



January 17, 2020

Robin Gilbert, Superintendent
Payette School District
409 7th Ave N.
Payette, ID 83661

Dear Superintendent Gilbert,

On December 10, 2019, State Department of Education (SDE) Coordinators Jennifer Butler and Lynda Westphal conducted an Administrative Review of Payette School District for the following United States Department of Agriculture (USDA) programs:

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

The site reviewed was Payette Primary School (operating Community Eligibility Provision).

The State agency (SA) would like to commend Kellie Campbell and the entire staff of Payette 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:

Findings and Corrective Action Plan (CAP)

Finding 1 – Civil Rights – Nondiscrimination Statement (NDS)

The Civil Rights (NDS) must accompany any printed and web-based materials referencing FNS programs. The Food Service website included the incorrect short NDS, and must be corrected. Web pages associated with program operation should list the full USDA NDS with details on participants' right to file a complaint. The full NDS is available in both English and Spanish on the SA website under [Civil Rights](#).

CAP: Post the full USDA NDS on the school food service webpage. Notify the SA when the website has been updated.

Due Date for CAP Completion: January 15, 2020; completed December 11, 2019

Corrective Action Response: The SFA corrected the short NDS and added the full NDS to the foodservice web page.

Finding 2 – Civil Rights – Complaint Procedure

Procedures for receiving and processing complaints must include that the State agency will be advised of the complaint within 3 working days. No written procedures were available explaining the process to be followed when a complaint is received (7 CFR 210.15(a)(6)). This procedure should be kept with the Civil Rights binder that includes complaint forms and tracking logs available at each service site. Annual civil rights training must cover the complaint procedure and processing expectations.

CAP: Procedures for receiving and processing complaints must be uploaded. This procedure must include wording that the State agency will be advised of the complaint within 3 working days.

Due Date for CAP Completion: January 15, 2020; completed January 13, 2020.

Corrective Action Response: SFA submitted the SA template civil rights complaint procedure which includes that the SA must be notified of the complaint within 3 working days.

Finding 3 – Local Wellness Policy

The Local Wellness Policy (LWP) was found out of compliance with the USDA Final Rule. On July 29, 2016, the USDA Food and Nutrition Service (FNS) finalized regulations to create a framework and guidelines for written wellness policies established by LEAs. Technical Assistance (TA) was provided during the last AR (April 25, 2017) advising that LEAs were required to comply fully with the requirements of the final rule by June 30, 2017. More information is available on the SA [School Wellness webpage](#).

CAP: Provide a written plan for how and a timeline for when the wellness policy language will be brought into compliance with Federal requirements.

- During the Exit Conference the LEA identified intentions to adopt the ISBA policies. Required policies are identified in the TA section below.

Due Date for CAP Completion: January 15, 2020; completed January 7, 2020.

Corrective Action Response: A plan was provided advising that the LEA has signed an agreement with the ISBA for district policy manual update services. All policies will be reviewed and updated within the next 18 months and anticipated to be adopted no later than July 2021. The first of several foodservice and wellness policies, ISBA Policy #8200 Nutrition and Wellness Guidelines, was presented at the December 9, 2019, board meeting for the first reading. The policy is expected to be adopted on the third reading scheduled for February 10, 2020.

Finding 4 – Smart Snacks

Schools must meet the minimum requirement 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. During the last AR, Smart Snacks TA was provided. Food and beverages sold to students (even through the PTA) must comply with specific nutrition standards, 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 with the school secretary and identified that fundraisers were not tracked and popcorn and cotton candy fundraisers were non-compliant.

CAP: Provide a written plan describing how all schools plan to comply with Smart Snacks regulations, including a tracking process for all fundraisers, even if held by the PTA.

Due Date for CAP Completion: January 15, 2020; completed January 7, 2020.

Corrective Action Response: The LEA advised that the Foodservice director reviewed all the procedures for tracking fundraisers and met with all building administrators to discuss the Smart Snack guidelines and fundraiser tracking. The foodservice director will meet with building administrators regularly to ensure proper training and compliance with Smart Snack guidelines.

