



January 19, 2017

Ms. Jodi Endicott, Principal
Thomas Jefferson Charter School
1209 Adam Smith Avenue
Caldwell, ID 83605

Dear Ms. Endicott,

On November 29, 2017, State Department of Education (SDE) Coordinators Lynda Westphal and Jennifer Butler conducted an Administrative Review of Thomas Jefferson Charter School for the following United States Department of Agriculture (USDA) programs:

- National School Lunch Program (NSLP)
- USDA Foods

The site reviewed was the Thomas Jefferson Charter School.

The State agency (SA) would like to commend Carla Byrd and the entire staff of Thomas Jefferson 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:

Findings and Corrective Action Plan (CAP)

Finding 1 – Benefit Issuance Errors

Three benefit issuance errors were discovered, two applications with either family members' income in question and/or social security number missing, making the applications incomplete and therefore not approvable; and one student on the Benefit Issuance List marked as being Free when the application was approved as Reduced. These errors combined, resulted in a 6.42% error rate and requires a second review of applications and the required report completed and submitted for the next three years. Contact the families with missing information and upload the applications and a new benefit issuance list.

Timeframe for CAP completion: December 14, 2017

Sponsor Response to CAP: All benefit issuance errors were corrected and information uploaded into MyIdahoCNP.

Finding 2 – Adult Meal Prices

This is a repeat finding from the last review. The Adult Meal Price continues to be too low per the Thomas Jefferson Charter School website that lists the price at \$3.30 and should be, at a minimum, \$3.75 as reported and approved in MyIdahoCNP during renewal. The reviewers were charged \$3.50 for their meal.

Timeframe for CAP completion: December 14, 2017

Sponsor Response to CAP: Monday notes sent to all parents on December 11, 2017 and the website updated to list the adult meal prices at \$3.75.

Finding 3 – Verification

There is no record of the confirming official checking the application prior to the verification letter being sent to the household. In addition, the Denial letter did not include appeal rights. Please use the SA prototype or similar wording to create a template on your letterhead and upload into MyIdahoCNP by the due date.

- 1) Develop a procedure to have another staff member to check the application and sign the application prior to a letter being sent out for verification. When this occurs, the entire application, including the verifying official's signature, should be copied.
- 2) Create a new letter on school letterhead and upload into MyIdahoCNP by the due date.

Timeframe for CAP completion: December 14, 2017

Sponsor Response to CAP: The template letter to be used from this point forward was uploaded on December 14th and the procedure was uploaded on December 15, 2017.

Finding 4 – Civil Rights

Please note the USDA short non-discrimination statement is for all documents that are only one page or one sheet of paper in length: "This institution is an equal opportunity provider." The USDA long non-discrimination statement is for usage on all documents of more than one page

(including website pages) or one sheet of paper and is available at the State agency website under the Child Nutrition program.

Timeframe for CAP completion: December 14, 2017

Sponsor Response to CAP: The online December menu and website were corrected to include the current USDA statement.

Finding 5 – Offer versus Serve

Annual Offer versus Serve (OVS) training is not occurring. Train all foodservice staff on OVS each year. Training is available through the State agency training portal.

Timeframe for CAP completion: December 14, 2017

Sponsor Response to CAP: Staff was trained and the agenda and sign-in sheet was uploaded into MyIdahoCNP.

Finding 6 – Resource Management

Producing 10% more entrees than the school typically serves at lunch, then giving the leftover entrees out for free the next morning is not necessary, nor reasonable, and does not comply with allowable cost restrictions. Menu planners should not plan to have leftovers, so this is expected to be a rare occurrence and the practice of offering leftovers during a break period must be stopped.

Timeframe for CAP completion: December 14, 2017

Sponsor Response to CAP: Per a letter uploaded on December 15, 2017, this practice stopped as of December 5, 2017.

Fiscal Action

Due to a benefit issuance error rate of 6.42%, there is fiscal action of \$55.83 resulting from this review. This is below the State agency \$600 threshold and will be disregarded.

