



January 26, 2018

Joel Weaver, Director  
Chief Tahgee Elementary Academy  
34 Hiline Rd  
Chubbuck, ID 83202

Dear Mr. Weaver,

On November 13, 2017, State Department of Education (SDE) Coordinators Tamara Donovan and Jennifer Butler conducted an Administrative Review of Chief Tahgee Elementary Academy for the following United States Department of Agriculture (USDA) programs:

- National School Lunch Program (NSLP) operating Universal Free Meals
- School Breakfast Program (SBP)
- USDA Foods

The site reviewed was Chief Tahgee Elementary Academy.

The State agency (SA) would like to commend Joel Weaver and the entire staff of Chief Tahgee Elementary Academy 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, 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:

## Findings and Corrective Action Plan (CAP)

### Finding 1 Certification and Benefit Issuance

One application (two students) was missing social security information and the household number and one application was missing the household number. (2017 Administrative Review Manual)

#### Required Corrective Action:

The SFA must contact the household and document this required information.

**Due Date for CAP completion:** December 5, 2017

#### Sponsor Response to CAP:

On the day of SA review, the SFA contacted the two households and obtained the information; the meal benefit status did not change for any of the students. The SFA recorded the information on the applications and uploaded the documentation into MyIdahoCNP.

### Finding 2 – Meal Counting and Claiming

Direct Certification (DC) must be run (at a minimum): at or around the beginning of the school year, three months after the first run, and six months after the first run. It must also be run on April 1 for purposes of Community Eligibility Provision. The SFA ran their first DC match on October 10, 2017, and now runs DC monthly. A November 2017 certified/signed FDPIR list was on file. The SFA claimed all meals as paid for the months of August, September, and October. The SA will validate the November counts and adjust the claim. The SA will adjust August, September, and October claims utilizing the fix and apply method with November 2017 validated free, reduced, and paid percentages. Moving forward, the SFA has a process for updating the benefit issuance list and a process for ensuring daily meal counts and monthly claims accurately reflect the students' meal benefit status. (7 CFR 210.8; 2017 Administrative Review Manual)

#### Required Corrective Action:

Upload November 2017 daily summary meal count sheets into MyIdahoCNP Review Attachments.

**Due Date for CAP completion:** December 5, 2017, December 13, 2017; the due date was extended to December 29, 2017, due to the holiday break.

#### Sponsor Response to CAP:

November 2017 meal count information was uploaded on December 6, 2017. Four students were listed at an incorrect meal benefit status on the Daily Meal Count Forms; count forms required correction so the due date was extended to December 13, 2017. The SFA is to upload the corrected Daily Meal Count Forms and a corrected Daily Meal Count Summary Form by December 13, 2017. The December 12, 2017, upload revealed two students who require further investigation as to when they became eligible for meal benefits. The SFA must confirm the date of benefit issuance for these students and upload corrected November 2017 Daily Meal Count Forms and a corrected Daily Meal Count Summary Form; the due date was extended due to the holiday break. On December 28, 2017, corrected, accurate November

2017 meal count information was uploaded. Percentages of free, reduced, and paid meals will be applied to the August, September, and October 2017 claims. Because of the issues with the November 2017 Daily Meal Count Summary, the SA reviewed December 2017 Daily Meal Count Forms and the December 2017 Daily Meal Count Summary Form on January 5, 2018; all figures on the forms were accurate.

### **Finding 3 – Civil Rights**

School Foodservice Authority staff that interacts with program applicants or participants and their supervisors as well as the Determining, Confirming, and Hearing Officials must have annual USDA civil rights training. Lisa Lindsay is the Determining Official so must have USDA civil rights training. Training is available at the SA website. (FNS Instruction 113-revision 1; Administrative Review Manual)

#### **Required Corrective Action:**

Upload a dated sign in sheet to provide documentation that the Determining Official received civil rights training.

**Due Date for CAP completion:** December 5, 2017

#### **Sponsor Response to CAP:**

On November 15, 2017, documentation of civil rights training for the Determining Official was uploaded into MyIdahoCNP.

