



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

SFA Name: Truth or Consequences Municipal Schools  
 Administrative Review Conducted on: May 2-3, 2017  
 Site(s) Selected for Review: Truth or Consequences Elementary School

**Date Corrective Action Plan was provided to SFA:** 5/23/2017  
**Due Date for Corrective Action Plan:** 6/22/2017

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>
409. For the menu review week, all meal choices did not have all required meal components available. The lunch menu offered to Grades K-5 on March 6, 2017 did not contain a grain. This finding may result in fiscal action due to incomplete meals claimed for reimbursement.
<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 review all menus to ensure that all required components are offered. 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>

210.10(c)(2) Schools must offer students in each age/grade group the food components specified. (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. The plan should include; a statement that all menus will be reviewed to ensure that all required components are planned, a process for sites to reference when they do not have one of the planned menu items or there is insufficient quantities, a statement that the serving line will be visually reviewed prior to service to confirm that all required components are available and that additional menu training for all SFA staff will be provided. Provide the outline and dates for the trainings that will be completed. In addition please submit the name(s) and title(s) of the SFA representative(s) that will oversee this area and ensure future compliance. Submit the menu from the week of review with the corrections that were made to the menu to bring it into compliance moving forward.

#### **SFA Response**

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#### **Finding #2**

410. For the week of menu review, the K-5 breakfast menu did not meet the minimum daily requirement of 1 cup fruit. Fruit was provided, however the minimum required portion size was not met with only 1/2 cup fruit offered 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**

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 C of fruit daily.

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

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

#### **SFA Response**

#### **Finding #3**

410. For the week of menu review, the K-5 breakfast menu 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 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**

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 new products you add to the menu.

#### **SFA Response**

#### **Finding #4**

410. For the week of menu review, the K-5 breakfast menu did not meet the minimum weekly requirement of 7 ounce equivalent 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. After the daily 1 oz. equivalent daily grain minimum is met, the weekly minimum can be met with additional grains or meat/meat alternates. 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. K-5: minimum 7 oz. equivalents of grain 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 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 #5**

410. For the menu review week, the K-5 breakfast menu did not meet the 100% Whole Grain Rich requirement. Not all grains provided were Whole Grain Rich. The bread used in the Egg and Cheese Sandwich recipe was not Whole Grain Rich.

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

#### SFA Response

#### Finding #6

410. For the week of menu review, the K-5 breakfast menu did not meet the minimum daily requirement of 1 cup milk. Milk was provided, however 1% chocolate milk was served daily along with 1% white milk.

#### 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 served meet the correct portion sizes. For all grade groups 8 ounces of milk must be offered to every student. Low-fat unflavored and Fat-Free flavored or unflavored milk may be offered. Any flavored milk served must be fat free. A minimum of two different types of milk must be provided. If the sites opts to participate in Offer vs Serve they still must be able to provide a milk to every student that elects to take a milk as one of their components. 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 breakfasts. A school must offer the food components and quantities required in the breakfast meal pattern established. All age/grade groups: 1 cup of milk 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 low-fat white and/or Fat- Free flavored or white milk will be available to all students throughout the meal service, a statement that at a minimum there will be two different varieties of milk available, a process for sites to reference when they do not have two or more types of milk or if they run out of milk during meal service, 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 #7
410. For the week of menu review, the K-5 lunch menu 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 on Monday and Thursday.
Technical Assistance Provided
During the review, the portion sizes required by the meal patterns were discussed with the SFA. The SFA must ensure that all meals counted for reimbursement contain the required components in the minimum portion size required for the specific grade group. The SFA should review all menus to ensure that at least the minimum portion size is planned for the specific grade group. The SFA should also provide additional training to the kitchen staff on the requirements of a reimbursable meal. The training should include what to do if a certain planned menu item is not available or if the item runs out during service. The USDA FNS website can be used for training materials, resources and guidance on the meal pattern. <a href="http://healthymeals.nal.usda.gov/">http://healthymeals.nal.usda.gov/</a>
Regulation / Citation and Summary
210.10(c) Meal pattern for school lunches. Schools must offer the food components and quantities required in the lunch meal pattern established: K-5: 1 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 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 #8
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410. For the week of menu review, the K-5 lunch menu did not meet the minimum weekly requirement of 8 ounce equivalent 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: K-5: minimum of 8 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 #9

410. For the week of menu review, the K-5 lunch menu did not meet the 100% Whole Grain Rich requirement for grains. Not all grains provided were Whole Grain Rich. The spaghetti noodles and cookie served this week were not Whole Grain Rich.

#### 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 #10**

410. For the week of menu review, the K-5 lunch menu did not meet the minimum daily requirement of 1/2 cup fruit. Fruit was provided, however the minimum required portion size was not met on Thursday.

