

The Compliance Review Process

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MISSISSIPPI
DEPARTMENT OF
EDUCATION

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ALL Students Proficient and Showing Growth in All Assessed Areas

EVERY School Has Effective Teachers and Leaders

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2

EVERY Student Graduates from High School and is Ready for College and Career

EVERY Community Effectively Uses a World-Class Data System to Improve Student Outcomes

5



3

EVERY Child Has Access to a High-Quality Early Childhood Program

EVERY School and District is Rated "C" or Higher

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VISION

To create a world-class educational system that gives students the knowledge and skills to be successful in college and the workforce, and to flourish as parents and citizens



MISSION

To provide leadership through the development of policy and accountability systems so that all students are prepared to compete in the global community

How to Survive a Desk Review






We are invested in your success, not your failure!

Who Will Receive a Compliance Review?

We follow set selection criteria

- New Sponsors
- Problematic Sponsors
- Biennial Reviews
- Aggregate Reimbursement (*Large Reimbursements*)



If Sponsoring Org is Reviewed, SA will visit Ten Percent (10%) of Sponsor's **sites** or One Site (*whichever is greater*)



- Due to COVID-19, all reviews will be conducted in a Desk Review (virtual) format.
- We will not physically visit your office or your sites.
- You will be notified that you are being reviewed and will have fifteen (15) calendar days to submit requested documentation to the SA.

Pictures!

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- We will ask you to take **SPECIFIC** pictures of your operations at chosen sites.
- This will all be outlined in your notification letter.
- You must send **CLEARLY LABELED** copies of these pictures to your SA Reviewer.
- Video also acceptable



- Program operations (site and sponsor level),
- Use of Program funds, and
- Compliance with SFSP regulations.

The review period = most recent month for which a claim for reimbursement has been filed by your organization.

Compliance Review Modules

| | Action | Form | Reviewer | Status |
|-----|---------------|--|-------------------------------|----------------|
| [-] | | Administrative Review (13) | | |
| [-] | | Sponsor - Level (10) | <input type="text" value=""/> | |
| | View Modify | 100 - Training | <input type="text" value=""/> | Completed |
| | View Modify | 200 - Monitoring | <input type="text" value=""/> | Completed |
| | View Modify | 300 - Foodservice | <input type="text" value=""/> | Completed |
| | View Modify | 400 - Meal Count Records | <input type="text" value=""/> | Completed |
| | View Modify | 500 - Financial Management | <input type="text" value=""/> | Completed |
| | View Modify | 600 - Claim Validation | <input type="text" value=""/> | Completed |
| | View Modify | 700 - Eligibility | <input type="text" value=""/> | Not Applicable |
| | View Modify | 800 - Procurement | <input type="text" value=""/> | Completed |
| | View Modify | 900 - Civil Rights | <input type="text" value=""/> | Completed |
| | View Modify | 1000 - Administrative Responsibilities | <input type="text" value=""/> | Completed |

Site Review

The following records will be reviewed for SELECT sites:

- Pictures
- Production Records
- Delivery Receipts
- Temperature Logs
- Current Health Inspection

ALL VIRTUAL! No on-site review.



Sponsor Review

| | Action | Form | Reviewer | Status |
|-----|---------------|--|----------------------|----------------|
| [-] | | Administrative Review (13) | | |
| [-] | | Sponsor - Level (10) | <input type="text"/> | |
| | View Modify | 100 - Training | <input type="text"/> | Completed |
| | View Modify | 200 - Monitoring | <input type="text"/> | Completed |
| | View Modify | 300 - Foodservice | <input type="text"/> | Completed |
| | View Modify | 400 - Meal Count Records | <input type="text"/> | Completed |
| | View Modify | 500 - Financial Management | <input type="text"/> | Completed |
| | View Modify | 600 - Claim Validation | <input type="text"/> | Completed |
| | View Modify | 700 - Eligibility | <input type="text"/> | Not Applicable |
| | View Modify | 800 - Procurement | <input type="text"/> | Completed |
| | View Modify | 900 - Civil Rights | <input type="text"/> | Completed |
| | View Modify | 1000 - Administrative Responsibilities | <input type="text"/> | Completed |

The following records will be reviewed:

- Program application, agreement, and supporting documentation
- Administrative and site training documentation
- Site monitoring records: pre-approval, first week visits (currently waived for this SY), fourth week visits, and follow-up reviews as applicable
- Accounting records, General Ledger



Sponsor Review (cont.)