Commendations

- The naming of "Carla's Café" is inviting and aligns with best practices to help support meal participation.
- The salad bar was exceptional, offering a variety of choices in an appealing manner.

Technical Assistance (TA)

Certification and Benefit Issuance

- Carla must have another person checking the applications to avoid application errors that were found and to get the error rate below the 5% threshold.
- The SA has an on-line class on Approving Applications that is available at any time.

Verification

- When performing Verification keep a copy of all correspondence for recordkeeping requirements.

- Please see the Eligibility Manual for required elements of the notice of adverse action to households. Notices must indicate that families have the right to appeal and can reapply for benefits at any time.
- Error prone applications are applications that document a monthly income within \$100 of the Income Eligibility Guidelines. Error prone applications must be a priority when selecting households for verification.

Meal Counting and Claiming

- The Point of Service (POS) should monitor that a reimbursable meal has been selected. A reimbursable meal should always be encouraged. Multiple a la carte sales mixed in with the meal service makes it difficult to identify if a student is being counted as an a la carte sale or reimbursable meal sale.
- Based on the calculation for a pizza crust weighing 428/g divided by 8 servings = 53.5 grams per 1/8 slice, each slice is 1.91 ounce equivalent, which rounds down to 1.75 (The dietician counted some grains from the salad bar so will be 2 ounce equivalent offered). With the amount of cheese being added equaling 10 ounces divided by 8 servings = 1.25 ounce equivalent Meat/Meat Alternative per serving - this meal does not meet the 2 ounce equivalent requirement for the 9-12 grades because the pepperoni doesn't credit (unless you get a CN Labeled product). This recipe is fine for the K-8 pizza slice. For offer versus Serve – the meal planner and the servers must know that if a student took a slice of pizza that it does not count as an entire meal component and must take other grain and meat for them to count their pizza as two full components. It would be best to make this a full component so both the children and servers know how to determine if a reimbursable meal is being taken.

Dietary Specifications and Nutrient Analysis

- Fruits or vegetables only credit a minimum of 1/8 cup. Cannot continue to credit 1/16 cups on the production records.
- The leftovers being given away during the High School break must count in the nutrition analysis, thereby making your meals out of compliance. If they were sold, this would not have to occur, however because they are being given away they count in the analysis.
 - Per 7 CFR 201.14, the nonprofit food service expenses must be allowable – and used only for the operation and improvement of the school food service. Per 7 CFR 2110 Costs that are not reasonable and necessary for program purposes or that do not otherwise satisfy Federal cost principles and program regulations are unallowable. Costs that would otherwise be allowable may be made unallowable by the action or inaction of the SFA. For example, if a SFA purchases kitchen equipment without following a competitive procurement process or prior approval from the State agency, then that cost becomes unallowable because the SFA failed to follow required procurement procedures. No portion of an unallowable cost may be charged to the program. **Giving away food is unallowable.**

- Include the items that contribute grains and meat/meat alternates from salad bar and Uncrustable choice on the signage that explains a reimbursable meal for all grade groups.
- Be sure to meet the weekly requirements for all grade groups for meat/meat alternate and grains with the PBJ Uncrustable meal options.
- As shown, use the compliance worksheets as a tool to assess that planned menu and portions meets all grade group meal requirements. Grains were low on the nacho day review week for grades 9-12. Based on meal service observation of same meal on day of visit, the lack of a specific planned portion resulted in the amount offered to K-8 being less than a full grain serving.
- Update recipes to include current products (85-15 ground beef) and create standardized recipes for assembled foods such as pizza. Suggested that critical control points, CCPs, and time measures for food safety be added to recipes to further support the food safety plan. Recipe yields that indicate portion sizes for different grade groups are also helpful in production.
- Complete the planning portion of the production record prior to beginning of production each day. On day of visit, production record was blank at the beginning of production. Many of the production records during review week were also lacking complete information.
- Specify planned amounts and how those foods contribute to the meal pattern for each grade group on production records. Menus during week of review and on day of nutrition review were low in total creditable grains. Recommended adding another grain choice, such as rice, muffin or even cookie to 9-12 menu on nacho menu days. Recommended using whole grain croutons on salad bar along with granola to provided sufficient weekly grains. Recommended increasing Uncrustable serving amount for 9-12 grade group to two each to meet meal pattern.
- Share with staff that amount of foods remaining after service needs to be recorded and what was done with food - refrigerated, tossed, etc. Many food items are retained for service at the next day's "nutrition break" for high school age students. TA given on proper food safety practices for reserving foods, including recording proper chilling and reheating temperatures.

