

November 10, 2021

Ms. Eileen Holden, Superintendent
Clark County School District #0161
526 S Oakley St.
Dubois, ID 83423

Dear Superintendent Holden,

On October 19, 2021, State Department of Education (SDE) Coordinators Lynda Westphal, Jennifer Butler, and Jamie Gibson conducted an on-site Administrative Review of Clark County SD for the following United States Department of Agriculture (USDA) programs:

- National School Lunch Program Seamless Summer Option (SSO)
- School Breakfast Program Seamless Summer Option (SSO)
- Provision 2 Record Retention
- Fresh Fruit and Vegetable Program (FFVP)
- USDA Foods

The State agency (SA) reviewed the following sites(s).

- Lindy Ross Elementary School (SSO)

The State agency (SA) would like to thank Janitzi Furniss and the entire staff of Clark County SD 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 that State agencies conduct an Administrative Review a minimum of one time during a five-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 Pattern

For the week of menu review, the lunch menu did not meet the minimum weekly requirement for fruit or vegetables. Fruits and vegetables were offered daily, however the weekly minimum requirement was not met.

Corrective Action:

1. Provide a written statement that the fruit and vegetables requirements are now met. Include a detailed statement to describe what specific changes were made to the menu, for the week of review, to correct all menu review findings and bring the menu into compliance.
2. Submit supporting documentation to demonstrate that the menu findings listed under step 1 are now corrected. This documentation may include menus, production records, nutrition facts labels, Child Nutrition (CN) labels, and recipes. Reference the menu review results report for specific details and suggestions to bring the menu into compliance.

Due Date for CAP Completion: October 25, 2021

Corrective Action Response from SFA: CNR Reviewed the sponsors corrective action statement. Additional technical assistance provided to the sponsor via email indicating the vegetable and fruit serving size requirements for the K-8 and 9-12 grade groups, as her statement to serve 3/4 cup serving sizes for all fruits/vegetables offered may not be appropriate depending upon the menu and items offered.

Finding 2 - Claiming

The SA found a discrepancy in the PowerLunch claiming portion. The daily counts do not add up to the monthly amount claimed. Even though the claim was only overclaimed by 1 at lunch, this type of error must be investigated.

Corrective Action: Identify the issue and come up with a written procedure to double check the daily total to the monthly totals to ensure accuracy.

Due Date for CAP Completion: November 2, 2021, extended until November 10, 2021

Corrective Action Response from SFA: Per response on November 9, 2021 from the SFA: "To prevent future errors in my meal counts, I will add all of the daily meal counts from the reports I print out daily and compare them to the monthly meal count report at the end of the month as I get ready to submit my monthly reimbursement. If there is a discrepancy between the daily counts versus the monthly count, I'll use the daily meal count as the true number for my reimbursement."

Finding 3 – Wellness Policy

The Local School Wellness Policy must be in compliance by June 30, 2017, per the USDA Final Rule established in July 2016 (7 CFR 210.31). A review of the Local Wellness Policy (LWP) retrieved from the website was adopted on 8/10/15, however there are still some missing requirements that need to be made to the policy. The Wellness Policy and the State agency partial evaluation of the LWP was provided during the exit conference. This should be completed to be able to formally to assess compliance of the District's LWP.

Corrective Action: Provide a written plan and timeline describing how and when the Wellness Policy language will be brought into compliance with federal requirements.

Due Date for CAP Completion: November 2, 2021, Extended until November 10, 2021

Corrective Action Response from SFA: Per response on November 9, 2021 from the SFA: "It will take two board meeting to adopt an updated policy. The first read through for the policy will be on November 11th, the Wellness Policy will be adopted at the following school board meeting on December 9th, 2021. It will take about two work weeks from the adoption date to have the new policy written and posted on the school website."

COMMENDATIONS

- Janitzi is doing a great job and was wonderful to work with.
- Janitzi had all of the Provision 2 documentation well organized for the review, making it easy to validate record retention.
- Both staff and students were polite and said please and thank you.
- The Halloween decorations in the kitchen/cafeteria promote a fun, friendly environment. The burning caldron and talking skeleton are fun and unique.

