



Certified Mail #: 7013 1710 0000 9755 9504

December 19, 2017

Paula Gordon, Superintendent
Clark County School District #161
526 S Oakley
Dubois, ID 83423

Dear Ms. Gordon,

On November 13, 2017, State Department of Education (SDE) Coordinators Lynda Westphal and Heather Blume conducted an Administrative Review of Clark County School District for the following United States Department of Agriculture (USDA) programs:

- National School Lunch Program (NSLP)
- USDA Foods

The site reviewed was the Lindy Ross Elementary School.

The State agency (SA) would like to commend Suzanne Price and the entire staff of Clark County 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, 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 – Benefit Issuance Errors

Several applications were missing information, either family members or social security number, making the applications incomplete and therefore not approvable. Also if the Direct Certification list is accessed on November 9, 2017, the student can only be certified as free from that point forward. Student eligibility cannot be backdated. These errors combined resulted in a 17.39% error rate and require a second review of applications and completion of the required report for the next three years. Take the Application Approval on-line class and upload the certificate of completion.

Timeframe for CAP completion: December 4, 2017

Sponsor Response to CAP: The Application Approval class was taken November 29, 2017 through the Idaho Digital Learning Academy and the certificate of completion was uploaded into MyIdahoCNP.

Finding 2 – Offer versus Serve

The staff continues to misunderstand the required meal components under Offer versus Serve as several children observed on the day of review did not have the full fruit or vegetable resulting in some disallowed meals component. Take the Offer versus Serve on-line class and upload the certificate of completion.

Timeframe for CAP completion: December 4, 2017

Sponsor Response to CAP: The Offer versus Serve class was taken on November 27, 2017 and the certificate of completion was uploaded into MyIdahoCNP.

Finding 3 – Meal Components

Production records were incomplete (fruit was not listed as available on October 10, 2017), 1% chocolate milk was on the production records as served, and vegetable sub-group weekly minimums were not met. NSLP requirements are that flavored milk must be fat free. Replace the 1% chocolate milk with fat free milk immediately and all milk receipts must be gathered so fiscal action can be assessed.

Timeframe for CAP completion: December 4, 2017

Sponsor Response to CAP: All milk receipts were copied during the review and it was discovered that even though the Production records list 1% chocolate, the district has been ordering and serving fat free chocolate since the beginning of the year. During the nutrition portion of the review, Kerry McKaig, RD, LD, consultant, discussed using a salad bar for the vegetable sub-groups and it was implemented on the day of review.

Finding 4 – Verification

All verification materials sent to families must be kept as proof of verification. There must be a copy of the letter, follow up letter, and denial letter if they fail to respond. If the families respond, copies of the documentation must be kept as proof of verification and support of benefit determination.

Timeframe for CAP completion: December 15, 2017, extended to December 18, 2017

Sponsor Response to CAP: The Verification Report was completed in MyIdahoCNP on December 18th and documentation that both families responded to the district's request was uploaded into MyIdahoCNP under Review Compliance.

Finding 5 – Food Safety

Per USDA Professional Standards requirements, Food Service Directors must have at least eight hours of food safety training every five years. Additionally, the Idaho Department of Health and Welfare will require a Food Safety Exam be taken prior to June 30, 2018 to qualify as the "Person in Charge" per the Idaho Food Code requirement.

Timeframe for CAP completion: December 4, 2017

Sponsor Response to CAP: Food Handlers Card was uploaded into MyIdahoCNP as a start to meeting this requirement.

Fiscal Action

The application, claim and disallowed meal errors resulted in \$837.39 being withheld from Clark County School District October claim. This will be recovered from future claims.

Commendations

- The salad bar and hamburgers the day of review were excellent. The reviewers appreciate the variety in the salad bar and hope that the children appreciate it as well.

Technical Assistance (TA)

Certification and Benefit Issuance

- Another person must check the applications to avoid the errors found during the review.
- The state agency has an on-line class in approving applications that can be taken at any time.
- The first Direct Certification list should be run at the beginning of the school year to ensure that all students on the DC list are receiving the benefits that they should. Sending out the letters notifying parents that they are free will alleviate the need for them to complete applications.

Meal Counting and Claiming

- Having Power School count the children may help in the consolidation of the claim every month.

Verification

- When performing Verification all copies of correspondence must be kept on file along with income documentation submitted by families.

Dietary Specifications and Nutrient Analysis

Kerry McKaig, RD, LD, consultant, conducted the nutrition analysis portion of the review. She discussed with FS manager that standardized recipes must be followed to ensure consistent product quality, compliance with the meal pattern requirement, accurate nutrient standards, and to control costs. Standardized recipes would help kitchen staff know how much food to prepare. It was noted by the reviewer that there were not any standardized recipes followed during the week of review. The recipes provided to the reviewer were modified with different ingredients and/or different amounts making it difficult to analyze the menus. The recipe modifications were not written down which resulted in estimations of how much was used.

- Recommend that all kitchen staff be trained on following recipes, when to make substitutions, filling out production records, and serving portions for each age group.
- Discussed using standardized recipe from sources such as USDA, Idaho CNP, and Kansas Healthier Meals.
- Recommended developing a 4-week cycle menu with standardized recipes that would appeal to students.
- Reviewed the lunch meal pattern with required components and amounts offered. Provided the NSLP meal pattern reference chart for the different age groups. Reviewed the USDA meal compliance worksheet and how to enter components.
- Provided Whole Grain Rich Exhibit A chart with instruction on how to determine whole grain rich foods and calculate appropriate ounce equivalent contributions of grain products.
- The week of review production records were missing recorded leftovers, milk amounts, signatures, portions served of all food for all age groups, and any condiments served.

Resource Management

- The Nonprogram Food Revenue Tool must be completed every year.

Civil Rights

- All students with special dietary needs must be accommodated in the National School Lunch Program by bringing in foods prescribed by a doctor. The answer “they eat at home or bring a lunch” is not acceptable.
- Civil Rights training must have an agenda and sign-in sheet in order to be counted.

- Program documents, including menus, need to have the correct nondiscrimination statement, “This institution is an equal opportunity provider”.

Food Safety and Buy American Provision

- Starting July 1, 2018, a person in charge needs to have an approved Food Safety training with a proctored exam, such as ServSafe, Prometric, etc. A list of approved courses can be found on the Department of Health and Welfare website.

Professional Standards

- The Director is required to track training hours for her staff in order to track professional standards to ensure staff is meeting the required training hours. Suzanne uses the Professional Standards Tracking Log, however needs to have an agenda and sign-in sheets to back up the training for the SA Excel tracking log.

Reporting and Recordkeeping

- Records must be kept for three years plus current. The back-up documents for the last three years were not able to be located.

Procurement

- The Procurement Review (first round) is giving a baseline on where purchasing procedures need to improve. Please follow the guidance provided in your general procurement review completed by Keddington & Christensen, LLC.

Your review is now closed.

The fiscal action amount of \$837.39 will be recovered from future claims. Should you wish to appeal any of these findings please follow the appeal procedures on the [State Agency Appeal Procedures](#) document located at the end of 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,



Lynda Westphal, MHS, S.N.S.
NSLP Coordinator

cc: Colleen Fillmore, Ph.D., R.D.N., L.D., S.N.S., Director, Child Nutrition Programs
Suzanne Price, Child Nutrition Director, Clark County School District

This institution is an equal opportunity provider.



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

USDA Nondiscrimination Statement

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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, 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.

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