



June 18, 2020

Stephen Lambert, Principal  
Treasure Valley Classical Academy #830  
500 SW 3<sup>rd</sup> St.  
Fruitland, ID 83619

Dear Principal Lambert,

On March 10, 2020, State Department of Education (SDE) Contractor, Laura Thomas, with CN Resource (CNR), conducted an on-site review of the meal program, and from May 12 – June 18, 2020, SDE Coordinator Jennifer Butler conducted an off-site review process for the Administrative Review of Treasure Valley Classical Academy due to the current COVID-19 pandemic. SDE Coordinator Heather Blume assisted with a review of the online application software program after a high percent of application determination errors were discovered. The following United States Department of Agriculture (USDA) program was reviewed:

- National School Lunch Program (NSLP)

The State agency would like to thank Chas Baines and the staff of Treasure Valley Classical Academy 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 (AR) 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 AR a minimum of one time during a three-year cycle, however Idaho has received a waiver to conduct reviews on a five-year schedule 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:

## Finding and Corrective Action Plan (CAP)

### Finding 1: Certification and Benefit Issuance

A statistical sample of 104 students resulted in a 16.35% error rate. Application errors were due to incomplete applications being determined without required information.

**CAP:** Contact households to obtain missing household names or total and Social Security Number (SSN) information.

**CAP Completion:** May 26, 2020

**CAP Response:** Required information was obtained. Only one application required a change in benefits due to additional household information. Fiscal action was calculated on the incomplete applications as they should be denied until complete.

*Based on the administrative error rate over 10% associated with certification and benefit issuance, the SFA will be required to conduct a second review of applications beginning school year 2021-2022, 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.*

### Finding 2: Certification and Benefit Issuance – Online Application System

The online application system did not include required elements and accepted incomplete applications. The following issues were identified with the system used for households to apply for meal benefits online:

- *Incomplete Applications* - The software allowed the online submission of applications without the SSN. Upon further investigation, it was discovered that the application software listed applications as incomplete if a SSN was missing when a family indicated they had a case number, which is 1) Not correct to call an incomplete application and 2) Problematic when there is no data validation on the case number that is entered (one of which listed “0”). Work with the vendor on what constitutes an appropriate case number in Idaho.
- *Total Household Members Reporting Field* – The online application neither asked the family to provide the total number in the household, nor asked the adult signer to confirm the number calculated by the application for the total members in the household. The *Eligibility Manual for School Meals* states that paper applications must include a field for reporting the total number of members present in the household. A web-based application may accomplish this by requiring household confirmation of a total computed by the application. This is an accountability safeguard and encourages the household to report all members who are present. Electronic applications may be

exempt from explicitly following this requirement if they otherwise ensure the household has been given a clear opportunity to report all household members.

- *Use of Information Statement* – The “Use of Information” statement is missing from the online application. This statement specifically addresses information required to be included on the application to determine eligibility.
- *Nondiscrimination Statement* – The online application did not include a nondiscrimination statement.

**CAP:** Work with the software vendor to address how each of the missing application components will be addressed to ensure complete and compliant applications are processed.

**CAP Completion:** June 18, 2020

**CAP Response:** The SFA worked with the software vendor to add the *Use of Information Statement* and the *Nondiscrimination Statement* to the online application software. The vendor is also working on adding programming rules to ensure valid Idaho case numbers are entered in the online application. The updated rules will not allow a parent to enter "O" as a valid case number. The software company also provided assurances that the system will require either the last four digits of a SSN or the applicant to mark the box to certify they do not have a SSN. Additionally, the software will flag applications where no SSN is checked. If a student is already identified as SNAP, TAFI, Migrant, or Foster through the state DC system, a dialogue box will notify the SFA when an application is submitted. Lastly, the SFA also provided a plan to ensure that applications will be complete by manually checking each online application. Specific attention will be focused toward the household total field, as the online application can be submitted even when the household total field is left blank. The SFA will contact any household that did not complete this field to validate household members.

### Finding 3: Meal Components and Quantities

For the week of menu review, the lunch menu did not meet the minimum weekly requirement for meat/meat alternate. A meat/meat alternate was offered daily, however the weekly minimum requirement was not met.

