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January 24, 2017

Dr. Gregory Bailey, Superintendent  
Moscow School District  
650 North Cleveland Street  
Moscow, ID 83843

Dear Dr. Bailey,

On December 6-7, 2016, State Department of Education (SDE) Coordinators TJ Goodsell and Tamara Donovan conducted an Administrative Review of Moscow School District for the following United States Department of Agriculture (USDA) programs:

- National School Lunch Program (NSLP)
- School Breakfast Program (SBP)
- USDA Foods
- Afterschool Snack Program

J. Russell Elementary and Moscow Middle School were the school sites reviewed.

The State agency (SA) would like to commend Mimi Pengilly and the entire staff of the Moscow School District for their hard work operating the school nutrition programs.

## Overview

The Richard B. Russell National School Lunch Act, amended by the addition of Section 201 to the Healthy Hunger Free Kids Act of 2010 (HHFKA), requires a unified accountability system designed to ensure that participating school food authorities (SFA) comply with USDA requirements. The objectives of the Administrative Review are to:

- Determine whether the SFA meets program requirements
- Provide technical assistance
- Secure any needed corrective action
- Assess fiscal action and, when applicable, recover improperly paid funds

## Review Frequency and Scope of Review

The Healthy Hunger-Free Kids Act mandates State agencies conduct an Administrative Review a minimum of one time during a three-year cycle to evaluate Critical and General Areas of Review, including:

- Performance Standard 1: Meal Access and Reimbursement
- Performance Standard 2: Meal Pattern and Nutritional Quality

- General Areas of Review: Resource Management, Food Safety, Local School Wellness Policy, Smart Snacks, Civil Rights, Buy American, Professional Standards, and other areas of general program compliance

These were the SA determined findings and the SFA response to the findings:

## Finding and Corrective Action Plan (CAP)

### ***Finding 1 - Certification and Benefit Issuance***

Two free and reduced income applications (three students) were inaccurately determined. Please inform the household of the change in status and update the Benefit Issuance List. Standard notification letters are available at the SA website under Download Forms. All households for whom benefits are to be reduced or terminated must be given ten calendar days' written advance notice of the change (2016 Eligibility Manual).

**Timeframe for CAP completion: December 20, 2016**

#### **SFA Response to CAP:**

The Food Service Director corrected the benefit issuance list and notified the households of the change in status while the SA was on site. The SA uploaded the documentation into MyIdahoCNP.

### ***Finding 2 – Meal Components and Quantities - Lunch***

Meals offered to students must meet vegetable subgroup and whole grain-rich requirements. (7 CFR 210.10) Targeted week of review 10/10/16-10/14/16 was found to be missing the starchy vegetable sub group. The error was corrected on site with the assistance of a State agency contractor for the month of November's menu.

**Timeframe for CAP completion: December 20, 2016**

#### **SFA Response to CAP:**

The Food Service Director corrected the December menu and provided documentation while SA was on site. The SA uploaded the documentation into MyIdahoCNP.

### ***Finding 3 - Meal Components and Quantities - Lunch***

The planned menu for the week 10/10/16-10/14/16 did not have the minimum weekly requirement of ½ cup dark green vegetable. It only had ¼ cup of dark green planned on 10/13. The tossed salad had ¼ cup dark green equivalent planned per salad and the students generally are not allowed seconds.

Immediate corrective action was required. On 11/7/16, the FSD revised the menu for the weeks of 11/7, 11/14, and 11/28 and created a recipe for ¾ cup fresh broccoli & carrots. The item was added to the menu on 11/10 and 11/18. For the week of 11/28, the FSD planned ½ cup steamed broccoli which was offered on 12/01/16.

**Timeframe for CAP completion: December 20, 2016**

#### **SFA Response to CAP:**

The finding was corrected during the targeted menu review.

