



April 13, 2018

Mrs. Rebecca Stallcop, Superintendent
Liberty Charter School
9955 Kris Jensen Lane
Nampa, ID 83686

Dear Superintendent Stallcop,

On March 2, 2018, State Department of Education (SDE) Coordinators Heather Blume and Teresa Goodsell conducted an Administrative Review of Liberty Charter 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 Debby Hall, Yvette Washburn, and the staff and students of Legacy Charter 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:

Finding and Corrective Action Plan (CAP)

Finding 1 Certification and Benefit Issuance

The Hearing Official is required to take USDA Civil Rights training annually.

Corrective Action: Please ensure the Alane McKnight, the individual listed as the Hearing Official, completes the Civil Rights training by the corrective action deadline. Upload the signed and dated attendance list.

Due Date for CAP Completion: March 19, 2018

Corrective Action Response: The SFA uploaded documentation that training took place on March 12, 2018.

Finding 2 Certification and Benefit Issuance

Families who qualify for free meals via direct certification should be notified via a letter at the beginning of the school year to reduce administrative burden.

Corrective Action: Please upload a plan for how families will be notified that they do not need to complete a free and reduced application if the students appear on the direct certification list.

Due Date for CAP Completion: March 19, 2018

Corrective Action Response: On March 12, 2018, the SFA uploaded a plan to notify families who qualify for free meals at the beginning of the year.

Finding 3 Certification and Benefit Issuance

The benefit issuance list does not indicate the dates that eligibility statuses are made and the date eligibility statuses change.

Corrective Action: Upload a plan to ensure that the benefit issuance list indicates the dates eligibility determinations and status updates are made.

Due Date for CAP Completion: March 19, 2018

Corrective Action Response: On March 12, 2018, the SFA uploaded documentation that she had contacted the point of service (POS) software company to learn how to add the dates of eligibility to the benefit issuance list.

Finding 4 Food Safety

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. A sample *Bodily Fluid Cleanup Standard Operating Procedure* is located in MyIdahoCNP in the Download Forms section under the Food Safety heading.

Corrective Action: Download a copy of the bodily fluids cleanup process and conduct staff training. Upload a copy of the training agenda and dated sign in sheet.

Due Date for CAP Completion: March 19, 2018

Corrective Action Response: On March 12, 2018, the SFA uploaded the sign-in sheet for training on the bodily fluids cleanup SOP training.

Finding 5 Meal Counting and Claiming

Students may be able to see student information on the POS computer screen, during the lunch service. Devise a plan for masking the meal status information. The SA recommends utilizing a privacy screen on the computer monitor, etc. to help prevent overt identification.

Corrective Action: Provide receipt for a privacy screen or written procedure for plan to prevent other student's from seeing student identifiable information related to meal service.

Due Date for CAP Completion: March 19, 2018

Corrective Action Response: The SFA uploaded a receipt that a screen filter was purchased into MyIdahoCNP on March 12, 2018.

Finding 6 SFA On-Site Monitoring

Lunch POS on-site reviews are covered in 7 CFR 210.8, which states: each SFA with more than one school must perform no less than one on-site review of the lunch counting and claiming system in use in each school under its jurisdiction by February 1 of each year. Further, if the review discloses problems with a school's meal counting or claiming procedures or general review areas, the school food authority shall ensure that the school implements corrective action, and within 45 days of the review, conduct a follow-up on-site review to determine that the corrective action resolved the problems. Each on-site review shall ensure that the school's claim is based on the counting system and that the counting system, as implemented, yields the actual number of reimbursable free, reduced price and paid breakfasts, respectively, served for each day of operation.

Corrective Action: Please complete the *SFA On-Site Monitoring* training found in the SDE CNP Digital online training portal. Upload a copy of the certificate of completion into MyIdahoCNP.

Due Date for CAP Completion: March 19, 2018

Corrective Action Response: On March 12, 2018, the SFA uploaded the certificate of completion for the *SFA On-Site Monitoring* training into MyIdahoCNP.

Fiscal Action

No changes were made in eligibility status or meal counts. No fiscal action resulted from this review.

Commendations

- The process for writing, implementing, and monitoring the wellness policy is excellent. Thank you for taking the time to create a healthy environment for your students!
- Yvette did a wonderful job serving the children and instructing them on getting adequate portions of fruit and vegetable servings.
- The kitchen manager has a great process of weighing a CN labeled item and finding appropriate serving device (scoop #) to provide the appropriate serving. This information would be a great addition to the recipes or production records.
- The kitchen manager is the only employee in the kitchen and wears many hats. She produces food with the help of student workers, organizes service lines, checks trays for reimbursable meals, and runs the cash register. She is a wonderful asset to the school lunch program.

- The “Student Worker Program” is a wonderful learning opportunity for the students who participate and contribute back to the school community.

Technical Assistance (TA)

Certification and Benefit Issuance

- Please ensure the benefit issuance list indicates how each student's eligibility status was determined.

