



December 28, 2017

Certified Mail Receipt #: 7013 1710 0000 9755 9511

David Aiken, Superintendent
Lapwai School District #341
404 South Main Street
Lapwai, ID 83540

Dear Mr. Aiken,

On December 5, 2017, State Department of Education (SDE) Coordinators Teresa Goodsell and Tamara Donovan conducted an Administrative Review of Lapwai School District for the following United States Department of Agriculture (USDA) programs:

- National School Lunch Program (NSLP) operating Provision 2 Lunch
- School Breakfast Program (SBP) operating Provision 2 Breakfast
- Fresh Fruit and Vegetable Program (FFVP)
- USDA Foods

The site reviewed was Lapwai Junior - Senior High School.

The State agency (SA) would like to commend Ann Munstermann and the entire staff of Lapwai 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: Food Safety

On November 7, 2017, State Agency (SA) Independent Contractor provided technical assistance to the Food Service Director (FSD) on HACCP requirements and the need for staff training to ensure the service of safe food. A copy of a customized and current food safety plan (HACCP) must be posted in a location accessible to food service staff. 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. Copies of the HACCP Bodily Fluid Cleanup procedure were printed, but need to be placed in all school sites, and food service staff training must occur annually and as-needed. The FSD agreed to begin customizing more current sample SOPs and provide annual training to all food service staff. The FSD will provide the SA Contractor 3 completed SOPs by November 18, 2017, 1) Hand Washing, 2) Body Fluid Clean-Up, and 3) Any SOP of the Food Service Director's Choice. Consider holding a "Back to School" - type staff training day for food service employees so that required annual training on food safety (as well as civil rights and Offer vs Serve) occurs and is documented. Documentation of training, such as an agenda and sign in sheet, must be kept on file for three years plus the current year. (CFR210.13(b))

CAP: Train food service staff on food safety topics applicable to job duties and upload a copy of the agenda and completed sign in sheet into MyIdahoCNP Review Attachments.

Timeframe for CAP completion: December 21, 2017

Sponsor Response to CAP: Food service staff food safety training occurred on December 15, 2017. Training agenda along with sign in sheet was uploaded into MyIdahoCNP.

Finding 2: Civil Rights

School Foodservice Authority staff who interact with program applicants or participants and their supervisors must have annual USDA civil rights training which is available on SA website.

CAP: Upload a dated sign in sheet to provide documentation of food service civil rights training.

Timeframe for CAP completion: December 21, 2017

Sponsor Response to CAP: Food service staff civil rights training occurred on December 15, 2017. Training agenda along with sign in sheet was uploaded into MyIdahoCNP.

Finding 3: Offer vs Serve

Applicable staff must receive annual Offer vs Serve (OVS) training. All staff training should include an agenda and sign-in sheet and training documentation should be maintained on file at the SFA for three years plus the current year. OVS training is available through the State agency training portal and a training log is available in MyIdahoCNP Download Forms.

CAP: Upload OVS training agenda and completed sign in sheet into MyIdahoCNP Review Attachments.

Timeframe for CAP completion: December 21, 2017

Sponsor Response to CAP: Food service staff Offer vs Serve training occurred on December 15, 2017. Training agenda along with sign in sheet was uploaded into MyIdahoCNP.

Finding 4: Professional Standards (Food Safety Training)

The Food Service Director (FSD) 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 on-line and free through the Institute of Child Nutrition. (7 CFR 210.30 Professional Standards Regulations).

CAP: Upload a certificate of completion indicating that 8 hours of Food Safety training has occurred into MyIdahoCNP Review Attachments.

Timeframe for CAP completion: December 21, 2017

Sponsor Response to CAP: FSD completed Food Safety in Schools online training on December 11, 2017 and uploaded a copy of the certificate of completion into MyIdahoCNP.

Finding 5: Professional Standards (Tracking)

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. 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 FNS [online tracking tool](#) and two Professional Standards tracking resources available in MyIdahoCNP under Download Forms in the Professional Standards section.

CAP: Upload a tracking form (system) for each food service employee.

Timeframe for CAP completion: December 21, 2017

Sponsor Response to CAP: FSD completed a Professional Standards tracking tool that includes training for all food service employees and uploaded into MyIdahoCNP on December 19, 2017.