TECHNICAL ASSISTANCE (TA)

Certification and Benefit Issuance

- Per USDA Guidance *COVID-19: Child Nutrition Response #97* - the requirement under 7 CFR 210.18(g) (1) is waived regarding certification and benefit issuance and the requirement under 7 CFR 210.18 (h)(2)(i) (A-E) is waived regarding free and reduced-price processes not applicable to SSO in SY21-22.
- No applications are collected during a Provision 2 breakfast and lunch cycle after the base year. Only the Direct Certification lists are allowed to be collected while on this provision program.

Verification

- No applications were collected during this school year due to being on Provision 2 breakfast and lunch.
- Although in Nationwide Waiver #97 FNS included verification as one of the sections that is not applicable to SSO Ars in SY2021-22, FNS strongly encourages State agencies to ensure that SFAs that are collecting applications during SY 21-22 are implementing verification processes in line with Federal Regulations

Meal Counting and Claiming

- Please refer to Finding 2 for the systemic finding in claiming

Meal Components and Quantities

- Independent Contractor CN Resource completed the menu review and provided the following TA with a detailed Menu Review Results Report:
 - Hang a SBP What's for Breakfast poster with the daily menu displayed at the high school.
 - Review with all kitchen staff how to complete production records and where to record the cooking and holding temperatures of menu items.
 - The SA reviewed the Production Records for the day of the SA review and the changes appear to be well implemented.
 - Replace the posted food safety inspection with the most current report (this was completed on-site)
 - During the Administrative Review the results of the menu review were provided to the sponsor in a detailed Menu Review Results Report. Recommendations were included to bring all areas into compliance. All menus served must meet all daily and weekly meal pattern requirements for the specific grade group. The sponsor 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.
 - Consider completing the Meal Pattern Waiver Request form, allowing meal pattern flexibilities which are available for milk, whole grain-rich, sodium, and vegetable subgroups. The state agency will consider requests that are targeted and justified based upon disruptions to the availability of food products resulting from unprecedented impacts of COVID-19. Click on the link below to complete the survey:
<https://www.cognitoforms.com/IdahoSDE/SY2122SSONSLPMealPatternWaiverRequest?v>
 - The federal regulations require a minimum of 3/4 cup of vegetable to be offered each day for grades K-5. This requirement was not met on two days.
 - The requirement for bean/legume vegetable subgroup was not met. Beans were only offered to grades 6-12 on Thursday of the menu review week. To meet requirements, complete the Meal Pattern Waiver Request allowing flexibility for vegetable subgroups. Consider adding the 1/2 cup beans to the menu for grades K-5.
 - There was some confusion on menu items that were served. The calendar menu would show that menu items were served, but these items were not on the production records or were listed for different grades than what was indicated on the calendar menu.

- The federal regulations require a minimum of 1 cup of fruit and vegetable to be offered each day for grades 9-12. This requirement was not met on five days. Increase the portion size of fruit served each day to 1 cup.
 - Keep in mind that raw leafy green vegetables, such as lettuce and spinach, are creditable at half volume. Therefore, a one cup serving of fresh lettuce or spinach is creditable at ½ cup vegetable.
 - The documentation submitted for the sausage pancake bites and breakfast pizza was inadequate. Please refer to the detailed TA given by CNR for more detail.

Buy American

- SFAs are 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 SFA must have supporting documentation that the domestic product is 1) significantly higher in price or 2) not available in sufficient quantities.
 - Exception documentation was not available during the AR. Out of compliance items observed onsite included pasta from Italy, jalapenos from Mexico, pineapple and tropical fruit from Thailand, mandarin oranges from China, banana peppers from Turkey, tomatoes and mangoes from Mexico, and oranges and kiwi from Chile. The SA has a "Buy American Exception Form" available in Download Forms to be completed and kept for all food products requiring documentation.
- Unique fresh fruits and vegetable from other countries are encouraged, but do require Buy American exception documentation.
 - Delicious looking fresh mangos from Mexico were served during the day of FFVP review and need supporting documentation.
- Both the SA's CNP digital training portal, as well as, the Institute of Child Nutrition (theicn.org) have Buy American Provision online trainings available that will provide additional clarification of federal requirements.