The following records will be reviewed:

- Invoices and receipts
- Daily meal count records for each site
- Menus and other food service records
- Milk Analysis
- Meal Delivery receipts (if applicable)
- Health and safety inspections
- Documentation of corrective action from prior review, if applicable





Reminder

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DID WE MENTION THAT WE ARE
DOING A MILK ANALYSIS?

You can't just hide behind OVS if you are short on milk!

- MUST implement OVS appropriately
- OVS is not appropriate for all delivery strategies.
- We will compare all milk receipts at non-OVS sites
- **Even if you are implementing OVS, you MUST have enough milk on hand to serve all children! We may request inventory sheets.**



Common Violations

Failure to Advertise Your Program

- Didn't save any of your newspaper articles
- Advertised some sites, but not others
- Didn't include the non-disc statement



[Name of sponsor] is participating in the Summer Food Service Program. Meals will be provided to all children without charge and are the same for all children regardless of race, color, national origin, sex, age or disability, and there will be no discrimination in the course of the meal service. Meals will be provided, at a first come, first serve basis, at the sites and times as follows:

[list all sites along with the starting and ending times of meal service for each site]

To file a program complaint of discrimination, complete the [USDA Program Discrimination Complaint Form \(AD-3027\)](#), found online at http://www.ascr.usda.gov/complaint_filing_cust.html and at any USDA office, or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992.

Submit your completed form or letter to USDA by:

- (1) Mail: U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410
- (2) Fax: (202) 690-7442; or
- (3) Email: program.intake@usda.gov

This institution is an equal opportunity provider

- Pg. 172 of Administrative Guidance

Failure to Adjust ADP

- Contract in MARS says I serve 100 kids every day, but my meal count sheets show an average of 10



Meals Claimed for Unapproved Sites

- Different buildings on the same campus
- Taking a “field trip” every day to another site
- Claiming two sites under one profile in MARS because it is “easier”
- “But they are so close, I could walk there!”



Incomplete Meal Count Records

- You serve exactly the same number of meals that you prepare each day
- You can show us how many meals were delivered, but not how many were served
- The site supervisor just circles the number of kids served at the end of the day based on a guess rather than counting each child as they go through the line.



Failure to Follow Meal Pattern Requirements

- Improper implementation of OVS
- Milk invoices indicate you purchased only 500 units of milk, but claimed 1,000 meals.
- You didn't realize the fruit/vegetable component had to be $\frac{3}{4}$ cup at lunch. Today, you're only offering an apple with no other veggies or fruits.
- You didn't realize you had to serve two different fruits/veggies



No documentation of staff training, site monitoring, or racial/ethnic participation



- Did not conduct any monitoring visits
- Didn't request a health inspection for your new site or expired permit
- Didn't complete the Racial/Ethnic form or retain data from SD
- SA cannot tell if you covered all the required topics at your civil rights training.

Racial and Ethnic Data Form**

Sponsor: _____ Site: _____
 Site Contact Name: _____ Title: _____
 Site Address: _____ Date of visit: _____
 Site Supervisor: _____

| Ethnic Categories | Number of Participating Children |
|------------------------|----------------------------------|
| Hispanic or Latino | |
| Not-Hispanic or Latino | |

Hispanic or Latino: A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race. The term "Spanish origin" can be used in addition to "Hispanic or Latino."

| Racial Categories | Number of Participating Children* |
|---|-----------------------------------|
| American Indian or Alaska Native | |
| Asian | |
| Black or African American | |
| Native Hawaiian or Other Pacific Islander | |
| White | |

- **American Indian or Alaska Native:** A person having origins in any of the original peoples of North and South America, (including Central America), and who maintains tribal affiliation or community recognition.
- **Asian:** A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent, including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.
- **Black or African American:** A person having origins in any of the black racial groups of Africa. Terms such as "Haitian" can be used in addition to "Black or African American."
- **Native Hawaiian or Other Pacific Islander:** A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.
- **White:** A person having origins in any of the original peoples of Europe, the Middle East or North Africa.

