



PUBLIC SCHOOLS OF NORTH CAROLINA

DEPARTMENT OF PUBLIC INSTRUCTION | June St. Clair Atkinson, Ed.D., *State Superintendent*

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July 10, 2015

Ms. Julie Brewer
Child Nutrition Policy and Program Development Division
Food and Nutrition Service
U.S. Department of Agriculture
3101 Park Center Drive, Room 1212
Alexandria, VA 22302-1594

Dear Ms. Brewer:

As a member of the School Nutrition Division of the North Carolina Department of Public Instruction (NCDPI), I appreciate the opportunity to submit comments on the Proposed Rule, *Administrative Reviews in the School Nutrition Programs*. My State agency, like many others that oversee the Federally-funded School Nutrition Programs, has implemented the new Administrative Review (AR) Process since July, 2013. These comments are based on actual experiences and lessons I have learned as a Nutrition Specialist, monitoring School Nutrition Programs.

Technical Assistance during the Administrative Review

I appreciate the extensive work that went into the development of the AR and recognize the US Department of Agriculture's (USDA) attempt to standardize the AR throughout the country to ensure a minimum level of accountability in all States. Guidelines for the AR instruct me to provide technical assistance while on-site during the review week. While this approach may seem efficient and effective "on paper", the technical assistance is rarely as in-depth as would be necessary to provide meaningful and sustaining change. During the week of the AR, the environment is seldom conducive to teaching and/or learning.

Prior to the new AR process, I was afforded the time required to provide meaningful instruction and follow-up through routine Technical Assistance (TA) reviews. Providing such comprehensive technical assistance better prepares SFAs to achieve compliance with regulations, especially in the critical performance standard areas. As a result of this level of on-site assistance, my State enjoys an administrative error rate of less than 1%

I recommend altering the proposed rule to allow SFAs with no critical area violations receive ARs on a five-year schedule and SFAs with critical violations be reviewed more frequently. This new modified you cycle would allow more comprehensive TA in which

SCHOOL NUTRITION SERVICES

SAFE AND HEALTHY SCHOOLS SUPPORT DIVISION

Lynn Harvey, Ed.D., RDN, LDN, FAND, SNS Chief | lynn.harvey@dpi.nc.gov

6324 Mail Service Center, Raleigh, North Carolina 27699-6324 | Phone (919) 807-3506 | Fax (919) 807-3516

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

SFAs in NC are more accustomed. This modified review cycle would also help relieve the resource and time consuming burden of administrative reviews for SFAs that have a proven record of no critical violations.

Duplication within the Administrative Review forms

The newly developed AR attempts to minimize the paperwork supporting the monitoring process. The newly revised forms contain repetitive review questions. This repetition can cause confusion and lengthens the time required to conduct ARs. There is also redundancy in verifying performance-based certification, The Healthier US School Challenge, nutrient analysis requirements, and more which should be addressed and simplified.

I recommend the streamlining of the AR forms and encourage the USDA to ask State agency directors to identify areas of redundancy in the AR forms as a means of increasing the efficiency and effectiveness of the review process.

Transparency Requirement

Under the Proposed Rule, State agencies will be required to report the final results of Administrative Reviews to the public. The rule indicates the USDA will provide additional guidance on appropriate formats. I support the requirement for transparency in the Administrative Review process and I also support a uniform format across all States not only for easing the burden on State agencies, but also for consistency in the information commonly available to the public. However, public reporting of this magnitude will be administratively burdensome to State agencies and increase the requirement for additional staff hours. There is also concern the development of a “new State agency report” will create a duplication of effort for State agency staff who already have specific procedures for generating AR Reports (Exit letters, Management Letters, Report of Findings, Recommendations and Commendations). I am also concerned that the reports generated by the State agency may only reveal “errors” or violations in the School Nutrition programs as there is no requirement to report commendations to reflect the many positive contributions of School Nutrition Personnel in the management of their School Nutrition Programs.

In order to overcome this lack of “full disclosure”, I recommend that each SFA publish the results of its AR so it may include the results of the AR in its entirety and include not only the findings, recommendations and corrective actions, but also the commendations so the public may have a broader understanding of the program, not simply the areas that need improvement or correction. Each SFA could be required to notify the State agency when the SFA’s AR is made public. The State agency could confirm the public reporting with minimal effort. Having the SFA report its individual Administrative Review would be consistent with other local reports including the requirement to post health inspections and local wellness policies for public knowledge.

Critical Areas of Review

I support efforts to ensure program integrity. Performance Standard 1 and 2 (PS-1 and PS-2) violations are currently, and will continue to be, clearly identified in the AR process. Fiscal action for these violations may apply to the entire SFA as determined by the Food and Nutrition Service of the USDA.

I recommend that on repeat violations fiscal action should only be taken if there is purposeful intent to circumvent the regulations. If there are violations because the staff is inexperienced, new to their role or other similar circumstances, I believe additional technical assistance with adequate follow-up and well-documented corrective action will ensure that regulations are being followed. I also suggest adjusting the threshold for fines to address the various sizes of SFAs. The current threshold of \$600 applies to all SFAs with no consideration to the size of the SFA.

Additionally, I would that Resource Management be treated similarly to PS-1 and PS-2 violations. Administrative errors involving resource management compromises the integrity of the program to the same degree as PS-1 and PS-2 violations.

Timing of Reviews

The proposed rules would require State agencies to complete an AR within the school year in which the review was begun. This requirement would technically preclude reviews during the months of April, May and June as it is impossible to conduct, write, review and issue a Final AR report to a SFA in fewer than 90 days.

I recommend a provision that allows each State agency to establish an AR timeline that is consistent with their AR procedures, the number of ARs to be conducted and the number of State staff available to conduct ARs. I also recommend State agencies submit their individual timelines to their respective USDA Regional Offices to apprise them of the State's timeline and procedures.

Thank you for the opportunity to comment on the proposed rule. My goal was to ensure the nutritional, operational and financial integrity of the Federally-funded School Nutrition Programs entrusted to me and the School Nutrition Division I proudly serve.

Sincerely,

A handwritten signature in black ink, reading "Trip Warren". The signature is fluid and cursive, with the first name "Trip" and last name "Warren" clearly legible.

Trip Warren, MHS, RDN, LDN, SNS
Nutrition Specialist
North Carolina Department of Public Instruction

c: Dr. Lynn Harvey, Chief, School Nutrition Division