



April 15, 2019

Wayne Rush, Superintendent
Emmett School District
722 S. Wardwell
Emmett, ID 83617

Dear Superintendent Rush,

On January 14, 2019, State Department of Education (SDE) Coordinators Teresa Goodsell and Lynda Westphal, and Financial Specialists Kathrine Forstie and Melissa Cook, conducted an Administrative Review of Emmett School District for the following United States Department of Agriculture (USDA) programs:

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

The sites reviewed were Shadow Butte Elementary School (operating NSLP and the FFVP) and Emmett Junior High School (operating SBP, NSLP, and the ASSP).

The State agency (SA) would like to commend Tyree White and the entire staff of Emmett 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 – Meal Components and Quantities (Breakfast)

Signage was not posted near or at the beginning of the serving line identifying what constitutes a reimbursable meal for breakfast.

Corrective Action: Provide the date that the finding was brought into compliance or the planned date of completion along with a written statement that meal signage has been posted and the name(s) and title(s) of the SFA representative(s) that will ensure continued compliance.

Due Date for CAP Completion: January 4, 2019

Corrective Action Response: On December 12, 2018, the SFA uploaded the required documentation into MyIdahoCNP. The CAP was accepted on December 20, 2018 and closed prior to the State agency onsite portion of the administrative review.

Finding 2 – Local Wellness Policy (LWP)

The Local School Wellness Policy must be in compliance with the USDA Final Rule established in July 2016, including the requirement that report(s) on the progress towards goals stated in the wellness policy be publicly available. The final rule requires LEAs to fully comply with the requirements of the final rule by June 30, 2017.

Corrective Action: Please provide a plan for how and when the wellness policy language will be brought into compliance with Federal requirements. Ensure the wellness assessment (e.g., Idaho Wellness Policy Progress Report) is available to the public; posting to the school /district website and/or in a school newsletter would support this requirement.

Due Date for CAP Completion: January 30, 2019

Corrective Action Response: On January 30, 2019, the SFA uploaded a copy of the school district's plan for meeting to analyze the current LWP in order to make necessary changes that will bring the policy into compliance with the final rule requirements. The plan includes presenting the LWP to the school board for adoption and posting an assessment to the school district website.

Finding 3 – Certification and Benefit Issuance

Direct Certification (DC) benefits should only be extended to households whose student is found on a system generated DC list if a household has not submitted an income application with a listed SNAP case number. Benefits can be extended to other students in the household if one family

member is on a DC list (and is not a 'foster' student). One student was extended benefits for free meals based on the student enrollment software system (Infinite Campus) which identified a household relationship with another student who was reported as DC. However, the SFA was unable to provide documents to support either student being categorically eligible for free meals for school year 2018-19. In addition, several incomplete applications were missing the number of household members. Two applications need confirmation of the number of household members; SFA left voicemail but was unable to resolve the missing information on the day of review.

Corrective Action: SFA must send an adverse action notification letter to the household reducing the student's benefit from categorically eligible for free meals to paid meal status. For applications missing household numbers, the SFA must send notification of adverse action letter if no household response is received. Student(s) eligibility status must be updated following 10 calendar days due to the adverse action to the household. SFA must upload copies of the affected applications and a copy of the updated benefit issuance list once status updates occur.

Due Date for CAP Completion: January 30, 2019

Corrective Action Response: On January 30, 2019, the SFA uploaded copies of all notification letters sent to households with application and benefit errors into MyIdahoCNP. An updated benefit issuance list with required changes was also provided.

Finding 4 – Smart Snacks

Schools must meet the minimum requirement in 7 CFR 210.11, for all foods and beverages sold in school (also known as Smart Snacks in School) to increase consumption of healthful foods during the school day and support a healthy school environment. Emmett Jr High School vending contained non-compliant beverages (soda and Gatorade) and snack food items (full sized candy bars). Food and beverages sold to students must comply with specific nutrition standards, must be tracked as exempt fundraiser(s), or must be inaccessible during the school day (defined as midnight the day before until 30 minutes after the school day ends). Per state policy, a maximum of ten exempted fundraisers per school site per year may be approved. 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. Details are available at the SA Smart Snacks web page where a fundraising tracking form may be found.

Corrective Action: Provide written documentation (email would suffice) describing how Emmett Jr. High plans to comply with Smart Snacks regulations for vending machines found in the hall outside of the site cafeteria. This plan must also include implementing a fundraising tracking process.

Due Date for CAP Completion: January 30, 2019

Corrective Action Response: On January 30, 2019, the SFA uploaded a plan for disabling the vending machines during the school day as defined by regulation beginning immediately and throughout the remainder of the current school year. The plan states all items in the machine will be changed to ensure compliance with smart snack regulations by school year 2019-2020. A fundraising calendar and tracking plan will be implemented immediately.

Finding 5 – Meal Counting and Claiming (Lunch)

The kindergarten children meal counts were entered prior to lunch service. Point of Service (POS) meal counting is required.

Corrective Action: The SFA must provide a written plan to correct the issue and describe how kindergarten students will be counted at POS. Please upload the plan into MyIdahoCNP.

Due Date for CAP Completion: January 30, 2019

Corrective Action Response: On January 30, 2019, the SFA uploaded a plan for ensuring that all kindergarten students participating in meal service will be counted at the point of service and that each student receives a reimbursable meal.

Finding 6 – Meal Counting and Claiming (Lunch)

Students must select at least three food components/items in the proper quantities in order for the meal to be claimed for reimbursement. Meals that contain fewer than three components (NSLP) or items (SBP), or do not contain a fruit or vegetable, are not reimbursable. (7 CFR 210.10 (e)). Six children were observed taking only two fruits and one other item which does not constitute a reimbursable meal.

