



April 23, 2019

Erica Gerber, Superintendent
Legacy Charter School
4015 Legacy Way
Nampa, ID 83686

Dear Ms. Gerber,

On March 19, 2019, State Department of Education (SDE) Coordinators Tamara Donovan and Teresa Goodsell conducted an Administrative Review of Legacy Charter School for the following United States Department of Agriculture (USDA) programs:

- National School Lunch Program (NSLP)
- USDA Foods

The site reviewed was Legacy Charter School.

The State agency (SA) would like to commend Yvette Washburn and the staff of Legacy 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 Certification and Benefit Issuance

One application (one student) was determined to qualify for reduced meal benefits based on an income application; the student was eligible for free benefits based on direct certification (DC).

Corrective Action: Update the student meal benefit status to free DC immediately or within three days and send the household a DC notification letter.

Due Date for CAP Completion: April 22, 2019

Corrective Action Response: On the day of SA on-site review, the benefit status was updated and a notification letter was prepared for the household.

Finding 2 Verification

One application (four students) selected for verification should have been changed to paid meal status; there was an error in the income calculation which resulted from bi-weekly, not weekly, being used as the income frequency.

Corrective Action: Send a notification of benefit change letter to the household, allowing ten calendar days' written notice of the change prior to the date the benefit will be revised [7 CFR 245.6a(j)] on the benefit issuance list. Provide a copy of the household notification letter and upload a copy of the updated benefit issuance list once the meal benefit change has occurred.

Due Date for CAP Completion: April 22, 2019

Corrective Action Response: On the day of SA on-site review, a notification letter was prepared for the household. On April 8, 2019, an updated copy of the benefit issuance list was uploaded.

Commendations

- The staff and students were polite and kind to each other, which created a welcoming, calm environment.
- The Food Service Director was efficient and worked quietly and effectively.
- Outstanding job meeting all dietary specification and meal pattern requirements for the week of review.
- The salad bar available to students was very appealing and had a great assortment of fresh fruit and vegetables.
- What a clean and organized kitchen!
- Student workers showed responsibility and were diligent in completing assigned tasks.

Technical Assistance (TA)

Certification and Benefit Issuance

- The SA recommends that Free and Reduced Applications be date stamped upon receipt to allow students to receive benefits as of the date of receipt as opposed to the date of determination (SP11-2014). Additionally, the date stamp will document that eligibility was determined within the ten operating day window.
- A notification letter containing information including the right to appeal must be sent to the household following application determination. Please use the "Official Use Only" section on the Free and Reduced Application to document the date of determination and the date that a notification letter was sent.

Verification

- Please attempt to directly certify students selected for verification before sending the verification notification letter to the household.
- When performing verification of Free and Reduced Applications, there must be another person checking the application (the confirming official) prior to sending out the verification notification letter; the confirming official cannot be the same person as the determining official (the person who approves the application). Verification must be in line with requirements outlined in 7 CFR 245.6a.
- It is the responsibility of the household to provide adequate information so that the SFA may properly complete verification. Income is any money (before deductions), received on a recurring basis, including earnings, pensions, veteran's benefits, and child or spousal support, unless an income source is specifically excluded by law for the child nutrition programs. Reference the most current Eligibility Manual for guidance.
- All currently certified households for whom benefits are to be reduced or terminated must be given ten calendar days' written notice of the change prior to the date the change will go into effect [7 CFR 245.6a(j)]. The notice of adverse action may be sent via mail or to the e-mail address of the parent or guardian; the LEA cannot notify the household of adverse action by phone only.

Offer versus Serve

- Consider having a fresh fruit option available near the point of service for students who did not select at least $\frac{1}{2}$ cup of fruit or vegetable on the line.

Food Safety - 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)). The product observed was canned mandarin oranges from China. 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). The

SFA must keep documentation justifying the limited exception(s); make use of the document available in Download Forms.

Resource Management

- USDA Foods must be noted as revenue and as expense in the Fund 290. The SFA's uploaded financial report had a journal entry called "food service commodities rev" to record the revenue, but did not have a USDA Foods expense value. Consider using "USDA Foods" descriptions for both revenue and expense line items. The SA provided instructions on generating the Value of Commodities (PAL) Report.

Procurement

- Follow guidance provided in the separate procurement review to be conducted during school year 2020-21.

Fiscal Action

Due to the benefit issuance error rate, fiscal action results in \$230.77. However, since this amount falls under the \$600 threshold, the fiscal action will be disregarded and no financial adjustment will occur.

Your review is now closed.

There is no fiscal action resulting from this review. 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,



Tamara Donovan, RD, LD, SNS
NSLP Coordinator

cc: Colleen Fillmore, PhD, RDN, LD, SNS, Director, Child Nutrition Programs
Yvette Washburn, Child Nutrition Director, Legacy Charter School

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- (3) email: program.intake@usda.gov.

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