



July 10, 2019

Kevin Bernatz, Administrator  
Department of Juvenile Corrections Lewiston  
140 Southport Avenue  
Lewiston, ID 83501

Dear Mr. Bernatz,

On December 10, 2018, State Department of Education (SDE) Coordinators Tamara Donovan and Lynda Westphal conducted an Administrative Review of Department of Juvenile Corrections Lewiston for the following United States Department of Agriculture (USDA) programs:

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

The site reviewed was Department of Juvenile Corrections Lewiston.

The State agency (SA) would like to commend Clark Klappenbach, Ki Cole, and the staff of Department of Juvenile Corrections Lewiston 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 (TA)
- 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 Civil Rights

The SFA must keep required civil rights documents, including the following: civil rights complaint procedure, civil rights complaint log (updated annually even when no complaints are received), and copies of the civil rights complaint form. All document templates are available on the SA website. Civil rights documentation must be updated annually and records must be kept for three years plus the current year. The SFA's procedure for receiving and processing civil rights complaints should ensure all complaints associated with USDA Child Nutrition Programs are forwarded to the State agency within three working days; the SA provided a copy of this procedure.

**Corrective Action:** Upload a copy of the complaint log, procedure, and complaint forms required as part of USDA meal programs.

**Due Date for CAP Completion:** December 28, 2018

**Corrective Action Response:** This was completed on the day of SA review.

### Finding 2 Food Safety

During the menu review, independent contractor CN Resources discussed the food safety plan with the SFA. A copy of the food safety plan was not available; the food safety plan printed from the computer was for St. Anthony dated 2017. The food safety plan must be individualized so that it pertains to the Lewiston site; this is a repeat issue from the last administrative review. The SFA must have a food safety plan that includes all of the required sections as specified by USDA and the plan must be available to food service staff. Staff must receive annual training on food safety.

**Corrective Action:** Upload a copy of the individualized food safety plan and an agenda / sign in sheet to document that staff has received food safety training. *Ensure the Food Service Director completes annual training upon his return.*

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

**Corrective Action Response:** A copy of the individualized food safety plan and a food safety training agenda / sign in sheet was uploaded indicating training was completed on January 8, 2019.

### Finding 3 Verification

Verification was not complete as of November 15. The SA reviewers assisted the SFA in completing the verification report on the day of SA on-site review.

**Corrective Action:** Complete a detailed corrective action plan and submit it to the SA under the Verification Report module.

**Due Date for CAP Completion:** December 14, 2018

**Corrective Action Response:** On January 8, 2019, an acceptable corrective action plan was uploaded.

#### **Finding 4 Meal Compliance**

Independent contractor CN Resources conducted the menu review and requested the SFA provide menu-related items and written responses (see detailed reports previously provided to the Food Service Director by CN Resources and information in TA below). As of the day of SA on-site review, requested items had not been submitted to CN Resources. Corrective action was extended repeatedly and on-going technical assistance was provided by CN Resources and by the State agency, with the longest follow up regarding accurate, complete lunch production records. Due to compliance issues, a nutrient analysis was required, refer to TA, below.

**Corrective Action:** Submit requested information as directed by CN Resources and the SA.

**Due Date for CAP Completion:** November 12, 2018, and finally May 13, 2019

**Corrective Action Response:** On June 20, 2019, the last of the required documents (production record corrective action items) were received. The only outstanding issue on the Production Records were to list the number of students and adults to be completed in the upper right side of the production record and to have the weekend staff trained to keep a record of temperatures of the food and to list them on the production records. This final TA will be monitored on an on-going basis leading up to the next Administrative Review to ensure it is complete and permanently corrected.

#### **Finding 5 Offer versus Serve (OVS)**

Food service staff must be trained annually on OVS. Staff training must be maintained on file at the SFA for three years plus the current year. OVS training is available through the SA training portal.

**Corrective Action:** Food service breakfast and lunch line staff must complete OVS training and upload certificates of completion or sign-in training agenda indicating the date and topic covered. *Ensure the Food Service Director completes annual training upon his return.*

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

**Corrective Action Response:** An OVS sign-in training agenda was uploaded indicating training was completed on January 9, 2019.

#### **Finding 6 Afterschool Snack Program (ASSP)**

The SFA must conduct a self-review of each afterschool snack operation twice per year that follows these guidelines: The SFA conducts the first self-review during the first four weeks that the afterschool snack program begins each school year; and conducts the second self-review of the afterschool snack program prior to the end of each school year.

