

May 3, 2023

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

Dear Superintendent Bernatz,

On March 6, 2023, State Department of Education (SDE) Coordinators Cambria Steffler and Pamela Murray conducted an Administrative Review (AR) of the Department of Juvenile Corrections - Lewiston for the following United States Department of Agriculture (USDA) programs:

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

The site reviewed was the Department of Juvenile Corrections - Lewiston.

The State agency (SA) would like to commend the entire staff of the 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 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:

Findings and Corrective Action Plan (CAP)

Finding 1 – Civil Rights

The USDA non-discrimination statement (NDS) on the website is outdated. The current full NDS can be found on the [SDE website](#).

CAP: Update the USDA NDS on the website, and provide a link to the updated webpage.

Date of CAP completion: Due April 21, 2023; Submitted April 19, 2023; Accepted April 27, 2023

Corrective Action Response: The SFA has updated the website to include the correct NDS.

Finding 2 – Afterschool Snack Program [REPEAT FINDING]

The facility did not have documentation of the Afterschool Snack Program (ASSP) being reviewed for the 2022-2023 school year. The SFA must conduct a self-review of each afterschool snack operation twice per year. The SFA must conduct the first self-review during the first four weeks that the ASSP begins each school year and conduct the second self-review of the afterschool snack program prior to the end of each school year.

CAP: Complete and upload a copy of the ASSP self-monitoring review form.

Date of CAP completion: Due April 21, 2023; Submitted April 14, 2023; Accepted April 27, 2023

Corrective Action Response: The SFA completed the ASSP review while the SA was on-site and provided a copy of the report.

Finding 3 – Buy American

When CNR was onsite, they observed mandarin oranges. The site did not have any documentation for an exception on using a non-domestic product. The food service director was advised that documentation is required for the use of non-domestic products (e.g. food component not produced in sufficient quantities, pricing, etc.). While the SA was on site, Buy American exception forms were not provided for fresh tomatoes (Mexico), bananas (Guatemala), canned mandarin oranges (China), canned pineapple tidbits (Indonesia), canned pineapple juice (Philippines), and canned baby corn (Vietnam). 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. Include the Buy American Provision in SFA solicitation documents for the purchase of commercial foods. 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).

CAP: Complete the Buy American exception forms with documentation for fresh tomatoes (Mexico), bananas (Guatemala), canned mandarin oranges (China), canned pineapple tidbits (Indonesia), canned pineapple juice (Philippines), and canned baby corn (Vietnam).

Date of CAP completion: Due April 21, 2023; Submitted April 19, 2023; Accepted April 27, 2023

Corrective Action Response: The SFA uploaded Buy American exception forms and supporting documentation for all out of compliance foods.

Finding 4 – Professional Standards

The SFA does not have an updated training tracking log for the child nutrition program staff. The USDA has 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. A training tracking log template can be found on the SDE website.

CAP: Upload a completed training tracking log for all child nutrition programs staff.

Date of CAP completion: Due April 21, 2023; Submitted April 14, 2023; Accepted April 27, 2023

Corrective Action Response: The SFA uploaded a Professional Standards training tracking log for all kitchen staff members.

Finding 5 – Breakfast and Lunch Meal Components and Quantities - Milk

Independent contractor CN Resource (CNR) conducted the menu review and identified that only one milk type was offered. Regulations require that a variety of at least two milk types are offered with each meal weekly in RCCIs.

CAP: Provide supporting documentation and a written statement that the milk requirement is now being 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. Supporting documentation may include: menus, production records, nutrition facts labels, Child Nutrition (CN) labels, and recipes.

Date of CAP completion: Due April 6, 2023; Submitted April 14, 2023; Accepted April 18, 2023

Corrective Action Response: The SFA uploaded a written statement saying a variety of milk types will be served and recorded on the production records.

Finding 6 – Breakfast Meal Components and Quantities - Grain

Independent contractor CN Resource (CNR) conducted the menu review and identified the daily minimum grain requirement was not met for one day of the menu review. Regulations require a daily minimum of 1 oz equivalent. The Product Formulation Statement (PFS) uploaded for the Nutri Grain bar credited only 0.75 oz. eq. grain each.

CAP: Provide supporting documentation and a written statement that the daily grain requirement is now being 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. Supporting documentation may include: menus, production records, nutrition facts labels, Child Nutrition (CN) labels, and recipes.

