



February 12, 2020

David Aiken, Superintendent  
Lapwai School District #144  
404 South Main Street  
Lapwai, ID 83540

Dear Superintendent Aiken,

On November 12 -13, 2019, State Department of Education (SDE) Coordinators Teresa Goodsell and Jessica Spoja conducted an Administrative Review of Lapwai School District for the following United States Department of Agriculture (USDA) programs:

- Fresh Fruit and Vegetable Program (FFVP)
- National School Lunch Program (NSLP)
- School Breakfast Program (SBP)
- USDA Foods

The site reviewed was Lapwai Elementary School (operating Provision 2 Breakfast and Lunch).

The State agency would like to thank Ann Munstermann and the staff of Lapwai 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, 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 – 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 he must complete USDA civil rights training. Training is available on the Child Nutrition Training Portal.

**Corrective Action (CAP):** Upload a certification of completion to provide documentation that the Hearing Official received civil rights training.

**Due Date for CAP Completion:** November 26, 2019, extended to December 6, 2019

**Corrective Action Response:** On December 6, 2019 the SFA uploaded a copy of the certification of completion for the Civil Rights training completed by the Hearing Official on November 26, 2019.

### Finding 2 – Civil Rights

Per FNS Instruction 113-1, Local Education Authorities (LEA) are responsible for training their "frontline staff" who interact with program applicants or participants. These individuals must be provided civil rights training on an annual basis.

**Corrective Action (CAP):** Please use the available *Civil Rights Training for Frontline Staff* flyer to train school district staff. Teachers whose students participate in the Fresh Fruit and Vegetable Program must read the flyer and sign the attached acknowledgement indicating they have received the training. Upload a copy of the signed acknowledgement into MyIdahoCNP.

**Due Date for CAP Completion:** November 26, 2019, extended to December 6, 2019

**Corrective Action Response:** On December 9, 2019, the SFA uploaded a copy of the sign in sheet for front line staff who participated in a Civil Rights training conducted on November 11, 2019.

### Finding 3 – School Food Authority (SFA) Onsite Monitoring

According to 7 CFR 210.8 (a)(1) and 7 CFR 220.11 (d)(1), each SFA with two or more feeding sites must perform no less than one on-site review of the meal counting and claiming system and the readily observable general areas of review identified under 7 CFR 210.18(h) in each school operating NSLP and 50% of schools operating SBP under its jurisdiction prior to February 1, each school year. The requirement was not completed during SY18-19.

**Corrective Action (CAP):** Complete the required SFA Onsite Monitoring for SY19-20 using the available form found in the download forms section of MyIdahoCNP. Upload a copy of the completed form.

**Due Date for CAP Completion:** November 26, 2019, extended to December 6, 2019

**Corrective Action Response:** On December 6, 2019, the SFA uploaded a copy of the completed monitoring form after conducting a breakfast and lunch onsite review on November 11, 2019.

#### **Finding 4 – Local Wellness Policy**

LEAs must assess their wellness policy at least once every three years on the extent to which schools are in compliance 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.

**Corrective Action (CAP):** Please conduct and upload a copy of the local wellness assessment; an assessment template located in the download forms section of MyIdahoCNP can be used to guide the assessment. Once completed, make a copy of the local wellness policy assessment available to the public via the school district website. Please provide the State Agency with a link to the assessment upon completion of the update to the website.

**Due Date for CAP Completion:** November 26, 2019, extended to December 6, 2019

**Corrective Action Response:** On December 6, 2019, the SFA uploaded a copy of the local wellness policy assessment which was conducted on December 5, 2019.

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

The United States Department of Agriculture established minimum Professional Standards for school nutrition professionals who manage and operate the National School Lunch and School Breakfast Programs, effective July 1, 2015. 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. Options include the FNS online tracking tool and tracking resources available in MyIdahoCNP under Download Forms in the Professional Standards section.

**Corrective Action (CAP):** Develop a tracking log, or use the available USDA Professional Standards tracking log, to ensure all staff are meeting the required training hours. Upload a copy of the completed tracking log into MyIdahoCNP.

**Due Date for CAP Completion:** November 26, 2019, extended to December 6, 2019

**Corrective Action Response:** On December 6, 2019, the SFA uploaded a completed tracking form for school district school nutrition professionals.

