

June 6, 2023

Tana Kellogg, Superintendent
Highland Joint School District
112 Boulevard Ave
Craigmont, ID 83523

Dear Superintendent Kellogg,

On April 5, 2023, State Department of Education (SDE) Coordinators Cambria Steffler and Pamela Murray conducted an Administrative Review (AR) of Highland Joint School District for the following United States Department of Agriculture (USDA) programs:

- National School Lunch Program (NSLP)
- School Breakfast Program (SBP) Operating Provision 2 breakfast option
- USDA Foods

The site reviewed was Highland School.

The State agency (SA) would like to commend Nathan Weeks and the entire staff of Highland Joint 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 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 an alternate 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 – Buy American Provision

The SFA did not have Buy American exception forms for out of compliance foods. The out of compliance products observed were canned mandarin oranges from China, canned pineapple tidbits from Vietnam, canned tropical fruit salad from Thailand, and fresh tomatoes from Mexico. 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. 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). The Buy American exception form can be found in MyIdahoCNP.

CAP: Complete the Buy American exception form for the canned mandarin oranges from China, canned pineapple tidbits from Vietnam, canned tropical fruit salad from Thailand, and fresh tomatoes from Mexico.

Date of CAP completion: Due April 20, 2023; Returned for correction and due date extended; Completed May 25, 2023

Corrective Action Response: The SFA completed the exception forms as required, but must establish a practice of following Buy American Provision requirements set out in §7 CFR 210.21(d). Technical assistance is provided below to support program requirements.

Finding 2 – 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 20, 2023; Completed April 17, 2023

Corrective Action Response: The SFA uploaded completed professional standards training tracking logs for all child nutrition employees.

Finding 3 – Lunch Meal Components and Quantities - Fruit

The federal regulations require a minimum of 1 cup of fruit to be offered each day for grades 9-12. This requirement was not met on Wednesday. The dried cranberries package served credited at only 1/2 cup fruit. The federal regulations require minimum weekly amounts for fruit. The weekly minimum of 4 cups was not met for grades 9-12, with 3-1/2 cups served.

CAP: Provide a written statement and documentation that the daily and weekly fruit requirements are now met.

Date of CAP completion: Due March 20, 2023; Completed March 13, 2023

Corrective Action Response: The SFA will offer two packages of dried cranberries to grades 9-12.

Finding 4 – Lunch Meal Components and Quantities - Grain

The federal regulations require menus to be planned that meet the daily minimum 1oz. eq. grain requirement for grades K-8 and 2-ounce equivalent for grades 9-12 for the grain requirement. This requirement was not met on 1 day. The federal regulations also require weekly minimum amounts of grains to be served. The weekly requirement of 8 oz. eq. was not met for grades 9-12. The menu offered a minimum of 6.75 oz. eq. of grain throughout the week. Two labels were submitted for chicken nuggets. The most recent label submitted was for a product which credits 5 (0.67 oz.) nuggets at 1 oz. eq. grain. Grades 9-12 were served 4 nuggets, which credits at only 0.75 oz. eq. grain. Grades K-8 were served 3 nuggets, which credits at only 0.50 oz. eq. grain.

CAP: Provide a written statement and documentation that the daily & weekly grain requirements are now met.

Date of CAP completion: Due March 20, 2023; Completed March 21, 2023

Corrective Action Response: The SFA will increase the serving size of chicken nuggets to 5 nuggets for grades K-8 and 10 nuggets for grades 9-12.

Finding 5 – Lunch Meal Components and Quantities – Meat/Meat Alternate

The federal regulations require menus to be planned that meet the daily minimum 2 oz. eq. and a weekly minimum of 8 oz eq. meat/meat alternate requirement for grades 9-12. This requirement was not met on Monday, and only 7.50 oz equivalents were served throughout the week. Two labels were submitted for chicken nuggets. The most recent label submitted was for a product which credits 5 (0.67 oz.) nuggets at 2 oz. eq. meat/meat alternate. Grades 9-12 were served 4 nuggets, which credits at only 1.5 oz. eq. Increase the serving size to 5 nuggets to reach the 2 oz. eq. requirement.

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

Date of CAP completion: Due March 20, 2023; Completed March 13, 2023

Corrective Action Response: The SFA will increase the serving size of chicken nuggets to 5 for grades 9-12.