Date of CAP completion: Due April 6, 2023; Submitted April 19, 2023; Accepted April 19, 2023

Corrective Action Response: The SFA provided nutrition facts labels for cereal and nutri-grain bars that showed the grain requirement is met.

Finding 7 – Lunch Meal Components and Quantities – Red/Orange Vegetable Subgroup

Independent contractor CN Resource (CNR) conducted the menu review and identified the weekly red/orange vegetable subgroup requirement was not met. No creditable red/orange vegetables were served during the week of menu review.

CAP: Provide supporting documentation and a written statement that the weekly red/orange vegetable subgroup requirement is now being 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. Supporting documentation may include: menus, production records, nutrition facts labels, Child Nutrition (CN) labels, and recipes.

Date of CAP completion: Due April 6, 2023; Submitted April 14, 2023; Accepted April 18, 2023

Corrective Action Response: The SFA uploaded a copy of the spaghetti recipe that was served during the menu review. The spaghetti recipe credited for $\frac{3}{4}$ cup red/orange vegetables. The SFA adjusted the menu to serve additional vegetables to meet the 1 cup minimum serving size for the day, and added additional red/orange vegetables for the week to meet the $1\frac{1}{4}$ cup minimum for red/orange vegetables.

Finding 8 – Lunch Meal Components and Quantities - Vegetables

The federal regulations require a minimum of 1 cup of vegetables to be offered each day for grades 9-12. This requirement was not met on Tuesday. A recipe for the spaghetti meat sauce was not submitted, therefore crediting could not be determined for the spaghetti sauce.

CAP: Provide supporting documentation and a written statement that the daily vegetable requirement is now being 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. Supporting documentation may include: menus, production records, nutrition facts labels, Child Nutrition (CN) labels, and recipes.

Date of CAP completion: Due April 6, 2023; Submitted April 14, 2023; Accepted April 18, 2023

Corrective Action Response: The SFA uploaded a copy of the spaghetti recipe that was served during the menu review. The spaghetti recipe credited for $\frac{3}{4}$ cup red/orange vegetables. The SFA adjusted the menu to serve additional vegetables to meet the 1 cup minimum serving size for the day, and added additional red/orange vegetables for the week to meet the $1\frac{1}{4}$ cup minimum for red/orange vegetables.

Finding 9 – Lunch Meal Components and Quantities - Fruit

Independent contractor CN Resource (CNR) conducted the menu review and identified the daily fruit requirement was not met for one day of the menu review. A whole banana was served which credits at only $\frac{1}{2}$ cup fruit per the USDA Food Buying Guide.

CAP: Provide supporting documentation and a written statement that the daily fruit requirement is now being. 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. Supporting documentation may include: menus, production records, nutrition facts labels, Child Nutrition (CN) labels, and recipes.

Date of CAP completion: Due April 6, 2023; Submitted April 14, 2023; Accepted April 18, 2023
Corrective Action Response: The SFA will add a 4 oz juice on the days that a banana is served for lunch.

Finding 10 – Lunch Meal Components and Quantities – Meat/Meat Alternate

Independent contractor CN Resource (CNR) conducted the menu review and identified the daily meat/meat alternate requirement was not met for two days of the menu review. A Child Nutrition (CN) Label or Product Formulation Statement (PFS) was not available for the hot dog served on Sunday. On Tuesday, a recipe was unavailable to determine the crediting for the meat in the spaghetti sauce. Since supporting documentation was not available for the two items, the weekly minimum was not met.

CAP: Provide supporting documentation and a written statement that the daily meat/meat alternate requirement is now being 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. Supporting documentation may include: menus, production records, nutrition facts labels, Child Nutrition (CN) labels, and recipes.

Date of CAP completion: Due April 6, 2023; Submitted April 14, 2023; Accepted April 18, 2023
Corrective Action Response: The SFA provided a copy of the PFS for the hotdog, and has added a cheese stick to the spaghetti menu to meet the minimum meat/meat alternate serving size.

Commendations

- The visiting Director is highly professional and personable. Her knowledge of the program and skill set allowed for quick corrections moving the facility forward in the right direction.
- Kitchen staff have a great rapport with the youth.
- The food service supervisor is highly professional and personable. She is easy to work with and amenable to feedback.
- CNR advised that Department of Juvenile Corrections - Lewiston has a spotless kitchen! It was wonderful to get to spend time in such a clean, well-organized space.