Corrective Action: The SFA must provide documentation supporting Offer versus Serve (OVS) training for staff at Shadow Butte ES to ensure OVS is properly implemented. Upload a copy of training documentation including an agenda and sign in sheet.

Due Date for CAP Completion: January 30, 2019

Corrective Action Response: On January 30, 2019, the SFA uploaded copies of OVS training agenda and sign in form along with supporting menus and documents used for hands on OVS training.

Finding 7 – Afterschool Snack Program

Schools may claim reimbursement for one full snack, per child, per day. Only a full snack (one serving from two different components) qualifies as reimbursable. On day of review, the number of snacks provided did not match the number of milks provided. There were 4 students that left the serving line with milk only. The teacher was planning to look for additional items (a grain bar) in other classrooms, but the children had already been ‘counted’ as receiving a reimbursable snack.

Corrective Action: Please upload into MyIdahoCNP, one week of production records and a plan to ensure that equal amounts of components will be provided to teachers responsible for serving and counting reimbursable snacks.

Due Date for CAP Completion: January 30, 2019

Corrective Action Response: On January 30, 2019, the SFA uploaded one week of attendance sheets and product records plus a plan for ensuring that all snack items will be delivered together in sufficient quantities so each student receives the required components for a reimbursable snack.

Commendations

- Outstanding job meeting all of the requirements for the breakfast and lunch meal pattern. All daily and weekly meal component and food quantity requirements were met for the week of menu review.
- District director is responsive to suggestions and ways to provide continuous improvement. In discussion it was evident food safety observations at Emmett Jr High School are being reviewed and actions taken as needed.
- Congratulations! The Emmett School District has received an Honorable Mention for the 2018 Western Region Summer Sunshine Award for Excellence in Community Partnerships.

- Congratulations on being awarded \$5,000 for a condensing unit at Black Canyon High School as part of a USDA Equipment Grant. Your initiative in applying for this grant is appreciated and shows your commitment to your students.
- All staff were responsive to answering questions and receptive to suggestions, technical assistance and corrective action. Excellent positive attitudes.
- At Emmett Jr High school, students are served in a warm, friendly environment with many choices, including fresh fruits and vegetables on the serving line along with access to a colorful salad bar.

Technical Assistance (TA)

Resource Management

- USDA Foods (formerly known as commodities) must be noted as revenue and as expenses in the Fund 290. Please refer to accounting practices, consider a separate detail section in the Fund 290 with a “USDA Foods” description. The State agency provided FD-104 guidance memo as well as instructions on generating the Value of Commodities (PAL) report to ensure future compliance.

Certification and Benefit Issuance

- Last school year's eligibility status can carry over 30 operating days into the new school year, allowing time for households to reapply without interruption of benefits. LEAs are not required to notify families or send reminders. A notice of adverse action is not required as eligibility was not established for the current school year. (7CFR 245.6)

Civil Rights

- The “And Justice For All” poster must be displayed where students are served the afterschool snack program. Place the poster in a visible location at the school entrance or the hallway where snacks are served.

Food Safety

- The SFA must have a food safety plan available at each site that complies with food safety requirements and ensures that all elements of the plan are implemented. The SFA should be following the procedures as outlined in the plan and maintaining all required records. Review existing plan and update to current practices, including recording item(s) temped upon receipt, such as bagged chopped lettuce. Thermometer calibration must be done according to procedure; use ice as recommended. Implement record keeping for complex food process and other HACCP records.
- The SFA must ensure that all food is dated upon delivery. Date cans from cases when transferred to shelves and retain tracking information in the event of a food recall.
- 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)). If a product from another country is sourced such as cherry tomatoes from Mexico, 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 prior documentation to justify the exception (exorbitant pricing or product shortages).

Meal Components and Quantities (Lunch)

- Independent contractor CN Resource (CNR) provided the following:
 - The SFA must ensure all sites are keeping accurate and complete production records for the meals they produce. Records must be completed throughout meal service and maintained each day. At a minimum, production records should include the name of the item, recipe or item number, portion size, the number of planned portions, the component contribution amount and the number of actual servings. All kitchen staff should be trained on completing production records. Recommended considering using Idaho production records for clarity of serving sizes on the line.
 - Train on production records and serving amounts. Planned menu was for 2 oz. taco meat; served amount was 1 oz. The 1 oz. meets daily minimum requirement but could affect meeting weekly minimums. Recommended adding 1 oz. of cheese if the serving size for the taco meat is only 1 oz. m/ma.

Meal Components and Quantities (Breakfast)

- Independent contractor CN Resource (CNR) provided the following:
 - The SFA must ensure that signage is posted near or at the beginning of the serving line identifying what constitutes a reimbursable meal. Sign was partially filled out prior to meal service, some items were missing. TA given that potatoes were an extra and were listed as such prior to meal service.
 - Provide training on OVS as there may be confusion on extras on menu not contributing to reimbursable meal. All meals observed had three items prior to students leaving the meal service line.

Procurement

- A separate procurement review will be completed during school year 2019-20. The State Agency will provide a closure letter following completion of corrective action (if needed); please follow the guidance provided by the State agency.

Your review is now closed.

Fiscal action in the amount of \$67.69 resulting from this review will be disregarded because it is below the State agency threshold of \$600.00. Should you wish to appeal any of these findings please follow the appeal procedures on the State Agency Appeal Procedures document located on [the SDE web page](#).

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,



Teresa Goodsell, B.S., S.N.S.

NSLP Coordinator

cc: Colleen Fillmore, Ph.D., R.D.N., L.D., S.N.S., Director, Child Nutrition Programs
Tyree White, Food Service Director, Emmett School District

Civil Rights

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 [the USDA website](#), 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.

This institution is an equal opportunity provider.