



March 23, 2018

Dennis Kachelmier, Superintendent
Nezperce School District
614 2nd St.
Nezperce, ID 83543

Dear Mr. Kachelmier,

On March 21, 2018, State Department of Education (SDE) Coordinators Tamara Donovan and Lynda Westphal conducted an Administrative Review of Nezperce School District for the following United States Department of Agriculture (USDA) programs:

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

The site reviewed was Nezperce Elementary School.

The State agency (SA) would like to commend Marci Stapleton and the entire staff of Nezperce 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 Civil Rights

After responsibilities were discussed on the day of SA review, the SFA decided to change the Confirming Official to the school secretary; the Confirming Official must have annual USDA civil rights training. Training is available at the SA website.

Corrective Action: Provide a dated sign in sheet to provide documentation that the Confirming Official received civil rights training.

Due Date for CAP Completion: April 4, 2018

Corrective Action Response: Documentation of training was provided on the day of SA review.

Commendations

- Congratulations on being awarded \$4,155.00 for a convection oven as part of a USDA 2015 Equipment Grant. Your initiative in applying for this grant is appreciated and shows commitment to your students.
- The Food Service Director was doing a great job! She has familiarized herself with the NSLP requirements and was receptive to SA input. She uploaded all the required documentation in a timely and organized manner. Many students stated that they love the food. She was friendly and appeared to enjoy her job.
- The food service staff at Nezperce School District was receptive to SA input and seemed motivated to follow USDA regulations; they responded to TA while the SA was on-site.
- There were no errors in benefit determination and all students received the meal benefits for which they qualified - nice job!

Technical Assistance (TA)

Certification and Benefit Issuance

- Make notes on applications to document additional information obtained from the household, including the date, the name of the household member spoken with, the information collected, and the initial of person who collected the information.
- Confirming, Determining, and Hearing Officials must be three separate individuals. Please revise your renewal application to reflect actual practice; this was corrected on the day of SA review.

Verification

- Please attempt to directly certify students selected for verification before sending the verification notification letter to the household.
- When performing verification of free and reduced applications, the Hearing Official cannot act as the Confirming Official (the person who checks the application prior to sending the notification letter to the household) and they cannot act as the Determining Official (the person who approves the application); they must be independent of these duties. Verification must be in line with requirements outlined in 7 CFR 245.6a.
- Update the notification letter template to inform households who to contact for questions (e.g., the NSLP Determining Official), which is different from who to contact regarding an appeal (the NSLP Hearing Official).
- A change in eligibility status which results in decreased benefits shall be made ten calendar days after the date the SFA makes the final decision on the child's eligibility status and notifies the household.

Civil Rights

- Include the USDA civil rights complaint form in the civil rights folder. This was completed on the day of SA review.
- A procedure for receiving and processing civil rights complaints must state that all complaints associated with Child Nutrition Programs are forwarded to the State agency within three working days. Please add this procedure to your civil rights file; a compliant procedure is located on the State agency civil rights web page. (7 CFR 210.15(a)(6)) This was taken care of on the day of SA review.
- The public release must document that both the NSLP and the SBP are available (only the NSLP was noted on the release).

Meal Components and Quantities

- Independent contractor Renee Legan completed the menu review and provided the following TA:
 - Use the USDA K-12 breakfast meal pattern for all students since all students eat breakfast together and are offered the same menu.
 - Use the USDA K-8 lunch meal pattern for grades K-6 and the USDA 9-12 lunch meal pattern for grades 7-12 to keep it simple for the kitchen staff and student helpers. Student grades K-6 eat during first period and grades 7-12 eat during second period but they usually do go through the line by grade.
 - Copies of the USDA meal patterns for breakfast and lunch were provided.
 - Discussed changes to production record, including: enter the actual number of equivalents for each food item and portion size; record the temperature of the hot food prior to second lunch period.
 - Recommended having one page salad bar production record for the week for simplification. Column 1 would contain "Food Item" and column 2 – 6 would contain the week day (Monday through Friday). Each day the amount of food used and the amount of food left over for each item would be recorded. The amount of food used