#### **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: K-5: 1/2 cup of fruit.
<b>SFA Suggested Guidance for Compliance</b>
To come into compliance with meal pattern requirements, the SFA must provide a written plan that will be implemented to ensure future compliance. The plan should include; a statement that all menus will be reviewed to ensure that all portion sizes planned meet at least the minimum required amount for the specific grade group, a process for sites to reference when they do not have one of the planned menu items or there is insufficient quantities, a statement that the serving line will be visually reviewed prior to service to confirm that all required components are available and that additional menu training for all SFA staff will be provided. Provide the outline and dates for the trainings that will be completed. In addition please submit the name(s) and title(s) of the SFA representative(s) that will oversee this area and ensure future compliance. Submit the menu from the week of review with the corrections that were made to the menu to bring it into compliance moving forward. Provide updated production records showing that at least 1/2 cup of fruit will be offered daily. If any new juice products are added to the menu, please provide nutrition facts labels to confirm the product is 100% fruit juice.
<b>SFA Response</b>

<b>Finding #11</b>
410. For the week of menu review, the K-5 lunch menu did not meet the minimum daily requirement of 3/4 cup vegetable. Vegetables were provided, however the minimum required portion size was not met on Monday.
<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>
210.10(c) Meal pattern for school lunches. Schools must offer the food components and quantities required in the lunch meal pattern established: K-5: 3/4 cup of creditable vegetable.
<b>SFA Suggested Guidance for Compliance</b>

To come into compliance with meal pattern requirements, the SFA must provide a written plan that will be implemented to ensure future compliance. The plan should include; a statement that all menus will be reviewed to ensure that all portion sizes planned meet at least the minimum required amount for the specific grade group, a process for sites to reference when they do not have one of the planned menu items or there is insufficient quantities, a statement that the serving line will be visually reviewed prior to service to confirm that all required components are available and that additional menu training for all SFA staff will be provided. Provide the outline and dates for the trainings that will be completed. In addition please submit the name(s) and title(s) of the SFA representative(s) that will oversee this area and ensure future compliance. Submit the menu from the week of review with the corrections that were made to the menu to bring it into compliance moving forward. Provide the following documentation to support the changes: updated production records showing that at least 3/4 cup of creditable vegetables will be offered daily.

**SFA Response**

**Finding #12**

410. For the week of menu review, the K-5 lunch menu did not meet the minimum weekly requirement of 3/4 cup red/orange vegetable subgroup. The menu this week offered 1/4 cup of creditable red/orange vegetables.

**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: K-8: 3/4 C red/orange.

**SFA Suggested Guidance for Compliance**

To come into compliance with meal pattern requirements, the SFA must provide a written plan that will be implemented to ensure future compliance. The plan should include; a statement that all menus will be reviewed to ensure that all weekly requirements for vegetable subgroups are met for the specific grade group, a process for sites to reference when they do not have one of the planned menu items or there is insufficient quantities, a statement that the serving line will be visually reviewed prior to service to confirm that all required components are available and that additional menu training for all SFA staff will be provided. Provide the outline and dates for the trainings that will be completed. In addition please submit the name(s) and title(s) of the SFA representative(s) that will oversee this area and ensure future compliance. Submit the menu from the week of review with the corrections that were made to the menu to bring it into compliance moving forward. Provide the following documentation to support the changes: updated production records to show that at least 1/2 cup of creditable red/orange vegetables were added to the menu this week, to total 3/4 cup for the week

#### **SFA Response**

#### **Finding #13**

410. For the week of menu review, the K-5 lunch menu did not meet the minimum daily requirement of 1 cup milk. Milk was provided, however 1% chocolate milk was served daily along with 1% white milk.

#### **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 served meet the correct portion sizes. For all grade groups 8 ounces of milk must be offered to every student. Low-fat unflavored and Fat-Free flavored or unflavored milk may be offered. Any flavored milk served must be fat free. A minimum of two different types of milk must be provided. If the sites opts to participate in Offer vs Serve they still must be able to provide a milk to every student that elects to take a milk as one of their components. 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. All age/grade groups: 1 cup of milk 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 low-fat white and/or Fat- Free flavored or white milk will be available to all students throughout the meal service, a statement that at a minimum there will be two different varieties of milk available, a process for sites to reference when they do not have two or more types of milk or if they run out of milk during meal service, 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 #14**

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 \$232,961 (total expenditures of \$698,885 divided by 9 months, multiplied by 3 months), and the ending net cash resources were \$245,734, resulting in an excess balance of \$12,773. The SFA made a \$20,000 general fund transfer into Fund 21000, which led to the excess balance. The SFA should spend down the net cash resource balance through allowable food service expenditures.

