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DEPARTMENT OF  
EDUCATION

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**FILE**

Office of Child Nutrition  
**Scott Clements**  
Director

May 14, 2018

Steve Bostick, Superintendent  
Benton County School District  
231 Main Street  
P.O. Box 247  
Ashland, MS 38603

**MAILED**

on 5/15/18 by sw

Dear Mr. Bostick:

The State Agency completed an Administrative Review of the National School Lunch Program (NSLP), School Breakfast Program (SBP) and After School Care Program (ASCP) during the week of April 30, 2018. The regulations governing the Administrative Review (7CFR 210.18) reference two Critical Areas of performance: Performance Standard 1 and Performance Standard 2, as well as several General Areas of Review. A finding was identified related to performance standards 2 and the General Areas. They are described below.

#### **Meal Patterns & Nutritional Quality/Performance Standard 2**

- The High School grain requirements, the 2-ounce equivalent was not met (7 CFR 210-10 (e)).
- The nutrient analysis conducted indicate that the school lunches are not meeting the specifications for calories, age/grade group (7 CFR 210.10). The SFA is to take corrective action to meet the requirements.
- The offer versus serve (OVS) requirements were not met. Schools are expected to conduct training for cashiers and serving line staff, so they can help students select the required food components/food items in the quantities needed for reimbursable lunches and breakfasts. Annual training is required to meet the professional standards requirements for OVS.

#### **General Program Compliance**

- We observed an ice built-up in the freezer at Hickory Flat Attendance Center. It requires corrective action to avoid loss of foods.
- Records from the food safety program for a period of six months following a month's temperature records to demonstrate compliance with §210.13(c). There were no temperature logs.

*This institution is an equal opportunity provider.*

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## Other Federal Program Reviews/Performance Standard 2

- Puddings were menued for After School Snack program for the review month (March 2018), it does not meet one the five components of a reimbursable meal as required in the NSLP (protein, grain, fruit, vegetable, milk) results, disallowing 32 meals. Afterschool snacks must contain two different components (7 CFR 210.10).

Reimbursement Rates	Number of meals	Total Disallowed
\$ .86	32	27.52

We also provided technical assistance to the Mississippi Vending Machine Regulations. The policy said items sold in the teacher lounge must meet at least 50 percent in staff areas (those inaccessible to students) shall meet these regulations (Approved by State Board of Education 10/20/2006 -Policy 4004 2007- Revised 10/2015).

We provided technical assistance (TA) in several areas to the Child Nutrition Director. These comments are located in the Mississippi Application and Reimbursement System (MARS), in the comments section of the On-site Assessment Tool. These comments are provided for the improvement of the program operations. The Child Nutrition Director must provide in MARS a corrective action response to the findings of this review by June 15, 2018.

Therefore, in accordance with the criteria as established in the regulations, a total of \$27.52 is assessed. The State Agency has elected to disregard the overclaim as it falls below the threshold of \$600.00 established by U.S. Department of Agriculture (USDA). A disregard is only allowed once per Federal fiscal year for any review or activity. Pursuant to regulations, an organization has the right to appeal a monetary assessment imposed pursuant to this section of the regulations. Any appeal of a monetary assessment must be filed with the State Agency within 15 calendar days of receipt of this letter.

If you have any questions, please email me at [mburks@mdek12.org](mailto:mburks@mdek12.org) or call Ginger Gibson or me at (601) 576-4955.

Sincerely,



Mary Burks, Division Director II  
Office of Child Nutrition, School Support Division

cc: File NSLP (AR) 2018

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## School Food Authority Appeal Steps and/or Possibilities

The Appeal Process is limited to two areas:

1. The denial of all or part of a Claim for Reimbursement, and
2. Withholding of payments resulting from a review required under Federal Regulations 210.18.

State Agencies are authorized to use their own appeal procedures provided the same procedures are applied to all appellants in the State and the procedures meet the following requirements:

1. Appellants are assured of a fair and impartial hearing before an independent official at which they may be represented by legal counsel.
2. Decisions are rendered in a timely manner not to exceed 120 days from the date of the receipt of the request for a review.
3. Appellants are afforded the right to either a review of the record with the right to file written information, or a hearing which they may attend in person.
4. Adequate notice is given of the time, date, place and procedures of the hearing.

If the State Agency has not established its own procedures or if the State Agency established procedures do not meet these criteria, then the State Agency is required to follow the minimum procedures as follows:

1. The written request for a review shall be postmarked within fifteen (15) calendar days of the date the appellant received the notice of the denial of all or part of a Claim for Reimbursement or withholding payment, and the State Agency shall acknowledge the receipt of the request for appeal within ten (10) calendar days.
2. The appellant may refute the action specified in the notice in person and by written documentation to the review official. In order to be considered, written documentation must be filed with the review official not later than thirty (30) calendar days after the appellant received the notice. The appellant may retain legal counsel, or may be represented by another person. A hearing shall be held by the review official in addition to, or in lieu of, a review of written information submitted by the appellant only if the appellant so specifies in the letter of request for review. Failure of the appellant School Food Authority's representative to appear at a scheduled hearing shall constitute the appellant School Food Authority's waiver of the right to a personal appearance before the review official, unless the review official agrees to reschedule the hearing. A representative of the State Agency shall be allowed to attend the hearing to respond to the appellant's testimony and to answer questions posed by the review official.

3. If the appellant has requested a hearing, the appellant and the State Agency shall be provided with at least ten (10) calendar days advance written notice, sent by certified mail, return receipt requested, of the time, and place of the hearing.
4. Any information on which the State Agency's action was based shall be available to the appellant for inspection from the date of receipt or the request for review.
5. The review official shall be an independent and impartial official other than, and not accountable to, any person authorized to make decisions that are subject to appeal under the provisions of this section.
6. The review official shall make a determination based on information provided by the State Agency and the appellant, and on Program regulations.
7. Within sixty (60) calendar days of the State Agency's receipt of the request for review, by written notice sent by certified mail, return receipt requested, the review official shall inform the State Agency and the appellant of the determination of the review official. The final determination shall take effect upon receipt of the written notice of the final decision by the School Food Authority.
8. The State Agency's action shall remain in effect during the appeal process.
9. The determination by the review official is the final administrative determination to be afforded to the appellant.

#### School Food Authority Appeal of FNS Findings

If the School Food Authority wished to appeal any FNS findings or have any questions concerning any or all findings, please contact Scott Clements at (601) 576-4984 or Technical Assistance at (601) 576-5000.



**FILE**

Office of Child Nutrition  
**Scott Clements**  
Director

June 22, 2018

Steve Bostick, Superintendent  
Benton County School District  
231 Main Street  
P.O. Box 247  
Ashland, MS 38603

**MAILED**  
on 6/22/18 by sw

Dear Mr. Bostick:

Your response to the findings of our Administrative Review of your 2017-2018 National School Lunch Program (NSLP), School Breakfast Program (SBP), After School Care Program (ASCP) and Fresh Fruit and Vegetable Program (FFVP) has been received and accepted in the Mississippi Application and Reimbursement System (MARS). We are closing the file on this review.

If you have any questions concerning this review or need assistance, please call Ginger Gibson or me at (601) 576-4955. Thank you for your continued support of the Child Nutrition Programs.

Sincerely,

Mary Burks, Director  
Office of Child Nutrition, School Support Division

cc: File NSLP (AR) 2018

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