- can be appropriate unit sizes (e.g., each, bags, pounds) and the amount of left overs can be in cups.
- Reviewed the online Food Buying Guide (FBG), online FBG Calculator, Exhibit A, and standardized recipes.
 - Use a 4 ounce scoop for the fruit and vegetable components to avoid overserving / food waste. Ensure that each tray contains a minimum amount of ½ cup fruit or vegetable or combination of both (¼ cup of fruit and ¼ cup of vegetable can count as the minimum serving). Students must have the option to be able to select more vegetables to meet the USDA meal pattern component amount.
 - The menu planner did not plan any legumes for the lunch menu for the week of review, February 12 through 16, 2018, so the bean/pea vegetable subgroup was missing. In the past kidney beans were available on the salad bar daily but were removed because the menu planner mistakenly thought that legumes needed to be pre-portioned in ½ cup containers. Provided technical assistance regarding the acceptable types of legumes and discussed the required minimum weekly quantity of legumes to meet the USDA vegetable subgroup meal pattern for age grade groups K-8 and 9-12. The SFA will plan ½ cup of refried beans or baked beans weekly on the lunch line or will ensure kidney beans are on the salad bar every week.
 - Reviewed the Child and Adult Care Food Program (CACFP) meal pattern sugar limit for cereal (no more than 6 grams per ounce). Provided a copy of the Sugar Limits in Cereal and Yogurt Guide and the CACFP Menu Toolkit resource.

Food Safety

- The most recent food safety inspection report must be posted in a location visible to the public. (7 CFR 210.13(b)) This was taken care of on the day of SA review.
- The school district food safety plan did not have a bodily fluid clean-up policy. The kitchen manager reviewed the manual on October 11, 2017, but it appears no other food service staff received the training (there were no other names on training log). The individual food safety policies have not been updated since 2014. The SFA needs to add a bodily fluid clean-up policy, update and review in detail all standard operating procedures (SOP) to reflect current procedures, train all food service workers annually and as needed on the food safety plan, and keep a record of training for three years plus the current year. A sample bodily fluid clean-up standard operating procedure was provided and is available in MyIdahoCNP under Download Forms; the SOP was observed in the food safety manual on the day of SA on-site review.
- The freezer had several non-compliant food items stored. Upon further investigation, the items were for classroom use. While it is best practice to have the freezer for just food service use, if it must be used for classrooms, then the food in it must be labeled as such with a discard date.
- Please record milk cooler temperatures on logs to help ensure food is stored within recommended temperature ranges for food safety and food quality as well as provide an indication of equipment beginning to fail.

Professional Standards

- 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. This was taken care of on the day of SA review.

Wellness Policy

- 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. The final rule requires LEAs to fully comply with the requirements of the final rule by June 30, 2017. The Wellness Policy notes an amended date of April 10, 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 (included).
 - 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 (policy states the Superintendent shall designate, but no designation by title or name included).
 - 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 (need measurable goals).
 - 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 (mentioned).
 - Identifying nutrition standards for non-sold foods and beverages available during classroom and school celebrations (mentioned).
 - 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 (not included).
 - 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 local wellness policy goals (not fully included).
 - Identifying a way to share the wellness policy content and implementation with the public (posted to SD website under “Students”).
- For more information regarding local wellness policies, please visit the Idaho SDE Child Nutrition Programs School Wellness webpage.

Procurement

- A separate NSLP procurement review was completed by Keddington & Christensen, LLC; please follow the guidance provided and ensure your procurement procedures are in compliance with federal regulations prior to the next review.

Your review is now closed.

Should you wish to appeal the finding, please follow the appeal procedures found on the State Agency Appeal Procedures document attached to this letter.

If you wish to discuss the finding, please contact me at (208) 332-6820.

Thank you for your continued support of the Child Nutrition Programs.

Sincerely,



Tamara Donovan, RDN, LD, SNS
NSLP Coordinator

cc: Colleen Fillmore, PhD, RD, LD, SNS, Director, Child Nutrition Programs
Marci Stapleton, Child Nutrition Contact/Director, Nezperce 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

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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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