**Corrective Action:** Locate the snack review forms that were completed or conduct an ASSP review; upload a copy of the RCCI ASSP Review Form.

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

**Corrective Action Response:** The CAP due date was extended to February 19, 2019, due to the JDC Lewiston Food Services Director's absence and additional technical assistance that was required. On February 14, 2019, the RCCI ASSP Review Form was uploaded showing a date of January 23, 2019.

## Finding 7 Afterschool Snack Program (ASSP)

Only a full snack (one serving from two different components) qualifies as reimbursable. The production record listed the word "Snack" for one of the components on December 2, 3, and 4, 2018, rendering these snacks un-claimable and resulting in fiscal action of \$65.52. The production records must be fully completed on the day of meal service, list the food item that was being served (the word "Snack" is not sufficient for claiming documentation), and show compliant component crediting. Staff, including the food service director and ASSP enrichment staff implementing the program, must receive annual and as needed training to ensure ASSP compliance and proper completion of the production record.

**Corrective Action:** Upload a sign-in sheet documenting that staff have been trained in ASSP operation; make use of the SA training certification form available in Download Forms. Upload ASSP production records and supporting crediting documentation (product formulation statements, etc.) to show program understanding and compliance.

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

**Corrective Action Response:** The due date for corrective action was ultimately extended to February 26, 2019, to allow time for the sponsor to document understanding of compliant ASSP implementation. An ASSP sign-in training agenda was uploaded that indicated training was completed by January 18, 2019. The staff training coordinator added ASSP training to the school's training tracking system and training will be required annually including for all new hires. One week of production records in December 2018 and January 2019 were reviewed by the SA and found to be out of compliance. Completed ASSP production records for February 10-16, 2019, and planned production records for February 17-March 2, 2019, as well as supporting docs were requested to be uploaded to help ensure SFA understanding of the ASSP meal pattern and required documentation (compliant production records, pre-planned menus, and valid crediting documentation). February 10 - March 2, 2019, ASSP production records and other requested documents were uploaded; the information demonstrated understanding and compliance (on-going ASSP technical assistance was provided by the SA, see below under TA).

## Commendations

- The lunch menu on the day of the independent contractor review offered a variety of fruits and vegetables, including fresh broccoli and carrots. The "build a fajita" option allowed for personal choice and the meal appeared to be well received by the residents. Nice work!
- The cooking staff practiced proper food safety during meal preparation and service.
- The food service employees treated students with warmth and respect.

## Technical Assistance (TA)

### Meal Counting and Claiming

- Due to the SFA submitting claims after the due date, the following reimbursements were unable to be paid to the SFA:
  - September 2018 \$5,164.88

- October 2017 \$6,035.08

In addition, a "Once in Three-Year Exception" was granted on October 3, 2018, allowing payment of a July 2018 claim of \$5,438.75 to be reimbursed to the SFA. Follow the corrective action plan submitted by the SFA to the SA financial claim specialist regarding the need to train additional personnel on claim submission.

- The SFA may seek reimbursement for sack breakfast meals. There was an under-claim of one meal in October 2018, resulting in \$2.14 owed to the SFA.

### Meal Components and Quantities

Independent contractor CN Resources conducted the menu review and provided the below TA:

- All menus served within the SFA must meet all daily and weekly meal pattern requirements for the specific grade group. The SFA was encouraged to provide training as needed to ensure compliance. Please note that per USDA guidance any repeat menu findings in future Administrative Reviews, may result in fiscal action. The meal pattern, how to calculate component contribution, and available trainings, website resources (including the USDA Food and Nutrition Services site and the State Department of Education School Meals site), and webinars were discussed with staff.