Monitor's Signature _____

Date _____

** Note: Based on OMB Notice, Revisions to the Standards for the Classification of Federal Data on Race and Ethnicity published 10/30/97 and in FNS Instruction 113-1, Child Rights Compliance and Enforcement Nutrition Programs and Activities, published November 8, 2005. See Back for instructions.

Racial/Ethnic Data Form

- Attachment 21 of Admin Guide
- **Good Idea!** – Take this form with you on your monitoring visit. You only have to record this information once for each site. It does not have to be recorded daily.
- **NOTE:** Closed enrolled sites can use District racial data. Open sites would need to complete this form.

Poor Financial Management

- Can't separate SFSP from NSLP account (more lenient this year due to COVID-19)
- Not using the correct funding code
- No documentation of costs



Closing the Review

What Happens After the Review?



1. **Preliminary Report** detailing the areas covered during the review. Shared during a virtual exit conference.
2. **A Findings Letter** – outlining specific deficiencies, sent by USPS (*certified mail if Fiscal Action assessed*)
3. Sponsor's Submission of **Corrective Action Plan (CAP)** and Check if Fiscal Action is assessed.
 - Areas of noncompliance with regs, FNS Instructions, and SFSP policy memoranda must be immediately and adequately addressed by org.
4. **CAP Approval and Closure**



- Fiscal Action is a result of improper meal counts and/or missing meal components
- If Fiscal Action is assessed, you **CANNOT** use Child Nutrition Program funds to settle the difference. It **MUST** come from non-federal sources, typically the school district's general fund.



- Upon receiving a Findings letter from the State Agency, each organization must provide a written Corrective Action Plan (CAP). The CAP must address each finding and include the actions being implemented to **permanently** correct the identified deficiency.

- CAPs should be submitted in MARS.

A Corrective Action Plan Must Include:

- **who** will be responsible for correcting each area of non-compliance;
- **what** will be done to correct the issue;
- **how** the organization will ensure continued compliance;
- **when** these actions will take place; and
- **where** your organization will maintain the supporting documentation.





- When a corrective action plan is received from an organization, it is evaluated to ensure that it is complete and that each finding has been adequately addressed.
- If the CAP is satisfactory, the SA will issue a letter to the institution indicating that its response was acceptable, and the review is closed.



- If the corrective action plan is incomplete, the organization will be informed of all outstanding items and be asked to submit the remaining documentation.
- If the corrective action plan is not submitted and/or the additional documentation is inadequate, the SA must proceed to declare the organization **seriously deficient**.

The Serious Deficiency (SD) Process

1

Identify the SD and **Prepare** the SD Notice

2

Assess the Corrective Action

3

Prepare the Termination Notice

4

Hold the Appeal Hearing

5

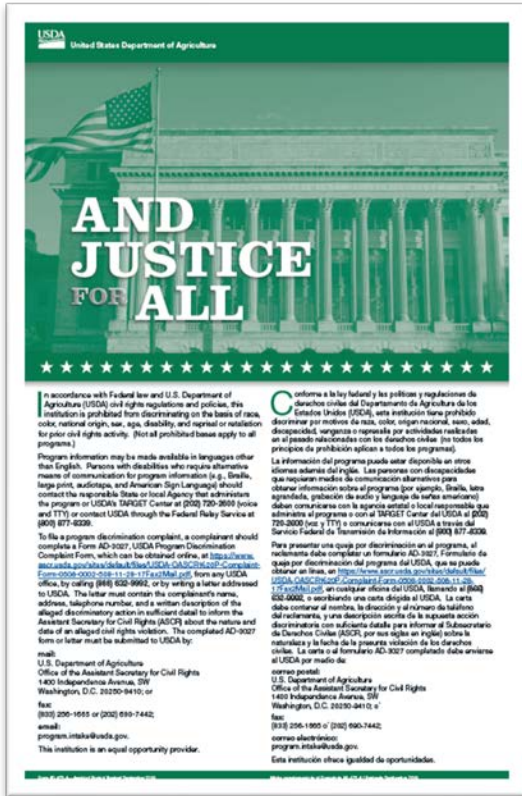
Terminate the Agreement and Place the Org on the SD List

Questions



This institution is an equal opportunity provider.