**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 fund 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**

**Finding #15**

Resource Management Comprehensive Review: NonProgram Food Compliance  
The SFA did not complete the USDA Nonprogram Food Revenue Tool.

**Technical Assistance Provided**

The NonProgram Food Revenue Tool should be completed every year. You can use a one-week reference period instead of gathering numbers for an entire year. This tool should include adult meals and a la carte as your nonprogram foods. If the tool shows you are out of compliance, you need to increase nonprogram food prices (even if you are meeting the USDA adult meal pricing guidelines). A copy of the tool and a link to the USDA memo was sent in an email during this review. Both documents can be found on the USDA website.

**Regulation / Citation and Summary**

7 CFR 210.14 (f) Revenue from non-program foods. Beginning July 1, 2011, school food authorities shall ensure that the revenue generated from the sale of non-program foods complies with the requirements in this paragraph.  
 (1) Definition of non-program foods. For the purposes of this paragraph, non-program foods are those foods and beverages; (i) Sold in a participating school other than reimbursable meals and meal supplements; and (ii) Purchased using funds from the nonprofit school food service account.  
 (2) Revenue from non-program foods. The proportion of total revenue from the sale of non-program foods to total revenue of the school food service account shall be equal to or greater than: (i) The proportion of total food costs associated with obtaining non-program foods (ii) The total costs associated with obtaining program and non-program foods from the account.”

**SFA Suggested Guidance for Compliance**

As the corrective action response, please submit a completed copy of the NonProgram Food Revenue Tool. Additionally, please explain the process that will be put into place to ensure that the USDA Nonprogram Food Revenue Tool is completed each year. This should include a timeframe for when the tool will be completed, and the steps that will be taken if the tool shows you are out of compliance.

**SFA Response**

**Finding #16**

Resource Management Comprehensive Review: Adult Meal Prices  
 The SFA priced adult meals below the cost of producing these meals.

**Technical Assistance Provided**

The SFA’s adult meal price of \$3.00 does not meet the USDA pricing guidelines. For the review year (SY 15-16), the SFA should have priced their adult meals at \$3.39 or higher (\$3.15 free reimbursement rate + \$.2375 value of commodities). In the current year, the SFA should have charged at least \$3.47. A school district can choose to pay or supplement adult meals with nonfederal funds. If you determine \$3.50 should be the price of an adult lunch, but you only charge \$3.00, the general fund needs to pay the food service account an additional \$.50 for every adult lunch served.

**Regulation / Citation and Summary**

FNS Instruction 782-5: Pricing of Adult Meals in the National School Lunch And School Breakfast

Programs "Breakfasts and lunches served to teachers, administrators, custodians and other adults must be priced so that the adult payment in combination with any per-lunch revenues from other sources designated specifically for the support of adult meals (such as State or local fringe benefit or payroll funds, or funding from voluntary agencies) is sufficient to cover the overall cost of the lunch. Including the value of any USDA entitlement and bonus donated foods used to prepare the meal. If cost data are not available, the minimum adult payment should reflect the price charged to Students paying the school's designated full price, plus the current value of Federal cash and donated food assistance (entitlement and bonus) for full price meals. In nonpricing programs, the adult charge should be at least the amount of reimbursement received for a free lunch under Section 4 and 11 of the National School Lunch Act, plus the per-meal value of both entitlement and bonus donated foods, or for breakfasts, the rate established for free meals under Section 4 of the Child Nutrition Act, plus the value of bonus commodities."

**SFA Suggested Guidance for Compliance**

As the corrective action response, please explain how adult meal prices will either be sufficiently priced going forward, or explain how the SFA will use non-federal funds to make up for the adult meal price deficiency. Additionally, explain the process that will be put into place to ensure that an adult meal pricing policy is established and reviewed annually. This pricing policy should establish guidelines for determining the cost of adult meals and document any sources of revenue designated specifically for the support of adult meals if the adults will not be charged directly.

**SFA Response**

**Finding #17**

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.

**SFA Response**

**Finding #18**

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

**Technical Assistance Provided**

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

**Regulation / Citation and Summary**

FNS Instruction 113-1 Section XI Training is required so that people involved in all levels of



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

**SFA Suggested Guidance for Compliance**

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

**SFA Response**

**Finding #19**

807. The SFA has not collected racial/ethnic data on an annual basis.

**Technical Assistance Provided**

During the review the requirement to collect racial/ethnic data was discussed with the SFA. The SFA must collect racial/ethnic on an annual basis through the mechanism of their choosing.