**CAP:** Provide a written statement and supporting documentation demonstrating that the weekly meat/meat alternate requirements are now met.

**CAP Completion:** March 23, 2020

**CAP Response:** The changes made to correct the meat/meat alternate requirement was to serve an additional .75 oz of SunButter with fruit to meet the meat/meat alternate shortage.

### Finding 4: 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. Stephen Lambert is listed as the Hearing Official so must have annual food service civil rights training. A link to the SA civil rights training video is available on the SA website.

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

**CAP Completion:** June 4, 2020

**CAP Response:** The SFA provided a training agenda and sign-in form indicating that the hearing official watched the SA CR training video on June 4, 2020.

### Finding 5: Professional Standards

Food Service Directors must have at least eight hours of food safety training at least every five years. A free, online course, Food Safety in Schools is available through the Institute of Child Nutrition (ICN) and can be used to meet this requirement.

**CAP:** Upload a training certificate indicating successful completion of at least eight hours food safety training into MICNP Review Attachments.

**CAP Completion:** June 10, 2020

**CAP Response:** The SFA provided a certification of completion showing that the director completed 8 hours of food safety on June 10, 2020.

## Commendations

- Congratulations on completing your first year as a NSLP sponsor. Your hard work and dedication in implementing child nutrition programs is appreciated.
- The foodservice director was very diligent in preparing for the AR and completed off-site modules in a timely manner. The hard work continued after the AR was changed to a desk review, requiring additional paperwork to be scanned and uploaded. The effort put into this review during a stressful time is greatly appreciated.
- Independent contractor CNR provided the following commendations:
  - The child nutrition program meal vendor and kitchen staff were open and receptive to technical assistance and best practice suggestions. They show a desire to operate the child nutrition programs in compliance with regulations. The vendor has a strong commitment to onsite scratch cooking when possible.
  - The students are served a freshly prepared meal in a warm and friendly environment. Homemade tomato soup and fresh fruit were served the day of meal observation.

## Technical Assistance (TA)

### Certification and Benefit Issuance

- The income frequency listed on the application must be used to determine the application. If multiple frequencies are listed then all income must be converted to an annual amount per USDA regulations. Some applications were incorrectly converted to a monthly amount rather than an annual amount.
- When making edits or changes to an application, the best practice is to write directly on the application using a different colored pen. Be sure to always initial and date changes with a note of why change occurred and who in the household provided the new information. Sticky notes are discouraged, as the new information can be easily lost.
- Ensure the "For Official Use Only" portion of applications is updated when income, household, or determination results change based on new information.

- One application listed a SSN as a case number; the student was also not included on a DC list. In situations where a SSN is listed as a case number, you should contact the household and inquire what assistance program student qualifies for. As only FDPIR uses SSN as a case number, and you do not have a FDPIR list, in these situations the case number for the appropriate assistance program should be confirmed. Keep in mind that Medicaid does not qualify a student for free meals.
- Other Source Categorically Eligible Status (homeless, migrant, runaway) must be confirmed through documentation prior to certifying the child’s eligibility for free meals. Acceptable documentation [7 CFR 245.2] to establish eligibility based includes the name of the child; a statement certifying that the child has been determined eligible for that program, the signature of the official from the program who is authorized to provide such documentation on behalf of that program and the date that the official signed the certification statement. The LEA's designated homeless liaison is responsible for determining if a student meets the requirements of the McKinney-Vento Act.
- If a new application is submitted and replaces a previously received application, make sure the two applications are kept together and add a note that the original application has been replaced by a newer application. In a few cases the older application was provided to the SA to validate benefits. It wasn’t until errors were identified that the SFA provided the newer application from which benefits were determined for SA review.
- 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. This carryover period is not intended to allow schools to delay the processing of applications. Failure to reapply during the carryover period is not a denial of benefits for the current school year. 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)
- The SFA will be required to complete a second review of all applications beginning SY20-21. The second review must be conducted by an independent individual or entity that did not make the original eligibility determination. [7 CFR 245.11(c)]. This will require additional recordkeeping and reporting in MyIdahoCNP.
  - A second review of applications requires a re-evaluation of the initial eligibility determination made by the original determining official, based on the information provided by the household on the application. The second review must determine whether the application is complete with:
    - Signature of an adult household member;
    - Last four digits of a Social Security Number (or an indication of “none”) for income applications;
    - Names of all household members, including the children for whom the application is made; and
    - Identification of:
      - The amount of income received by each household member for income applications; or

