



December 14, 2017

Will Overgaard, Superintendent
Weiser School District
925 Pioneer Road
Weiser, ID 83672

Dear Superintendent Overgaard,

On November 28, 2017, State Department of Education (SDE) Coordinators Jennifer Butler and Lynda Westphal conducted an Administrative Review of Weiser School District for the following United States Department of Agriculture (USDA) programs:

- National School Lunch Program (NSLP)
- School Breakfast Program (SBP) – Operating the free Provision 2 breakfast option
- Afterschool Snack Program (ASSP) – At Weiser High School
- USDA Foods

The site reviewed was Weiser High School.

The State agency (SA) would like to commend Angela Wilson and the entire staff of Weiser 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 – Certification and Benefit Issuance

A statistical sample of applications reviewed resulted in a 2.11% error rate. A total of seven applications (affecting 14 students) required benefit issuance corrections. Upload a copy of the determination letters to the households indicating the correct benefit and the student history sheets showing the new benefit and eligibility date.

Timeframe for CAP completion: Due December 12, 2017.

Sponsor Response to CAP: All letters to the households advising of change of benefits were mailed on November 28, 2017. Copies of these letters were provided to SA reviewers while they were onsite. An Application History report, showing applicable eligibility changes, was uploaded for all but one application on December 11, 2017. The last Application History report was uploaded on December 13, 2017.

Finding 2 – Civil Rights

School Foodservice Authority staff who 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 civil rights training. District Clerk Kyla Dickerson is listed as the Hearing Official so must have USDA civil rights training. Training is available under the Training Resources tab on the CNP Resource Center website. Upload a dated sign-in sheet to provide documentation that the Hearing Official received civil rights training.

Timeframe for CAP completion: Due December 12, 2017.

Sponsor Response to CAP: A Certificate of Completion was uploaded on November 30, 2017, indicating that training was completed on November 29, 2017.

Finding 3 – Offer Versus Serve (OVS)

Required annual OVS training was not documented to have occurred. Train all foodservice staff on OVS and upload a copy of the agenda and sign-in sheet documenting training.

Timeframe for CAP completion: Due December 12, 2017.

Sponsor Response to CAP: Certificates of completion and sign-in sheets were uploaded on December 12, 2017, demonstrating that 15 employees participated in the CNP "Understanding Offer vs. Serve" online training.

Finding 4 – SFA On-Site Monitoring

Only one breakfast on-site review out of five sites was completed for school year 16-17. Ensure that 50% of the breakfast lines are reviewed each year per 7 CFR 220.11(d)(1) in addition to the 100% lunch lines prior to February 1 each year. Be sure both the reviewer and reviewee sign

the review form. Review one more school at breakfast and upload a copy of the completed review form.

Timeframe for CAP completion: Due December 12, 2017.

Sponsor Response to CAP: An On-Site Review Checklist was uploaded on December 8, 2017, indicating that a breakfast review was completed on December 4, 2017.

Fiscal Action

Due to benefit issuance errors, fiscal action results in \$44.17. However, since this amount falls under the \$600 threshold, the fiscal action will be disregarded and no financial adjustment will occur.

Commendations

- An outstanding job was done to ensure that all off-site modules were completed and all supporting documentation was uploaded by the due date. Immediate communication and follow up was provided as requested. The organization, communication, dedication, and initiative were a tremendous help to SA reviewers and is greatly appreciated.
- Weiser HS staff did a great job interacting with students and was receptive to feedback provided by the SA reviewers and immediately corrected issues brought to their attention.

Technical Assistance (TA)

Determination and Benefit Issuance

- When the household submits a pay stub, the determining official should decide whether the wage on the paystub is representative of actual income. The year-to-date amount can assist in this decision. Overtime pay or cash bonuses may impact income, but not be reflected on the specific paystub submitted. If overtime is a one-time or sporadic source of income, it does not need to be included. However, if the year-to-date amount indicates a regular occurrence, then it must be included as income.

Verification

- The letter to the household should be edited by replacing the determining official's name with the hearing official's name.
 - The letter template was corrected while SA reviewers were onsite.

Meal Counting and Claiming

- Signage identifying what a student must select for a reimbursable meal must be posted at or near the serving line during breakfast and lunch (7CFR210.10(a)(2)).
 - This was corrected while reviewers were onsite.

Meal Components and Quantities

- SA contractor Steffanie Sandoval, RD, LD, conducted the menu analysis for review week and discovered the following:
 - Two separate Crispito products, with different crediting amounts, are purchased. The SFA must be mindful of the different products and increase the M/MA offering when using one of the products. When on the menu, two Crisпитos are served to students. One product credits towards 2 oz. eq. M/MA and 2 oz. eq. Grains while the other only credits as 1 oz eq. M/MA and 2 oz eq. Grains. The product formulation statement (PFS) for the second product was dated 2013. Guidance was given to get an updated PFS to check for any crediting changes and if no changes are discovered, to ensure that an additional 1 oz eq. M/MA, such as a cheese stick, is also served with that Crispito product.
 - A menu choice including a PB&J sandwich, cheese stick, and whole grain cookie was short by .5 oz. eq. Grain as planned. A different bread product or chips could be added to increase the crediting.

Offer Versus Serve (OVS)

- Train staff annually on OVS. All staff training should include an agenda and sign-in sheet and training documentation should be maintained on file at the SFA for three years plus the current year.
- Prior to meal service, staff should discuss the crediting amount of food items and what is required for a reimbursable meal under OVS. The crediting amount listed on the production record will guide this conversation. Work with NutriKids on having the credit amount print on the daily production records and ensure crediting amount is correct for each product used.
- Menu signage should be moved outside of the line entry doors so the students can see what is offered and make their choice of which line.

