



April 23, 2019

Dr. John Graham, Superintendent  
Filer School District #413  
700 B Stevens Street  
Filer, ID 83328

CERTIFIED, RETURN RECEIPT #7016 1370 0000 2344 2019

Dear Dr. Graham,

On January 31, 2019, State Department of Education (SDE) Coordinators Lynda Westphal and Heather Blume conducted an Administrative Review of Filer School District for the following United States Department of Agriculture (USDA) programs:

- National School Lunch Program (NSLP)
- National School Breakfast Program (SBP)
- USDA Foods

The site reviewed was Filer Elementary School.

The State agency (SA) would like to commend Ginger Fisher and the staff of Filer 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 responses to the findings:

## Finding and Corrective Action Plan (CAP)

### Finding 1 – Food Safety

The SFA did not have a site specific food safety plan available and is not implementing a food safety plan.

#### Corrective Action:

1. Provide the date that the finding was brought into compliance or the planned date of completion.
2. Provide the name(s) and title(s) of the SFA representative(s) that will ensure compliance.
3. Provide a statement that a complete food safety plan is available at each site within the SFA.

**Due Date for CAP Completion:** January 18, 2019

**Corrective Action Response:** Filer School District has not established HACCP plans that are specific to each location. The food service director, Ginger Fisher, will create appropriate HACCP Standard Operating Procedure's (SOP's) for each school and train ALL employees on the SOP's. This was completed March 2019.

### Finding 2 – Certification and Benefit Issuance

Homeless/migrant/runaway lists are lists of students generated by the appropriate school district liaison who are certified to be homeless, migrant, or runaway, and, therefore, qualify to receive free meal benefits. The list(s) must be signed and dated by the designated liaison and retained on file. Homeless, migrant, and runaway status does not convey free meal status to other students in the household.

**Corrective Action:** Upload the Benefit Issuance List with the correct determination for the student who received benefits through extension, or upload a signed Migrant list with the student's name included.

**Due Date for CAP Completion:** February 14, 2019

**Corrective Action Response:** Migrant list uploaded February 11, 2019 with the student's name included.

### Finding 3 – Certification and Benefit Issuance

Several applications were missing information or determined incorrectly using tax forms. There are specific guidelines when using income from Self-Employment in the *Income Eligibility Guidelines for School Meals* manual.

**Corrective Action:** Correct all applications determined in error and upload a copy of the application and a copy of the updated benefit issuance list showing the corrected benefit after additional income is included, or the determination has been changed.

**Due Date for CAP Completion:** February 14, 2019

**Corrective Action Response:** All applications were corrected and uploaded.

#### **Finding 4 - Verification**

One verified application did not have all of the application source documentation verified. One application incorrectly listed the income as monthly when it should have been bi-weekly, and therefore denied.

One application was a denied application and should not have been included in the pool of applications to be selected for verification.

**Corrective Action:** Upload a copy of each application when it is corrected and a copy of the updated benefit issuance list to reflect updated eligibility statuses.

**Due Date for CAP Completion:** February 14, 2019

**Corrective Action Response:** All applications and letters were corrected and uploaded.

#### **Finding 5 – Professional Standards**

With the exception of civil rights training, there is no documentation that training occurred for site level staff. Managers are required to complete ten hours of training annually, and full-time staff are required to complete six hours of training. All training needs to be documented and tracked in a professional standards tracking log.

**Corrective Action:** Train all staff in food safety and train staff at sites operating Offer versus Serve (OVS) in how to identify a reimbursable meal using OVS. Document these trainings with agenda and sign-in sheet and provide a plan for how all staff will receive the appropriate level of training based on position and training tracked annually. Upload documentation into the Corrective Action module of MyIdahoCNP.

**Due Date for CAP Completion:** February 14, 2019

**Corrective Action Response:** Food Safety training took place on February 19, 2019 along with OVS Training. Two elementary schools chose not to continue OVS. A plan for additional trainings through the end of the year was provided.

