



April 10, 2018

Dr. Marianne Saunders, Superintendent
Victory Charter School
9779 Kris Jensen Lane
Nampa, ID 83686

Dear Dr. Saunders,

On March 1, 2018, State Department of Education (SDE) Coordinators Heather Blume and Teresa Goodsell conducted an Administrative Review of Victory Charter School for the following United States Department of Agriculture (USDA) programs:

- National School Lunch Program (NSLP)
- USDA Foods

The State agency (SA) would like to commend Andrea Hughes, Jennifer Balle, Debby Hall, and the entire staff of Victory 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:

Finding and Corrective Action Plan (CAP)

Finding 1 Certification and Benefit Issuance

School Foodservice Authority staff that interact with program applicants or participants (i.e., cafeteria staff, Free and Reduced Application approval staff) and their supervisors, as well as the Hearing Official must have annual foodservice civil rights training. The Hearing Official did not have documented Civil Rights training.

Corrective Action: Please ensure the individual listed as the Hearing Official completes the Civil Rights training by the corrective action deadline and then upload the signed, and dated, attendance list.

Due Date for CAP Completion: March 16, 2018

Corrective Action Response: The State agency received confirmation that this corrective action item was completed on March 5, 2018.

Finding 2 Certification and Benefit Issuance

Families who qualify for free meals via direct certification should be notified by letter at the beginning of the school year so they do not submit a meal application to reduce administrative burden. The SA has made a template letter available for use.

Corrective Action: Please upload a plan that describes how families will be notified that they do not need to complete a free and reduced application if the students appear on the direct certification list.

Due Date for CAP Completion: March 16, 2018

Corrective Action Response: The plan to use the State agency Directly Certified letter was uploaded to MyIdahoCNP on 3/9/18.

Finding 3 Certification and Benefit Issuance

Applications were missing from the sample of applications selected for review. It was determined these were due to errors in 30-day carryover. One family had two children whose eligibility changed from free to paid. A second family had three children whose eligibility changed from free to paid. A third family had one child whose eligibility changed from free to paid. A fourth family had two children whose eligibility changed from reduced to paid.

Corrective Action: Please send the letter of adverse action to each of the families and update the benefit issuance list to reflect the corrected status once 10 calendar days have passed and no appeals are received.

Due Date for CAP Completion: March 16, 2018

Corrective Action Response: The corrected benefit issuance list and letters to the families were uploaded to MyIdahoCNP on 3/21/18.

Finding 4 Professional Standards

Please develop a plan for tracking training hours in order to comply with the Professional Standards requirements. Explain this plan and the frequency of the tracking (monthly, quarterly, etc.) system to the State agency.

Corrective Action: Upload a copy of the Professional Standards tracking log with staff information added to ensure professional development hours are meeting requirements.

Due Date for CAP Completion: March 16, 2018

Corrective Action Response: The completed Professional Standards tracking log was uploaded to MyIdahoCNP on 3/9/18.

Finding 5 Food Safety

The Idaho Department of Health & Welfare updated the Food Code to come in line with the current FDA Food Code. This includes a new requirement that all food safety plans must include a procedure for cleaning up bodily fluids. A sample *HACCP Bodily Fluid Cleanup* is located in MyIdahoCNP in the Download Forms section under the Food Safety heading.

Corrective Action: Download a copy of the bodily fluids process and conduct staff training. Upload a copy of the training agenda and dated sign in sheet in MyIdahoCNP.

Due Date for CAP Completion: March 16, 2018

Corrective Action Response: A signed copy of the Bodily Fluids SOP was uploaded into MyIdahoCNP on 3/5/18.

Finding 6 Verification

One application (one student) selected for verification was in error since net income was used instead of gross income for income verification. In addition, documentation was provided that verifies a child's income was not included on the original free/reduced application. The student received free meal benefits but should have been changed to reduced-price eligibility status after verification, based on actual household income.

Corrective Action: Notify the household of the change, allowing ten calendar days, and then update the benefit issuance list. Upload a copy of the notification letter and the updated benefit issuance list showing the changed status into MyIdahoCNP Review Attachments.

Due Date for CAP Completion: March 16, 2018

Corrective Action Response: The final corrected benefit issuance list and letter to the family was uploaded to MyIdahoCNP on 3/21/18.

