



December 15, 2017

Paul Shepherd
Snake River Juvenile Detention Center
2515 Wright Avenue
Twin Falls, ID 83301

Dear Mr. Shepherd,

On September 7, 2017, State Department of Education (SDE) Coordinator Heather Blume conducted an Administrative Review of the Snake River JDC 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 site reviewed was the Snake River Juvenile Detention Center.

The State agency (SA) would like to commend Peggy Orr and the entire staff of the Snake River JDC 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

A copy of the food safety plan (HACCP) must be posted in a location accessible to staff involved with meal service. Annual and as-needed food safety training must occur and documentation of training (agenda and sign in sheet) must be kept on file for three years plus the current year. (CFR210.13(b))

CAP: Please print and review the relevant sections of the food safety plan available in the download forms section of MyIdahoCNP. Email the State agency when this resource is available in the meal service area for Sorans and the Snake River JDC location.

Timeframe for CAP completion: September 22, 2017

SFA Response to Finding: The sponsor emailed the customized and signed HACCP-Based Standard Operating Procedures to the SA on September 20, 2017.

Finding 2: Civil Rights

Please update your non-discrimination statement to the correct USDA non-discrimination statement available at the State Agency website. The short statement that may be used on a one page document is: "This institution is an equal opportunity provider."

CAP: Notify the State agency when the civil rights statement has been updated on all relevant documents and the website.

Timeframe for CAP completion: September 22, 2017

SFA Response to Finding: Email indicating that the nondiscrimination was updated on the Snake River JDC website was sent on 9/18/17 along with the link to the website to indicate the change.

Finding 3: Buy American Provision

Include the "Buy American Provision" clause in contract language and review products as they arrive to ensure products are domestic.

CAP: Please submit a plan for ensuring the Buy American Provision is adhered to.

Timeframe for CAP completion: September 22, 2017

SFA Response to Finding: A domestic food procurement policy was created and disseminated to all vendors for Sorans on October 25, 2017. The letter was sent to the SA via email.

Finding 4: Meal Components and Quantities

- According to the recipe calculation, the serving size of sirloin tips showed only 1.25 oz. m/ma per serving.

- There was no updated Child Nutrition (CN) label to credit the Beef and Bean Burrito for m/ma and grain
- There was no product formulation statement for Chicken Strips to credit m/ma and grain eq. Product observed during the on-site visit did not have the CN label logo.
- The BBQ “riblet” product formulation statement was out of date. No APP statement was included. The old formulation statement did not reflect minimum m/ma available per serving to meet 2 oz. minimum
- The wheat rolls were only 1.5 oz. and were not whole grain rich.

CAP: The menus provided by Sorans need to be analyzed using the *USDA Certification of Compliance Worksheets* found on the USDA website. Provide the requested documentation to the State agency.

Timeframe for CAP completion: September 22, 2017

SFA Response to Finding: Many of the items had been gathered by the on-site review. The Food Service Management Company removed the BBQ “riblets” from the menu and modified the entrée to include BBQ chicken breast. The *USDA Certification of Compliance Worksheets* were emailed to the State agency and reviewed for compliance. Additional menu modifications were required. Notification that the required changes were made was sent via email on December 11, 2017.

Finding 5: Afterschool Snack Program (ASSP)

Schools may claim reimbursement for one full snack, per student, per school day. Two weekend days were claimed for snack served in the review month of July, totaling 28 snacks.

CAP: Provide a written plan to the SA outlining how the ASSP procedure will change to come into compliance with snack claiming procedures and train applicable staff. This may include color-coding the meal count sheets on the weekend to differentiate the snacks served on those days. Upload all documents into MyIdahoCNP Review Attachments.

Due Date for CAP Completion: September 22, 2017

SFA Response to Finding: The updated procedure and corrective action plan were uploaded to MyIdahoCNP on December 14, 2017.

Commendations

- Peggy Orr has done a fantastic job in preparing for the Administrative Review. She compiled the necessary documentation beforehand, completed the questions in advance, and organized the information gathered for the on-site review in a readily understandable manner.
- The process followed for implementing and updating the local wellness policy is excellent, especially considering the nature of the facility and the challenges of following the federal guidance on wellness policies.
- The tracking of staff training is consolidated and organized in an easy to interpret manner. Thank you!
- The Detention Manager was quick to make a correction when it was discovered that the grain component for the ASSP was not adequate on the day of the on-site review.

Technical Assistance (TA)

Meal Counting and Claiming

- Discussed updating the process for claiming snacks to prevent claiming snacks on the weekends.

Dietary Specifications and Nutrient Analysis

- Provided TA on the Potato Pancakes to reduce the serving size from 2 pancakes to 1 pancake (calories were over 500 for the pancakes alone and it only counted as an extra).
- Adjust the production record to reflect sun chips being served and not potato chips.
- Limit the number of grain based desserts during the week to a maximum of 2 oz. eq.
- Use only whole grain rich (50% or more whole grain) products for the NSLP breakfast and lunch menu items.
- Reflect whole grain pasta use on production records.
- The frozen wheat roll is not whole grain rich and only credits 1.5 oz. The facility plans to switch this product for a whole grain rich (with product formulation statement) or 100% whole grain product that is 2 oz. eq.
- Only use whole grain flour in the cookie recipe (recipe reflected regular flour).
- Get the updated product formulation statements for the beef and bean burrito and the Advanced Pierre BBQ riblets (plus APP - soy statement) or change the recipe to use a different product.
- Get the product formulation statement for the Tyson chicken strips or switch the product for the Tyson chicken strips approved for the child nutrition programs. Current product was not from the CN line.
- Change the hamburger bun to a different hamburger bun if it is not 56 grams (or add an additional grain item).
- Get the updated Alfredo sauce product information. Keep an eye out for products with *trans* fats.
- Make sure to use all whole grain rich items in the breakfast and lunch menus.

Meal Components and Quantities

- The biscuits available for service on the day of menu review were not whole grain rich. The facility served a whole grain bagel after deficiency with the biscuit was brought to their attention. The menu planner should be looking for and substituting the biscuit for another product.
- Banana served Sunday = 1/2 fruit according to food buying guide. Additional 1/2 cup of fruit would need to be added to this day to meet the minimum requirements.

Afterschool Snack

- The cereal bar that was on the menu for the day was not an adequate portion for a full grain component. The Detention Manager replaced the cereal bar with a 1 ounce equivalent of cheerios before the item was served.

Food Safety and Buy American Provision

- Starting July 1, 2018, a person in charge needs to have an approved Food Safety training with a proctored exam, such as ServSafe, Prometric, etc. A list of approved courses can be found on the Department of Health and Welfare website.

Procurement

- The Procurement Review (first round) is giving a baseline on where purchasing procedures need to improve. Please follow the guidance provided in your general procurement review completed by Keddington & Christensen, LLC.

Your review is now closed.

Due to submitting the claim with 28 unallowable snacks in the ASSP, there is fiscal action of \$24.64 resulting from this review. This is below the State agency \$600 threshold and will be disregarded. Should you wish to appeal any of these findings, please follow the appeal procedures on the attached document, which is also located on the Idaho Child Nutrition Programs website.

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
Coordinator, Child Nutrition Programs
Nutrition Assessment and Promotion, NSLP
(208) 332-6820
hblume@sde.idaho.gov

cc: Colleen Fillmore, PhD, RDN, LD, SNS, Director, Child Nutrition Programs
Peggy Orr, Administrative Assistant, Snake River Juvenile Detention Center

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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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