Meal Components and Quantities

High School Menu

Due to missing meal components, the menu was required to be Nutrient Analyzed. The menu served 11/27-12/1/17 exceeded calorie limited by approximately 130 calories daily average and exceeded Level 1 sodium target.

Changes made to the grade 9-12 menu to bring into compliance were:

- Reduce serving size of Finger steaks to the 2 M/MA and 2 G portion (menu was double that size)
- Reduce serving size of green beans to ½ cup
- Reduce refried beans to ¼ cup serving and always have beans available on the salad bar
- Remove soy sauce from condiments available to students

- Reduce the serving size of Littl' Smokies to 3 each for a 1 ounce equivalent serving size (menu was double that size)
- Reduce the serving size of French toast sticks to 3 each the 3.03 ounce serving for 2.25 ounce equivalent grains (menu was double that size)

Once menus were corrected for components, both exceeded calorie and sodium targets. The 5-8 grade menu must meet the more restrictive K-8 calorie range and lower sodium limit of K-5 menu. Recommend serving the standard K-5 and 6-8 menu patterns (see highlighted new reports)

Changes made to the K-5 and 6-8 menu to bring the corrected component menu into compliance were:

- Remove soy sauce from condiments available to students, K-5 and 6-8
- Remove Littl' Smokies from the menu for grades K-5
- Reduce the serving size of French fries to ¼ cup for K-5 menu
- Reduce macaroni and cheese portion to ½ cup for K-5 menu

Follow the meal pattern requirements for components for each grade group, K-5, 6-8 and 9-12. Avoid planning menus that provide more than 2 to 3 total additional ounce equivalent above the weekly requirements for meats and grains for any grade group. This will help assure menus are within calorie requirements and within sodium targets. Restrict portion size of any high sodium condiments or do not offer to students, use only amount listed in recipes.

Production Records

- Clearly identify the serving size in column #12 to record weights or counts– the product label provided used a 4 ounce portion. When you change a recipe, such as add ham to the fried rice, you must recalculate the components based on the recipe yield. Using portions that provide easy to calculate components may make this easier and more accurate for staff.

Cycle Menus

- Recommend a cycle menu plan is adopted to help assure meal pattern requirements are met with less work on the part of nutrition program staff. Seasonal cycle menus are an option to allow for different items throughout a school year.

Standardized Recipes

- Revise all recipes used at the school to reflect actual products used, actual preparation steps, and actual yields of each recipe prepared. For example, the macaroni and cheese recipe does not reflect actual products used nor does the amount required for meal service match the yield of the recipe. Correctly calculate the components per serving. Information listed on the production records was not accurate for many items.
- Consider making recipes easier to fit into the meal components pattern. For example, if the Enchilada recipe is revised to provide 18 ounces of cheese to every 36 Crisпитos, then 36 servings per pan will have 1 M/MA and 1 G per serving for K-8 students and 18 servings per pan will have 2 M/MA and 2 G per serving for high school students.

- Consider creating new standardized recipes for items such as refried beans. The dried product currently used is high in sodium and could be used with drained low sodium canned beans to make a lower sodium option to allow for a larger portion size.
- Update all files to accurately reflect the current products used. Many of the labels provided did not match production record (Finger steaks) or current nutrition information available from manufacturer (Popcorn Chicken).

