for the completion of the assessment. Once it is completed copy of the assessment should be submitted for review.

**SFA Response**

**Finding #20**

1204. The School Nutrition Program Director 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, 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 indicating how the SFA will ensure that the appropriate training is completed and the dates of all future trainings.
<b>SFA Response</b>

<b>Finding #21</b>
1205. 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.
<b>Technical Assistance Provided</b>
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.
<b>Regulation / Citation and Summary</b>
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.
<b>SFA Suggested Guidance for Compliance</b>
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.
<b>SFA Response</b>

<b>Finding #22</b>
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126. Not all selected applications were approved correctly. Not all income based applications included the last four digits of the social security number of an adult household member, or an indication of none. Not all income based applications included the total number of household members. One application was incorrectly determined as the determination was made without including all income listed on the application. The status of this application is changing from free to reduced. This is a repeat finding.

#### Technical Assistance Provided

During the review, determining applications was discussed with the SFA. When determining eligibility, the SFA must ensure that the household has included the last four digits of the social security number of an adult household member (or an indication of none), and the total number of household members listed; otherwise, the application is incomplete. When determining eligibility, the SFA must ensure that the household has listed the amounts, source, and frequency of current income for each household member; otherwise, the application is incomplete. For more information, see the Eligibility Manual for School Meals, Chapter 3. When determining the total household income the SFA must use all income provided on the application.

#### Regulation / Citation and Summary

245.6(c)(4) Calculating income. The local educational agency must use the income information provided by the household on the application to calculate the household's total current income. When a household submits an application containing complete documentation, as defined in §245.2, and the household's total current income is at or below the eligibility limits specified in the Income Eligibility Guidelines as defined in §245.2, the children in that household must be approved for free or reduced price benefits, as applicable.

245.6(a)(6) Household members and social security numbers. The application must require applicants to provide the names of all household members. In addition, the last four digits of the social security number of the adult household member who signs the application must be provided. If the adult member signing the application does not possess a social security number, the household must so indicate.

#### SFA Suggested Guidance for Compliance

To come into compliance with the requirements for determining applications, the SFA must provide an assurance that staff administering the free and reduced lunch program understand these requirements, and the SFA must put a plan in place to ensure future compliance. Please submit the assurance and plan. Applications found to be incorrectly determined during the review must be corrected, and the corrected application and date of the correction must be submitted. If the SFA is unable to correct the error because of missing/incomplete information from the household, after allowing the household an adequate amount of time to respond, the SFA must send a letter of adverse action and provide the date that this letter was sent.

#### SFA Response

#### Finding #23

128. The SFA annualized income when it should have been determined at its stated frequency.

<b>Technical Assistance Provided</b>
During the review, making determinations based on the stated frequency was discussed with the SFA. When determining eligibility, the SFA may not annualize income unless income sources are listed at different frequencies. If there are multiple income sources with more than one frequency, the LEA must annualize, that is, calculate all income as for an entire year, by multiplying: Weekly income by 52; or Bi-weekly income (received every two weeks) by 26; or Semi-monthly income (received twice a month) by 24; or Monthly income by 12.
<b>Regulation / Citation and Summary</b>
245.6(c)(4) Calculating income. The local educational agency must use the income information provided by the household on the application to calculate the household's total current income. Eligibility Manual, Chapter 3: If there is only one source of income, or if all sources are received in the same frequency, the LEA totals all sources and compares the total to the IEGs.
<b>SFA Suggested Guidance for Compliance</b>
To come into compliance with the requirements for determining applications, the SFA must provide written assurance that the SFA will determine applications based on the frequency of pay provided on the application when only one frequency is listed and that the SFA will use the correct conversions factors when multiple pay frequencies are provided to determine the annual income.
<b>SFA Response</b>

<b>Finding #24</b>
214. The SFA did not decrease benefits within the 10 calendar days from the final decision and date letter of adverse action is sent to the household.
<b>Technical Assistance Provided</b>
During the review, updating eligibility that changed due to verification was discussed with the SFA. The SFA must decrease benefits changing because of verification no later than 10 calendar days from the final decision and the date the letter of adverse action is sent.
<b>Regulation / Citation and Summary</b>
245.6a(f)(7) Eligibility changes. Based on the verification activities, the local educational agency shall make appropriate modifications to the eligibility determinations made initially. 245.6a(j) Adverse action. If verification activities fail to confirm eligibility for free or reduced price benefits or should the household fail to cooperate with verification efforts, the school or local educational agency shall reduce or terminate benefits, as applicable, as follows: Ten days advance notification shall be provided to households that are to receive a reduction or termination of benefits, prior to the actual reduction or termination. The first day of the 10 day advance notice period shall be the day the notice is sent.
<b>SFA Suggested Guidance for Compliance</b>

To come into compliance with the requirements for updating eligibility that has changed due to verification, the SFA must provide an assurance that staff conducting verification understand these requirements, and the SFA must put a plan in place to ensure future compliance. Please submit the assurance and plan. Also, please provide evidence that the appropriate student status(es) has/have now been updated, as well as the date that they were changed.