Finding 7 Verification

Another application (two students) selected for verification was in error. The original determination was denied as non-response. On December 1, 2017, documentation was provided that would substantiate a denied application; however, the students' eligibility was not updated on the benefit issuance list from reduced to denied based on non-response or over income. The students received reduced meal benefits but should have been changed to paid eligibility status after verification, based on nonresponse and actual household income.

Corrective Action: Notify the household of the change, allowing ten calendar days, and then update the benefit issuance list. Upload a copy of the notification letter and updated benefit issuance list, showing the paid status, into MyIdahoCNP Review Attachments.

Due Date for CAP Completion: March 16, 2018

Corrective Action Response: The final corrected benefit issuance list and letter to the family was uploaded to MyIdahoCNP on 3/21/18.

Fiscal Action

Changes to a number of students' eligibility status resulted in over-claiming by \$312.08.

However, this amount is below the disregard threshold, so no fiscal action will be assessed.

Commendations

- The District Supervisor worked hard to update the nutrient analysis software program for the target review week to demonstrate menu changes, which brought the 9-12 grade menu into compliance for calories, sodium, and grains.
- The school has a “School to Work” Program for 8th grade students to gain real life work experience in a kitchen. Students are supervised and taught by school administrators.
- Administrators are actively involved in daily lunch service, which is incredible support of the nutrition program.
- The kitchen staff demonstrated the desire to provide healthy, nutritious foods and a warm, caring environment to students.
- The kitchen manager quickly supplied information (a product label photo and delivery receipt) to help clarify crediting questions for turkey deli breast.
- The meal served on the day of review featured fresh vegetables, fruit choice (oranges or applesauce) and entrée choices for secondary students.

Technical Assistance (TA)

Certification and Benefit Issuance

- Please include the date eligibility was determined and the method of determination on the benefit issuance list.
- Per the Eligibility Manual, when determining Free and Reduced Applications, income should not be converted unless various income frequencies are reported. Please make use of the Income Eligibility Guidelines chart.
- Students may be able to see student information on the POS computer screen during the lunch service. Devise a plan for masking the meal status information. The State agency recommends utilizing a privacy screen on the computer monitor, etc. to help prevent overt identification.
- On household notification letters (original determination, change in status, or verification) please make sure to include the name of the hearing official rather than just the school name.

Verification

- When performing Verification of Free and Reduced Applications, the Confirming Official cannot be the same person as the Determining Official (the person who approves the application). There must be another person checking the application prior to sending the letter for Verification. Verification must be in line with requirements outlined in 7 CFR 245.6a. After determining the results of verification, the verifying official must sign and date in the “Official Use Only” box.
- When notifying households of a reduction in benefits, SFA must allow ten calendar days prior to updating the student(s) benefit issuance.
- SFA must retain copies of all documentation associated with the verification process. Best practices should include: 1) Place a copy of the selected free/reduced application(s) in the verification file; 2) Make a copy of the initial letter(s) of selection sent to household(s) and place with the application(s) in the verification file; 3) Make a copy of

the second request(s) for documentation (if required) and place in the verification file;
4) Make a copy of the final determination letter(s) advising household of the results and place in the verification file.

- According to the eligibility manual, LEAs have an obligation to follow-up when households submit applications with questionable and incomplete information. SP13-2012 Verification for Cause in School Meal Programs states, "Verification for cause may be conducted at any time during the school year."
- The sponsor did not verify the correct number of free and reduced-price applications, i.e., 3% or 1.5% of the approved applications on file as of October 1 annually, as required by 7 CFR 245.6a. SFA over-verified by one application and was required to complete a Corrective Action Plan (CAP). The State agency financial specialist provided guidance on the requirements for verification and approved the CAP on November 27, 2017.

