

**IOWA DEPARTMENT OF EDUCATION
27 D.o.E. App. Dec. 623**

In re Partial Denial of Meal Reimbursement for Summer Food Service Program

Diagonal Community School District,	:	15DOE002
Appellant,	:	
v.	:	ORDER
Iowa Department of Education	:	
Bureau of Nutrition and Health Services,	:	
Appellee.	:	[Admin. Doc. 5018]

STATEMENT OF THE CASE

This matter was heard telephonically by Administrative Law Judge Carol J. Greta on August 14, 2015, on an appeal filed by Diagonal Community School District (“Diagonal CSD” or “District”) from a determination by the Iowa Department of Education’s Bureau of Nutrition and Health Services (“Bureau”) that Diagonal CSD’s documentation of lunches served by the Appellant on Fridays in June would not be reimbursed under the Summer Food Service Program (“SFSP”). The Appellant, Diagonal CSD, was represented by Superintendent Karlene Stephens, who testified on behalf of the District. The Appellee was represented by SFSP consultant Janice Steffen.

In addition to its “Summary of Review Findings,” the following exhibits from the Bureau were admitted into the record:

- A Review of 6/22/15 of District’s operation of its SFSP site
- B District’s SFSP site application for summer of 2015
- C District’s notice to the public of the availability of the program
- D Plan of corrective action presented to District from Bureau
- E Plan of corrective action, District’s response

The District submitted its daily meal count forms for the Fridays in June (5, 12, 19 and 26), which were labeled Exhibit 1 and admitted into the record. Because the documentation for the remaining Fridays in July and August was deemed adequate by the Bureau, no other meal count forms needed to be made a part of the record.

FINDINGS OF FACT

The underlying facts of this appeal are uncontested. Diagonal Community School District has participated in the federal Summer Food Service Program for about a dozen years. (Stephens Testimony) This year, the District had both a new district secretary and food service director. (*Id.*) The District did not dispute that its original application sought approval to apply for reimbursement solely for the Monday through Thursday lunches in June, July, and August. (Exhibit B) It fed approximately 25 children each of the four Fridays in June, but had not advertised to the public that the Friday lunches were available to all children without charge, the same availability as the Monday through Thursday lunches. (Exhibit C) Once Supt. Stephens was made aware of this error, she took corrective action for July and August.

It was also uncontested that the substance of the meal provided by the District on June 5 did not meet the nutritional requirements of the SFSP. (Steffen Testimony) Thus, the sole question presented on appeal is whether the District may still try to take corrective action for the meals served on June 12, 19 and 26.

CONCLUSIONS OF LAW

SFSP is a program created by the Agricultural Risk Protection Act, 42 U.S.C. § 1766. The regulations are located at 7 CFR Part 225. Because SFSP involves public moneys, the regulations are quite strict, but not unreasonably so. 7 CFR § 225.11(c)(4)(ii) authorizes termination of a school district from the SFSP if the district fails to maintain adequate records. Because the Diagonal CSD's records were far from adequate, the Bureau believes it was being very lenient in merely disallowing the reimbursement for the lunches served on the four Fridays in June.

The purpose of allowing a SFSP site to submit a corrective action plan is to improve program performance at the site. 7 CFR § 225.11(a). It is not to remediate past noncompliance areas for the purpose of providing reimbursement.

In this case, there is no basis in the federal regulations to allow further corrective action by the District. The Bureau has accepted the corrective action steps taken by the District to enable the District to be reimbursed for the Friday lunches served prospectively in July and August. The Bureau was correct to not approve reimbursement for the June Friday lunches.

DECISION

The decision to deny reimbursement to Diagonal Community School District for lunches served during the four Fridays in June, 2015 is **AFFIRMED**.

Entered this 18th day of August, 2015.

/s/

Carol J. Greta
Administrative Law Judge

It is so ordered.

8/18/2015 _____

Date

/s/ _____

Ryan Wise, Director
Iowa Department of Education

cc: Appellant
Appellee