



February 28, 2018

Michael Garrett, Superintendent
Orofino Joint School District
1051 Michigan Avenue
Orofino, ID 83544

Certified Mail Receipt No. 7013 1710 0000 9755 9559

Dear Mr. Garrett,

On January 25-26, 2018, State Department of Education (SDE) Coordinators Lynda Westphal and Jennifer Butler conducted an Administrative Review of Orofino Joint School District for the following United States Department of Agriculture (USDA) programs:

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

The sites reviewed were Orofino Elementary and Jr. /Sr. High Schools and paperwork for the FFVP at Timberline Elementary School.

The State agency (SA) would like to commend Carmen Griffith, and the entire staff of Orofino 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 – Free and Reduced Applications

Three applications needed benefits changed from Free to Reduced and one application needed more follow up on household members and income. These errors resulted in a 2.34% error rate.

Timeframe for CAP completion: February 9, 2018

Sponsor Response to CAP: Most applications were corrected while the SA was on site and one application was corrected by the CAP deadline. A benefit issuance list was uploaded demonstrating the changes in benefit status.

Finding 2 – Meal Counting and Claiming

Students must select at least three food components/items in the proper quantities to make a reimbursable meal. Meals that contain fewer than three components (NSLP) or items (SBP), or do not contain the minimum amount of a fruit or vegetable, are not reimbursable. (7 CFR 210.10 (e)). It was observed at the high school that there were unsupervised students taking some of the components (not taking a complete reimbursable meal) without any teacher present. Counting as the students receive a complete meal (Point of Service (POS) counting) is required in USDA programs and what was observed is an unallowable practice. The high school now has two weeks to move breakfast to the cafeteria to be counted at the point of service to ensure accurate counts. The lunch meal had a compliant POS practice; consider following a similar POS procedure at breakfast. As this is a Provision 2 base year, the high school base year is in jeopardy and may have to be completed again next year if a satisfactory solution is not identified.

Timeframe for CAP completion: February 9, 2018

Sponsor Response to CAP: Corrected on February 12, 2018; a plan to move the POS to the cafeteria was uploaded on February 9, 2018. The claiming error due to inadequate meal counting and application errors is \$81.09.

Finding 3 – Smart Snacks

Beverages in the vending machine (25% or 18% juice) are not compliant as juice must be 100% fruit or vegetable juice. In addition, the machine front advertises Coke and Pepsi and must promote a Smart Snacks compliant beverage. Please upload a plan to bring the machines into compliance.

Timeframe for CAP completion: February 9, 2018

Sponsor Response to CAP: A plan to bring the vending machines into compliance was uploaded on February 9, 2018.

Finding 4 – Dietary Specifications

Food products and ingredients used to prepare school meals must indicate zero grams of trans fat per serving (7CFR210.10 (a) (ii) (3)). Pioneer Country Gravy mix with trans-fat was located in the storage room. The SFA advised that this gravy mix is used with the pork chop menu. This product must be discarded or donated immediately.

Timeframe for CAP completion: February 9, 2018

Sponsor Response to CAP: A plan to move the gravy to the Youth Challenge Site to be used for supper was uploaded on February 9, 2018. Additional invoices showing compliant products being delivered was also uploaded.

Fiscal Action

Due to meal counting and benefit issuance errors occurring during the establishment of a Provision 2 base year, fiscal action must be assessed from the beginning of the school year; this amount is \$101.47 including inadequate meal counting. Fiscal action was also assessed for lunch for \$49.88, but will be disregarded. Total fiscal action of \$101.47 will be withheld from future claims.

Commendations

- The preparation for the Administrative Review was greatly appreciated. All requested items were uploaded in a timely manner.
- Food Service Staff was courteous and receptive to suggestion and technical assistance provided by reviewers.
- SA Contractor Tisha Whatcott, RD, LD, conducted the menu analysis for the review week and found no areas of concern or requiring technical assistance. She felt that Carmen was very organized and commended her on her paperwork. Keep up the great job serving compliant meals and menus.
- The Orofino Elementary kitchen was clean and organized. Staff interacted well with teachers and students who often said please and thank you.
- The Orofino High School kitchen was also clean and organized and the staff interacted well with each other.
- The Professional Standards tracking log in Excel was well organized and is an example to all other sponsors in the state.

Technical Assistance (TA)

Certification and Benefit Issuance

- Free and reduced meal applications missing required elements are considered incomplete and should not be determined for meal benefits until missing information is obtained from the household. A few applications were missing information; however, food service fixed these applications while reviewers were on-site.