Finding 5 – Resource Management - Indirect Costs

The SY18-19 indirect cost base was not charged correctly; this is a repeat finding. Using the calculation framework provided by the State Department of Education's (SDE) Finance Department, it was identified that food service was overcharged \$88.77 when using the Restricted Cost Rate percentage. Calculation steps are outlined on page 7 of the Idaho Indirect Cost Rate Plan Manual dated May 2019, as well as within the e-mail sent with the approved Indirect Cost Rate issued by the Finance Department.

CAP: Although fiscal action will not be required, the LEA must adopt internal controls to ensure noncompliance does not occur in the future. Provide a written plan describing what steps will be taken to ensure accurate calculation of indirect costs using resources provided by SDE finance.

Due Date for CAP Completion: January 15, 2020; completed January 7, 2020.

Corrective Action Response: A plan was provided stating that the business manager has reviewed the State Department of Education Indirect Cost Manual and received training on the calculation process from the SDE Public School Finance Financial Management Sr. Analyst. With the new understanding, the overassessment will be refunded with the 2019-2020 indirect cost is assessed.

Commendations

- The food service director was very responsive to the SA and proactive in preparing for the AR.
- The SFA's Facebook page included great pictures of meal trays and fruit art. This extra effort can go a long way in promoting a positive message for the FFVP and school meal programs.
- CNR provided the following commendations:
 - Food service director has all required records organized and available.
 - Kitchen staff completed production records throughout the workday, making these true working documents.
 - Students were served both breakfast and lunch in a warm, friendly environment.
 - Food safety implementation includes chart to track temperatures for complex food preparation- excellent method of documenting food safety practices.
 - Outstanding job meeting all meal pattern requirements for the week of menu review. All daily and weekly meal component and food quantity requirements were met.

Technical Assistance (TA)

Meal Counting and Claiming

- Daily meal counts must be obtained using an allowable method. The SFA was advised that the teachers marking student rosters with the absences and cold lunches (therefore counting the unmarked students as eating) is not an approved meal counting method as this system cannot render accurate meal counts for eligible meals per the Administrative Review Manual. A designated Point of Service person needs to do a manual tally or use a mechanical clicker (which was used at breakfast) to count reimbursable meals.

Pre-K Meal Pattern

- Head Start is served in the cafeteria and is present when older grades arrive during lunch. This difference in service times does not meet the requirements to be considered comingled and requires students to be served the entire meal (no OVS). Clarification was provided on expectations of comingling. Head Start is comingled during breakfast and pre-packaged meals are delivered to pre-k in a separate building. The pre-k meal pattern is being met with items from the K-5 menu.

Professional Standards

- The SFA is currently implementing a process that ensures the required trainings – food safety, OVS, and civil rights- are conducted at the beginning of each school year. However, the agenda doesn't specify what topics were covered under each area, nor indicate the amount of time for training. The agenda should specifically identify that "OVS breakfast" and/or "OVS lunch", as applicable, was part of the training agenda. Specific food safety topics and elements of civil rights should be listed as well. This will help document the completeness of training.

Civil Rights

- If there is a Medical Statement for Meal Accommodation Form on file for a student, then the identified substitution must be on hand for the student to be able to select a complete meal. Several students had forms on file indicating milk intolerances and either did not select milk or brought in their own substitution. Following discussions, the SFA ordered soy and almond milk to have on hand for those students desiring a milk accommodation.