#### **Finding 6 – Smart Snacks**

Schools must meet the minimum requirements 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. Lapwai High School set up a "school store" directly next to the State agency reviewers that sold non-compliant beverage and food items on the day of review. The LEA must follow their wellness policy and only sell items that are Smart Snack compliant. If items being sold to students are not meeting Smart Snack regulations, they 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 the foodservice director. 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.

**Corrective Action (CAP):** Provide written documentation (an email would suffice) describing how Lapwai High School plans to comply with Smart Snacks regulations. If the store is to continue as an exempt fundraising event, a fundraising tracking log identifying the school store and future dates must be completed and uploaded for approval by the State agency.

**Due Date for CAP Completion:** November 26, 2019, extended to December 6, 2019

**Corrective Action Response:** On December 6, 2019, the SFA uploaded a copy of the written policy for complying with Smart Snacks regulations.

### **Finding 7 – Meal Quantities and Components (Breakfast)**

For the week of menu review, CN Resource, an independent contractor, determined the breakfast menu did not meet the minimum daily fruit requirement. Fruit was offered daily, however the minimum required portion size was not met.

**Corrective Action (CAP):** Provide a written statement that the daily fruit requirement is now met. Include details to describe what specific changes were made to the menu to correct all menu review findings and bring the menu into compliance. Submit necessary documentation to demonstrate that the menu findings listed above are now corrected. This documentation must include: completed production records for October 28 – November 1, 2019, 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:** November 4, 2019

**Corrective Action Response:** On November 21, 2019, CN Resource provided additional technical assistance regarding adding number of portions in the leftover column of the production records to ensure meals are meeting minimum required portion size requirements; the finding was then closed.

### **Finding 8 – Meal Quantities and Components (Lunch)**

For the week of menu review, CN Resource, an independent contractor, determined the lunch menu did not meet the minimum daily vegetable requirement. Vegetables were offered daily, however the minimum required portion size was not met.

**Corrective Action (CAP):** Provide a written statement that the daily fruit requirement is now met. Include details to describe what specific changes were made to the menu to correct all menu review findings and bring the menu into compliance. Submit necessary documentation to demonstrate that the menu findings listed above are now corrected. This documentation must include: completed production records for October 28 – November 1, 2019, 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:** November 4, 2019

**Corrective Action Response:** On November 21, 2019, CN Resource provided additional technical assistance regarding adding number of portions in the leftover column of the production records to ensure meals are meeting minimum required portion size requirements; the finding was then closed.

## **Finding 9 – Meal Quantities and Components (Lunch)**

On the day of review, the appropriate portions of beans and chicken nuggets were not prepared prior to the start of lunch service. This led to cold beans being served to students. Additionally, an inadequate number of chicken nuggets caused six students to wait for their chicken to cook. In lieu of heating additional chicken nuggets, kitchen staff prepared breaded chicken breasts. The chicken breasts took a considerable amount of time to cook, prolonging the students meal time. Furthermore, chicken breasts may not have the same crediting as a serving of chicken nuggets (adequate portion of grain and m/ma). Significant issues related to crediting, offering minimum required portion sizes, and completed production records were also identified during the meal compliance week of review; conducted in September by Child Nutrition Resource (CNR), a contractor. The State agency determined that a new key staff member at the site needs additional oversight and training to ensure compliance with meal quantities and components. Production records are a critical tool for planning and serving reimbursable meals. Developing adequate skills for completing and complying with the planned meal service is essential to ensure reimbursable meals are served to all students. Errors can result in unsubstantiated claims for reimbursement. Child Nutrition (CN) staff interact with students multiple times a day and students are dependent on this interaction for access to meals. CN staff must represent the school district and the department with a professional demeanor by respectfully serving the students.

**Corrective Action (CAP):** The new staff member, under the supervision of the food service director or the Superintendent, must complete the following trainings located in the Child Nutrition Training Portal:

- *2019 Offer versus Serve at Breakfast;*
- *2019 Offer versus Serve at Lunch;*
- *2019 Intro to NSLP Menus: Breakfast Meal Pattern; and*
- *2019 Intro to NSLP Menus: Lunch Meal Pattern*

Please upload copies of the certification of completion for each of the outlined trainings.

**Due Date for CAP Completion:** November 26, 2019, extended to December 6, 2019

**Corrective Action Response:** On December 6, 2019, the SFA uploaded a statement that the staff member assigned this corrective action had resigned and therefore did not completed the trainings. Based on State agency observations during the day of review, the CAP is considered complete.