**SFA Response**

**Finding #25**

1400. The SFA does not have a food safety plan.

**Technical Assistance Provided**

During the review, the food safety plan was discussed with the SFA. The SFA must have a complete food safety plan that includes all of the required sections as specified by USDA. The SFA must have a food safety plan available at each site so that food service staff may stay in compliance with food safety requirements and procedures.

**Regulation / Citation and Summary**

210.13(c) Food safety program. The school food authority must develop a written food safety program that covers any facility or part of a facility where food is stored, prepared, or served. The food safety program must meet the requirements in paragraph (c)(1) or paragraph (c)(2) of this section, and the requirements in §210.15(b)(5). (1) A school food authority with a food safety program based on traditional hazard analysis and critical control point (HACCP) principles must: (i) Perform a hazard analysis; (ii) Decide on critical control points; (iii) Determine the critical limits; (iv) Establish procedures to monitor critical control points; (v) Establish corrective actions; (vi) Establish verification procedures; and (vii) Establish a recordkeeping system. (2) A school food authority with a food safety program based on the process approach to HACCP must ensure that its program includes: (i) Standard operating procedures to provide a food safety foundation; (ii) Menu items grouped according to process categories; (iii) Critical control points and critical limits; (iv) Monitoring procedures; (v) Corrective action procedures; (vi) Recordkeeping procedures; and (vii) Periodic program review and revision.

**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 the requirements for a food safety plan. The assurance should include; a statement that the food safety plan will contain all required fields, that the food safety plan will be available at each site within the SFA, and that training will be completed for all appropriate SFA staff. In addition to the assurance an electronic copy of the food safety plan must be submitted for review.

**SFA Response**

<b>Finding #26</b>
320/325. Meal count totals by category have not been combined or recorded correctly. This is a systemic error. The SFA has two sites, the Freshman High School and Hobbs High School that eat out of the same cafeteria. The SFA does not have Skyward set up where it can separate the students from the two sites. There is one edit check for both sites combined. The SFA uses a percentage based on enrollment to create the claim for reimbursement. The total number of meals served in each category for the two sites is correct, but the individual claim for each site is not accurate.
<b>Technical Assistance Provided</b>
During the review, claiming was discussed with the SFA. Meal count totals by category have not been combined or recorded correctly. This is a systemic error. To be in compliance, the SFA must ensure that meal counts are being recorded accurately. Consolidating meal counts by category was reviewed with the SFA. The SFA should set up the Freshman High School students in their own site in Skyward so that two separate edit checks are created. The SFA acknowledged the finding and will implement needed changes immediately.
<b>Regulation / Citation and Summary</b>
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.
<b>SFA Suggested Guidance for Compliance</b>
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 is now combining or recording meal count totals by category correctly, 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.
<b>SFA Response</b>

<b>Finding #27</b>
401. 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. 27 meals were observed at breakfast that did not contain a fruit.
<b>Technical Assistance Provided</b>

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.

#### **SFA Response**

#### **Finding #28**

404/502. Signage is not posted near or at the beginning of the serving line identifying what constitutes a reimbursable meal for breakfast. Offer versus Serve reimbursable meal signage is not posted, including the requirement for students to select at least 1/2 cup fruit or vegetable. This is a repeat finding.

#### **Technical Assistance Provided**

During the review, the importance of signage was discussed with the SFA. The SFA must ensure that signage is posted near or at the beginning of the serving line identifying what constitutes a reimbursable meal.

Requirements under Offer vs. Serve include identifying, near or at the beginning of the serving line(s), the food items that constitute a reimbursable meal, including the requirement that students must take at least 1/2 cup of the fruit or vegetable component. It was determined during the review that the SFA did not have meal signage posted that identifies the food items that constitute a reimbursable meal. The SFA acknowledged the finding and will implement needed changes immediately.

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

220.8(a)(2) Unit pricing. Schools must price each meal as a unit. The price of a reimbursable lunch does not change if the student does not take a food item or requests smaller portions. Schools must identify, near or at the beginning of the serving line(s), the food items that constitute the unit-priced reimbursable school meal(s).