#### ***Finding 4 – Afterschool Snack***

Snacks with only one component must not be counted and claimed for reimbursement; two different components must be taken in order for the snack to be reimbursable. At Russell ES, two qualifying food components were offered to all students, but several students only took one of the two components (cracker and milk were offered, but only crackers were taken). Snack counting takes place as the student comes up to the table but students were allowed to leave without taking both components. If this is the practice to be followed, then students who choose not to take both components cannot be counted and claimed for reimbursement.

Provide a copy of the daily POS counting record for the week of December 12 - 16 along with a copy of the production record to ensure the planned and served portions accurately reflect the number of reimbursable meals that will be claimed. This will require a change in the normal practice for this time period since documentation is normally only collected monthly. On the day of SA review, students who only took one component were provided a milk to ensure the snack was reimbursable.

**Timeframe for CAP completion: December 20, 2016**

#### **SFA Response to CAP:**

On December 19, 2016, a copy of the completed Afterschool Snack Production Records for the week of 12/12-16 was emailed to the SA and uploaded in MyIdahoCNP, in order to demonstrate snack program understanding and compliance.

#### ***Finding 5 – Food Safety***

Each SFA is required to purchase domestic agricultural commodities or products that are produced and processed substantially in the United States or territories, as applicable (7 CFR 210.21 (d)). Products in the storeroom and warehouse were assessed for the country of origin and were found to be out of compliance. (Sauer's garlic powder product of China; Saf yeast product of Mexico). If a product from another country is sourced, then the Foodservice must have proof that the domestic product is significantly higher in price.

**Timeframe for CAP completion: December 20, 2016**

#### **SFA Response to CAP:**

The Buy American provision is in the SFA solicitation and contract to purchase commercial foods. The Food Service Director and Kitchen Manager will check products upon receipt and not accept products that do not comply with the Buy American Provision without documentation to justify the exception (exorbitant pricing or product shortages).

## Commendations

- Mimi Pengilly was well prepared and worked diligently to provide all required documentation ahead of the scheduled review dates. Her organization, responsiveness and willingness allowed the SA to efficiently complete the review. Her efforts are very much appreciated.
- The staff is very organized, friendly, and proficient at their duties. The entire team projected positive attitudes and a willingness to engage in communication and recommendations with the State agency reviewers. They provide appetizing meals that students seem to enjoy. Overall, their efforts were exemplary!

- The dry food storage room was very clean and well organized in Moscow Middle School.

## Technical Assistance (TA)

### **Certification and Benefit Issuance**

- The State agency recommends that Free and Reduced Applications be date stamped upon receipt to allow students to receive benefits as of the date of receipt as opposed to the date of determination (SP11-2014). Additionally, the date stamp will document that eligibility was determined within the ten operating day window.

### **Food Safety**

- The Idaho Department of Health & Welfare updated the Food Code to come in line with the current FDA Food Code. This includes a new requirement that all food safety plans must include a procedure for cleaning up bodily fluids. A HACCP Bodily Fluid Cleanup sample is located in MyIdahoCNP in the Download Forms section under the Food Safety heading.
- Best practice is to label all food items with product name for identification, especially in regards to a food recall. FIFO practices require using a rotation method for first in first out product usage. Many products stored onsite are removed from original packaging but no dates are added to bags, boxes, etc. to ensure this practice is followed. Label boxes and individual items once they are removed from case packaging.

### **Local School Wellness Policy**

- On November 18, 2016, the Wellness Committee at Moscow School District met and began the process of updating the 2006 Wellness Policy.

On July 29, 2016, the USDA Food and Nutrition Service (FNS) finalized regulations to create a framework and guidelines for written wellness policies established by LEAs. (§210.30) The final rule requires LEAs to fully comply with the requirements of the final rule by June 30, 2017. Federal legislation requires school districts to implement a local wellness policy that must include language:

- Permitting parents, students, school board, PE teachers, school health professionals, school food service staff, administrators, and community members to participate in the development, implementation, review, and update of the local wellness policy.
- Identifying wellness policy leadership of one or more LEA and/or school official(s) who have the authority and responsibility to ensure each school complies with the wellness policy.
- Specifying measurable goals for nutrition education, nutrition promotion, physical activity, and other school-based activities to promote student wellness that are written with consideration for evidence-based strategies.
- Addressing nutrition guidelines for all foods and beverages sold on the school campus during the school day and for providing school meals that adhere to Federal meal pattern requirements.

