

January 16, 2020

MS Band of Choctaw Indians  
The Honorable Cyrus Ben, Executive Officer  
150 Recreation Road  
Choctaw, MS 39350

Dear Mr. Ben:

The State Agency (SA) completed an Administrative Review (AR) of the National School Lunch Program (NSLP), School Breakfast Program (SBP), and After School Care Program (ASCP) during the week of December 9, 2019. The regulations governing the Administrative Review (7 CFR 210.18) require the SA to review two Critical Areas of performance: Performance Standard 1 (Meal Access and Reimbursement) and Performance Standard 2 (Meal Pattern and Nutritional Quality). The Review additionally covers several General Areas of Review. Over the course of the SA Review, **fourteen (14) total findings were identified, including number (3) relating to Performance Standard 1.** The findings which were identified are described below.

### **Performance Standard One**

- The Reviewer noted that the SFA did not make the correct eligibility determination on two (2) meal applications as required in accordance with 7 CFR 245.6 (a). The incorrect eligibility determinations were corrected on site. However, in order to ensure on-going corrective action, the SFA must submit a plan to the SA to implement a second party check.
- In accordance with 7 CFR 245.6 (C) (6) and 7 CFR 245.6 (C) (7), the SFA must provide notice of eligibility determinations as a result of processing meal applications. SFA did not provide letters to the household notifying families of benefits received or denied benefits. In order to ensure on-going corrective action, the SFA must submit a plan to provide notices of approved or denied benefits to families as a result of meal applications.
- The Reviewer noted that The SFA's claim for reimbursement in the month of November was not correctly consolidated in accordance with 7 CFR 210.8 (2). The errors, which are described in the chart below, have resulted in a cumulative, **negative adjustment of \$48.08.** Due to the fact that this amount falls below the disregard threshold established in federal regulation, **the SA will not seek to recoup these funds.** In order to document corrective action, the SFA must submit a plan of action to ensure meal claims are accurate in the future.

| <b>Lunch</b>            |                  |                 |                   |
|-------------------------|------------------|-----------------|-------------------|
| <b>Site Name</b>        | <b>SFA Count</b> | <b>SA Count</b> | <b>Difference</b> |
| Bogue - Free            | 2582             | 2585            | -30               |
| Choctaw Central - Free  | 4411             | 4417            | -6                |
| Redwater                | 1558             | 1559            | -8                |
| Standing Pine - Free    | 1662             | 1668            | -6                |
| Standing Pine – Paid    | 506              | 508             | -2                |
| <b>Breakfast</b>        |                  |                 |                   |
| <b>Name</b>             | <b>SFA Count</b> | <b>SA Count</b> | <b>Difference</b> |
| Pearl River- Free       | 3406             | 3412            | -6                |
| Standing Pine - Free    | 1603             | 1604            | -1                |
| Standing Pine - Reduced | 156              | 157             | -1                |
| <b>Snack</b>            |                  |                 |                   |
| <b>Site</b>             | <b>SFA Count</b> | <b>SA Count</b> | <b>Difference</b> |
| Bogue                   | 1127             | 1013            | 114               |
| Pearl River             | 2903             | 2910            | -7                |
| Standing Pine           | 919              | 896             | 23                |

### **General Program Compliance**

- In accordance with 7 CFR 245.6a (f), the SFA must send a letter to all applicable households with the results of the Verification process. The Reviewer noted that letters were not sent to families at the culmination of the Verification process. In order to ensure on-going corrective action, the SFA must submit a plan to include final letters as part of the annual Verification process.
- In accordance with 7 CFR 245.6a (e) (1), a confirmation review must be done by an individual other than the individual who made the initial eligibility determination as part of the verification process. The Reviewer noted that the SFA did not complete a confirmation review as part of the verification process. In order to document corrective action, the SFA must submit a plan to include confirmation reviews as part of the verification process in subsequent years.
- In accordance with FNS Instruction 113-1, program materials are required to contain the correct non-discrimination statement. The Reviewer noted that the public release did not contain the non-discrimination statement. In order to document corrective action, the SFA must revise the template to include the correct non-discrimination statement and submit a copy to the SA.
- In accordance with 7 CFR 245.5 (a) (1), the SFA's public release is required to contain certain key elements. The Reviewer noted that the SFA's public release letter was missing the following required elements: an explanation of eligibility based on participation in SNAP, FDPIR, or TANF; and Federal Income Eligibility Guidelines for reduced price benefits. In order to document corrective action, the SFA must revise the public release template to include all required elements and submit a copy to the SA.