## **Commendations**

- CN Resource noted the staff at Lapwai Elementary School had a really clean and organized kitchen and did a great job serving students quickly.
- The salad bar offers a wonderful assortment of fresh produce for students to enjoy.
- The Superintendent and Food Service Director were very engaged with State agency staff during the administrative review exit conference.

## Technical Assistance (TA)

### Civil Rights

- Keep a civil rights binder or folder up-to-date with all required information and place in a location known to food service staff. Ensure the complaint log is marked at the end of each school year to reflect “no complaints” if none were received. Keep this documentation for three years plus current for record retention compliance.

### Fresh Fruit and Vegetable Program

- Please work to provide educational resources for students receiving the Fresh Fruit and Vegetable Program.

### Offer versus Serve

- Offer vs. Serve allows students to decline a certain number of food items at breakfast and food components at lunch, but requires at least  $\frac{1}{2}$  cup of fruit and/or vegetable to be selected as part of a reimbursable meal. The SFA may want to consider increasing the number of fruit and vegetable options available to students during meal service. This could include providing two different fruit options during breakfast and permitting students to select one or both fruit options. For lunch, you may consider offering two vegetables in the same subgroups to allow students to select one or both vegetable options. Students need to be given the option to decline items or components during all meal services.

### Meal Components and Quantities - Lunch

Independent contractor CN Resource completed the menu review and provided the following:

- 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 so that everyone can complete the records.
- 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.
- The federal regulations require a minimum of  $\frac{3}{4}$  cup of vegetable to be offered each day for grades K-5. This was not met on Thursday September 26, 2019. According to the label and the USDA Food Buying Guide, a 2.25 oz. tri-tator patty is creditable for  $\frac{1}{4}$  cup vegetable. The patty served was only 2 oz., and therefore only creditable at  $\frac{1}{8}$  cup vegetable. Combined with the  $\frac{1}{2}$  cup broccoli, total vegetables served this day was  $\frac{5}{8}$

cup. Consider increasing the serving size of the broccoli to 5/8 cup to meet minimum requirements.

- Topic-specific policy, regulations, free nutrition education curricula, and resource materials, along with ideas for adding tasty kid-friendly foods to school meals can be found at [Nutrition Standards Resource](#).
- Production records did not provide adequate information as recorded. It is a requirement of the federal regulations to maintain completed production records. Fruit types were not identified on the production records. This information was obtained to complete the review.

### **Meal Components and Quantities - Breakfast**

Independent contractor CN Resource completed the menu review and provided the following:

- The federal regulations require specific serving sizes of fruit/vegetable for breakfast. Servings were sometimes less than the required 1 cup serving.
- The banana offered on Wednesday September 25, 2019 only credits for ½ cup according to the USDA Food Buying Guide. Consider offering another ½ cup fruit option or ½ cup juice in addition to the banana to meet daily minimum requirements.
- [The Food Buying Guide](#) for Child Nutrition Programs has all current information in one manual to help determine the specific contribution each food makes toward the meal pattern requirements and purchase the right amount of food and the appropriate type for school meals.
- Production records did not provide adequate information as recorded. It is a requirement of the federal regulations to maintain completed production records. Fruits were not identified in the production records and serving sizes did not always match the measured amount reflected on the production record.

### **Special Provision Options**

- Provision 2 Base Year (SY11-12) benefit issuance was previously validated by the SA on February 29, 2012, and again on August 25, 2016. The retention of all required Provision 2 documentation was confirmed during the administrative review. Daily meal count records by student name and eligibility along with all other Base Year records are kept in a banker box at the junior/senior high school in the food service director's office. The current Provision 2 cycle expires at the end of SY2022-23. If you wish to continue with Provision 2 breakfast and lunch, you must contact the SA prior to the expiration date to see if you qualify for an extension. Please ensure all required Provision 2 documentation, including base year daily meal count records by student name and eligibility, is maintained per requirements.

### **Procurement**

- A procurement review is currently being completed. Please be responsive to the requests for documentation and be prepared to follow the guidance provided in a separate closure letter.

## 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,



Teresa Goodsell, MPA, SNS  
NSLP and USDA Foods Program Coordinator

cc: Colleen Fillmore, PhD, RDN, LD, SNS, Director, Child Nutrition Programs  
Ann Munstermann, Food Service Director, Lapwai 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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