- Identifying nutrition standards for non-sold foods and beverages available during classroom and school celebrations.
- Stating a policy for food and beverage marketing that allows the marketing and advertising of only those foods and beverages that meet Smart Snacks in School nutrition standards.
- Addressing an evaluation conducted once every three years of the wellness policy and the extent to which schools are in compliance, how the district policy compares to model wellness policies, and the progress made in attaining local wellness policy goals.
- Identifying a way to share the wellness policy content and implementation with the public. For more information regarding local wellness policies, please visit the Idaho SDE Child Nutrition Programs School Wellness website: <http://www.sde.idaho.gov/cnp/hne/wellness.html>

### **Civil Rights**

- The SFA's procedure for receiving and processing Civil Rights complaints should ensure all complaints associated with Child Nutrition Programs are forwarded to the State agency within three working days per CFR210.15(a)(6).

### **Meal Components and Quantities**

- Two students at Moscow Middle School appeared to have had less than 1/2 cup of fruit/vegetable. Reviewed OVS with staff, who were receptive and knowledgeable.
- The week of 10/10/16-10/14/16 did not have ½ cup of starchy vegetable planned. Provided TA on the starchy vegetable sub group weekly requirement of 1/2 cup.
- The Food Service Director will inform staff that adults must pay a la carte prices for leftovers.

### **Nutrient Analysis & Validation Checklist**

- SA contractor, Renee Legan, provided TA on when to use the yield factor and provided training on how to use the Food Buying Guide (FBG) and the online FGB Calculator.
- On 10/10/16 the weighted average of the roll should have been 90 instead of 100 because the students are not allowed to take the roll if they take a Jamwich. This was a data entry error. The four other days that week had the two entree choices weighted properly.
- The weekly dark green vegetable quantity of ½ cup was not met for the week of review 10/10/16 - 10/14/16. Only ¼ cup was planned. TA of the weekly vegetable subgroup minimum quantity requirements for K-5 meal pattern for lunch was provided by a State agency contractor on 11/7/16.

### **Resource Management**

- Donations and paying for entertainment in the Summer Foods Program is an unallowable expense. A donation made to support SFSP can be accepted by the school district general funds and an expense for entertainment can be paid out of general funds. Fund 290 accounting code should not reflect these transactions should they take place in the future.
- All foods purchased by the food service department to be used as non-program food sales must be marked up to account for the cost of the food, labor, storage, and delivery of the products. Food service cannot order for non-USDA programs without using a best

practice method of marking up the price an average of 38%. Due to the added non-program foods paperwork and record keeping, consider evaluating this practice.

### **Smart Snacks in School**

- Moscow Middle School vending had food items that did not meet Smart Snacks requirements. These count as fundraisers. As per 7CFR210.11(b)(2), the school district should have knowledge of and keep a written record of (track) food sales that occur within the school day, but outside of food service. Only foods sold in school and intended for consumption during the school day (from midnight before until 30 minutes after school) fall under Smart Snacks regulations. Smart Snacks information and resources, including a sample site tracking form, can be found at <http://www.sde.idaho.gov/cnp/sch-mp/snacks.html>

**Your review is now closed.**

**At this time there will be no fiscal action.** Should you wish to appeal these findings please follow the appeal procedures on the [State Agency Appeal Procedures](#) document.

If you wish to discuss any of these findings, please contact me at (208) 332-6820. Thank you for your support of the Child Nutrition Programs.

Sincerely,



TJ Goodsell  
NSLP Coordinator, SNS

Cc: Colleen Fillmore, PhD, RD, LD, SNS, Director, Child Nutrition Programs  
Mimi Pengilly, Food Service Director, Moscow School District

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