Food Safety

- 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](#).
- The most recent food safety inspection report must be posted in a location visible to the public. (7 CFR 210.13(b)). This was posted in the High School area before lunch service began.
- Record temperatures of storage room, as the last date recorded was in August 2017. Director reported thermometer fell and broke and need to be replaced. This is a repeat finding.
- TA was given to food service director and staff on food safety practices including; no bare hand contact with ready to eat foods, taking and recording temperatures of final cook temperatures of foods and temperatures of same foods when removed from warmers, recording temperatures for proper chilling of hot foods left over and kept for future service, and washing hands before and after glove use.

Resource Management

- The Nonprogram Food Revenue Tool must be completed every year.
- The over-production of food to give away for nutrition break is not a financially viable option for food service. All food given at nutrition break or as extras during the meal service must be charged to the students.

Civil Rights

- Program documents, including menus, need to have the correct short nondiscrimination statement, "This institution is an equal opportunity provider".

Professional Standards

- Ensure that staff training continues so that the required minimum training hours are met for all employees. Make a plan to add training to logs on a more consistent basis.

Smart Snacks

- All food and beverages sold to students at school during the school day must comply with Smart Snacks Standards. Documentation of compliance needs to be retained. The Smarts Snacks Product Calculator will produce a report indicating whether or not a product is compliant based off of the Nutrition Facts and ingredients. Also, a list of products that have been determined to meet the Smart Snacks Standards is available at the Alliance for a healthier generation website.

- Non-compliant beverages (less than 100% cranberry juice blends) were being sold to high school students. Smart Snack Standards must be followed and proof of item compliance retained.

Reporting and Recordkeeping

- Records must be kept for three years plus current.
- Currently you are operating in the red and the General Funds are making up the difference for meal prices not being increased. However, since you have not increased prices since 2013-14 and say General Funds will make up the difference, please be aware this is a compounding amount. The First year leaving the prices the same, the General funds must pay \$.10 cents for every paid meal, the second year \$.20 cents, etc. Since this is your fourth year of not increasing prices, the General Funds can expect to pay \$7,220 for just the paid meal difference. This does not include the adult amount and can potentially cause the amount due from General Funds to go over \$10,000.

Buy American Provision

- Each SFA is required to purchase domestic agricultural commodities or products that are produced and processed substantially in the United States or territories, as applicable (7 CFR 210.21 (d)). (Baby Corn from Thailand, Chili Peppers, Jalapenos Cucumbers and Tomatoes from Mexico, Tuna from the Philippines, and Black Olives from Spain) If a product from another country is sourced, then the food service must have proof that the domestic product is significantly higher in price or not available in sufficient quantities. Include the Buy American Provision in SFA solicitation documents for the purchase of commercial foods. Products must be checked upon receipt and not accepted if they do not comply with the Buy American Provision, unless there is documentation to justify the exception (exorbitant pricing or product shortages).

Water

- Potable water must be available at no charge to all students during meal service times. Water cannot compete with milk or juice provided as part of a reimbursable meal. Water cups were provided to students who requested them however the SFA was selling bottled water for .50 to students who selected a juice or milk with their meal, but giving the bottle water free to students who did not select a separate beverage. Ensure that all students can receive water at no charge and charge all students who wish to buy bottled water regardless of their beverage selection during meal service.

Local School 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. (§210.30) The final rule requires LEAs to comply with the requirements of the final rule by June 30, 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.
- 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.
- 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.
- 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.
- Identifying nutrition standards for non-sold foods and beverages available during classroom and school celebrations.
- 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.
- 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.
- Identifying a way to share the wellness policy content and implementation with the public. For more information regarding local wellness policies, please visit the Idaho SDE Child Nutrition Programs School Wellness webpage.

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.

Fiscal action in the amount of \$55.83 was assessed 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 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 contained within a thin black rectangular border.

Lynda Westphal, MHS, S.N.S.
NSLP Coordinator

cc: Colleen Fillmore, Ph.D., R.D.N., L.D., S.N.S., Director, Child Nutrition Programs
Carla Byrd, Child Nutrition Director, Thomas Jefferson Charter School

This institution is an equal opportunity provider.



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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