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- In accordance with 7 CFR 210.23 (c), the SFA must maintain all records related to the NSLP for three (3) years plus the current year. The Reviewer noted that the SFA did not have claim data from the 2016-2017 School Year. Additionally, production records from the 2016-2017 School Year for the Standing Pine Elementary site were not available to the SA at the time of the Review. In order to document corrective action, the SFA must provide a plan or Standard Operating Procedure to maintain all relevant records for the timeframe required by regulation.
- In accordance with 7 CFR 210.30, the professional development tracking sheet utilized by the SFA is required to contain certain key elements. The Reviewer noted that the SFA's professional development tracking sheet was lacking the following elements: date hired, job title, list of duties, employment status, and professional standards employee category.
- In accordance with 7 CFR 210.13 (d), the SFA must ensure that the facilities for the storage of food should safeguard against spoilage and other loss. While on site at Standing Pine Elementary, The SA observed that food stored in the freezers was not at least six (6) inches above the floor, which is a violation of the health code and a food safety concern. In order to document corrective action, the SFA should submit a plan to provide appropriate shelving and/or staff training to ensure that food is stored in a safe manner.
- In accordance with 7 CFR 210.13 (b), sites are required to post the current food safety inspection in a publicly visible location. While on site at Standing Pine Elementary and Pearl River Elementary, the Reviewer noted that the food safety inspections were not posted at either site. In order to document corrective action, the SFA must provide documentation to the SA that the inspections have been posted at both sites.
- The Reviewer noted that Pearl River Elementary School did not receive two (2) food safety inspections for the current school year, nor the past school year, as required in accordance with 7 CFR 210.13 (c). In order to implement corrective action, the SFA must request two (2) health inspections during the current school year and submit documentation of the request to the SA.
- In accordance with 7 CFR 210 (a) (2), the SFA must post signage at or near the beginning of the serving line to identify what constitutes a reimbursable meal as part of the site's implementation of Offer Versus Serve (OVS). While on site at Pearl River Elementary, the Reviewer noted that no OVS signage was posted. In order to document corrective action, the SFA must provide proof that OVS signage has been posted at Pearl River Elementary.
- In accordance with 7 CFR 210.13, each site is required to have a written food safety plan. The Reviewer noted that there was no written food safety plan on site

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at Pearl River Elementary. In order to document corrective action, the SFA must submit a copy of the site-specific safety plan for Pearl River Elementary to the SA.

The SFA's response to all areas requiring corrective action must be entered into the Mississippi Application and Reimbursement System (MARS) by the Child Nutrition Director (CND) by **February 16, 2020**.

Pursuant to regulations, an organization has the right to appeal any monetary assessment imposed. Any appeal of a monetary assessment must be filed with the SA within fifteen (15) calendar days of receipt of this letter. Please refer to the enclosed copy of appeal procedures.

In addition to conducting the AR, one of the functions of the SA is to provide Technical Assistance (TA). During the review, the SA Reviewer provided TA in several areas to the CND. TA is documented in MARS, specifically in the "Technical Assistance" section of the "Compliance" Module. TA is provided for the improvement of the program operations and is not considered a finding.

The SA would like to commend the SFA for cleanliness and organization displayed at the site Standing Pine Elementary School.

If you have any questions regarding this review, or if you would like to request additional assistance, please email me at [rmiller@mdek12.org](mailto:rmiller@mdek12.org) or call Mary Burks or me at (601) 576-5000.

Sincerely,

**Original Signed**

Rodney Miller, Program Specialist  
Office of Child Nutrition, School Support Division

cc: File NSLP (AR) 2019/20

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January 28, 2020

MS Band of Choctaw Indians  
Honorable Cyrus Ben  
Post Office Box 6010/141 Industrial R  
Choctaw, MS 39350

Dear Honorable Ben:

Your response to the findings of our Administrative Review of your 2019-2020 National School Lunch Program (NSLP) and School Breakfast Program (SBP) 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 Mary Burks or me at (601) 576-5000. Thank you for your continued support of the Child Nutrition Programs.

Sincerely,

**Original Signed**

Rodney Miller, NSLP Program Specialist  
Office of Child Nutrition, School Support Division

cc: File NSLP (AR) 2019/20

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