<b>SFA Suggested Guidance for Compliance</b>
To come into compliance with the meal signage and Offer versus Serve requirements the SFA must state that the proper signage has been posted. Please submit a copy of the signage used and indicate where in the serving line it was posted. Also please note the date that the signage was posted. Include the person by position that will oversee that the signage has been posted and how this person will keep all staff informed that signage is required.
<b>SFA Response</b>

<b>Finding #29</b>
500. Offer versus Serve is not being implemented correctly. Some meals were incomplete due to insufficient quantities offer and/or selected by the students. This is a repeat finding.
<b>Technical Assistance Provided</b>
Requirements under Offer vs. Serve include that the SFA must offer the five food components specified in the meal pattern, and students must be allowed the option to deny two items, except that they must take at least a 1/2 cup of either the fruit or vegetable component or 1/2 cup combination of fruit and vegetable. During the review, it was determined that the SFA is not following these requirements. The requirement as well as examples of the findings and possible solutions were reviewed with the SFA.
<b>Regulation / Citation and Summary</b>
210.10 (e) Offer versus serve. School lunches must offer daily the five food components specified in the meal pattern in paragraph (c) of this section. Under offer versus serve, students must be allowed to decline two items at lunch, except that the students must select at least 1/2 cup of either the fruit or vegetable component. Senior high schools (as defined by the State educational agency) must participate in offer versus serve. Schools below the senior high level may participate in offer versus serve at the discretion of the school food authority.
<b>SFA Suggested Guidance for Compliance</b>
To come into compliance with the requirements of Offer vs. Serve, the SFA must submit a written process that has been put in to place to ensure Offer vs Serve is now being implemented correctly. In addition to the new process the SFA must also provide the name and title of the SFA representative that will ensure compliance with this finding moving forward, an outline of the training that was provided to staff to inform them of the requirements and the new process and the date the training was completed.
<b>SFA Response</b>

<b>Finding #30</b>
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501. The cafeteria staff has not been trained on Offer versus Serve.
<b>Technical Assistance Provided</b>
If the SFA is going to implement Offer vs. Serve, they should annually train their staff and train new staff as needed. On going training should be provided depending on needs to staff in order to be in compliance with Offer vs. Serve procedures. It was determined during the review that the SFA is not offering training on Offer vs. Serve to the cafeteria staff. Offer vs. Serve training found in the School Nutrition Toolbox was discussed with the SFA and completing the training was recommended.
<b>Regulation / Citation and Summary</b>
Offer vs. Serve Guidance Manual (Page 4) Schools are expected to conduct training for cashiers and serving line staff so they can help students select the required food components/food items in the quantities needed for reimbursable lunches and breakfasts. Annual training is required to meet the professional standards requirements.
<b>SFA Suggested Guidance for Compliance</b>
To come into compliance with the requirements of Offer vs. Serve, the SFA must submit a written statement that training for all kitchen staff will be provided.. In addition the SFA must also provide the name and title of the SFA representative that will ensure compliance with this finding moving forward, an outline of the training that was provided to staff to inform them of the requirements and the date the training was completed.
<b>SFA Response</b>

<b>Finding #31</b>
1105. The SFA is selling items that do not meet the Smart Snacks nutrition standards for foods during the school day, with regard to the General Standard for Competitive Food.
<b>Technical Assistance Provided</b>
During the review, Smart Snacks nutrition standards were discussed with the SFA. The SFA must ensure that all competitive items sold meet the general standard for competitive foods. The SFA should review Smart Snack requirements online at: <a href="http://www.fns.usda.gov/healthierschoolday/tools-schools-focusing-smart-snacks">http://www.fns.usda.gov/healthierschoolday/tools-schools-focusing-smart-snacks</a>
<b>Regulation / Citation and Summary</b>
Smart Snacks interim final rule: To be allowable, a competitive FOOD item must: (1) meet all of the

proposed competitive food nutrient standards; and (2) be a grain product that contains 50% or more whole grains by weight or have whole grains as the first ingredient\*; or (3) have as the first ingredient\* one of the non-grain main food groups: fruits, vegetables, dairy, or protein foods (meat, beans, poultry, seafood, eggs, nuts, seeds, etc.); or (4) be a combination food that contains at least ¼ cup fruit and/or vegetable; or (5) contain 10% of the Daily Value (DV) of a nutrient of public health concern (i.e., calcium, potassium, vitamin D, or dietary fiber). Effective July 1, 2016 this criterion is obsolete and may not be used to qualify as a competitive food. \*If water is the first ingredient, the second ingredient must be one of items 2, 3 or 4 above.