#### **Finding 6 – Provision 2 Breakfast**

Provision 2 Base Year (SY16-17) benefit issuance was previously validated by the SA on 09/29/2016. However, during the administrative review, the retention of all required Provision 2 documentation could not be confirmed due to missing records (daily meal counts were downloaded during review, and verification documents were missing). The SFA was given a due date of February 14, 2019, to locate and submit the missing records to the SA.

If the missing base year records cannot be found, the SA would generally require the district to immediately return to standard counting and claiming procedures and calculate fiscal action. However, the SA is extending previous USDA guidance and allowing the SFA to continue their claiming procedure through the end of March 2019 if the records cannot be located and giving enough time to notify the families.

**Corrective Action:** Notify the SA by February 14, 2019, if the missing base year records have been located. Upload the verification documents. The daily meal counts were received on the day of review. If missing records are not located, begin standard counting and claiming procedures on April 1, 2019. If the SFA wishes to participate in Provision 2 Breakfast, they will need to establish a new base year during the next school year (SY 2019-20).

**Due Date for CAP Completion:** February 14, 2019

**Corrective Action Response:** The Verification documents were uploaded February 6, 2019. The Filer SD Provision 2 program will expire June 2020 and will need documentation to request and approve an extension at that time.

### **Finding 7 – Meal Counting and Claiming**

The current system of meal counting has too many variables and allows for the possibility of error. The elementary school is using tray counts as a proxy for counting student meals. This is an unallowable practice. Three of the schools are using manual meal counts when electronic points of service (POS) are available. This results in potential for erroneous meal counts. External spreadsheets are used to consolidate breakfast meal counts in place of the electronic POS, which is an unnecessary step. Multiple transfers of data increases the risk of entering inaccurate meal counts. Daily meal counts by eligibility status were missing for Filer Elementary School and Filer High School. Submit the December breakfast spreadsheet and calendar counts for all sites not represented in Meal Time.

**Corrective Action:** The Food Service Director will develop a plan to ensure accurate meal counting and will train applicable employees in updated processes. Upload the plan and documentation of training into the MyIdahoCNP Corrective Action module.

Additionally, upload the December breakfast claim spreadsheet so the breakfast counts can be validated.

**Due Date for CAP Completion:** February 14, 2019

**Corrective Action Response:** A plan to ensure compliant meal counting occurs at both breakfast and lunch, and a plan to train another adult in the procedures was uploaded into MyIdahoCNP.

### **Finding 8 – Wellness Policy**

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. Currently the policy is missing any reference to permitting the marketing of only food and beverage that adhere to Smart Snack standards.

**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:** February 14, 2019

**Corrective Action Response:** A revised Wellness Policy, including Smart Snacks, was uploaded on February 13, 2019 to go before the board for adoption.

### **Finding 9 – 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. The Superintendent is listed as the Hearing Official so must have USDA civil rights training. Training is available at the [SA website](#):

**Corrective Action:** Upload a dated sign in sheet to provide documentation that the Hearing Official received civil rights training.

**Due Date for CAP Completion:** February 14, 2019

**Corrective Action Response:** The Superintendent took the Civil Rights training on January 31, 2019.

#### **Finding 10 – On-site monitoring**

Breakfast POS on-site reviews are covered in 7 CFR 220.11(d)(1) which states: every school year, each school food authority with more than one school shall perform no less than one on-site review of the breakfast counting and claiming system and the readily observable general areas of review identified under §210.18(h) of this chapter, as specified by FNS, for a minimum of 50 percent of schools under its jurisdiction with every school within the jurisdiction being reviewed at least once every two years. The on-site review shall take place prior to February 1 of each school year. Further, if the review discloses problems with a school's meal counting or claiming procedures or general review areas, the school food authority shall ensure that the school implements corrective action, and within 45 days of the review, conduct a follow-up on-site review to determine that the corrective action resolved the problems. Each on-site review shall ensure that the school's claim is based on the counting system and that the counting system, as implemented, yields the actual number of reimbursable free, reduced price and paid breakfasts, respectively, served for each day of operation.