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 corrected while SA reviewers were onsite.
- Shell eggs should not be stored above any other foods in the cooler.
- Each SFA must have a written food safety plan for compliance with Hazard Analysis Critical Control Point (HACCP) program criteria found in 7 CFR 210.13(c). Although a template HACCP plan was available on site, it did not have an implementation date and was not personalized to fit the kitchen needs. SA reviewers reviewed the printed manual and provided instruction to personalize, update as required, and train staff on the procedures as needed and at least annually.
- Starting July 1, 2018, the Idaho Food Code requires a Person in Charge to demonstrate knowledge of food safety practices by completion of one of the examinations and courses that meets the demonstration of knowledge requirements in Section 2-102.11 of the Idaho Food Code. A list of approved courses can be found on the Department of Health and Welfare website under Food Protection.

Afterschool Snack

- Crackers should be at least 28 grams to meet minimum requirements.

Resource Management

- The Non-program Food Revenue Tool was completed for SY17-18 as part of the review. The tool indicates that breakfast is non-compliant due to food costs of the breakfast menu compared to the reimbursement received from Provision 2 breakfast. The SA gave TA on completing the tool and how to bring into compliance.

Civil Rights

- Ensure the Civil Rights complaint log at each site is dated annually, with a new log started each year. If no complaints were received during the school year, best practice is to write "No complaints" on the log at the end of the school year; keep on file three years plus the current year.
- Please update the non-discrimination statement posted on the food service webpage to the correct USDA non-discrimination statement.

SFA On-Site Monitoring

- Ensure all required SY 17-18 on-site reviews occur by February 1, 2018. Lunch on-site review requirements are covered in 7 CFR 210.8 and Breakfast on-site review requirements are covered in 7 CFR 220.11(d)(1). Conduct a breakfast review on 50% of sites, alternating sites selected each year.

Local School Wellness Policy

- The final rule on wellness policies (§210.31) required LEAs to be in compliance by June 30, 2017. The LEA's current LWP was last amended in 2014 and is missing required elements making it noncompliant. The wellness policy committee must work to get the LWP compliant with the final rule.
- The final rule on wellness policies (§210.31) requires LEAs to conduct an assessment of the wellness policy at least every 3 years, and make the triennial assessment, including progress toward meeting the goals of the policy, available to the public. Posting this assessment to the district's website would meet this requirement.
- For more information regarding local wellness policies, please visit the Idaho SDE Child Nutrition Programs School Wellness website.

Smart Snacks

- Per 7CFR210.11, schools should have knowledge of and keep a written record of food sales that occur within the school day, but outside of food service. Only foods sold in school and intended for consumption during the school day (from midnight until 30 minutes after the end of school) fall under Smart Snacks regulations. Smart Snacks information and resources, including a sample site tracking form, can be found at Idaho SDE Child Nutrition Programs Smart Snacks website.

- The Smart Snacks calculator is a tool to evaluate food item compliance and provides a report that can be used to support compliance. This calculator is located on the Alliance for a Healthier Generation website.
- Foods of minimal nutritional value were available in the food service area during meal service. This is not compliant with Smart Snacks regulations. Smart Snacks compliant food can be sold anytime. Non-Smart Snacks compliant food can only be sold outside of school meal times and must adhere to the exemption regulation. 7CFR210.11(b)(4)
 - SA reviewers witnessed ice cream bars being sold from the concession stand window located in the hallway outside of the cafeteria where overflow cafeteria tables are located. The funds support the Robotics club. SA reviewers were advised that sales for non-compliant ice cream bars occur daily during lunch, which exceeds the exempted fundraiser limits.
- All fundraisers, both exempted and compliant, must be tracked. Per state policy, a maximum of 10 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 10 must be pre-approved by the State agency using the Request form. (7CFR 210 (b)(2)) Details available at the Idaho SDE Child Nutrition Programs Smart Snacks website.

Professional Standards

- Keep track of employee training more frequently to help ensure annual training hours are met. Record completed trainings on tracking logs and keep certificates, agendas, and sign-in sheets for backup.

Reporting and Recordkeeping

- Food service records must be maintained for three years plus the current year to document compliance with program regulations and the service of reimbursable meals. School kitchens send records to the foodservice office at the end of the school year, but it was discovered that not all required records were adequately maintained and turned over for retention. Ensure that all kitchen managers understand expectations of which records to complete and maintain onsite and which records are to be turned over at the end of the year.

Procurement

- A separate procurement review was completed by Keddington & Christensen, LLC. on September 14, 2017. No findings requiring corrective action were found, but one area of technical assistance was noted. Please follow the guidance provided in this NSLP Procurement Review.
- 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)). Mushrooms from Canada were located in the storeroom. 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 the

products do not comply with the Buy American Provision, unless there is documentation to justify the exception (exorbitant pricing or product shortages).

Special Provision Options

- Provision 2 Base Year (SY15-16) benefit issuance was previously validated by the SA on April 15, 2016. The retention of all required Provision 2 documentation was confirmed during the administrative review. Daily meal count records by student name and eligibility are maintained on a thumb drive and all other Base Year records are kept in a box at the District Foodservice Office. The current Provision 2 cycle expires at the end of SY18-19. If you wish to continue with Provision 2 breakfast, you must contact the SA prior to the expiration date to see if you qualify for an extension.

Your review is now closed

The fiscal action identified above 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,



Jennifer H. Butler, M.Ed., S.N.S.
NSLP Coordinator

cc: Colleen Fillmore, P.h.D., R.D.N., L.D., S.N.S., Director, Child Nutrition Programs
Angela Wilson, Child Nutrition Director, Weiser 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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- (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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