Finding 6: Local Wellness Policy

The Local School Wellness Policy (LWP) must include all required elements as listed in the HHFKA of 2010 (public law 111-296) as well as address the Smart Snacks regulations (7CFR210.11), must be made available to the public, and is required to be reviewed and updated on a periodic basis. Parents, students, physical education teachers, school health professionals, school Administrators, the school board, representatives of the SFA, and the general public must be permitted to contribute to the development, implementation, periodic review, and update of the Local School Wellness Policy. LEAs are required to establish a plan for measuring Local Wellness Policy implementation to include identifying one or more persons with the responsibility and authority to ensure each school complies with the policy. The Local Wellness Policy must include, at a minimum, measurable goals for nutrition education, physical activity, and other school-based activities to promote student wellness, as well as nutrition guidelines for all foods available on school campus.

CAP: Revise LWP to come into compliance with the Final regulation. Submit a timeline including dates of Wellness Committee meetings along with a proposed date of completion and public notification. Provide a written plan for required stakeholder in policy development (must invite parents, students, physical education teachers, school health professionals, school Administrators, the school board, representatives of the SFA, and the general public).

Timeframe for CAP completion: December 21, 2017

Sponsor Response to CAP: The school district provided a specific timeline for *Wellness Policy Input and Revision* to ensure the policy is reviewed, updated, and approved by the local school board during the first quarter of 2018.

Finding 7: Resource Management Comprehensive Review

Under subsection 12(q) of the Richard B. Russell National School Lunch Act and 7 CFR 210.14(f), SFAs are required to ensure that all revenue from the sale of non-program foods accrues to the non-profit school food service account; and that revenue available to support the production of reimbursable school meals does not subsidize the sale of non-program foods. SP 20-2016 Nonprofit School Food Service Account Non-Program Food Revenue Requirements memo provides guidance on the revenue requirements including options for assessing compliance to fulfill the requirements in Section 206 of the Healthy, Hunger-Free Kids Act of 2010.

CAP: SFA must complete Option 1 on the Non-Program Food Revenue Tool. The form is found in the download forms section of MyIdahoCNP.

Timeframe for CAP completion: December 21, 2017

Sponsor Response to CAP: On the day of SA review, the SFA completed and uploaded a non-program foods revenue tool demonstrating compliance.

Finding 8: Meal Components and Quantities

The Jr - Sr High School breakfast and lunch production records for October 9 – 13, 2017 (week of review), did not contain all the required documentation. Production records were missing some or all of the following: planned portion sizes, meal pattern equivalences, planned number of servings to be prepared, planned quantity of food to be used, actual number of servings prepared, quantity of leftovers, disposition of leftovers, and temperature of foods. The SA Contractor provided onsite TA on the meal pattern requirements for grades 6-8 & 9-12 as well as production record requirements. Completed meal compliance worksheets specify insufficient food quantities. Since the production records did not contain the correct required documentation, the FSD was required to provide the SA Contractor a copy of the completed production records for the week of November 13-17, 2017, by November 18, 2017. While these were submitted as requested, errors were noted including insufficient planned amounts of fruit and inadequate amounts of yogurt equivalence for breakfast meal planning. As a result, some meals appeared to be disallowable for reimbursement. The issue of incomplete production records was addressed in an Administrative Review conducted on November 11, 2014, and significant technical assistance (TA) was provided. Due to continued noncompliance with the requirement, this is a finding that resulted in fiscal action.

CAP: Production records (PR) must indicate how food items on the menu are meeting the USDA meal pattern for the age/grade group being served to document compliance (7 CFR 210.10). Upload two weeks' worth of completed PR for breakfast and lunch for December 4 - 8 and 11 -

15, 2017. Upload week one PR on December 8, 2017, by 5:00 pm into MyIdahoCNP Review Attachments for SA review; upload week two PR on December 15, 2017 by 5:00 pm.

Timeframe for CAP completion: December 21, 2017

Sponsor Response to CAP: FSD submitted completed production records and accompanying recipes for December 4 – 15, 2017. Documentation supports increased understanding for use of production records for planned portion sizes, meal component and quantities equivalences, food safe temperature recording and disposition of leftover food items.

Fiscal Action

The claim consolidation error for breakfast meals and disallowed lunch meal errors resulted in fiscal action of \$2,308.90, which will be recovered from future claims.