Technical Assistance (TA)

Meal Components and Quantities

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

- Many of the labels submitted were generated by the distributor or vendor. Obtain labels directly from the manufacturer of the product or from the product packaging and keep on file, so they can easily be referenced when determining menu compliance.
- A Child Nutrition Label or Product Formulation Statement was not submitted for all processed menu items. This documentation was secured for the required menu items in order to confirm meal pattern crediting. This documentation was uploaded to our

website where the files may be accessed. A sponsor should maintain this documentation on file to document meal pattern requirements as met.

- A standardized recipe is a recipe that has been carefully adapted and tested to ensure that it will produce a consistent product each time it is prepared. The recipes submitted were not always written in a standardized format with complete information. Standardize the recipes so that true yields and portion sizes can be determined. Items on the menu that need standardized recipes include the spaghetti with meat sauce, oriental chicken salad, and fajita chicken to be standardized recipes must include at a minimum the following:
 - All ingredients in the recipe.
 - Correct volume or weighted measure of each ingredient.
 - Serving/portion sizes for each grade group.
 - The true yield made by the recipe.
 - Clear and complete preparation steps and directions.

Afterschool Snack Program (ASSP)

- While the snack portion sizes are correct, the Afterschool Snack Program's production records show the weight of the product instead of the ounce equivalents that the product credits for. The production records should have the crediting amount listed.

Buy American Provision

- Per 7 CFR 210.21 (d) Sponsors must purchase, to the maximum extent practicable, domestic commodities and products for use in the NSLP. This applies to all food/beverage products purchased using funds from the non-profit food service account. However, there are limited exceptions to be used as a last resort with documentation.
 - When a product is not produced or manufactured in the US in sufficient and reasonable quantities of satisfactory quality
 - When competitive quotes, bids, or proposals reveal the cost of a US product is significantly higher than the foreign product

Professional Standards

- Training standards apply to all school nutrition program employees, regardless of student enrollment in the school district or size of the Local Educational Agency (LEA). Note: If hired January 1 or later, an employee must only complete half of the required training hours.
 - Directors – must complete at least 12 hours of annual continuing education/training. These required hours are in addition to the food safety training required in the first year of employment.
 - Managers - must complete at least 10 hours of annual continuing education/training.
 - Staff working an average of at least 20 hours per week - must complete at least 6 hours of annual continuing education/training.
 - Part-time staff working less than 20 hours per week - at least 4 hours annual continuing education/training, regardless of the number of part-time hours worked. (7 CFR 210.30 Professional Standards Regulations)

- Per 7 CFR 210.30(b)(1)(v), food service directors must complete eight hours of food safety training every 5 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. The Professional Standards for School Nutrition Program Employees brochure was provided. CNP Directors must complete at least 12 hours of annual training. These required hours are in addition to the food safety training required in the first year of employment. When a new CNP director is hired, ensure the new director meets the professional hiring standards requirements under 7 CFR 210.30 and 235.11 which includes having the necessary food safety training.

Local School Wellness Policy

- LEA's 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.

Procurement

- A procurement review is currently being completed. Kat Forstie, Procurement Specialist is waiting for some answers in order to complete the review. Please 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,

Cambria Steffler

Cambria Steffler, MS, RD
NSLP Coordinator

cc: Lynda Westphal, MHS, SNS, Director, Idaho Child Nutrition Programs
Jennifer Butler, MEd, SNS, Lead NSLP Coordinator, Idaho Child Nutrition Programs
Christopher Chapple, Child Nutrition Director, Department of Juvenile Corrections - Lewiston

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To file a program discrimination complaint, a Complainant should complete a Form AD-3027, USDA Program Discrimination Complaint Form which can be obtained online at: <https://www.usda.gov/sites/default/files/documents/USDA-OASCR%20P-Complaint-Form-0508-0002-508-11-28-17Fax2Mail.pdf>, from any USDA office, by calling (866) 632-9992, or by writing a letter addressed to USDA. The letter must contain the complainant's name, address, telephone number, and a written description of the alleged discriminatory action in sufficient detail to inform the Assistant Secretary for Civil Rights (ASCR) about the nature and date of an alleged civil rights violation. The completed AD-3027 form or letter must be submitted 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; or
2. **fax:**
(833) 256-1665 or (202) 690-7442; or
3. **email:**
Program.Intake@usda.gov

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