Commendations

- The cafeteria is decorated with fun and attractive wall murals providing a pleasant environment for meal service. The students clearly enjoy the meals and take advantage

of what is offered. The staff knows the students by name and have a great rapport with them.

- The kitchen manager does a great job providing fresh vegetables to the students. The salad bar seems to be a favorite with many students taking full advantage of the offerings.

Technical Assistance (TA)

Meal Components and Quantities

- Independent contractor CN Resource completed the menu review and provided the following TA:
 - Production records are a written record demonstrating that a reimbursable meal was served. They also provide valuable information for planning and forecasting menus. See below for a description of problem areas noted in completing production records. –
 - Ensure the school name is clearly indicated on each production record.
 - No planned servings were provided for each individual item; only total number of students planned.
 - Cereal, milk & juice – provide planned servings for each type planned.
 - A sponsor must maintain current manufacturer nutrition facts labels. Many labels submitted were generated from the vendor and not manufacturer labels. Vendor labels may not be a current and an accurate reflection of the manufacturer's nutrition facts label.
 - 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.

Buy American Provision

- There are limited exceptions to the Buy American provision which allow for the purchase of foods not meeting the "domestic" standard. Before utilizing an exception, alternatives to purchasing non-domestic food products should be considered. For example, the SFA should ask if there are other domestic sources for this product or similar products and if they are procuring products at the best time of year to utilize produce that is in season. The SFA must keep their justification for purchasing products outside the US on file with their exception form.
- The SA's SY21-22 Procurement Review required the SFA to add Buy American Provision wording in their procurement policy. It does not appear the SFA is currently following this policy. The SFA must ensure that steps are taken to follow this policy and stay in compliance with Buy American Provision regulations.

- The SA's SY21-22 Procurement Review provided technical assistance about providing back up documentation for the Buy American exception forms by asking for information from the vendor or using the American Marketing Service (AMS) website. During this administrative review, the SA provided guidance about requesting the country of origin for the produce they purchase from their vendor or using the AMS if the vendor does not provide the documentation. It was enforced that the country of origin should be disclosed prior to purchasing so the SFA can choose to select another item produced in the United States or purchase the item and utilize an exception form.
- Per 7 CFR 210.21 (d) Sponsors must purchase, to the maximum extent practicable, domestic commodities and products for use in the NSLP.
 - A domestic commodity or product is an agricultural commodity produced in the US and a Food product that is processed in the US using substantial; agricultural commodities.
 - Applies to all food/beverage products purchased using funds from the non-profit food service account.
 - Limited exception (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)

Local School Wellness Policy

- The Local Wellness Policy must include language specifying guidelines in regards to nutrition promotion to promote student wellness. The current policy includes minimal language in regards to the promotion of only items that meet the Smart Snack standards. SA provided a copy of the district's policy with notes to consider.
- FNS regulation 7 CFR 210.31(e)(2) require that, at least once every three years, local educational agencies (LEAs) assess compliance with the local school wellness policy and

make assessment results available to the public. FNS issued nationwide waivers delaying the deadline for the first triennial assessment to June 30, 2023. The SFA opted into Waiver 7 with an anticipated assessment date of April 27, 2023. The last assessment was completed and posted in 2020.

Special Provision Options

- Provision 2 Base Year (SY22-23) benefit issuance was validated via a desk review on October 27, 2022 and during the AR on April 5, 2023. The retention requirement of all required Provision 2 documentation was discussed. Base Year records will be kept in a file cabinet in the main office. Ensure all required Provision 2 documentation, including base year daily meal count records by student name and eligibility, is maintained per requirements.
- This new Provision 2 cycle expires at the end of SY25-26. If you wish to continue with Provision 2 breakfast, you must contact the SA prior to the expiration date to see if you qualify for an extension.

Resource Management

- The SFA opted not to increase paid lunch prices for SY2022-2023 due to a positive fund balance as allowed in SP 08-2022. The current weighted average of \$2.75 is below the target weighted average price of \$3.31 for SY 2022-2023. The SFA should keep this discrepancy in price in mind when preparing to increase lunch prices in subsequent school years.

Procurement

- A procurement review was previously completed. Please follow the guidance provided by Procurement Specialist Kat Forstie 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
Nathan Weeks, Child Nutrition Director, Highland Joint School District

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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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