Commendations

- The salad bar at the Jr – Sr High School had a great variety and was well received by the students. The food service staff needed to replenish the containers often.
- A food service staff member working on completion of PR and serving students on the line was a pleasure to work with. She was enthusiastic and receptive to SA recommendations and she treated the students with kindness and respect.
- The Food Service Director worked diligently to provide all required corrective action in advance of the due date. She displayed a willingness to ensure compliance within the programs, which will ultimately benefit students and food service staff.

Technical Assistance (TA)

Meal Counting and Claiming

- Error in Review Month (October 2017) breakfast count due to data entry error/human error on October 2, 2017, when 75 breakfast meals for the Jr – Sr high school were entered into the claim spreadsheet instead of the 71 breakfast meals that were marked on that day's tally sheet. Moving forward, confirm that numbers are transferred accurately to spreadsheet.

Meal Components and Quantities

- On November 7, 2017, during the onsite meal service review performed by the SA Independent Contractor, only 1oz grain equivalence was planned for grades 9-12, which was 1/2c rice. Prior to the start of the lunch service the FSD added a 1oz grain equivalence by adding a 1oz package of graham crackers for grades 9-12.

Offer vs Serve

- The Jr - Sr High School did not have a sign explaining what constitutes a reimbursable breakfast or lunch. The SA Contractor provided TA on signage requirements as well as what is a reimbursable breakfast and lunch. Beginning November 8, 2017, the SFA will use the "What's for Breakfast" and "What's for Lunch" posters daily to explain the

number of items offered, such as a 2oz biscuit = 2 items and what the students must take, such as ½ c fruit and 2 other items. Signage was compliant on December 5, 2017.

Food Safety

- Cases of food items were stored on the floor of the walk in freezer. TA provided to have cases organized and stored at least 6" off the floor.

Fresh Fruit and Vegetable Program

- The school may provide fresh fruits and vegetables to teachers who are in the classroom with students during the FFVP food service to model healthy eating.
- The school must widely publicize the FFVP. The SA suggests putting the information on the website, the menu, or including in the daily announcements. The Food Service Director creates a beautiful document of the upcoming FFVP options for the month that the food service staff uses to plan and prepare the FFVP; consider publishing this colorful document on the website.

Civil Rights

- Ensure the correct USDA non-discrimination statement is used on child nutrition program materials. The short non-discrimination statement reads, "This institution is an equal opportunity provider." This was taken care of the day of SA on-site review.

Resource Management

- The School Food Authority must keep costs separate and ensure that only allowable costs are contributed to the Child Nutrition Program Fund 290 account. During a review of the SY 16-17 Detailed Financial Report, there were several entries that required follow up. Ensure that journal descriptions for payroll transfers accurately reflect allowable food service staff only.
- By Federal law, SA must approve, in advance, any capital expenditures greater than or equal to \$5,000. Consider itemizing journal entries to ensure purchases over \$5,000, which include various kitchen supplies and equipment, can be easily identified as not requiring SA approval.

Special Provision Options

- Provision 2 Base Year (SY11-12) benefit issuance was previously validated by the SA on February 29, 2012, and again on August 25, 2016, for extension purposes. The retention of all required Provision 2 documentation was confirmed during the administrative review. Daily meal count records by student name and eligibility along with all other Base Year records are kept in boxes at the junior/senior high school in the food service director office. The current Provision 2 cycle expires at the end of SY19-20. If you wish to continue with Provision 2 breakfast and/or lunch, you must contact the SA prior to the expiration date to see if you qualify for an extension.
- Another provision program that may be available to Lapwai SD is Community Eligibility Provision (CEP). CEP allows local educational agencies (LEAs) 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. To operate CEP, the sponsor must collect and retain the following data on April 1 each year:

- Enrollment list for each CEP school site(s) containing: Student first and last names, each student's meal benefit status (Free, Reduced, or Paid), and the name of the school site.
- Identified Student Population list containing students Directly Certified through the State DC Match list DC SNAP or TANF siblings (must be documented on the DC list from the State - hand written) to indicate the names of the corresponding siblings. Homeless, Migrant, Runaway students who are not on the State DC list - must be identified through documentation by the appropriate liaison (signed list or an email with list attached). Homeless, Migrant, Runaway, and Foster students do not extend free meal benefits to siblings.

Your review is now closed

The fiscal action amount of \$2,308.90 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,



Teresa Goodsell, BS, SNS
NSLP Coordinator

cc: Colleen Fillmore, PhD, RDN, LD, SNS, Director, Child Nutrition Programs
Ann Munstermann, Child Nutrition Director, Lapwai 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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