- The applicable program case number, for applications based on categorical eligibility with an Assistance Program; or
  - The applicable program, for applications based on Other Source Categorical Eligibility.
- The second review also must confirm the application was correctly approved based on the current IEGs or accurate categorical eligibility information, as applicable. In addition, as stated at 7 CFR 245.11(c)(1), the second review of applications must be completed before the household is notified of eligibility and must not delay the eligibility determination. LEAs required to conduct a second review of applications must still notify households of the child’s eligibility determination within 10 operating days of receiving the application.

### Verification

- The confirming official, who must be a different individual than the determining official, must review an application prior to beginning the Verification process. This ensures the application eligibility was determined correctly. Both officials complete the “Official Use Only” box on the free and reduced meal application that has been selected for verification. When using software as the confirming official, the determining official can write in the results of the confirmation review and indicate the software name for the confirming official’s signature.
- Once the verification process has been completed and results determined, the verifying official, who can be either the confirming or determining official, must complete the “Official Use Only” box on the meal application.
- The hearing official is a separate individual with supervisory authority over the other officials that would oversee the hearing process and settle the eligibility if the confirmed original determination is disputed.

### Meal Counting and Claiming

- When student helpers are utilized, and their meal is provided free of charge, their reimbursable meal can be claimed at that student's eligibility determination.
- Offer vs Serve (OVS) is optional for lunch for grades K-8, and the SFA advises they prefer to not utilize the OVS option. When not implementing OVS, all five meal components in the full daily required portion sizes must be included on the student’s tray to count as a reimbursable meal. Students are not able to decline a food component when OVS is not implemented, only OVS allows the option to decline components in order to limit food waste and associated costs.

### Meal Components and Quantities

- Federal regulations require that a variety of milk options (at least two types) are offered daily [7 CFR210.10 d]. A non-flavored milk option must be offered daily; the choice can be within a variety of fat content (plain low-fat (1%) and plain non-fat) and flavoring. You must have two options available at each meal to meet meal pattern requirements.

### Dietary Specifications and Nutrient Analysis

CNR completed the menu review and provided the following TA:

- During the Administrative Review the results of the menu review were provided to the SFA in a detailed Menu Review Results Report. Recommendations were included to bring all areas into compliance. 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.
- 9 oz. equivalents of meat/meat alternate are required weekly. The week of menu review planned menu only provided 8.5 oz equivalents. Consider one of the following suggestions to meet the weekly requirement.
  - Tuesday- 1.5 oz equivalents are offered from the turkey sandwich entrée. Consider increasing the amount of turkey in the recipe to 7lbs or switch to a turkey product that credits higher.
    - Deli meats vary across brand on how they contribute to the meal pattern. The product used this week requires 3.29 oz. to reach a 2 oz. equivalent of meat so only .6 oz. equivalent of meat per each oz. served.
  - Wednesday- the chicken salad entrée provides 1.5 oz. equivalents of meat. Consider increasing the chicken to 7.75 lbs. in the recipe to reach a 2 oz. equivalent.
  - Friday- The pizza entrée provides 1.25 oz. equivalents of meat. Consider increasing the amount of cheese or ground turkey to boost total meat/meat alternate.
  - Other options:
    - Add .75 oz nuts
    - Serve .75 oz eq. of peanut butter with the apple
    - Add an extra cheese slice to the sandwich
    - Offer yogurt with one of the meals as a bonus
- It is acceptable to use USDA recipes, however any changes made to the recipe need to be clearly noted. Any ingredients not used in a recipe need to be noted as such.
- Many of the recipes submitted had items that were not used or substituted out. Recipes need to be standardized to show these changes with the ingredient measures clearly noted.