**SFA Suggested Guidance for Compliance**

To come into compliance with the requirements for Smart Snacks, 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, which must indicate that all competitive items sold are now in compliance with Smart Snacks rules. The SFA will need to enter all items into the Smart Snack Calculator to determine compliance. Please include the date in which all non approved items were removed and the person by position who will oversee that these items are not sold.

**SFA Response**

**Finding #32**

The SFA does not have documentation to show that they requested the two required health inspections from the applicable agency per 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**

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**Finding #33**

704. The SFA had an excess of three months' average expenditures in its year-end net cash resources.

**Technical Assistance Provided**

Three-month average expenses were \$1,247,033 (total expenditures of \$3,741,099 divided by 9 months, multiplied by 3 months), and the ending net cash resources were \$1,346,530, resulting in an excess balance of \$99,497.

**Regulation / Citation and Summary**

7 CFR 210.14 (b)

Net cash resources. The school food authority shall limit its net cash resources to an amount that does not exceed 3 months' average expenditures for its nonprofit school food service or such other amount as may be approved by the State agency in accordance with §210.19(a).

**SFA Suggested Guidance for Compliance**

As the corrective action response, please explain how you will lower the nonprofit school food service net cash resource balance to a level below 3 months' average expenditures. Additionally, explain the internal controls that have been put into place to ensure that the food service net cash resource balance will remain under 3-months' average expenses or prior approval will be received from the State Agency if an excess balance is expected.

**SFA Response**

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**Finding #34**

710. The SFA is not charging enough for paid lunches and did not provide documentation that nonfederal funds were used to supplement paid lunch prices.

**Technical Assistance Provided**

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The SFA was required to raise paid lunch prices by \$.10 in both the review year and the current year, but paid lunch prices were not increased. The SFA had correctly calculated the requirement price on the Paid Lunch Equity Tools, although they should have completed the Price Calculator Tab to properly calculate the required price increase after the \$.10 cap. If a price increase is necessary, the SFA must increase paid lunch prices or transfer nonfederal funds into the food service fund. The SFA completed the Nonfederal Calculator Tab, but was not able to show the nonfederal amounts contributed since SY 11-12 were from allowable sources. Nonfederal funds could include local funding (such as general funds) transferred into the food service fund to support paid lunches. Nonprogram revenues earned by the program (such as a la carte sales) cannot be included as nonfederal funds. The SFA must be able to document the nonfederal fund support with an annual fund transfer into Fund 21000

**Regulation / Citation and Summary**

7 CFR 210.14 Resource management. (e) Pricing paid lunches. (3) Average lunch price is lower than the reimbursement difference. When the average price from the prior school year is lower than the difference in reimbursement rates as determined in paragraph (e)(1)(iii) of this section, the school food authority shall establish an average price for the current school year that is not less than the average price charged in the previous school year as adjusted by a percentage equal to the sum obtained by adding: (i) 2 percent; and (ii) The percentage change in the Consumers Price Index for All Urban Consumers used to increase the Federal reimbursement rate under section 11 of the Act for the most recent school year for which data are available. The percentage to be used is found in the annual notice published in the Federal Register announcing the national average payment rates, from the prior year. (4) Price Adjustments. (i) Maximum required price increase. The maximum annual average price increase required under this paragraph shall not exceed ten cents. (ii) Rounding of paid lunch prices. Any school food authority may round the adjusted price of the paid lunches down to the nearest five cents. (iii) Optional price increases. A school food authority may increase the average price by more than ten cents. (5) Reduction in average price for paid lunches. (i) Any school food authority may reduce the average price of paid lunches as established under this paragraph if the State agency ensures that funds are added to the nonprofit school food service account in accordance with this paragraph. The minimum that must be added is the product of: (A) The number of paid lunches claimed by the school food authority in the previous school year multiplied by (B) The amount required under paragraph (e)(3) of this section, as adjusted under paragraph (e)(4) of this section, minus the average price charged.

**SFA Suggested Guidance for Compliance**

As the corrective action response, explain your plan for raising paid lunch prices or designating nonfederal funds for paid lunch support. Additionally, explain the process that will be put into place to ensure that the Paid Lunch Equity Tool will be correctly evaluated before each school year to ensure the minimum required paid lunch price is charged or sufficient non-federal funding will be transferred to the food service account to support paid lunch prices. Identify by position title the person who will be responsible for ensuring paid lunch equity requirements are met.

**SFA Response**

Signature of Reviewer:     *C. J. O'Neil, RD*     Date: 4/27/2017

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