

March 22, 2023

Rebecca Stallcop, Superintendent
Liberty Charter School
9955 Kris Jenson Lane
Nampa, ID 83686

Dear Superintendent Stallcop,

On January 12, 2023, State Department of Education (SDE) Coordinators Cambria Steffler, Jennifer Butler, and Pamela Murray conducted an Administrative Review (AR) of Liberty Charter School for the following United States Department of Agriculture (USDA) programs:

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

The State agency (SA) reviewed Liberty Charter School.

The SA would like to commend Cecily Vietti and the entire staff of Liberty Charter School 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 – Certification and Benefit Issuance

A review of 85 applications resulted in a 3.53% error rate. One application, affecting 3 students, required changes in benefits. The application for these three students resulted in the determination being denied, but the students were marked as foster with a free benefit without documentation validating this change. A letter of adverse action will need to be sent to the family notifying them of their benefit issuance change if no documentation can be provided verifying their foster status. The household may submit an application which will need to be determined using the income guidelines.

CAP: Provide documentation verifying the foster status of these three students. If no documentation can be produced, a letter of adverse action notifying household of benefit change will need to be sent. Upload a copy of the documentation or adverse action letter.

Date of CAP completion: January 17, 2023

Corrective Action Response: The sponsor uploaded a copy of the adverse action letter sent to the household and benefit issuance list shows students benefits have been changed to free.

Finding 2 – Certification and Benefit Issuance

The Direct Certification list needs to have the correct header containing the words "Direct Certification Matches for," or "State Level Matches" and the date. The SFA provided a copy of the direct certification list, but it did not contain the proper header demonstrating it was obtained from the state system.

CAP: Upload a copy of the direct certification list with the correct header.

Date of CAP completion: January 12, 2022

Corrective Action Response: The SA viewed the corrected DC list while on-site. The SFA showed understanding of how to save and print a list with the correct header.

Finding 3 – Verification

The SFA completed verification on time, but did not complete the entire process as required. A second notice of review and a notification of the outcome of verification was not provided to the household selected for verification. The Food Service Director spoke to a member of the household on the phone and notified them of their benefit changing, but did not document this in writing.

CAP: Provide a written statement of how you will handle the second notice of verification and a notification of the outcome of verification will be sent to the household undergoing verification.

Date of CAP completion: January 13, 2023

Corrective Action Response: The sponsor will mail the second notification of verification one week after the initial notification if no response is received. They will send the letter of verification outcome on November 1.

Finding 4 – Meal Counting and Claiming

A total of 38 kindergarten student lunch meals are unallowable due to meals being prebagged and given to children to take with them when they leave at the end of their school day. The SFA advised that this practice began while operating SSO and was not discontinued. Due to all COVID-19 waivers ending after SY21-22, and the return to NSLP operations in SY22-23, previously allowed flexibilities no longer exist. Meals must be served to students on campus during the designated meal service time. The SA sent notice to all sponsors on April 21, 2022, that next year (SY23) all School Nutrition Programs were returning to normal operations; this was also covered during webinars and renewal.

CAP: Inform parents of kindergarten students that meals will no longer be bagged for students to take with them. If kindergarten students wish to participate in the lunch meal, they must stay at the school and consume their lunch meal onsite. Upload a copy of the communication distributed to the parents of those students. Provide the SA with daily lunch totals by eligibility for the kindergarten students for December, so fiscal action can be calculated based on reimbursement rates. Count unallowable kindergarten meals for January and exclude them when calculating the January claim. Upload supporting documentation showing the January claim total calculation.

Date of CAP completion: January 13, 2023

Corrective Action Response: Daily meal counts for kindergarten students were provided and the SA calculate fiscal action on the non-reimbursable meals taken and consumed off-site. The SFA also provided a copy of the note provided to parents advising that lunch would no longer be offered to kindergarten students in order to comply with requirements. Although, congregate feeding solutions were discussed, the SFA ultimately opted to no longer provide meals to kindergarten students due to meal timing and space for on-site consumption.

Finding 5 – Meal Counting and Claiming

Although students are not overtly identified as free or reduced, names and account balances are visible on the POS screen for anyone walking by. Based on limitations with moving the POS, consider purchasing screen covers to help limit visibility of the POS screen to support student privacy. This is a repeat finding from the last AR.

CAP: Provide receipt for a privacy screen or written procedure for a plan to prevent other student's from seeing student identifiable information related to meal service.

Date of CAP completion: January 17, 2023

Corrective Action Response: The sponsor uploaded proof of purchase for a privacy screen.

Finding 6 – Civil Rights

Procedures for receiving and processing Civil Rights complaints must include that the SA will be advised of the complaint within 3 working days. The written procedures provided in the AR is missing this required language. This has been escalated to a finding as technical assistance was provided on this requirement during the last review. The SA has made available a complaint procedure that can be adopted or modified to outline more specific steps.

CAP: Upload a copy of a new complaint procedure that includes the required timeframe to notify the SA that has replaced the incorrect procedures in the complaint binder. Provide training to all foodservice staff and adults assisting in the kitchen and cafeteria on the new complaint procedures. Upload an explanation of how staff was trained on the new procedure and dates the training occurred.

Date of CAP completion: January 17, 2023

Corrective Action Response: The sponsor uploaded a copy of their procedure with the required timeframe to notify the SA. A sign in sheet and agenda was provided for the training on the new procedure conducted on January 13, 2023.

Finding 7 – Civil Rights

School Foodservice Authority staff (i.e. kitchen staff, determining official, and confirming official), school staff who interact with program applicants or participants (cafeteria aides), and the hearing official must have annual civil rights training. Although training records were provided for foodservice staff and the determining, confirming, and hearing official, no training occurred for the administrators helping with the school meals.

