



March 29, 2018

Anne Bopp, Principal
Grace Lutheran School
1350 Baldy
Pocatello, ID 83201

Dear Ms. Bopp,

On March 8, 2018, State Department of Education (SDE) Coordinators Teresa Goodsell and Jennifer Butler conducted an Administrative Review of Grace Lutheran School for the following United States Department of Agriculture (USDA) programs:

- National School Lunch Program (NSLP)
- USDA Foods

The State agency (SA) would like to commend Mary Fossum and the entire staff of Grace Lutheran 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 – Civil Rights

The Civil Rights information (included in the HACCP binder) is not up to date to include current and required documents. This information should include an adequate complaint procedure, filing forms, and log. Consider having a separate folder/binder clearly marked as being dedicated to Civil Rights so these items can be easily located. SA reviewers located an inadequate and outdated complaint form for a camp milk program that must be replaced. Additionally, a complaint procedure was not included nor was a blank log that could be utilized to track any received complaint. The SFA was noting that “no complaints” were received for multiple school years on one log. It was discussed that a new log should be completed for each year so that annual records could be more easily separated. However, it was acceptable to track multiple years on one sheet, as long as a blank form was available to document adequately for the school year a complaint might be received.

Corrective Action: Print copies of the civil rights procedure, log, and filing forms and inform all staff of the location of these forms. Required documents are available on the State agency website.

Timeframe for CAP Completion: March 23, 2018

Sponsor Response to CAP: The SFA printed copies of all the civil rights documents while State agency was on site and organized in a readily accessible binder. This finding was corrected and closed on the day of review.

Finding 2 – Food Safety

The HACCP manual located in the kitchen was from 2005 and includes outdated references to the 2001 FDA Food Code. A more current manual is available and should be adopted. This updated manual includes bodily fluids clean up procedure applicable to foodservice that requires staff training.

Corrective Action: Print the ICN 2016 HACCP Manual from MyIdahoCNP Download Forms and replace the old 2005 NFSMI version in the HACCP binder located in the kitchen.

Timeframe for CAP completion: March 23, 2018

Sponsor Response to CAP: The SFA printed copies of the HACCP manual and included a copy of the bodily fluids clean up procedure; SA confirmed appropriate staff had previously been trained on bodily fluids clean-up process. This finding was corrected and closed on the day of review.

Finding 3 – Certification and Benefit Issuance

One application (two students) was determined incorrectly due to a math error resulting in a reduction of benefits from reduced to denied/paid status. One application (one student) was determined incorrectly due to missing income resulting in a reduction in benefits from free to reduced status. The application errors resulted in a 7.14% error rate. Fiscal action was calculated based on these errors.

Corrective Action: Notify the household(s) of the reduction in meal benefits allowing 10 calendar days before updating the benefit issuance list for all three affected students. Upload a

copy of the adverse action letters sent to both households. Update the benefit issuance list to reflect the change in the students' eligibility status after 10 calendar days have passed.

Timeframe for CAP completion: March 23, 2018

Sponsor Response to CAP: SFA notified households of the change in benefits and uploaded copies of the adverse action letters for both applications into MyIdahoCNP. SFA identified the date for changing students' eligibility on the benefit issuance list and provided a written plan to ensure date change occurred. This finding was corrected and closed on the day of review.

Finding 4 – Verification

SFA verified one application (one student) and determined there was no change in benefit status from reduced eligibility. SA reviewers concluded that the documentation provided by the household was not sufficient to support “no change” from reduced eligibility status. The application listed two forms of income but documentation received by SFA reflected only one income. SFA contacted household and received written income documentation while SA was on site. The information provided supported a change in benefit status from reduced to free, based on a loss of income.

Corrective Action: Notify household of change in benefits from reduced to free, make changes to the benefit issuance documentation increasing benefits within three calendar days. Upload a copy of the notification letter into MyIdahoCNP and a copy of the new benefit issuance document showing the change in student's eligibility.

Timeframe for CAP completion: March 23, 2018

Sponsor Response to CAP: The SFA notified the household of the change in benefits from reduced to free and uploaded a copy of the notification letter into MyIdahoCNP. SFA changed the students' eligibility on the benefit issuance list (BIL) and uploaded a copy of the BIL into MyIdahoCNP. This finding was corrected and closed on the day of review.

Fiscal Action

Due to application errors, fiscal action was \$73.24. However, since this amount falls under the \$600 threshold, the fiscal action will be disregarded and no financial adjustment will occur.

Commendations

- The Food Service Director worked diligently preparing and organizing necessary documents for the onsite review. She was open and receptive to all suggestions provided the SA.
- The soft taco lunch served on the day of review was appealing and smelled and tasted delicious. The fresh produce available to students including red peppers, orange carrots, and green broccoli florets was visually attractive.
- Student helpers were very polite and worked well with all age grades participating in the meal service. They assisted with portion control and followed food safety protocol.

Technical Assistance (TA)

Certification and Benefit Issuance

- Students who are Directly Certified (DC) may have household member(s) who are not listed on the DC match report. Household members are eligible for free meals based on categorically eligible extension of benefits. Best practice is to provide notifications of eligibility in writing. This would allow a family to notify the school of other household members who should also be receiving meal benefits. Please use the SA notification letter(s), which can be found in the Download Forms section of MyIdahoCNP.

