



MISSISSIPPI  
DEPARTMENT OF  
EDUCATION

Ensuring a bright future for every child

 **FILE**

Office of Child Nutrition  
**Scott Clements**  
Director

**MAILED**

November 9, 2018

Mrs. Tess Smith, Superintendent  
Lamar County School District  
424 Martin Luther King Drive  
Purvis, MS 39475

on 11 / 9 / 18 by sw

Dear Mrs. Smith:

The State Agency completed an Administrative Review of the National School Lunch Program (NSLP) and School Breakfast Program (SBP) during the week of October 22, 2018. The regulations governing the Administrative Review (7 CFR 210.18) reference two Critical Areas of performance: Performance Standard 1 and Performance Standard 2, as well as several General Areas of Review. Over the course of the review, the State Agency identified one finding related to Performance Standard 1, which is described below.

**Meal Access and Reimbursement**

- Meal counting and claiming procedures were not met (7 CFR 210.8).

Rate desc.	Rate	Meals Claimed	Meals Served	Paid Amount	Corrected Amount	Difference
Lunch Reimbursement Rate (Reduced)	2.99	777	677	\$2323.23	\$2,024.23	299.00
<b>TOTAL OVERCLAIMED</b>						<b>\$299.00</b>

**General Program Compliance**

- The vending machines were not Smart Snack compliant. The competitive food standard states that items sold to students in the areas of the property under the jurisdiction of the school that are accessible to students during the school day must meet all of the competitive food nutrient standards as outlined in 7 CFR 210.11. Schools should utilize the Healthier Generation Alliance Product Calculator to analyze all food and beverage products to ensure Smart Snack compliance before the products are sold (Rule 17.10 Smart Snacks Standards for All Foods and Beverages Sold in Mississippi Schools).

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 program operations.

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500 Greymont Avenue, Suite F  
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Jackson, MS 39205-0771

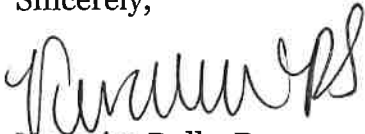
Phone (601) 576-5000  
Fax (601) 354-7595  
[www.mde.k12.ms.us](http://www.mde.k12.ms.us)

Therefore, in accordance with the criteria as established in the regulations, a total of \$299.00 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) (7 CFR 210.19(d)).** A disregard is only allowed once per Federal fiscal year for any review or activity. Pursuant to regulations (7 CFR 210.18(p)), an organization has the right to appeal a monetary assessment imposed. Any appeal of a monetary assessment must be filed with the State Agency within 15 calendar days of receipt of this letter.

Your corrective action response must be entered in MARS by the Child Nutrition Director by December 9, 2018.

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

Sincerely,



Veronica Bolls, Program Specialist  
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

February 5, 2019

Mrs. Tess Smith, Superintendent  
Lamar County School District  
424 Martin Luther King Drive  
Purvis, MS 39475

**MAILED**

on 2 / 8 / 19 by sw

Dear Mrs. Smith:

Your response to the findings of our Administrative Review of your 2018-2019 National School Lunch Program (NSLP) and School Breakfast Program (SBP) has been received and accepted. We are closing the file on this review.

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

Sincerely,



Veronica Bolls, Program Specialist  
Office of Child Nutrition, School Support Division

cc: File NSLP (AR) 2018

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