### Lunch

- On the day of contractor on-site lunch service review, planned food quantities were lower than meal pattern requirements. This was corrected prior to meal service beginning by: increasing the portion size of peaches from  $\frac{3}{4}$  cup to 1 cup since the orange slice garnish on the tapioca pudding was not enough and by increasing the serving size of refried beans from  $\frac{1}{3}$  cup to  $\frac{1}{2}$  cup, so no meals were disallowed.
- During the lunch service, carrot sticks and broccoli florets were offered in large bowls with tongs to self-serve. While no serving utensil was used to measure amount, those residents selecting carrots or broccoli portioned at least  $\frac{1}{4}$  cup of vegetable. Prior to meal service, it was not clear that the staff could identify the 1 cup portion of vegetable being offered. Discussed the importance of understanding how a vegetable serving contributes to weekly subgroups.
- The lunch meal included several extras:  $\frac{1}{2}$  cup Spanish rice (white rice),  $\frac{1}{4}$  cup sour cream,  $\frac{1}{4}$  cup ranch dressing, and  $\frac{1}{2}$  cup tapioca pudding.
- At lunch, 2. 2 oz. eq. of whole grain-rich grains is required daily for grades 9-12. This was not met on three days. Tuesday- the only grain offered this day was from the brown rice in the broccoli and cheese casserole. The total amount of creditable grains in the casserole was 0.5 oz. eq. Consider offering a dinner roll or another grain that contributes at least 1.5 oz. eq. Wednesday- 1 oz. eq. grain was offered from the breadstick. Consider offering two breadsticks with the salad meal or moving the no bake cookies to this day instead of Thursday, since daily grains are met with the sliced bread and noodle soup that day. Friday- the cornbread served with the chili this day provided 1 oz. eq. grain. Consider offering two pieces with the chili.
- It was indicated that a 1 cup equivalent, 72 ct. orange was offered on Wednesday and Saturday at lunch. This count size of orange is not available in the Food Buying Guide. For the purpose of this review, the orange was credited at 1 cup of fruit, however an in-

house yield study should be conducted and kept on file, with pictures, confirming this size of orange contributes 1 cup of fruit.

- 1 cup vegetable is required daily for grades 9-12 at lunch. This was not met on four days. Monday- ½ cup vegetable was offered from the lettuce and tomatoes served. Potato chips are not creditable towards the vegetable component. Consider offering ½ cup cooked carrots or sweet potato fries. Tuesday- ¾ cup vegetable was offered, ½ cup from the romaine and ¼ cup from the vegetables in the casserole. The carrots in the salad were not served in a large enough portion in order to credit. Consider increasing the carrots to ¼ cup per student serving. Thursday- ½ cup vegetable was offered from the broccoli salad. Consider increasing the amount of vegetable in the soup to provide ½ cup serving per student or add an additional ½ cup side vegetable. Friday- 7/8 cup vegetable was offered, ¾ cup from the relish plate and 1/8 cup beans from the chili. Consider increasing the amount of vegetables on the relish plate to at least 7/8 cup per serving or increase the amount of beans in the recipe.
- 1 ¼ cup red/orange vegetable subgroup is required weekly for grades 9-12 at lunch. The planned menu provided ½ cup of red/orange vegetables. Consider the following to add this subgroup: offer carrots in place of broccoli on one day (broccoli is offered multiple times during the week); serve sweet potato fries or cubes; add tomatoes or carrots in large enough portions to the salads served.
- ½ cup beans/legume is required weekly for grades 9-12 at lunch. The planned menu offered 1/8 cup for the week. The chili bean mix from Basic American Foods indicated on their meal pattern contribution page that 1.25 oz. of dry mix will contribute ¼ cup vegetable. Per the recipe provided there was 0.84 oz. per serving which provided 1/8 cup creditable beans. Consider using a scratch recipe with a larger bean amount or another chili product that has a product formulation statement in an amount with ½ cup of beans per serving. Consider serving ½ cup of baked beans with one of the sandwiches on the menu this week.
- Lunch recipes are not standardized, and not all are in written standardized format. Items that need standardized recipes include: bun made from scratch, served on Monday and Saturday, sliced bread served on Thursday, chicken noodle soup served on Thursday, cornbread served on Friday (the recipe was missing the flour).
- The gluten free flour used in the apple crisp recipe contained non-creditable grains. Legume and vegetable flours are non-creditable. The oats in the recipe were not served in large enough amounts to credit towards the grain component. Consider using regular whole wheat flour for this recipe.

### *Breakfast*

- On the day of contractor on-site breakfast service review, only ¾ cup fruit was planned and 1 cup fruit is required per the USDA meal pattern. This was corrected prior to meal service beginning by: increasing strawberries to ½ cup, so no meals were disallowed. In the future ½ cup applesauce will be in the cycle menu.
- 1 ounce equivalent (oz. eq.) of whole grain-rich grains is required daily at breakfast. This was not met on one day. Tuesday- the flour used to prepare the apple crisp contains non-creditable grains, including legume flours and potato starch. The oats in the recipe

were not served in a large enough measure to credit towards the grain component. Consider making this recipe with whole wheat flour.

