

GENERAL PROGRAM COMPLIANCE

Civil Rights

On-site reviews

Competitive Foods

Procurement

Civil Rights

Protected categories for School Nutrition Programs:

- Race
- Color
- National origin
- Age
- Sex
- Disability



“AND JUSTICE FOR ALL”

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Civil Rights Review

- “And Justice for All” poster placed in visible location
- Receipt of equal benefits without discrimination at each school during each meal service reviewed
- Correct non-discrimination statement on all program materials

Civil Rights Review

- Annual continuing education provided
- SFA and Site monitoring occurred
- Monitoring and education documentation is maintained

Civil Rights: Compliance Worksheet

- Required
- Central Office
- Each school site
- Complete by December 15 each year
- Kept on file

Civil Rights: Review

- What are the SFA's complaint procedures?
- Have there been allegations of discrimination?

Civil Rights: Corrective Action/Fiscal Action

- Deficiencies addressed with corrective action
- Funds withheld if corrective action plan not submitted or not implemented

Questions?



On-Site Review or Self Assessment

- LEAs
 - Annual On-Site review for every site
 - By February 1st
- RCCIs, Non-public, Charter schools
 - Bi-annual Self Assessments for every site
 - By November 1st and April 1st
- Corrective Action and Follow-up within 45 days of any finding

On-Site Review or Self Assessment

SA will request:

- Copy of On-Site Review or Self Assessments
- Written documentation of follow-up reviews
- Written documentation to verify Corrective Action has occurred for initial review findings

On-Site Review or Self Assessment

- Evaluated at the site and SFA level
- No Fiscal Action unless repeated or egregious
- Corrective Action Plan is required for errors

Questions?



Competitive foods

All food and beverages sold to students on the school campus during the school day, other than reimbursable meals

~Reference: 7 CFR 210 and 220

Competitive Foods

Includes:

- *A la Carte* items
- Vending machines
- School Stores
- Fund-raisers
- Student sales
- Other food or beverage sales or activities

Competitive Foods

Healthy, Hunger-Free Kids Act 2010

- Provided authority to establish nutrition standards for all foods and beverages sold outside of School Nutrition programs
- Specified nutrition standards for all foods sold:
 - outside the school meal programs
 - on the school campus
 - at any time during the school day

Competitive Foods

- Standards must be consistent with most recent Dietary Guidelines for Americans
- Standards represent minimum requirements
- Local standards may be more restrictive

Competitive Foods: Smart Snacks Rule

- A la carte foods sold in the cafeteria
- School stores
- Snack bars
- Vending machines
- Any other venues



Competitive Foods: School Day

From midnight to 30 minutes after the end of the official school day.



Competitive Foods

Schools that participate in the NSLP and SBP must prohibit sale of:

- foods or beverages in competition with school meals during designated meal periods
- foods of minimal nutritional value, i.e. soft drinks, gum and candies during meal periods

Competitive Foods: NC Rules

- No food or beverage may be sold to students on campus in competition with the school nutrition program between 12:01 AM and the cafeteria closing
- Sales must accrue to the school's nonprofit meal programs and income used only for these programs

~16 NCAC 6H.004 (SBE Pol. #TCS-S-000)

Competitive Foods: Bottom Line in NC

- All revenues from the sale of foods and/or beverages sold to students *until the established lunch period ends* must accrue to the non-profit School Nutrition Program
- Failure to comply means loss of federal School Nutrition funds

Competitive Foods: What happens after lunch?

1. Extend the existing NC Competitive Foods Rule to 30 minutes after the school day ends.
2. Allow School Nutrition Services to control all food and beverage sales
3. Purchase qualifying snacks and beverages from School Nutrition
4. Control their own sales of foods and beverages after the lunch period

Competitive Foods Review

Observations to determine:

- If food and beverage sales occurring during the school day are conducted by the School Nutrition Program
- If all receipts of food and beverage sales are returned to the School Nutrition Program
- If Foods of Minimal Nutritional Value are being sold by the School Nutrition program.

Competitive Foods Review

Assemble for on-site review:

- Nutrition Facts Labels
- Ingredient listing
- Manufacturers' specifications as needed
- Results of the Smart Snack Calculator or equivalent

Competitive Foods: Corrective Action

- Competitive food sales will be evaluated at the site level.
- Sites in violation must reimburse the School Nutrition Program
- Violations require a written Corrective Action Plan from the LEA's Superintendent or the SFA's Administrator



Competitive Foods: Fiscal Action

The State Agency has the authority to reclaim or withhold all Federal funds for reimbursable school meals each day the school is in violation of the SBE Policy and/or may withhold federal reimbursement until compliance is sustained.

Questions?



PROCUREMENT

Overview

Procurement Methods

Procurement Plan

Procurement Review

Procurement

Full, Free and Open Competition is required for all purchases made with School Nutrition funds.