**Regulation / Citation and Summary**

FNS Instruction 113-1 Appendix B Section F The collection and reporting of data on the actual number of children applying for free and reduced-price meals or free milk, by ethnic/racial group, is required by DOJ Regulations, 28 CFR Part 42, and 9 AR. (a) The SFA or other program recipient agency will: (1) Develop a method for data collection. Methods include determination of the information by a school official through observation, personal knowledge, or voluntary self-identification by an applicant on the free and reduced-price meal or free milk application.

**SFA Suggested Guidance for Compliance**

To come into compliance with this requirement, the SFA must provide an assurance that the SFA will complete all racial/ethnic data collection and that the SFA will put plan in place to ensure future compliance. Please submit the assurance and plan.

**SFA Response**

<b>Finding #20</b>
1000. The SFA does not have a Local School Wellness Policy.
<b>Technical Assistance Provided</b>
<p>During the review, Local Wellness Policies were discussed with the SFA. The Local Wellness Policy is required to contain the following: a designation of one or more SFA officials in charge of school compliance oversight; a plan for measuring compliance; goals for nutrition education, nutrition promotion, other school based activities to promote student wellness, and physical activity; and guidance for all foods available on school campus. The SFA should also contact the state agency to determine if there are any additional requirements from the state or if they have any state specific resources. The SFA was provided with the USDA link for Wellness Policies.  <a href="http://www.fns.usda.gov/tn/local-school-wellness-policy">http://www.fns.usda.gov/tn/local-school-wellness-policy</a></p>
<b>Regulation / Citation and Summary</b>
<p>210.30 Local School Wellness Policy. (c) Content of the plan. At a minimum, local school wellness policies must contain: (1) Specific goals for nutrition promotion and education, physical activity, and other school-based activities that promote student wellness. In developing these goals, local educational agencies must review and consider evidence-based strategies and techniques; (2) Standards for all foods and beverages provided, but not sold, to students during the school day on each participating school campus under the jurisdiction of the local educational agency; (3) Standards and nutrition guidelines for all foods and beverages sold to students during the school day on each participating school campus under the jurisdiction of the local educational agency that; (i) Are consistent with applicable requirements set forth under §§ 210.10 and 220.8 of this chapter; (ii) Are consistent with the nutrition standards set forth under § 210.11; (iii) Permit marketing on the school campus during the school day of only those foods and beverages that meet the nutrition standards under § 210.11; and (iv) Promote student health and reduce childhood obesity. (4) Identification of the position of the LEA or school official(s) or school official(s) responsible for the implementation and oversight of the local school wellness policy to ensure each school's compliance with the policy; (5) A description of the manner in which parents, students, representatives of the school food authority, teachers of physical education, school health professionals, the school board, school administrators, and the general public are provided an opportunity to participate in the development, implementation, and periodic review and update of the local school wellness policy; and (6) A description of the plan for measuring the implementation of the local school wellness policy, and for reporting local school wellness policy content and implementation issues to the public, as required in paragraphs (d) and (e) of this section.</p>
<b>SFA Suggested Guidance for Compliance</b>
<p>To come into compliance with the requirements for Local School Wellness Policies, the SFA must submit a written assurance that the appropriate staff understand the requirements for the wellness policy. The SFA must also develop a Local Wellness Policy that has all of the required areas and submit this. If the SFA needs additional time to develop the wellness policy and have it approved by the school board, the SFA must submit a detailed timeline that shows when each step will be completed. Once the policy is in place it must be submitted for review. Submit the name and title of the SFA representative that will oversee this process and ensure compliance. All items will need to be submitted to the State Agency as well.</p>
<b>SFA Response</b>

<b>Finding #21</b>
<p>1204/1206/1210. The school nutrition staff and 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. The employees outside of the school nutrition program whose responsibilities include duties related to the operation of the school nutrition program did not receive training applicable to their duties related to the program.</p>
<b>Technical Assistance Provided</b>
<p>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 and School Nutrition Staff completes the required amount of training annually. The SFA must ensure that employees outside of the School Nutrition programs (whose responsibilities include duties related to the operation of the School Nutrition program) receive adequate training specific to the task they perform. For further information, please see the USDA's Guide to Professional Standards for School Nutrition Programs.</p>
<b>Regulation / Citation and Summary</b>
<p>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.</p> <p>210.30(d) Continuing education/training standards for all staff with responsibility for school nutrition programs.</p> <p>Each school year, the school food authority must ensure that all staff with responsibility for school nutrition programs that work an average of at least 20 hours per week, other than school nutrition program directors and managers, completes annual training in areas applicable to their job. For the school year beginning July 1, 2015, staff must complete four hours of annual training. Beginning July 1, 2016, six hours of annual training are required. Part-time staff working an average of less than 20 hours per week must complete four hours of annual training beginning July 1, 2015. The annual training must include, but is not limited to, the following topics, as applicable to their position and responsibilities: (1) Free and reduced price eligibility; (2) Application, certification, and verification procedures; (3) The identification of reimbursable meals at the point of service; (4) Nutrition; (5) Health and safety standards; and (6) Any specific topics identified by FNS, as needed, to address Program integrity or other critical issues.</p> <p>SP 39-2015: Question 29: Do the professional standards apply to a staff such as a secretary or an office assistant who processes free and reduced-price meal applications during the fall months only? No. Office staff members that process free and reduced-price meal applications or that provide other support for the school nutrition program for a short period of time during the school year are not required to meet the annual training standards. However, these individual should receive adequate training specific to the task they will perform.</p>
<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 indicating how the SFA will ensure that the appropriate training is completed and the dates of all future trainings.