- At breakfast, vegetables may be substituted for fruits, but two cups per week of any such substitution must be from the dark green, red/orange, beans/legumes, or other vegetable subgroups. Saturday- the worksheet indicated that the fruit component was met and ½ cup of hash browns (starchy vegetable subgroup) were offered. Offer an additional ½ cup fruit this day to meet the daily fruit requirement or meet the vegetable subgroup substitution requirements.

### *Standardized Recipes*

- Discussed standardized recipe writing and usage. The SFA must ensure that all sites are using standardized recipes for the meals they produce. Recipes were not standardized, and not all were written in standardized format. Items on the menu that need standardized recipes include: hash browns; breakfast sandwich- update the instructions to include the correct ingredients; biscuits and gravy- the recipe included a dry mix, but pre-made biscuits were served.
- USDA recipes are standardized, however if any modifications are made to the recipe it must be documented so recipe results and portions are standardized. If the SFA creates their own recipes it is recommended to use the USDA template for standardized recipes to ensure that they include all required areas. Standardized recipes must include: all ingredients in recipe, correct measures and specific weight/measure of each ingredient, serving/portion size(s) for each age/grade group, the true yield made by recipe, and clear and complete preparation steps/directions. It is acceptable to use USDA recipes, but any changes by the school need to be noted on the recipe so recipe results and portions are standardized. Items not used in a recipe need to be noted as such.
- The product formulation statement for the tortilla states that a 2 oz. portion provides 2.25 oz. eq. The oz. eq. should not be higher than the total weight of the product.
- Post signage or the menu at or near the beginning of the serving line to help identify what constitutes a reimbursable meal for breakfast and for lunch.

### **Meal Components and Quantities - Production Records**

Production record completion is a critical part of the School Meal Programs operation as production records serve important purposes, including:

- Give food service staff the information they need to prepare the meal or snack according to the menu planner's instruction
- Document what was actually prepared and served
- Prove that reimbursable meals were available (i.e., demonstrate how meals contribute to required food components for each grade group)
- Help forecast future food preparations and guide procurement
- Justify claims for reimbursement
- The SA reviewed production records with the SFA. The SFA must ensure that all sites are keeping accurate and complete production records for the meals they produce. The records must be completed throughout meal service and maintained every day. At a minimum, the production records should include the name of the item, the recipe or

item number, the 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 and meal pattern so everyone can complete the records accurately. All changes/substitutions to the menu (such as chicken rather than beef fajita) or food prep (dehydrated refried beans without added salsa or sour cream) and portion size adjustments to meet meal pattern requirements need to be made to the production records. Reviewed the Idaho Production record (two step version) with Clark and discussed benefits of adopting this tool.

For more information, please read the Production Records section of the Idaho School Nutrition Reference Guide available on the State Department of Education Child Nutrition Programs website.

### **Dietary Specifications Nutrient Analysis**

Independent contractor CN Resources, conducted the nutrient analysis and noted the following steps were taken to bring the menu into compliance with dietary specifications:

#### **Breakfast**

- Replaced canned sausage gravy with lower sodium bag mix and prepared it from scratch.
- Removed sausage from the breakfast burrito.
- Added variety to fruit instead of banana daily.
- Removed extra cereal offered.
- Switched to a low sodium ketchup packet.
- Changed Saturday's meal to one tornado roll instead of two.

#### **Lunch**

- Switched to low sodium ketchup packet.
- Reduced ranch dressing portion size.
- Removed peach cake dessert.
- Removed canned mixed vegetables from Saturday (was already meeting vegetable requirement).
- Reduced the size of the apple crisp.
- Removed cheese from the chicken sandwich.

