



February 5, 2018

Alan Felgenhauer, Superintendent
Culdesac Joint School District
600 Culdesac Avenue
Culdesac, ID 83524

Dear Mr. Felgenhauer,

On January 24, 2018, State Department of Education (SDE) Coordinators Jennifer Butler and Lynda Westphal conducted an Administrative Review of Culdesac Joint School District for the following United States Department of Agriculture (USDA) programs:

- National School Lunch Program (NSLP)
- School Breakfast Program (SBP)
- Fresh Fruit and Vegetable Program (FFVP)
- USDA Foods

The site reviewed was Culdesac School.

The State agency (SA) would like to commend Shirley Boyer, Loretta Hammond-Nichols, and the entire staff of Culdesac School 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 – Determination and Benefit Issuance

A total of 5 students receiving reduced benefits should have been denied. Two applications (3 students) were incomplete and should not have been determined for benefits until missing information was received. One application (2 students) was incorrectly determined. These errors resulted in a 7.94% error rate.

Timeframe for CAP completion: February 8, 2018

Sponsor Response to CAP: Missing information was obtained for the incomplete applications and a letter of adverse action for the household incorrectly determined was sent while SA reviewers were one site. An updated benefit issuance list showing the change in benefits after the 10 day appeal period was uploaded into MyIdahoCNP on February 4, 2018.

Finding 2 – Civil Rights

School Foodservice Authority staff who interact with program applicants or participants (i.e. cafeteria staff, Free and Reduced Application approval staff) and their supervisors as well as the Hearing Official must have annual civil rights training. Superintendent Alan Felgenhauer is listed as the Hearing Official so must have USDA civil rights training. Training is available under Training Resources tab on the CNP Resource Center website.

Timeframe for CAP completion: February 8, 2018

Sponsor Response to CAP: A signed and dated agenda was uploaded into MyIdahoCNP showing that the Hearing Official received civil rights training on February 2, 2018.

Fiscal Action

Due to benefit issuance errors, fiscal action results in \$258.00. However, since this amount falls under the \$600 threshold, the fiscal action will be disregarded and no financial adjustment will occur.

Commendations

- The preparation for the Administrative Review was greatly appreciated. All requested items were uploaded in a timely manner.
- Staff was courteous and receptive to suggestion and technical assistance provided by reviewers.
- The kitchen and cafeteria were very clean and the homemade rolls smelled and tasted delicious.

- The storeroom is unique and the creativity with the delivery slide noted. It is appreciated that staff works well with limiting factors.
- Students were pleasant, said “please” and “thank you” and one student even showed one SA reviewer around the cafeteria.
- Great job promoting the FFVP and including nutrition education. The SA reviewers observed students very excited to hear the fun facts about cantaloupe included with the FFVP delivery on the day of review.

Technical Assistance (TA)

Certification and Benefit Issuance

- Free and reduced meal applications missing required elements are considered incomplete and should not be determined for meal benefits until missing information is obtained from the household. Incomplete applications included missing the required Social Security Number and the household total box not completed.
- Error Prone applications are applications that document a monthly income within \$100 of the Income Eligibility Guidelines. Best practice is to flag these applications and use them from which to select the verification sample.

Dietary Specifications and Nutrient Analysis

- Milk substitutions must be nutritionally equivalent to cow’s milk unless an allergy statement signed by a recognized medical authority is on file.

Meal Components and Quantities

- SA contractor Renee Legan, RD, LD, conducted the menu analysis for review week (December 4-7, 2017) and discovered the following:
 - On Monday, December 4, high school students received only 1.75 ounce equivalent (oz. eq.) grain (not the minimum 2 oz. eq.). The pizza crust specification sheets states that one 1.9 oz. piece of pizza crust = 2 oz. eq. grain but the equivalence cannot be more than the weight of the product. The SFA agreed to use a different pizza crust that is 2 oz. eq. grain. The SFA has a home-made pizza crust recipe that can be used if an acceptable product to purchase cannot be found.
 - Signage identifying what a student must select in order to have a reimbursable meal must be posted at or near the beginning of the service line (7CFR210.10(a)(2)). Such signage was not available during breakfast or lunch. The SFA advised the SA contractor that the sign was recently taken down and not yet put back up.
 - Signage was available during the SA on-site review.

Food Safety and Buy American Provision

- The SFA is in the process of updating the food safety manual (HACCP) to meet the specific needs of the school, including adding dates of implementation.

- 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)). (Apple, Orange and Grape juice are from USA/Argentina, USA/Brazil, and USA/China/Argentina) 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).

Resource Management

- Continue to work on bringing your Nonprogram Food Revenue Tool into compliance. Adjust a la carte prices to ensure that all costs, including personnel expenses are covered. Increasing individual a la carte prices for menu items may encourage adults to purchase a full meal.

Civil Rights

- A Civil Rights complaint procedure must be kept with the complaint log and complaint forms. A copy of a procedure was printed from the SA website while SA reviewers were onsite and added to the Civil Rights binder.
- Ensure the correct USDA Non-Discrimination Statement is included on all public documents dealing with USDA Child Nutrition Programs.
- The short non-discrimination statement is for use on documents less than one page (double-sided) in length; the long statement is for use on longer documents and can be found on the CNP website under Civil Rights.

Local School Wellness Policy

- The final rule on wellness policies (§210.31) required LEAs to be in compliance by June 30, 2017. The LEA's current LWP, comprised of Policy 113.0 and 325.1, is missing required elements, making it noncompliant. The wellness policy committee must work to get the LWP compliant with the final rule.
 - Policy 113.0 School Wellness was revised November 2016
 - Policy 325.1 District Nutrition Committee was adopted August 2017
- The final rule on wellness policies (§210.31) requires LEAs to conduct an assessment of the wellness policy at least every 3 years, and make the triennial assessment, including progress toward meeting the goals of the policy, available to the public. Posting this assessment to the district's website would meet this requirement.
- For more information regarding local wellness policies, please visit the Idaho SDE Child Nutrition Programs School Wellness website

Procurement

- A separate procurement review was completed by Keddington & Christensen, LLC. on December 8, 2017. No findings requiring corrective action were found, but five areas of technical assistance were noted. Please follow the guidance provided in this

NSLP Procurement Review and update your Procurement Procedures to come into compliance with federal regulations.

Your review is now closed

The fiscal action resulting from this review will be disregarded. Should you wish to appeal any of these findings please follow the appeal procedures found on the State Agency 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,



Jennifer H. Butler, M.Ed., S.N.S.
NSLP Coordinator

cc: Colleen Fillmore, P.h.D., R.D.N., L.D., S.N.S., Director, Child Nutrition Programs
Shirley Boyer, Child Nutrition Director, Culdesac Joint School District
Loretta Hammond-Nichols, District Clerk, Culdesac Joint School District

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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

USDA Nondiscrimination Statement

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, sex, disability, age, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA.

Persons with disabilities who require alternative means of communication for program information (e.g. Braille, large print, audiotape, American Sign Language, etc.), should contact the Agency (State or local) where they applied for benefits. Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

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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