**Corrective Action:** Provide a plan for how at least 50% of breakfast POS will be included in the SFA On-Site Monitoring Review each year.

**Due Date for CAP Completion:** February 14, 2019

**Corrective Action Response:** Monitoring of breakfast took place on January 31, Feb 18 and February 19<sup>th</sup> at three of the schools making up 50% of the required reviews for the current year.

#### **Finding 11 – Offer versus Serve (OVS)**

The food service director indicated the site was operating using OVS, however kitchen staff have not been trained on OVS and operate using a serve style meal service.

**Corrective Action:** Update the site application to indicate Filer Elementary is operating using serve style meal service or provide a plan how site staff will be trained to operate using OVS.

**Due Date for CAP Completion:** February 14, 2019

**Corrective Action Response:** Per response on February 13, 2019, both Filer and Hollister Elementary Schools will no longer be operating OVS. Ensure the schools serve foods offered in the full amounts for both breakfast and lunch, which includes  $\frac{3}{4}$  cup of vegetables for the students each day.

*Based on the administrative error of 6.6% associated with certification and benefit issuance, the SFA will be required to conduct a second review of applications beginning school year 2019-20, and continuing until further notice. A second review of applications requires a re-evaluation by the Confirming Official of the eligibility determination made by the Determining Official, based on the information provided by the household on the application. Depending on the outcomes of this second review, the SFA may be required to complete this process until the next administrative review. A Second Review of Applications Report will need to be filed as well while*

*this requirement is in place. Please reference the Independent Review of Applications section in the Eligibility Manual, a copy of which is available in MyIdahoCNP Download Forms.*

## **Commendations**

- Outstanding job meeting all the requirements for the meal pattern. All daily and weekly meal component and food quantity requirements were met for the week of menu review.
- Staff is very friendly and helpful!
- The home-cooked meals at the elementary school are a wonderful way to engage the students and provide healthy, tasty meals.

## **Technical Assistance (TA)**

### **Certification and Benefit Issuance**

- For the Directly Certified students it is recommended that the date of DC be placed in their file so it is easier to track.
- Students only qualify during the 30 day carryover period unless there is a new application. Then the district has 10 days to approve the application.
- When an application is received using the previous year's application form - a new application for the current school year must be received. This was only observed in the denied applications, and they were denied correctly, so this is just an observation that these types on applications cannot be taken.

### **Verification**

- It is recommended that the person doing the Verification take the enhanced on-line Verification training in the Child Nutrition training portal.

### **Meal Components and Quantities**

- Ensure that cereal provided to the Pre-K students has no more than 6 grams of sugar per dry ounce and yogurt served to Pre-K students has no more than 23 grams per 6 fluid ounces.
- Ensure that Pre-K students receive only unflavored milk varieties.

### **Food Safety**

- CN Resource completed the menu review and provided the following TA:
  - During the review, the food safety plan was discussed with the SFA. The SFA must have a food safety plan that complies with the requirements and the SFA must ensure 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.
  - During the review, storage requirements were discussed with the SFA. The SFA must ensure that food and chemicals are stored separately.

## 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. Filer Elementary School daily popcorn sales are non-compliant with Smart Snack nutrient standards. 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). The SA discussed Smart Snacks regulations with school staff. 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.

## Professional Standards

- The Food Service Director was hired after July 1, 2015. A Professional Standards questionnaire was completed to document education and or experience. The Professional Standards for School Nutrition Program Employees brochure was provided.

## Procurement

- Follow guidance provided in the separate procurement review that was conducted in SY 2019-20.

## Fiscal Action

Due to the benefit issuance error rate, fiscal action in the amount of \$1043.80 will be withheld from future claims. 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](#) or attached as a copy with this letter.

## Your review will be closed, pending any appeal filed.

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,



Lynda Westphal, MHS, SNS  
NSLP Coordinator

cc: Colleen Fillmore, PhD, RDN, LD, SNS, Director, Child Nutrition Programs  
Ginger Fisher, Child Nutrition Director, Filer School District

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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](mailto:program.intake@usda.gov).

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