### Food Safety

Independent contractor CNR provided the following TA:

- The SFA must have a site-specific food safety plan that includes all the required sections specified by USDA so that food service staff may stay in compliance with food safety requirements and procedures. The outdated HACCP manual (2005 NFSMI) should be updated with [more current SOPs](#) (2018 ICN). Ensure all kitchen and cafeteria staff are trained on these food safety elements each year.
- The SFA must post a copy of the most recent food safety inspection in a publicly visible location at the site. During the onsite review, CNR suggested posting the inspection on the cafeteria side of the serving line in a more public location than inside kitchen. The inspection was reposted prior to lunch service.



- Ensure that storage temperatures are within the correct range and take corrective action when the temperature goes above or below the range.
- No dry storage logs were available; dry storage is in climate-controlled kitchen and office. Add dry storage temperature records to milk cooler, freezer, and refrigerator logs kept on file.
- Set up a system to file temperature logs for previous months to retain records for required length of time.
  - The temperatures logs were not stored on site but at the vendor’s offsite office and were not available for review. These logs should be onsite and available for SFA and SA 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)). 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. Bananas were observed and require exemption documentation.
  - Include the Buy American provision in SFA solicitation documents for the purchase of commercial foods. The SFA should require suppliers to attest that their final food products are either 100% domestic commodities or a food product containing over 51% domestic food components, by weight or volume. 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 Buy American Provision Exception document available in Download Forms. This form requires the SFA to identify which allowable exception is being used and if the exception is one-time, seasonal, or annual.
  - Documentation must be maintained to support the qualifying Buy American exemption. The USDA Agricultural Marketing Services (AMS) [Market News](#) and custom [Retail Reports](#) are good sources for supporting documentation.

### Civil Rights

- Procedures for receiving and processing complaints must state that all complaints associated with Child Nutrition Programs are forwarded to the State agency within three working days. No written procedures were available explaining this process during the review (7 CFR 210.15(a)(6)). A [compliant procedure](#) is located on the State agency civil rights web page. This procedure should be kept with the Civil Rights file that includes complaint forms and tracking logs available at each site.
- 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 Child Nutrition Programs civil rights training. Each year the SA releases the required training which can be accessed through the CNP Training Portal or on the SA website. Make plans to ensure all SFA staff watch the required [civil rights training video](#) at the beginning of the school year.



- The nondiscrimination statement (NDS) must accompany any printed materials and any web-based materials referencing FNS programs. Each year ensure that all templates include the correct nondiscrimination statement (NDS) and monitor usage of the NDS on an ongoing basis. If the material is too small to contain the full statement, the material at minimum must include the following statement: “This institution is an equal opportunity provider.” The full statement must be included on outreach material, including websites, when notifying potentially-eligible participants how to apply for benefits or when informing participants about their right to file a complaint. The full statement is available on the SA website under Civil Rights.

### Professional Standards

- The Food Service Director was hired after July 1, 2015. A Professional Standards questionnaire was completed to document education and or experience.
- Consider implementing a process that ensures the required Professional Standards training hours will be met by the end of the school year. Identify trainings to be taken by specified dates throughout the school year to ensure all required training hours for each position is met.

### Local School Wellness Policy (LWP)

- All LEAs must assess their wellness policy at least once every three years on the extent to which schools comply with the district policy, the extent to which the local wellness policy compares to model local school wellness policies, and the progress made in attaining the goals of the local wellness policy. LEAs must make this assessment available to the public. It is recommended to add an approval date to the LWP to assist with tracking the triennial assessment requirement.

### Fiscal Action

Due to benefit issuance errors fiscal action results in \$516.97. However, since this amount falls under the \$600 threshold, the fiscal action will be disregarded and no financial adjustment will occur. Due to the 16.35% benefit issuance error rate a targeted review of your applications and claims will be conducted within the next two years and claims will be adjusted based on errors at that time.

### Your review is now closed.

There is no fiscal action resulting from this review. 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 Butler, MEd, SNS  
NSLP Coordinator

cc: Chas Baines, Food Service Director, Treasure Valley Classical Academy  
Colleen Fillmore, PhD, RDN, LD, SNS, Director, Child Nutrition Programs

## Civil Rights

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

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