### **Finding 4 – Professional Standards**

The Food Service Director must have current food safety training, eight hours at least every five years. Food Safety in Schools (formerly known as Serving it Safe) is available at no cost through the Institute of Child Nutrition on-line. (7 CFR 210.30.b1v)

#### **Required Corrective Action:**

Upload a certificate of completion indicating eight hours of food safety training occurred.

**Due Date for CAP completion:** December 5, 2017

#### **Sponsor Response to CAP:**

On December 5, 2017, a Food Safety in Schools training certificate was uploaded into MyIdahoCNP.

### **Fiscal Action**

The SA adjusted the November 2017 claim using uploaded meal count information and then utilized the SA validated November 2017 free, reduced, and paid claim percentages to adjust the August, September, and October 2017 claims using the “fix and apply” method. The result was an additional reimbursement of \$13,155.00.

### **Commendations**

- The staff at Chief Tahgee had positive attitudes and seemed receptive to SA input.
- Lisa Lindsay is new to the USDA school meals programs and was interested in compliant implementation.

## Technical Assistance (TA)

### Certification and Benefit Issuance

- Chief Tahgee plans on implementing Community Eligibility Provision (CEP) in school year 2018-19, so must capture **April 1, 2018** data. CEP allows local educational agencies in high-poverty areas to offer free school breakfast and lunch to all students at no cost for a four year cycle. In order to qualify for CEP, schools or groups of schools must have an identified student percentage (ISP) of 40% or higher. This number is calculated by dividing the number of directly certified students in a school by the school's total student enrollment. The ISP does not include information from income applications and schools electing CEP must not collect free and reduced price applications. Additionally, schools must operate the school breakfast program to be eligible for CEP, must serve both breakfast and lunch at no charge to the student, and must have a record of administering the meal programs in accordance with program regulations. Reimbursement at the free rate is based on the ISP multiplied by 1.6; the remaining percentage is reimbursed at the paid rate. Nonfederal funds pay the difference in federal assistance received.
- **April 1** data for CEP implementation and record retention:
  - Identified Student Population documentation for students that were:
    - Directly Certified (DC) – a list through the State DC Match list with a heading containing the date and school name.
    - DC household extension – a list with the directly certified student's name and other household member(s) name(s).
    - Foster status – court documents. Does not extend free meal benefits to household.
    - Homeless, migrant, runaway – certified list(s) signed by the appropriate liaison. Does not extend free meal benefits to household.
    - Food Distribution Program on Indian Reservations (FDPIR) – certified list(s) signed by the appropriate liaison. Does extend free meal benefits to household.
  - Enrollment list for each CEP school site to document:
    - Student first and last names, each student's meal benefit status (free, reduced, or paid), and the name of the school site.
- The SA reviewed the requirement to run a DC match on April 2, 2018 (since April 1, 2018 is a Sunday), and get a current signed, certified FDPIR list by April 2, 2018. The State agency reminded the SFA that household extensions of eligibility must be noted in writing. Homeless, migrant, runaway signed, certified lists must be documented as of April 2, 2018. Homeless, migrant, runaway, and foster students do not extend free meal benefits to siblings. Court documents for foster status must be on file. Student enrollment must be captured on April 2, 2018. All of this information must be uploaded into MyIdahoCNP > Applications > Application Packet > Attachment List for State agency validation; do not email the SA this sensitive student information.
- The SA 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.

- Ensure that Determining, Confirming, and Verifying Officials complete the applicable sections located on the back of the free and reduced application form in the "Office Use Only" section to document the date of determination.
- As a best practice, run student names (i.e., a current enrollment list) through DC every week at the beginning of the school year, so that all the new students as well as any new matches that may be available are identified. Once the students are identified, this documentation must be retained. Chief Tahgee's first DC match was October 10, 2017; monthly DC matches are now being completed. Chief Tahgee is running a Universal Free program so no students are charged for meals, the general fund pays for the school meals program, and students are claimed at their benefit status.