**SFA Response**

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**Finding #22**

404. Signage is not posted near or at the beginning of the serving line identifying what constitutes a reimbursable meal for breakfast or lunch.

**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.

**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).

**SFA Suggested Guidance for Compliance**

To come into compliance with the meal signage 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.

**SFA Response**

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**Finding #23**

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**

**Finding #24**

403. On the day of review, fluid milk was offered at breakfast and lunch that was not 1% white or nonfat white/flavored.

**Technical Assistance Provided**

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

**Regulation / Citation and Summary**

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

**SFA Suggested Guidance for Compliance**

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

<b>SFA Response</b>

<b>Finding #25</b>
900. On-site monitoring was not completed for all of the sites within the SFA.
<b>Technical Assistance Provided</b>
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 the approved extension deadline. 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.
<b>Regulation / Citation and Summary</b>
210.8(a)(1) On-site reviews. Every school year, each school food authority with more than one school shall perform no less than one on-site review of the lunch counting and claiming system employed by each school under its jurisdiction. The on-site review shall take place prior to February 1 of each school year. Further, if the review discloses problems with a school's meal counting and claiming procedures, the school food authority shall: ensure that the school implements corrective action; and, within 45 days of the review, conducts a follow-up on-site review to determine that the corrective action resolved the problems. Each on-site review shall ensure that the school's claim is based on the counting system authorized by the State agency under §210.7(c) of this part and that the counting system, as implemented, yields the actual number of reimbursable free, reduced price and paid lunches, respectively, served for each day of operation.
<b>SFA Suggested Guidance for Compliance</b>
As the corrective action response the SFA must complete the monitoring review for all sites 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. Please identify the name(s) and title(s) of the person(s) who will be responsible for completing on-site monitoring.
<b>SFA Response</b>

<b>Finding #26</b>
1707. The After-School Snack program is not monitored twice per year. The program was not monitored within the first 4 weeks of operation.
<b>Technical Assistance Provided</b>
During the review, program monitoring was discussed with the SFA. The SFA must monitor the program twice per year, including once within the first 4 weeks of operation.
<b>Regulation / Citation and Summary</b>

210.9(c) Afterschool care requirements. Those school food authorities with eligible schools (as defined in §210.10(n)(1)) that elect to serve meal supplements during afterschool care programs, shall agree to: (7) Review each afterschool care program two times a year; the first review shall be made during the first four weeks that the school is in operation each school year, except that an afterschool care program operating year round shall be reviewed during the first four weeks of its initial year of operation, once more during its first year of operation, and twice each school year thereafter.

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

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

#### **SFA Response**

### **Finding #27**

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.

#### **Technical Assistance Provided**

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

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

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

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

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

#### **SFA Response**



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<b>Finding #28</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.
<b>SFA Response</b>

<b>Finding #29</b>
306. The SFA does not conduct a daily edit check for each meal service.
<b>Technical Assistance Provided</b>
During the review, edit checks were discussed with the SFA. The SFA does not conduct a daily edit check for each meal service. To be in compliance, the SFA must ensure that edit checks are completed daily. How to complete edit checks to ensure meal counts do not exceed attendance adjusted eligible and/or total enrollment was reviewed with the SFA. The SFA acknowledged the finding and will implement needed changes immediately.
<b>Regulation / Citation and Summary</b>
210.8(a)(3) Edit checks. (i) The following procedure shall be followed for school food authorities



identified in paragraph (a)(2)(ii) of this section, by other school food authorities at State agency option, or, at their own option, by school food authorities identified in paragraph (a)(2)(i) of this section: the school food authority shall compare each school's daily counts of free, reduced price and paid lunches against the product of the number of children in that school currently eligible for free, reduced price and paid lunches, respectively, times an attendance factor.