Full Non-Discrimination Statement link:
<https://mdek12.org/sites/default/files/documents/ocn/usda-nondiscrimination-statement-2016.pdf>



The poster features the USDA logo at the top left, with the text "United States Department of Agriculture" below it. The background is a green field with a white American flag on the left and a white classical building facade on the right. The main title "AND JUSTICE FOR ALL" is written in large, bold, white letters across the center. Below the title is a row of twelve white stars. The text is presented in both English and Spanish. The English text includes: "In accordance with Federal law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, disability, and marital or marital status for prior civil rights activity. (Not all prohibited bases apply to all programs.) Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, and American Sign Language) should contact the responsible State or local Agency that administers the program or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339. To file a program discrimination complaint, a complainant should complete a Form AD-3027, USDA Program Discrimination Complaint Form, which can be obtained online at <https://www.ams.usda.gov/ohds/ada/ada3027.pdf>. Form AD-3027, USDA Program Discrimination Complaint Form, may also be obtained from any USDA office, by calling (866) 632-6962, or by writing a letter addressed to USDA. The letter must contain the complainant's name, address, telephone number, and a written description of the alleged discriminatory action in sufficient detail to inform the Assistant Secretary for Civil Rights (ASCR) about the nature and date of an alleged civil rights violation. The completed AD-3027 form or letter must be submitted to USDA by: email: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410; or fax: (800) 255-1665 or (202) 899-7442; email: program.ams@usda.gov. This institution is an equal opportunity provider." The Spanish text includes: "Conforme a la ley federal y las políticas y regulaciones de derechos civiles del Departamento de Agricultura de los Estados Unidos (USDA), esta institución tiene prohibido discriminar por motivos de raza, color, origen nacional, sexo, edad, discapacidad, vigencia o nupcialidad por actividades realizadas en el pasado relacionadas con los derechos civiles (no todos los principios de prohibición aplican a todos los programas). La información del programa puede estar disponible en otros idiomas además del inglés. Las personas con discapacidades que requieren medios de comunicación alternativos para obtener información sobre el programa (por ejemplo, Braille, letra grande, grabación de audio y lenguaje de señas americano) deben comunicarse con la agencia estatal o local responsable que administra el programa o con el TARGET Center del USDA al (202) 720-2600 (voz y TTY) o comunicarse con el USDA a través del Servicio Federal de Transmisión de Información al (800) 877-8339. Para presentar una queja por discriminación en el programa, el reclamante debe completar un formulario AD-3027. Formulario de queja por discriminación del programa del USDA, que se puede obtener en línea, en <https://www.ams.usda.gov/ohds/ada/ada3027.pdf>. Formulario de queja por discriminación del programa del USDA, también puede obtenerse en cualquier oficina del USDA, llamando al (866) 632-6962, o escribiendo una carta dirigida al USDA. La carta debe contener el nombre, dirección y número de teléfono del reclamante, y una descripción escrita de la supuesta acción discriminatoria con suficiente detalle para informar al Subsecretario de Derechos Civiles (ASCR) por sus siglas en inglés sobre la naturaleza y la fecha de la presunta violación de los derechos civiles. La carta o el formulario AD-3027 completado debe enviarse al USDA por medio de: correo postal: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410; o fax: (800) 255-1665 o (202) 899-7442; correo electrónico: program.ams@usda.gov. Esta institución ofrece igualdad de oportunidades." At the bottom, there are two small logos: "USDA" on the left and "MISSISSIPPI DEPARTMENT OF EDUCATION" on the right.



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