### Verification

- The SFA worked directly with SA Financial Specialist Melissa Cook for the verification process. Special circumstances required a delay in the usual process and a written extension request for verification was sent to the SA. SFAs must verify the required number of free and reduced-price applications (i.e., 3% or 1.5% of the approved applications) on file as of October 1 annually. (7 CFR 245.6a) Due to a late program change, no applications were received by October 1, 2017, so verification was based on the applications on file as of November 1, 2017, for the current school year.
- When performing verification, the Confirming Official cannot be the same person as the Determining Official (the person who makes the original determination) or the Hearing Official. There must be another person checking the application (Confirming Official) prior to sending out the verification notification letter.
- Error prone applications are applications that document a monthly income within \$100 of the Income Eligibility Guidelines. Error prone applications must be a priority when selecting households for verification.
- Please utilize the SA template letters available in MyIdahoCNP Download Forms.

### Meal Components and Quantities

- "Serve" style meal service was in place, so full portion amounts must be served to the students. Utilize the USDA breakfast and lunch meal patterns to ensure that proper portions are served to the K-6 students. In the National School Lunch Program, there is an overlap in the dietary specifications for the K-5 and 6-8 age grade groups so a combined K-8 meal pattern may be followed (provide 9 ounce equivalent meat/meat alternate over the week). There is an overlap in the dietary specifications in the School Breakfast Program as well, so the combined meal pattern may be followed (provide 8 ounce equivalent grain over the week). The SA provided a copy of the meal patterns to the SFA.
- Fluid milk must be available in at least the two required varieties throughout the meal service (nonfat plain, nonfat flavored, 1% plain). At the beginning of the breakfast service, only 1% plain milk was available; chocolate nonfat milk was made available after the meal service began per SA reminder.

- On the day of SDE independent contractor review, the menu sign was posted but was not filled out and was covered with another sign; uncover the sign and complete it before each meal.
- Adequate quantities of food must be prepared to ensure all students have access to a reimbursable meal. On October 18, 2017, four students did not receive a reimbursable meal since the service line ran out of refried beans and an appropriate substitute was not available; these students were not counted in the daily meal count for claiming. The SA provided TA regarding meal preparation and forecasting using production record information.

### Food Safety

- Starting July 1, 2018, the Idaho Food Code requires a Person in Charge to demonstrate knowledge of food safety practices by completion of one the examinations and courses that meets the demonstration of knowledge requirements in Section 2-102.11 of the Idaho Food Code. A list of approved courses can be found on the Department of Health and Welfare website.
- A food safety manual that is customized to reflect the needs of the kitchen must be located in the kitchen. All staff should be trained on food safety procedures to insure the service of safe food. (CFR210.13(c)) The food safety manual was replaced on the day of SA on-site review.
- The dry storage temperature should also be included on the daily temperature log to help ensure food quality. (CFR210.13(d)) This procedure was re-instated on the day of SA on-site review.
- 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)). Saf-instant Yeast, a product of Mexico, was located in the store room. If a product from another country is sourced, then the food service must have proof that the domestic product is significantly higher in price or not available in sufficient quantities. Include the Buy American Provision in SFA solicitation documents for the purchase of commercial foods. Products must be checked upon receipt and not accepted if the products do not comply with the Buy American Provision, unless there is documentation to justify the exception (exorbitant pricing or product shortages).
- The store room contained grain items that were not whole grain-rich and were waiting to be picked up for return. The SFA advised that these items should not have been received; reminder to review deliveries at the time of receipt to ensure that only ordered products are accepted and ensure procurement specifies whole grain.

### Professional Standards

- The United States Department of Agriculture has established minimum professional standards for school nutrition professionals who manage and operate the National School Lunch and School Breakfast Programs, effective July 1, 2015. (7 CFR 210.30) The standards provide annual training requirements for all school nutrition professionals. It is required that some form of documentation be kept on file to show professional standards compliance; options include the USDA online tracking tool and two

professional standards tracking resources available in MyIdahoCNP Download Forms. The SFA plans to use the SA Excel tracking log effective immediately.