**SFA Suggested Guidance for Compliance**

To come into compliance with the requirements for counting and claiming, the SFA must provide an assurance that the appropriate staff understand these requirements, and the SFA must put a plan in place to ensure future compliance. Please submit the assurance and plan. The plan must include: an indication that the SFA is now conducting a daily edit check for each meal service, 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. Additionally, SFA staff will need to submit one week of completed edit checks.

**SFA Response**

**Finding #30**

1203. The new school Nutrition Program Director did not complete food safety training within 30 days of being hired, and no previous food safety certification was obtained in the last 5 years.

**Technical Assistance Provided**

During the on-site review, hiring requirements with regards to food safety training were discussed with the SFA. To be in compliance, the SFA must ensure that any new director meets the new Professional Standards, including completing the required number of food safety training hours. For further information, please see the USDA's Guide to Professional Standards for School Nutrition Programs.

**Regulation / Citation and Summary**

210.30(b)(1)(v) School nutrition program directors for all local educational agency sizes. All school nutrition program directors, for all local educational agency sizes, must have completed at least eight hours of food safety training within five years prior to their starting date or complete eight hours of food safety training within 30 calendar days of their starting date. At the discretion of the State agency, all school nutrition program directors, regardless of their starting date, may be required to complete eight hours of food safety training every five years.

**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 food safety training is completed. This plan must include how the food safety training hours have been and/or will be met including dates.

**SFA Response**

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### Finding #31

318. The point of service did not provide an accurate meal count by eligibility status. This is a systemic error. The cashier is holding a clicker while trying to serve food at the same time. The system does not work.

#### Technical Assistance Provided

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

#### Regulation / Citation and Summary

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

#### SFA Suggested Guidance for Compliance

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

#### SFA Response

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### Finding #32

320. The SFA does not have a reliable counting/claiming system. This is a systemic error. Fiscal action may apply.

#### Technical Assistance Provided

During the review, claiming was discussed with the SFA. The SFA is claiming ineligible meals for reimbursement. To be in compliance, the SFA must ensure that no ineligible meals are claimed for reimbursement. Maintaining an accurate edit check and how to evaluate an edit check for accuracy was reviewed with the SFA. The SFA acknowledged the finding and will implement needed changes immediately.

<b>Regulation / Citation and Summary</b>
210.7(c)(1)(v) The SFA shall ensure that Claims for Reimbursement do not request payment for any excess lunches produced, as prohibited in §210.10(a)(2), or non-Program lunches (i.e., a la carte or adult lunches) or for more than one meal supplement per child per day.
<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 no longer claiming ineligible meals for reimbursement, 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 #33</b>
325. The SFA has claimed meals in error based on inaccurate counting and/or claiming procedures. This is a systemic error. Fiscal action may apply.
<b>Technical Assistance Provided</b>
During the review, counting and claiming were discussed with the SFA. The SFA has claimed meals in error based on inaccurate counting and/or claiming procedures. To be in compliance, the SFA must ensure that meal counts are being recorded accurately and that claims are being filed correctly. Proper counting and claiming procedures were reviewed with the SFA. 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 has corrected inaccurate counting and/or claiming procedures, 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>

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<b>Finding #34</b>
1106. The school is not in compliance with the State defined limit on fundraisers.
<b>Technical Assistance Provided</b>
During the review, fundraisers were discussed with the SFA. The SFA must ensure that all schools are observing the State defined limit on fundraisers.
<b>Regulation / Citation and Summary</b>
SP 23-2014 (V.3): The interim final rule allows State agencies to set the frequency with which exempt fundraisers may be held in schools in the State. The number allowed in NM is four.
<b>SFA Suggested Guidance for Compliance</b>
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 schools are now in compliance with fundraiser limits under Smart Snacks rules. Include the person by position who will oversee the fundraisers.
<b>SFA Response</b>

<b>Finding #35</b>
1208. The SFA is not tracking training hours.
<b>Technical Assistance Provided</b>
During the on-site review, training requirements were discussed with the SFA. To be in compliance, the SFA must track the hours of training completed by all School Nutrition staff. For further information, please see the USDA's Guide to Professional Standards for School Nutrition Programs.
<b>Regulation / Citation and Summary</b>
210.30(g) School food authority oversight. Each school year, the school food authority director must document compliance with the requirements of this section for all staff with responsibility for school nutrition programs, including directors, managers, and staff. Documentation must be adequate to establish, to the State's satisfaction during administrative reviews, that employees are meeting the minimum professional standards.
<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 indicating how the SFA will ensure that training is now being tracked. A completed tracker must be submitted that includes all employees.