Meal Counting and Claiming

- The Skyward program utilized by classroom teachers currently auto marks all students as having a reimbursable breakfast and the teachers are then to unmark the students who did not select or receive a reimbursable breakfast. The POS should accurately record only the reimbursable meals that were selected. The current practice is error prone to over claim meals if teachers do not accurately unmark the students who did not select a reimbursable meal. Attendance cannot be used to calculate meal counts.
- The SFA must communicate their expectations on how Breakfast in the Classroom must be conducted to the teachers and administration. Teachers should be trained on how to effectively monitor that each student receives a reimbursable breakfast before counting them as having a reimbursable meal. Having a rule sheet listing directions and expectations could be attached to the food baskets/coolers and could be used as a training sheet for teachers to sign indicating their understanding of the rules. A sample of training was provided to the SFA.

Food Safety

- The SFA is in the process of updating the food safety manual to meet the 2013 FDA Food code.

Provision 2

- Because all breakfast meals are served at no charge to children in Provision 2 schools, there is no revenue from households who would normally pay the reduced price and full price for meals. Therefore, the district may need to make up the difference between Federal reimbursement and meal costs. A school considering Provision 2 must evaluate whether the savings in administrative costs associated with simplifying meal counting, cash handling, and claiming procedures under Provision 2 offset the costs of providing breakfast to all children at no charge. Due to the potential financial burden of providing meals at no charge, at least a 65% or higher Free and Reduced percentage (<35% Paid) should be achieved to participate in Provision 2 breakfast. Anything lower may be unsustainable and compound losses over the 4-year cycle.
- A Provision 2 Base Year is currently being established (SY17-18) and SA reviewers validated benefit issuance documents and application determination. Please ensure all required Provision 2 documentation, including base year daily meal count records by student name and eligibility, is maintained per requirements.

Resource Management

- Breakfast POS on-site reviews are covered in 7 CFR 220.11(d)(1) which states: every school year, each school food authority with more than one school shall perform no less than one on-site review of the breakfast counting and claiming system and the readily observable general areas of review identified under 7 CFR210.18(h) of this chapter, as specified by FNS, for a minimum of 50 percent of schools under its jurisdiction with every school within the jurisdiction being reviewed at least once every two years. Breakfast in the Classroom only needs to be observed at a statistical sample of the classrooms, not all of them. It appears that you have done all of them and our suggestion would be to complete three visits every other year on different classrooms.

However based on what was observed at the high school, completing the reviews at the high school was warranted.

Fresh Fruit and Vegetable Program

- The school must widely publicize the FFVP. Promoting this competitive grant on the school's website would meet this requirement.

Civil Rights

- The short non-discrimination statement is for use on documents less than one page (double-sided) in length; the long statement is for use on longer documents and can be found on the Child Nutrition Programs website under Civil Rights.

Local School Wellness Policy (LWP)

- The final rule on wellness policies (§210.31) required local education agencies (LEAs) to be in compliance by June 30, 2017. The LEA's current LWP, is missing required elements based on the district's evaluation, making it noncompliant. The wellness policy committee must work to get the LWP compliant with the final rule.
- All LEAs must assess their wellness policy at least once every three years on the extent to which schools are in compliance with the district policy, the extent to which the local wellness policy compares to model local school wellness policies, and the progress made in attaining the goals of the local wellness policy. LEAs must make this assessment available to the public. Assessments must be conducted separately by school to monitor each individual schools compliance with the district's policy. More information regarding local wellness policies, please visit the [Idaho SDE Child Nutrition Programs School Wellness website](#).

Smart Snacks

- All fundraisers, both exempted and compliant, must be tracked. A template tracking log is available at the SA website. 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 SA using the request form. (7CFR 210.11) Details available at Child Nutrition Website.

Procurement (TA provided by independent contractor Keddington Christensen, LLC)

- A separate procurement review was completed by Keddington & Christensen, LLC. No findings requiring corrective action were found, but areas of technical assistance were noted. Please follow the guidance provided in this NSLP Procurement Review and update your Procurement Procedures to come into compliance with federal regulations.

Your review is now closed

Fiscal action in the amount of \$101.47 for breakfast will be withheld from future claims due to this being your base year for Provision 2 breakfast and meal claiming errors at the high school,

the amount of fiscal action for lunch in the amount of \$49.88 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,

A handwritten signature in cursive script that reads "Lynda Westphal". The signature is written in black ink and is contained within a thin black rectangular border.

Lynda Westphal, MHS, SNS
NSLP Coordinator

cc: Colleen Fillmore, Ph.D., R.D.N., L.D., S.N.S., Director, Child Nutrition Programs
Carmen Griffith, Child Nutrition Director, Orofino Joint 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

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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