Local School Wellness Policy (LWP)

- Federal legislation requires school districts to implement a local wellness policy that must include language:
 - Permitting parents, students, school board, PE teachers, school health professionals, school food service staff, administrators, and community members to participate in the development, implementation, review, and update of the local wellness policy.
 - Identifying wellness policy leadership of one or more LEA and/or school official(s) who have the authority and responsibility to ensure each school complies with the wellness policy.
 - Specifying measurable goals for nutrition education, nutrition promotion, physical activity, and other school-based activities to promote student wellness that are written with consideration for evidence-based strategies.
 - Addressing nutrition guidelines for all foods and beverages sold on the school campus during the school day and for providing school meals that adhere to Federal meal pattern requirements.
 - Identifying nutrition standards for non-sold foods and beverages available during classroom and school celebrations.
 - Stating a policy for food and beverage marketing that allows the marketing and advertising of only those foods and beverages that meet Smart Snacks in School nutrition standards.
 - Addressing an evaluation conducted once every three years of the wellness policy and the extent to which schools are in compliance, how the district policy compares to model wellness policies, and the progress made in attaining local wellness policy goals.

- 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.
- For more information regarding local wellness policies, please visit the Idaho SDE Child Nutrition Programs [School Wellness website](#).
- If adopting the ISBA policies, the following sections must be adopted in order to create a complete compliant policy.
 - Policy 2305- Nutrition Services
 - Policy 2310- Nutrition Education
 - Policy 2315- Physical Activity Opportunities and Education
 - Policy 7310- Advertising in Schools/Revenue Enhancements
 - Policy 8200- Local School Wellness
 - Policy 8210- District Nutrition Committee
 - Policy 8230- Nutrition Standards
 - Policy 8240- School Meals
 - Policy 8250- Guidelines for Food and Beverages Sales

Smart Snacks

- Per state policy, a maximum of ten exempted fundraisers per school site per year may be approved. An exempted fundraiser can be held for a maximum of four consecutive school days. All exempted fundraisers beyond ten must be pre-approved by the SA using the request form available on the SA website. Additional information is available on the SA [Smart Snacks website](#) where a template fundraising tracking form may be found.
 - The [SA fundraiser tracking template](#) includes an option to check “non-food” for ease in tracking those types of sales along with the “compliant” and “exempted” food fundraiser options. The purpose of tracking all fundraising, including both food and non-food, is because the SA requires at least 50% of fundraising to be exempted or non-food related. If the need arises to request an additional exempted fundraiser (beyond the 10 locally approved), the [pre-approval request form](#) must be submitted along with the school’s fundraiser tracking form.
- The [Smart Snacks Product Calculator](#) is a useful tool that produces a report that can be used to confirm and document compliance. This tool may be used to assist the PTA in finding a compliant popcorn option.

Fresh Fruit and Vegetable Program (FFVP)

- Remind teachers of FFVP expectations. Consider having teachers read and sign-off on the FFVP Training Quick Sheet located in Download Forms. This should help ensure they are aware of FFVP requirements to help avoid food safety violations and the unallowable practice of serving FFVP at the end of the school day as students leave the classroom.

- An optional low-fat or fat-free dip can only be served with vegetables. Peanut butter is not a low-fat dip, so is not allowed. Even if the cost of a high fat dip is not claimed with the grant, serving it would not fall in line with the goals of the FFVP.
- The “Buy American” requirement in the National School Lunch Program (as provided in 7 CFR 210.21(d)) applies to purchases made with FFVP funds.

Procurement

- A procurement review was recently completed. Please follow the guidance provided in that separate closure letter.

Special Provision Options – Community Eligibility Provision (CEP)

- Direct Certification (DC) reports for April 1 data must be run each year.
- Maintenance of CEP records for SY 18-19 (data year used) and SY 19-20 (first cycle year) were validated; ensure all CEP records continue to be maintained as per requirements. The current CEP approval expires at the end of SY 22-23. If you intend to start a new CEP cycle, you must notify the State agency of your intent to elect CEP no later than June 30, 2023 and provide enrollment lists and valid direct certification documents, by sites, as of April 1, 2023.

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,



Jennifer Butler, MEd, SNS
NSLP Coordinator

cc: Colleen Fillmore, PhD, RDN, LD, SNS, Director, Child Nutrition Programs
Kellie Campbell, Child Nutrition Director, Payette School District

Civil Rights

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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.

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