SFA Response

Finding #36
1404. The SFA did not request two health inspections for each school year.
Technical Assistance Provided
During the review, health inspections were discussed with the SFA. The SFA must request two health inspections for each site for each school year and must maintain documentation of this request.
Regulation / Citation and Summary
210.13(b) Food safety inspections. Schools shall obtain a minimum of two food safety inspections during each school year conducted by a State or local governmental agency responsible for food safety inspections. Sites participating in more than one child nutrition program shall only be required to obtain two food safety inspections per school year if the nutrition programs offered use the same facilities for the production and service of meals.
SFA Suggested Guidance for Compliance
To come into compliance with the requirements for food safety, the SFA must provide an assurance that the appropriate staff understand these requirements, and that moving forward the SFA will annually request that two inspections be completed. Please submit the assurance and plan. Additionally, the SFA must request to the local health agency for two inspections and must submit a copy of this request.
SFA Response

Finding #37
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.
Technical Assistance Provided
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.
Regulation / Citation and Summary

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**

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**Finding #38**

1408. Storage violations were observed on-site. The SFA had food that was not stored 6 inches off the floor.

**Technical Assistance Provided**

During the review, storage requirements were discussed with the SFA. The SFA must ensure that all food is stored at least 6 inches off the floor.

**Regulation / Citation and Summary**

210.13(d) (d) Storage. The school food authority shall ensure that the necessary facilities for storage, preparation and service of food are maintained. Facilities for the handling, storage, and distribution of purchased and donated foods shall be such as to properly safeguard against theft, spoilage and other loss.

**SFA Suggested Guidance for Compliance**

To come into compliance with this finding the SFA must submit an assurance that the SFA is aware of the requirements for food storage and holding within the food safety guidelines. The assurance must include: a statement that all food and chemicals will be kept separately; a statement that all food items will be dated with the delivery date as well as the date the product was opened; a statement that all food will be stored at least 6 inches off of the floor; and a statement that all storage areas including coolers, freezers and storage rooms will be kept within the allowable temperature ranges. The assurance should also include a statement that temperature logs will be maintained for all storage areas. Submit copies of completed temperature logs with the corrective action response.

**SFA Response**

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**Finding #39**

1501. Records were not retained for 3 years after the final Claim for Reimbursement for the fiscal year or until resolution of any audits.

<b>Technical Assistance Provided</b>
Records must be retained for three (3) years after the final Claim for Reimbursement for the fiscal year or until the resolution of any audits. It was determined that the SFA was not retaining records for 3 years after the final Claim for Reimbursement. The requirement for the SFA to retain records for the required time period was discussed with the SFA.
<b>Regulation / Citation and Summary</b>
210.23 (c) Retention of records. State agencies and school food authorities may retain necessary records in their original form or on microfilm. State agency records shall be retained for a period of 3 years after the date of submission of the final Financial Status Report for the fiscal year. School food authority records shall be retained for a period of 3 years after submission of the final Claim for Reimbursement for the fiscal year. In either case, if audit findings have not been resolved, the records shall be retained beyond the 3-year period as long as required for the resolution of the issues raised by the audit.
<b>SFA Suggested Guidance for Compliance</b>
To come into compliance with reporting and recordkeeping requirements, the SFA must provide written 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 records will now be maintained for required time period, the process that has been put into place to ensure that all required records will be maintained for 3 years after the final claim for reimbursement or until the resolution of an audit, and state the person(s) name(s)/title(s) who will oversee that all records are properly retained.
<b>SFA Response</b>

<b>Finding #40</b>
1703. Point-of-service snack counts by student/benefit category have not been maintained.
<b>Technical Assistance Provided</b>
During the review, the requirements for maintaining point-of-service snack counts by student/benefit category were discussed with the SFA. The SFA must maintain documentation of point-of-service snack counts by student and benefit category. This finding may result in fiscal action.
<b>Regulation / Citation and Summary</b>
SP 99-4: At a minimum, school food authorities participating under this provision must maintain the following records for the time periods required in 7 CFR section 210.23(c): Meal counts (total for sites qualifying for free reimbursement for all children; meal counts by type for other sites).
<b>SFA Suggested Guidance for Compliance</b>
To come into compliance with the requirement to maintain point-of-service counts by student/benefit category, the SFA must provide an assurance that staff administering the Afterschool Care Snack Program understand this requirement, and the SFA must put a plan in place to ensure future compliance. Please submit the assurance and plan.
<b>SFA Response</b>

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### Finding #41

1706. Production records were not complete for each day of the review period. Production records for the after-school snack program have not been maintained for 3 years after the final claim for reimbursement.