Procurement: Methods

Purchasing Thresholds

- Formal (Large Purchases)
 - \$150,000 – Federal
 - \$90,000 – State
 - Local Thresholds
- Informal (Small Purchases)

Procurement: Methods

- Request for Quote (RFQ)
- Invitation for Bid (IFB)
- Request for Proposal (RFP)
- Non-Competitive Negotiation

Procurement: Bid Specifications

- Clearly written, detailed product specifications (*approved brand or equal*)
- Quantity
- Quality
- Packaging
- Pricing (unit and extended)
- Substitutions and/or derivations

Procurement: Terms and Conditions

- Include in all bid documents
- Sample template available at:
<http://childnutrition.ncpublicschools.gov/front-page/information-resources/procurement>

Procurement: Written Plan

- Written description of how all goods and services will be purchased
- Approved by Board of Education
- Procurement Plan and the procurement documents must correspond

Procurement: Review

- Evaluation of Procurement documents for which CN Funds were used – i.e.:
 - IFB, RFP, RFG, etc.
 - Bidders
 - Advertisements
 - Bid openings
 - Award decision
 - Award letters
- Hint: Use the Procurement Checklist that contains required elements to conduct self-assessment of all procurement activities

Procurement: Corrective Action

- Assessed primarily at the SFA level for compliance
- Fiscal Action required for improper or unallowable expenditures
- Corrective Action Plan required for non-compliance

Local Wellness Policy (LWP)

- Part of the General Program area of Review
- HHFKA added new provisions
 - Changed content requirements
 - Required LEA's take additional actions
- NC agreement indicates LWP responsibilities

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

Local Wellness Policy

- Responsibility for LWP extends beyond the School Food Authority level to LEA or facility Administration
- Designated LEA oversight official for LWP
- Applies similarly to LEA, RCCI, non-public schools, charter schools

Local Wellness Policy: Assessment

HHFKA provision requires assessment for:

- Schools compliance with the LWP
- How the LWP compares to a model LWP
- Schools' progress toward LWP goals

How does the public know about the results of the most recent assessment on the implementation of the LWP?

- Documentation needed

Required Goals

- Nutrition education
- Physical activity
- Nutrition guidelines
- Nutrition promotion

Local Wellness Policy: AR Assessment

Required elements are present:

- Plan for measuring implementation
- LWP available to public
- When and how does the LEA review and update the LWP?
- Who is involved in reviewing and updating the LWP? What is their relationship with the LEA?

Local Wellness Policy: Corrective Action and Fiscal Action

Corrective Action

- Required if LWP is not available
- Must address all deficiencies in the policy

Fiscal Action

- May withhold funds for repeated or egregious violations

Questions?



Water

- Potable water available to all students at no charge
- In the cafeteria during meal service
- Must be available without restriction
- Not part of the reimbursable meal



Water

- May be provided in a variety of ways
- Students are not required to take water
- Reasonable costs allowable
- Water **required** at lunch and at breakfast if served in cafeteria
- Water **encouraged** at alternative meal service locations and during ASSP
- Corrective Action required if non-compliant

Questions?



Food Safety

- General Area of Review
- Require assessment at each site selected for review
- Includes: Written plan (HACCP), food safety inspections, recordkeeping, and storage practices
- Food safety requirements must be met but the review is not a food safety inspection

Food Safety: HACCP Plan

- Based on USDA guidance & HACCP principles
- Current year Food Safety plan must be available and accessible
- Current year HACCP forms in place and updated
- HACCP Plan templates and checklists are available on SN Website

Food Safety: HHFKA Changes

- Added content requirements
- Must cover all facilities that store, prepare or serve food for FNS programs
- Includes hallways, classrooms, buses, warehouse, etc.



Food Safety: Review

Observations at each review site:

- HACCP Plan: current and complete with required elements & proper implementation
- Food safety inspections reports
- Recordkeeping and monitoring
- Compliant storage practices

Food Safety: Inspections

- Assessed at each selected site
- Two food safety inspections per school year
- Current grade in a publicly visible location
- Written documentation needed for insufficient number of inspections

Food Safety: Corrective Action

- Each area is assessed at the site level
- If all sites compliant, SFA compliant
- Food safety deficiencies do not result in Fiscal Action (unless repeated or egregious), but Corrective Action is required.

Questions?



Outreach: School Breakfast Program and Seamless Summer Option

SFA must inform eligible families of the availability of:

1) reimbursable Breakfast in SBP and 2) meals in SSO programs.

Outreach: SBP

- Inform about availability of SBP at beginning of the SY in F&RP packets
- Send reminders about SBP multiple times throughout the SY
- May provide reminders:
 - through public address system
 - by providing printed or electronic material
 - by posting menus on website

Outreach: SSO

- USDA requires schools to conduct SSO outreach before the end of the school year

Outreach: Corrective Action

- If the outreach requirements are not met, Corrective Action is required in a timely and adequate manner.

Questions?