Food Safety

- CN Resource completed the menu review and provided the following TA:
 - Contact maintenance to inspect the small milk cooler to address the fluctuating temperatures.
 - The SFA has a temperature log with multiple columns for equipment and posts copies on various equipment. The option to use a clipboard with one log and have a designated morning task to check all equipment first thing in the morning was discussed as a way to simplify the recording process and to help ensure consistent completion of the log.
 - Each SFA must have a written food safety plan for compliance with Hazard Analysis Critical Control Point (HACCP) program criteria found in 7 CFR 210.13(c). SFAs are required to update HACCP-based food safety programs to cover any

facility where food is stored, prepared or served for the purposes of the NSLP, SBP or other FNS programs.

- A 2016 ICN HACCP manual template was recently printed for implementation but has not yet been customized to reflect the actual needs of the kitchen. Continue to review and personalize the HACCP and ensure all kitchen and cafeteria staff are trained on these food safety elements each year.
- As the HACCP manual is being personalized for the site, be sure to include procedures for FFVP delivery to the classroom. Resources on food safety in the classroom for teachers is also available on the FFVP website.

Civil Rights

- Civil Right Complaint Log was not filed for SY20-21 and a new CR Complaint Log was not created for SY21-22. Also included in download forms are new sample complaint forms in both English and Spanish that can be printed and included with SY21-22 Complaint Log. Please ensure these are done on an annual basis.

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. Additionally, the Idaho Food Code requires each SFA to have a certified food protection manager. This certification is good for 5 years and can be used to meet the USDA professional standards requirement for the director having food safety training.
- The United States Department of Agriculture has established minimum Professional Standards for school nutrition professionals who manage and operate the National School Lunch and School Breakfast Programs (7 CFR 210.30). The standards provide annual training requirements for all school nutrition professionals. It is required that some form of documentation be kept on file to show Professional Standards compliance. The Idaho Child Nutrition Programs digital learning portal contains multiple courses that could be used to meet training hour requirements.
- Professional standards set total hours of training each employee type should receive each year. A training tracking log should be retained for each employee identifying how many hours are required and how many have been completed to date. This log must include the key area/topics and training subjects completed with certificates, agendas, and sign-in sheets retained for backup. The SA has made available a template tracking log prompting this information and Professional Standards Learning Objectives and Topics with Codes which can be found on the [USDA Professional Standards Website](#)
- A Professional Standards handout was supplied with the requirements for new food service directors. Please keep these in mind when hiring for a new Food Service Director.

Paid Lunch Equity

- This area was not reviewed based on USDA Guidance *COVID-19: Child Nutrition Response #97* in which the requirement under 7 CFR 210.18(h) (1) (ii) is waived

regarding the requirements for pricing paid lunches in 210.14(e) that are not applicable to SSO in SY21-22.

- Per USDA, the SY 2020-21 Weighted Average Price equal to or above the target price of **\$3.18** are compliant for SY 2021-22. \$3.18 is the difference between the Free and Paid reimbursement rates for SY 2020-21. If Provision 2 breakfast and lunch is discontinued, the price will need to be increased to come into compliance with this regulation.

Local School Wellness Policy (LWP) (Assessment is not evaluated)

- 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. 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.
- FNS is waiving statutory and regulatory requirements at 7 CFR 210.31 and providing a **new first triennial assessment deadline** of June 30, 2022, for states that opt in to: *COVID-19: Child Nutrition Response #98 Nationwide Waiver of Local Wellness Policy Triennial Assessments in the National School Lunch and School Breakfast Programs.*

Special Provision

- **Provision 2 base year records have been adequately maintained.** A Provision 2 base year (SY19-20) review occurred on November 5, 2019, and benefit issuance was validated by SA staff at that time. The retention of all required Provision 2 documentation was confirmed during this AR. All Base Year records are kept well organized in a grey binder in the Food Service office. The current Provision 2 cycle expires at the end of SY22-23. If the SFA wishes to continue with Provision 2 breakfast and lunch, contact the SA prior to the expiration date to apply for an extension.

Procurement

- A separate procurement review was completed by Kathrine Forstie in SY20-21 with a SA closure letter sent following completion of CA (if needed); please follow the guidance provided.
 - Follow up for these documents was completed during the AR review to ensure the inclusion of the necessary changes to include the Small, Minority and Women's owned business language.

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

Electronically Signed

Lynda Westphal, MHS, SNS
Coordinator, NSLP

cc: Colleen Fillmore, PhD, RDN, LD, SNS, Director, Child Nutrition Programs
Janitzi Furniss, Child Nutrition Director, Clark County School District

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3. email: program.intake@usda.gov.

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