### Technical Assistance Provided

During the review, production record requirements were discussed with the SFA. The SFA must complete production records as described in 7 CFR 210.10(a)(3). The SFA must maintain production records for 3 years after the final claim for reimbursement, or until audited. How to complete these records was discussed with the SFA. This finding may result in fiscal action.

### Regulation / Citation and Summary

210.10(a)(3) Production and menu records. Schools or school food authorities, as applicable, must keep production and menu records for the meals they produce. These records must show how the meals offered contribute to the required food components and food quantities for each age/grade group every day.

210.9(b) Agreement. This agreement shall provide that each school food authority shall, with respect to participating schools under its jurisdiction: 17) Upon request, make all accounts and records pertaining to its school food service available to the State agency and to FNS, for audit or review, at a reasonable time and place. Such records shall be retained for a period of 3 years after the date of the final Claim for Reimbursement for the fiscal year to which they pertain, except that if audit findings have not been resolved, the records shall be retained beyond the 3 year period as long as required for resolution of the issues raised by the audit.

### SFA Suggested Guidance for Compliance

To come into compliance with production record requirements, the SFA must provide an assurance that staff administering the Afterschool Care Snack Program understand these requirements, and the SFA must put a plan in place to ensure future compliance. Please submit the assurance and plan. Training for all afterschool snack program staff must be completed. Submit a copy of the completed sign in sheet and agenda for the training along with the date that the training was completed. Include the person by position who will be in charge of maintaining these records and the location where these records will be kept. The SFA must also submit revised production records to the State Agency, for each day of the review period.

### SFA Response

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### Finding #42

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2115. The SFA's documentation does not support the Identified Student Percentages and claiming percentages at the time of the latest CEP approval, as the SFA did not have documentation to support a directly certified status for all students who had been listed as Identified Students. The SFA did not maintain any records related to CEP qualification.

#### Technical Assistance Provided

During the review, having the proper documentation for all Identified Students was discussed with the SFA. To be in compliance, the SFA must maintain source documentation for all directly certified students, such as direct certification lists and/or other lists certifying that students are categorically eligible for free school meals, including lists of students who are designated as homeless or migrant.

#### Regulation / Citation and Summary

SP 15-2016: To determine if an ISP is accurate, State agencies must examine documentation submitted by the LEA to substantiate: (1) the number of identified students (numerator of the ISP), and (2) the number of enrolled students (denominator of ISP). Such source documentation includes direct certification lists and/or other lists certifying that students are categorically eligible for free school meals, such as lists of students who are designated as homeless or migrant.

#### SFA Suggested Guidance for Compliance

To come into compliance with the requirements for properly documenting the status of Identified Students in order to establish the ISP, 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. Additionally, if more than 10% of the randomly selected sample cannot be properly verified on source documentation, the SFA must provide source documentation for every student used to establish the free claiming percentage.

#### SFA Response

### Finding #43

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.

#### Technical Assistance Provided

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:  
<http://www.fns.usda.gov/healthierschoolday/tools-schools-focusing-smart-snacks>

#### Regulation / Citation and Summary

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. 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**

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#### **Finding #44**

402. On the day of review, the K-5 breakfast menu did not meet the 1 cup daily fruit requirement. Fruit was provided, however the minimum required portion size was not met.

#### **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**

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 C of fruit daily.

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

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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 day of review with the corrections that were made to the menu to bring it into compliance moving forward, and 2 weeks of completed production records to demonstrate compliance.

**SFA Response**

**Finding #45**

The SFA was not able to show that the snack program conducts acceptable education or enrichment activities before, during, or after the snack meal service.

**Technical Assistance Provided**

During the review, the requirement to conduct education or enrichment activities was discussed with the SFA. The snack program must conduct acceptable education or enrichment activities before, during, or after the snack meal service.

**Regulation / Citation and Summary**

Afterschool Snacks in the National School Lunch Program (NSLP) and the At-Risk Component of the Child and Adult Care Food Program (CACFP), Questions and Answers, Edition 3: Under the NSLP, a school food authority must operate the lunch component and the school district must sponsor or operate an afterschool care program which: (a) provides children with regularly scheduled activities in an organized, structured and supervised environment; and (b) includes educational or enrichment activities.

**SFA Suggested Guidance for Compliance**

To come into compliance with the requirement for snack meal service to include education or enrichment activities, the SFA must provide an assurance that staff administering the Afterschool Care Snack Program understand this requirement, and the SFA must put a plan in place to ensure future compliance. Please submit the assurance and plan. The SFA must also submit documentation showing which education or enrichment activities have been incorporated and the date they started.

**SFA Response**

Signature of Reviewer: Rich CrandallDate: 5/3/2017

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 due date indicated. Thank you.