Meal Components and Quantities

- Independent contractor Laura Thomas completed the menu review and provided the following TA:
 - Remove the yogurt parfait from Monday's menu, egg rolls from Tuesday menu, and replace the fried rice recipe with brown rice to meet whole grain rich criteria and reduce the calories
 - Remove the cookie and change the portion of tater tots to ½ cup on Thursday
 - Offer pickled beets once per week on bar, offer other vegetables (cucumber, cauliflower, etc.) more often
 - Ensure that all vegetable sub-groups are available on the line, in addition to what is available to students through the wrap.
 - Make sure to credit components correctly when recipes are revised. Error resulted in menus being short of grains for all meal patterns for one day. Weekly requirements were met.
 - Please ensure the kitchen manager alerts the menu planner when the same item is classified as different vegetable subgroup—example is the vegetable blend served Tuesday, which is listed as both dark-green vegetable sub-group and other vegetable subgroup.
 - The week of menu review was missing the full grain component on Tuesday, due to a recipe change and inaccurate crediting. Recommend changing the fried rice to plain brown rice, a 1/2 cup portion to grades K-8 and a 1 cup portion to high school.
 - Plan 2 oz. of meat/meat alternate and grains daily to assure meal pattern is met and meals are simpler to plan, prepare, and serve. For all easily divided items with 2 meat/meat alternate and 2 grains, such as sandwich, younger students could be offered a half or whole.
 - Limit any extras on the menu to one a week, with small portions, to stay within calorie ranges.
 - Recommend offering ½ cup vegetables daily from service bar and ½ cup daily from salad bar for ease in assuring vegetable requirements. The vegetable offering from service bar can be raw vegetables or beans.

- Recommend offering red/orange vegetable on bar in ¼ cup portion daily
- Recommend school use USDA compliance worksheets and SDE production records for ease in menu planning, preparation and service. Numerous data errors and crediting errors need to be corrected before software program can be accurately used. All product information, all recipes (ingredients, yields, and component crediting), and menu plans need updating for accuracy to continue using software;
- Recommend turkey wrap sandwich be revised to provide fewer grains and meat/meat alternates (currently 3.5 grains enriched wrap, with approved WGR waiver, and 5 oz. eq. meat/meat alternate) to be more similar to other entrée choices.
- Chef salad choice is always chicken rather than ham; recommend separating the recipe into two to reduce sodium when chicken is the option.
- Since the salad bar is available to all students, it may be easier to simplify the chef salad and serve pre-portioned meat, cheese, and roll – with direction to go to salad bar for salad and fruit may be easier and lessen need for additional clam shell expense.

Food Safety

- Advise the kitchen manager and district supervisor on food safety for student workers to make sure curriculum used by the school follows the site food safety plan. For example, students need to carry clean sanitized baking sheets by edges, not by bare hands in middle of pan. Because administrators provide instruction/oversight to students, kitchen should have a training record for each student prior to their start in kitchen. Record should list date of training, student signature, and content covered.
- Advise kitchen manager to add milk cooler and dry storage temperatures to the temperature logs, as well as adding the time and initials of person recording temperatures.
- Post the health inspection in both cafeterias and in a place easily seen by public.

Wellness Policy

- The Idaho School Board Association has a compliant wellness policy when all sections are combined. The policy that was uploaded had one section of this policy, but needs the following to be complete:-
 - Policy 2305- Nutrition Services
 - Policy 2310- Nutrition Education
 - Policy 2315- Physical Activity Opportunities and Education
 - Policy 7310- Advertising in Schools/Revenue Enhancements
 - Policy 8200- Local School Wellness
 - Policy 8210- District Nutrition Committee
 - Policy 8230- Nutrition Standards
 - Policy 8235- Water Consumption/Water Bottle Policy
 - Policy 8240- School Meals
 - Policy 8250- Guidelines for Food and Beverages Sales

Smart Snacks

- All fundraisers, both exempt and compliant, must be tracked. Per state policy, a school administrator may approve a maximum of ten exempt fundraisers per school site per year. An exempt fundraiser can be for a maximum of four consecutive school days. The State agency must approve all exempt fundraisers beyond ten using the State Request Form. (7CFR 210.11) Details available at the SA Smart Snacks web page.

Procurement

- A separate procurement review was completed by Keddington & Christensen, LLC; please follow the guidance previously provided to bring your procurement procedures into compliance prior to the next administrative review.

Your review is now closed

There is no fiscal action as a result of this review, see comments under Fiscal Action section. 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,



Heather Blume, MS, RD, LD, SNS
NSLP Coordinator

cc: Colleen Fillmore, PhD, RDN, LD, SNS, Director, Child Nutrition Programs
Andrea Hughes and Jennifer Balle, Foodservice Co-Managers, Victory Charter School

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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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- (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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