



March 21, 2018

James Gilbert, Superintendent  
Mountain Home School District  
470 North 3<sup>rd</sup> Ave. East  
Mountain Home, ID 83647

Dear Superintendent Gilbert,

On February 28 and March 1, 2018, State Department of Education (SDE) Coordinators Jennifer Butler and Lynda Westphal, along with SDE Financial Specialist Melissa Cook, conducted an Administrative Review of Mountain Home School District for the following United States Department of Agriculture (USDA) programs:

- National School Lunch Program (NSLP)
- School Breakfast Program (SBP)
- USDA Foods
- Afterschool Snack Program (ASSP)

The sites reviewed were West Elementary School and Hacker Middle School.

The State agency (SA) would like to commend Levi Vick, Joyce Wright, Adrian Carcas and the entire staff of Mountain Home 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 – Certification and Benefit Issuance

A statistical sample of applications reviewed resulted in a 1.02% error rate. Fiscal action will be calculated due to these errors. Four applications had someone cross off the total number of household members written in by the family and change it to reflect the number of names included on the application. This is not allowed; any discrepancies or questions must be clarified by communicating with the household and noting any edits directly on the application. While SA reviewers were onsite, families were contacted via phone and applications edited to reflect accurate household totals. One application changed from free to reduced status after a household member with income was added to the application. A letter of adverse action was sent while SA reviewers were onsite, with benefits to be changed following the 10-day period. To help ensure that future applications are not edited without appropriate follow-up and edit notes, upload a description of what measures will be taken to ensure that this will not occur in the future.

**Timeframe for CAP completion:** Due March 15; completed March 13, 2018

**Sponsor Response to CAP:** An updated benefit issuance list reflecting changes to benefits following the 10-day period was uploaded on March 12. A narrative has been written stating that school staff has been or will be trained on expectations for editing applications, and – when needed – follow-up with households will occur, and that all applications will be dated and all notes initialed to document clarification.

### Finding 2 – Verification

One verified application included a note from the household stating not to count some of the income shown on the paystub, so it was not counted. However, this documented income should have been counted in the income total. With the income added, the application changed from reduced to paid. The letter of adverse action was sent while SA reviewers were onsite, and benefits will need to be changed following the 10-day period.

**Timeframe for CAP completion:** Due March 15; completed March 12, 2018.

**Sponsor Response to CAP:** An updated benefit issuance list reflecting the change to benefits following the 10-day period was uploaded on March 12.

### Finding 3 – Afterschool Snack Program (ASSP) Counting and Claiming

West Elementary School (ES) is currently running four separate ASSPs. The AM and PM Pre-K classes are being counted in the electronic POS, but the other two ASSPs are counted by tracking students on a roster. The SFA claimed 563 snacks for January 2018 at West ES, but the

SA validated only 560. Three days were off by one count, resulting in the SFA over-claiming 3 snacks. Fiscal action for this over-claim will be calculated. Because the current practice of counting checkmarks and entering them in a spreadsheet is error prone, write and upload a narrative describing how improvements to this process will be made to ensure accurate ASSP counting and claiming at all school sites.

**Timeframe for CAP completion:** Due March 15; completed March 13, 2018.

**Sponsor Response to CAP:** A narrative describing changes to the ASSP counting and claiming process was uploaded on March 13. The narrative states that a universal tracking sheet has been created with a legend clarifying how to mark students. The tracking sheet template was also uploaded. The production records will be cross-referenced with snacks recorded on the roster and any discrepancies noted. The tracking sheet and production sheet totals will be checked when entered in an Excel spreadsheet to calculate the claim.

#### **Finding 4 – Afterschool Snack Program (ASSP) Counting and Claiming**

During an on-site review of an ASSP at West ES, SA reviewers witnessed staff check students on the roster used for ASSP claiming even though 12 students only selected one of the two required components. SA reviewers provided suggestions on ways to help ensure students are claimed accurately and provided a training sheet that can be used to help train ASSP staff on program requirements. Fiscal action for the observation of non-reimbursable snacks will be calculated. Write and upload a narrative into MyIdahoCNP describing how staff will be trained and improvements will be made to ensure only students who select the two required components are counted for receiving a snack at all ASSP school sites.

**Timeframe for CAP completion:** Due March 15; completed March 13, 2018.

**Sponsor Response to CAP:** A narrative was uploaded describing that all instructors, administrators, and kitchen personnel involved in ASSP will participate in training and sign a training certification that will be retained at the foodservice office. The training certification template was also uploaded. All new personnel will be required to take the ASSP training prior to handing out snacks. The district will require ASSP training certification each year.

#### **Fiscal Action**

Due to benefit issuance and ASSP claiming and counting errors, fiscal action results in \$52.74. However, since this amount falls under the \$600 threshold, the fiscal action will be disregarded and no financial adjustment will occur.

#### **Commendations**

- SA contractor Stephanie Sandoval, MS, RD, LD, conducted the menu analysis for the review week and found no areas of concern or requiring technical assistance. Keep up the great job of serving compliant meals and menus.
- The preparation for the Administrative Review was greatly appreciated. All requested items were uploaded in a timely manner. Everyone involved in the review was receptive to feedback and it is evident they are dedicated to running a quality foodservice program.

- The cashiers running the Point of Service (POS) did a great job ensuring that students selected a minimum of 1/2 cup fruit and/or vegetables from the salad bar while operating the Offer versus Serve provision.