Civil Rights

- Please review all documents and update the non-discrimination statement to the correct USDA non-discrimination statement, available at the SA website. The short non-discrimination statement reads, "This institution is an equal opportunity provider."
- If a Medical Statement for Meal Accommodation Form is on file for a student, all meal components must be provided in a nutritionally equivalent choice. One such form documented that lactose free milk should be substituted for milk choices. The SFA advised that they have been substituting with water. OVS is not an allowable means to accommodate a medically authorized disability.

Meal Components and Quantities

- Independent contractor Shawn Durbin completed the menu review and provided the following TA:
 - Children participating in the Infant and Pre-K Meal Pattern received Fritos. This product is made from corn, which is not whole grain rich. Please replace with a whole grain item.
 - K-8 Errors: Students were served only 0.5-ounce equivalent (oz. eq) grain on Monday, which resulted in not meeting the minimum weekly grain requirement. Corn chips served on Wednesday were made with corn that was not a whole grain rich item.
 - 9-12 Errors: Students were served only 3/4 cup of vegetables on Tuesday, which did meet the 1-cup daily minimum requirement. Red orange subgroup was short by 1/4 cup of the required weekly amount. Monday, Wednesday and Friday menus did not meet the 2 oz. eq grain for this age grade group, which resulted in not meeting the minimum weekly grain requirement.
 - Production records did not support that planned quantities would provide enough food to meet the meal pattern for all age grades.

Offer versus Serve (OVS)

- During the onsite portion of the Independent contractor review, students were instructed that they must take the entrée (protein) item in order for the meal to be reimbursable. Schools must offer five food components: fruit, vegetable, grain, meat/meat alternate and fluid milk in at least the daily minimum required amounts for the age grade group. Students are only required to take three components, one of which must be at least ½-cup fruit and/or vegetable or a combination of both fruit and

vegetable that meets the minimum requirement. A student can choose to decline the entrée and still receive a reimbursable meal.

Local Wellness

- The Local Wellness Policy (LWP) states, "Program will implement the new Nutrition Standards for Idaho Schools for fall of 2009." The current final rule for the NSLP nutrition standards was released in 2012.
- 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 LWP 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 webpage.

Dietary Specifications and Nutrient Analysis

- Non-whole grain graham crackers were located in the pantry. The SFA advised they did not realize the product received was not whole grain-rich. Monitor deliveries to ensure that ordered and complaint foods are received and served. Many non-whole grain food items were located in the pantry. Most of the items are used for the Pre-K snack outside of the school meals program. The non-whole grain items included graham crackers, saltine crackers, pretzels, cheese flavored crackers, and animal crackers. As only whole

grain-rich (WGR) items are allowable in the school meal program it is recommended that the school provide Pre-K students with the WGR items so they become accustomed to eating WGR foods which will also support the school's wellness policy.

Food Safety

- Although a health inspection was posted in a publicly visible location, it was not the most current health inspection. Always post the most recent inspection.
- Food safety training should occur annually and specific topics should be covered on a periodic basis. Develop a plan that includes time to train on all required topics (food safety, OVS, and Civil Rights) at the beginning of each school year to ensure the required trainings are covered and documented. This training time should be documented on each employees professional standards training log.

Smart Snacks

- All fundraisers, both exempted and compliant (including non-food), must be tracked. Per state policy, a maximum of ten exempted fundraisers per school site per year may be approved by the school administrator. An exempted fundraiser can be for a maximum of four consecutive school days. All exempted fundraisers beyond ten must be pre-approved by the State agency using the Request form. (7 CFR 210.11) Details available at the Idaho CNP Smart Snacks website.

Verification

- The SFA indicated "N/A" for error prone applications on the submitted and approved Verification Report; however, the State agency identified multiple applications that would be considered error prone. Error prone applications are applications that document a monthly income within \$100 of the Income Eligibility Guidelines. When selecting applications for Verification, select from error prone applications first.
- When performing Verification of Free and Reduced Applications, the final determination must be documented by a signature and date from the verifying official on the bottom of application in the Official Use Only box. The verifying official can be the same person as the Determining Official (the person who approves the application). Verification must be in line with requirements outlined in 7 CFR 245.6a.

Resource Management

- Include the value of USDA foods in accounting of Child Nutrition Fund to correctly reflect the actual balances in this account.

Professional Standards

- Training logs for each employee are being maintained, but are not completed adequately. The length of time of trainings were not included on the log, making the creditable training hours unclear. Key Area and Key Topic code fields were left blank. This information is generally located on training certificates, but can also be identified by locating the topics/area on the coding lists.

- Certificates of completion and/or training agendas should be retained and attached as backup documentation to support the training topics and total hours recorded on each employee's training log.

Procurement

- A separate procurement review was completed by Keddington & Christensen, LLC; please follow the guidance previously provided.

Your review is now closed

Fiscal action in the amount of \$73.24 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,



Teresa Goodsell, BS, SNS
NSLP Coordinator

cc: Colleen Fillmore, Ph.D., R.D.N., L.D., S.N.S., Director, Child Nutrition Programs
Mary Fossum, Child Nutrition Director, Grace Lutheran School

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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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