### **Afterschool Snack Program (ASSP)**

- Reminder that for ASSP program compliance, the fruit/vegetable component must be a minimum of  $\frac{3}{4}$  cup; be careful when crediting. For example, 1.16 oz. of dried cranberries equals  $\frac{1}{4}$  cup, which credits as double since it is dried, so it credits for  $\frac{1}{2}$  cup, which does not meet the  $\frac{3}{4}$  cup requirement. Consider serving 1.6 oz. of dried cranberries which equals  $\frac{3}{8}$  cup, doubled credits for  $\frac{3}{4}$  cup fruit, or provide two 1.16 oz. packets of dried cranberries to meet the fruit/vegetable component. The rice crispy treat product formulation statement (PFS) showed that it credited as 0.75 oz. eq.; the grain must credit as a minimum 1 oz. eq., so two rice crispy treats could be served to meet the minimum grain component requirement. In order to credit for 1 oz. eq., two 0.74 oz. NV

oats and honey granola bars need to be served (not three), since the PFS shows that each bar credits for 0.5 oz. eq.

- Extensive TA was provided to ensure compliance with the ASSP meal pattern.
- Prepare the production records at least a week in advance to ensure oz. eq. crediting is correct and valid paperwork proof (PFS) is on file. Advance production record preparation allows clear communication to the evening staff regarding what and how much is to be served and helps confirm that the food snack items are in stock.
- Consider making the three weeks of ASSP production records that have been validated by the SA into a three week cycle menu – serve these same items in the same amount over each three week period, then repeat. If you want to add a different food item into the mix, make sure a valid PFS is on file and confirm the serving size.
- Reminder to sign the completed production records at the end of the week to certify that they were reviewed for daily completion, accuracy, and compliance with regulations.
- Reviewed the difference between ounces (the actual, real weight of the product) and ounce equivalents / oz. eq. (USDA’s way to credit grain and meat/meat alternate toward the required meal components).
- Ensure valid PFS are obtained from vendors to document component crediting information and retain documentation on file for three years plus the current year.
- The ASSP is not an Offer vs Serve situation. Ideally, only two components are available to students in the correct portion size to ensure a reimbursable snack is provided to the student and counted toward reimbursement. Having additional foods available may lead to non-reimbursable snacks being served, incomplete production records, ASSP staff confusion regarding compliance, and not having supporting documents on file to prove a reimbursable snack was served to count toward receiving federal reimbursement money.
- Reminder to conduct the second self-review of the ASSP before the end of each school year (e.g., during the month of May).

### **Food Safety**

- Ensure that all food is dated upon delivery. When dated cardboard boxes are discarded, dates should be transferred to remaining cans or smaller packs.
- Ensure that all food is dated once opened. For example, diced, fresh onions should be labeled with both the received date and the date opened.
- Reminder that two food safety public health inspections must be requested each school year.
- Maintain temperature logs for all food storage areas. The completed temperature logs must be kept on file for a minimum of six months. Track dry storage areas (controlled by separate thermostats) and milk coolers in addition to all other storage temperatures recorded; this is a repeat issue.

### **Buy American Provision**

- Buy American requirements were discussed with the SFA. The SFA must purchase, to the maximum extent practicable, domestic commodities or products. “Domestic commodity

or product” is defined as an agricultural commodity that is produced in the U.S. and a food product that is processed in the U.S. substantially using agricultural commodities produced in the U.S. There are limited exceptions to the Buy American provision which allow for the purchase of foods not meeting the “domestic” standard in circumstances when use of domestic foods is truly not practicable. The SFA must keep documentation justifying the limited exception(s). These exceptions, as determined by the SFA, are: the product is not produced or manufactured in the U.S. in sufficient and reasonably available quantities of a satisfactory quality or competitive bids reveal the costs of a U.S. product are significantly higher than the non-domestic product. Out of compliance products observed were: canned pineapple, mandarin oranges, olives, tomatoes, and bananas (if served during lunch or breakfast).

### Reporting and Recordkeeping

- Food service records, including civil rights complaint logs, must be maintained for three years plus the current year.
- Ensure that all records are organized and that special dietary needs documents are readily accessible.

### Procurement

- A separate procurement review was completed by contractors Keddington & Christensen, LLC in SY 2018-19. Follow the guidance included in the SA procurement review closure letter sent on April 2, 2019.

### Fiscal Action

Fiscal action resulted in \$63.38 (\$65.52 less \$2.14). 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,



Lynda Westphal, MHS, SNS NSLP Coordinator

cc: Colleen Fillmore, PhD, RDN, LD, SNS, Director, Child Nutrition Programs

Clark Klappenbach, Child Nutrition Director, DJC Lewiston

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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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