## Technical Assistance (TA)

### Certification and Benefit Issuance

- There were a large number of applications submitted that were denied. Based on the amount, it appears there might be a requirement for households to complete applications even though a family does not qualify. Besides being a waste of time for the approver, this is not allowable (page 76 of the *Eligibility Guidance for School Meals Manual 2017*).
- When making edits or changes to an application, the best practice is to use a different colored pen. Be sure to always initial and date changes with a note of why change occurred and who in the household provided the new information.

### Offer versus Serve (OVS)

- OVS training is occurring annually during an in-service training day at the beginning of the year; however, the training agenda does not adequately identify that it was covered. Update your training agenda to specify that OVS at breakfast and lunch are part of this annual training.

### Food Safety

- Shell eggs were observed on the top shelf over ready to eat foods at both sites reviewed. Make sure shell eggs are located on a lower shelf to avoid cross contamination in the event they break.
- Food in the warehouse included beans from 2014 and frozen chicken from 2016. If the district will not be utilizing these items, investigate donating them to the Foodbank or a private non-profit that can utilize them quickly before the quality degrades.

### Civil Rights

- Ensure all Civil Rights binders/folders are up-to-date to include current documents. Binders/folders should include a complaint procedure, filing forms, and log. SA reviewers located a complaint form that included an outdated non-discrimination statement. Additionally, a complaint procedure was missing from the folder at one of the sites.
- If there is a Medical Statement for Meal Accommodation Form on file for a student, then all meal components must be provided in a nutritionally equivalent choice (e.g. cow milk allergy must have soy milk on hand for the student to be able to select a complete meal). OVS is not an allowable means to accommodate a food allergy.
  - Soy milk was purchased while reviewers were on site.
- Some medical statements are not clear on required accommodations. Food service must communicate with the medical provider to ensure clarity on what the medical

provider is ordering the food service to do for the meal accommodation (such as follow the FODMAP diet).

### **SFA On-Site Monitoring**

- According to 7 CFR 210.8 (a)(1) and 7 CFR 220.11 (d)(1), each SFA with two or more feeding sites must perform no less than one on-site review of the meal counting and claiming system and the readily observable general areas of review identified under 7 CFR 210.18(h) in each school operating NSLP, and 50% of schools operating SBP under its jurisdiction prior to February 1, each school year. The SFA should devise a plan to ensure that 50% of their school sites receive a breakfast review on alternating years. If a school site is not a feeding site, such as Bennett HS, the form completed for the feeding site they join should indicate their site as well, so it does not appear that a site did not get its required review.
- Ideally, separate forms will be utilized for each of these separate breakfast and lunch reviews, but the SA has allowed the same form to be used for both meal observations if different colored pens are used to document and separate the responses for each review. The line asking for the date of the last breakfast review is to help guide the SFA to identify the requirement to review at least 50% of the sites for breakfast every other year, with a site being reviewed at least every two years.
- The SA has made available an online course in the digital learning portal that covers the requirements and form completion for this annual monitoring.

### **Local School Wellness Policy**

- The final rule on wellness policies (7CFR §210.31) required LEAs to be in compliance by June 30, 2017. The main policy section (Policy 569) of the LEA's current LWP is marked as last revised on April 16, 2013; supporting procedure sections were updated in 2018 (bulleted list below). The LEA's self-assessment completed in January 2018 indicates noncompliance by not including specific measurable goals for nutrition education, nutrition promotion, and physical activity. The wellness policy committee must work to get the LWP compliant with the final rule requirements.
  - Policy 569 – Adopted May 2006; Revised April 2013
  - Policy 569P1 – Adopted March 2009; Revised April 2018
  - Policy 569P2 – Adopted April 2018
  - Policy 569P3 – Adopted April 2018
  - Policy 569P4 – Adopted March 2009; Revised April 2018
  - Policy 569P5 – Adopted March 2009; Revised April 2018
  - Policy 569P6 – Adopted March 2009; Revised April 2018
  - Policy 569P7 – Adopted April 2018
  - Policy 569F1 – Adopted April 2018
- 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 September 6, 2017. No findings requiring corrective action were found, but two areas of

technical assistance were noted. Please follow the guidance provided in this NSLP Procurement Review and bring the Procurement Policy into compliance with Federal Regulations prior to the next review.

### **Afterschool Snack Program (ASSP)**

- The SFA is not using the most up-to-date ASSP self-monitoring form. The current form is available in MyIdahoCNP Download Forms and should be utilized for the second review of the ASSP prior to the end of the program.
- Not having a definable, set schedule for running the ASSP causes unnecessary challenges to the SFA. The SFA is required to conduct two self-monitoring reviews for each snack program, once within 4 weeks of the beginning of operation and one near the end. Because the current ASSP involves multiple short programs, the SA requested clarification from the USDA Western Region Office (WRO) on the expectations of two reviews per program when multiple short programs are operated. The SA will follow-up on the guidance provided. Additionally, short notice on ASSP operation impacts food orders and menu planning. Consideration must be given to the impact on foodservice in the operation of multiple ASSPs throughout the year, and the timeliness of notification of when these programs will occur.

### **Your review is now closed**

Fiscal action resulting in \$52.74 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  
Levi Vick, Business Manager/Foodservice Director, Mountain Home School District  
Adrian Carcas, General Manager, Chartwells

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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](mailto: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](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](mailto:program.intake@usda.gov).

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