Food Safety

- Update sample written food safety SOPs to relate specifically to Legacy Charter School. The SA provided a link to the employee excluded/restricted SOP at the Institute of Child Nutrition.
- Please ensure student workers receive applicable food safety training.

Verification

- When performing Verification of Free and Reduced Applications, the Confirming Official cannot be the same person as the Determining Official (the person who approves the application). There must be another person checking the application prior to sending out the letter for verification. Verification must be in line with requirements outlined in 7 CFR 245.6a. After determining the results of verification, the verifying official must sign and date in the “Official Use Only” box.
- LEAs must make at least one attempt to contact any household that does not respond or provides insufficient documentation in response to a verification request, in accordance with Section 9(b)(3)(G)(iii) of the NSLA, 42 USC 1758(b)(3)(G)(iii). The follow-up attempt may be through a telephone call, text message, e-mail, mail or in person and must be documented by the LEA. Non-response for verification includes no response and incomplete or ambiguous responses that do not permit the LEA to determine whether the children are eligible for free or reduced price meals, and may result in eligibility changes, as provided for in Section 9(b)(3)(H)(ii), 42 USC 1758(b)(3)(H)(ii) and 7 CFR 245.6a(f).
- SFA must retain copies of all documentation associated with the verification process. Best practices should include 1) Place a copy of the selected free/reduced application(s) in the verification file 2) Make a copy of the initial letter(s) of selection sent to household(s) and place with the application(s) in the verification file 3) Make a copy of the second request(s) for documentation (if required) and place in the verification file 4) Make a copy of the final determination letter(s) advising household of the results and place in the verification file.
- When notifying households of a reduction in benefits, SFA must allow ten calendar days prior to updating the student(s) benefit issuance.

Civil Rights

- The civil rights binder did not include a procedure to indicate the timeframes within which the SA must be notified. Please print the standard procedure from the SA website and keep a copy with the civil rights binder.

Meal Components and Quantities

- The following TA was provided by Independent Contractor, Laura Thomas:
 - Correctly credit components when recipes are revised. Error resulted in menus being short of grains for all meal patterns on one day. Weekly requirements were met.
 - Correct the subgroup listing and crediting portion of vegetables in the nutrient analysis software program.
 - Add milk cooler to the temperatures recorded daily—may want to change from production record to log on each item or single temperature log for all equipment.
 - Cover all items on bar until service starts, as room is used for library for classes. Food on cold bar is set up 40 minutes prior to lunch due to workload per manager with ice packs below. Recommend trying to change workflow to keep in refrigeration as long as possible.
 - Take and record temperature of foods held in warmer.
 - Suggestion made to use K-8 meal pattern for lunch and plan 2 ounce equivalent (oz. eq.) of meat/meat alternate and 2 oz. eq. of grains daily to assure pattern is met and meals are simpler to plan, prepare, and serve. For all easily divided items with two meat/meat alternate and two grains, such as sandwich, younger students could be offered a half or whole. The half portion is one meat/meat alternate and one grain so fits reimbursable meal full components to go with ½-cup fruit and/or vegetable, but allows younger student to select smaller portion if desired.
 - Limit any extras on the menu to one a week and small portion to stay within calorie ranges.
 - A combined total of ½ cup fruit and vegetable is reimbursable meal requirement. Student can select smaller portion of hot vegetable from line and add fruit or vegetable from bar to complete ½ cup portion.
 - Review week menu was missing ½ oz. eq. grain on Tuesday due to change recipe and inaccurate crediting of recipe. Recommend changing the fried rice to plain brown rice in ½ cup portion, which provides 1 oz. eq. to all grades K-8. Change was also communicated by email to happen before next time menu was served, to resolve issue.
 - Correct the subgroup listing and crediting portion of vegetables in the nutrient analysis software program.
 - Recommend using USDA compliance worksheets and SDE production record for ease in menu planning, preparation, and service. TA given on two step process for completing production records, planned amounts in advance and day of production.

Wellness Policy

- The Idaho School Board Association has a compliant wellness policy when all sections are combined. The policy that was uploaded had one section of this policy, but needs the following to be complete:
 - Policy 2305- Nutrition Services
 - Policy 2310- Nutrition Education
 - Policy 2315- Physical Activity Opportunities and Education

- Policy 7310- Advertising in Schools/Revenue Enhancements
- Policy 8200- Local School Wellness
- Policy 8210- District Nutrition Committee
- Policy 8230- Nutrition Standards
- Policy 8235- Water Consumption/Water Bottle Policy
- Policy 8240- School Meals
- Policy 8250- Guidelines for Food and Beverages Sales

Procurement

- A separate procurement review was completed by Keddington & Christensen, LLC; please follow the guidance previously provided to bring your procurement procedures into compliance prior to the next administrative review.

Your review is now closed

There is no fiscal action as a result of this review. 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,



Heather Blume, MS, RD, LD, SNS
NSLP Coordinator

cc: Colleen Fillmore, PhD, RDN, LD, SNS, Director, Child Nutrition Programs
Debby Hall, Foodservice Director, Liberty Charter 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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