- Training standards apply to all school nutrition program employees, regardless of student enrollment in the school district or size of the Local Educational Agency. Note: If hired January 1 or later, an employee must only complete half of the required training hours.
  - Directors – must complete at least 12 hours of annual continuing education/training. These required hours are in addition to the food safety training required in the first year of employment.
  - Managers - must complete at least 10 hours of annual continuing education/training.
  - Staff working an average of at least 20 hours per week - must complete at least 6 hours of annual continuing education/training.
  - Part time staff working less than 20 hours per week – must complete at least 4 hours annual continuing education/training, regardless of the number of part-time hours worked.
- Reminder that civil rights and food safety require annual training and documentation.

### **Reporting and Recordkeeping**

- Food service records must be maintained for three years plus the current year to document compliance with program regulations and the service of reimbursable meals.

### **Your review is now closed.**

The SA validated the November 2017 claim and then adjusted the August through November 2017 claims which resulted in an additional \$13,155.00 in reimbursement. Should you wish to appeal any of these findings please follow the appeal procedures document attached to this letter. If you wish to discuss any of these findings, please contact me at (208) 332-6820.

Thank you for your continued support of the Child Nutrition Programs.

Sincerely,



Tamara Donovan, RDN, LD, SNS  
NSLP Coordinator

cc: Colleen Fillmore, PhD, RD, LD, SNS, Director, Child Nutrition Programs  
Lisa Lindsay, Bookkeeper, Chief Tahgee Elementary Academy

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# State Agency Appeal Procedures

## School Meal Programs – Administrative or Follow-up Review

School food authorities may appeal the denial of all or part of a Claim for Reimbursement or withholding payment arising from administrative or follow-up review activity conducted by the State Agency under 210.18 of this part.

### The appeal process outlined in 7 CFR 210.18 (p) reads as follows:

1. The written request for a review shall be postmarked within 15 calendar days of the date the appellant received the notice of the denial of all or a part of the Claim for Reimbursement or withholding of payment, and the state agency shall acknowledge the receipt of the request for appeal within 10 calendar days;
2. The appellant may refute the action specified in the notice in person and by written documentation to the review official. In order to be considered, written documentation must be filed with the review official not later than 30 calendar days after the appellant received the notice. The appellant may retain legal counsel, or may be represented by another person. A hearing shall be held by the review official in addition to, or in lieu of, a review of written information submitted by the appellant only if the appellant so specified in the letter of request for review. Failure of the appellant school food authority's representative to appear at a scheduled hearing shall constitute the appellant school food authority's waiver of the right to a personal appearance before the review official, unless the review official agrees to reschedule the hearing. A representative of the state agency shall be allowed to attend the hearing to respond to the appellant's testimony and to answer questions posed by the review official;
3. If the appellant has requested a hearing, the appellant and the state agency shall be provided with at least 10 calendar days advance written notice, sent by certified mail, return receipt requested, of the time, date and place of the hearing;
4. Any information on which the state agency's action was based shall be available to the appellant for inspection from the date of receipt of the request for review;
5. The review official shall be an independent and impartial official other than, and not accountable to, any person authorized to make decisions that are subject to appeal under the provisions of this section;
6. The review official shall make a determination based on information provided by the state agency and the appellant, and on Program regulations;
7. Within 60 calendar days of the state agency's receipt of the request for review, by written notice, sent by certified mail, return receipt requested, the review official shall inform the state agency and the appellant of the determination of the review official. The final determination shall take effect upon receipt of the written notice of the final decision by the school food authority;
8. The state agency's actions remain in effect during the appeal process;
9. The determination by the state review official is the final administrative determination to be afforded to the appellant.

Appeals must be directed to:  
Brandon Phillips  
Financial Specialist, Public School Finance  
State Department of Education  
PO Box 83720  
Boise, Idaho 83720-0027  
(208) 332-6983  
E-mail: [bcphillips@sde.idaho.gov](mailto:bcphillips@sde.idaho.gov)

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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](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](mailto:program.intake@usda.gov).

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