CAP: Have all administrators helping with school meals read and sign the one-page frontline staff civil rights training document. Upload the signed civil rights documents for review.

Date of CAP completion: January 17, 2023

Corrective Action Response: The FSD had all staff watch the civil rights video, and provided an agenda and sign in sheet.

Finding 8 – Civil Rights

Update the non-discrimination statement to the correct USDA non-discrimination statement available at the [USDA Website](#). The USDA NDS on the benefit issuance notification letter contained an outdated version.

CAP: Upload a copy of the letter with the updated NDS.

Date of CAP completion: January 12, 2022

Corrective Action Response: The FSD corrected the letter while the SA was on site and provided a physical copy for review.

Finding 9 – Food Safety

Food safety training is required annually. This training should cover the site's individual HACCP plan. The food service staff completed the annual training conducted by the SA which covered general food safety, but there was no documentation that there was training on the site's HACCP plan. School administration staff also helps in the kitchen and serve meals, therefore must also have food safety training directly related to the tasks they do.

CAP: Complete a food safety training, including the HACCP plan, for all child nutrition staff members, administrators, and student servers. Provide an agenda and sign in sheet of this training.

Date of CAP completion: January 17, 2023

Corrective Action Response: The sponsor uploaded a sign in sheet and agenda for the food safety training.

Finding 10 – Food Safety

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)). The following products were identified as out of compliance: sliced ripe olives from Morocco and Spain, crushed pineapple from Philippines, mandarin oranges from China, and fresh pineapple from an unknown country of origin. If a product from another country is sourced, then the food service director 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 SA’s “Buy American Exception Form” for all food products requiring documentation. Upload completed documentation.

Date of CAP completion: January 17, 2023

Corrective Action Response: The sponsor uploaded the Buy American exception forms for all food products.

Finding 11 – Meal Components and Quantities - Lunch

For the week of menu review, the K-5 and 9-12 lunch menus did not meet the minimum daily requirements for meat/meat alternate, and the 9-12 lunch menu did not meet the minimum weekly requirements for meat/meat alternate. The federal regulations require menus to be planned that meet the daily minimum 1oz. eq. meat/meat alternate requirement for grades K-5 and the daily minimum of 2oz eq. for grades 9-12.

CAP: Provide a written statement that the meat/meat alternate requirement is 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. Submit supporting documentation to demonstrate that the menu is now corrected.

Date of CAP completion: December 1, 2022

Corrective Action Response: The sponsor increased the amount of meat in the spaghetti recipe and potato and ham soup recipe.

Finding 12 – Meal Components and Quantities - Lunch

For the week of menu review, the K-5, 6-8, and 9-12 lunch menus did not meet the minimum weekly requirement for the bean/legume vegetable subgroup. Beans/legumes were offered, but not in large enough quantities to meet the weekly requirement. The USDA worksheet shows the bean/legume requirement as met, however 1/2 cup beans was not available for all meal lines as the black beans offered daily were only available to the Southwest Cobb Salad line.

CAP: Provide a written statement that the beans/legume vegetable subgroup requirement is 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. Submit supporting documentation to demonstrate that the menu is now corrected.

Date of CAP completion: December 1, 2022

Corrective Action Response: The sponsor added additional beans to their refried bean recipe and increased the serving size.

Finding 13 – Meal Components and Quantities - Lunch

For the week of menu review, the 9-12 lunch menu did not meet the minimum daily and weekly requirements for grain. The federal regulations require menus to be planned that meet the minimum daily 2-ounce equivalent grain requirement for grades 9-12. This requirement was not met on all days.

CAP: Provide a written statement that grain requirement is 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. Submit supporting documentation to demonstrate that the menu is now corrected.

Date of CAP completion: December 1, 2022

Corrective Action Response: The sponsor added a 2-ounce roll to the Southwest Cobb Salad.

Commendations

- The Food Service Director was open to feedback and willing to make changes based on observations and input.
- The staff members showed great rapport with the students during the meal service times and spent time conversing with the students.
- CN Resource completed the menu review and provided the following commendation: Great job meeting meal requirements and teaching students, they were all very knowledgeable on what constitutes a reimbursable meal.

Technical Assistance (TA)

Verification

- A confirmation review must occur prior to sending out the household letter for Verification to ensure the correct determination was originally made. This review must be documented on the application. As an online application system is utilized, the SFA will need to add details from the For Internal Use Only section of a paper app, including adding a space for the confirming official to sign and date and the verifying official to sign and date as well as document the results of verification and when the required notices were sent.
- The sponsor completed verification for the required number of students, however all the required documentation was not kept together for review. The verification documents provided for review did not contain the original application or the final letter notifying parents of the results of the verification process. All correspondence and documentation should be kept on file together.

Meal Components and Quantities

- Be sure to share any communication from the SA or the USDA on policy updates or guidance related to meal pattern or nutrition requirements to the SFA's contracted menu planner.

- The lunch menu uses creative adjectives to describe each meal component which positively promotes meals. However, caution should be used with describing potato chips as "salty" (Jan 11). Attention should be given to the sodium reduction requirements in child nutrition programs and the nutrition promotion elements of the local wellness policy. Consider changing the adjective to "crunchy" or something similar.
- Independent contractor CN Resource completed the menu review and provided the following TA:
 - On day of review there was no signage for what constitutes a reimbursable breakfast to students. Site just started serving breakfast and does not have signage for breakfast yet. Technical assistance provided to post signage explaining what constitutes a reimbursable breakfast meal.
 - The menu was not followed for the week of menu review, however the substitutions made were documented and acceptable to meet meal pattern requirements. The breakfast menu planned on 12/9/22 listed Breakfast Bites; however, Cinnamon Rolls will be served instead.
 - A Child Nutrition (CN) Label or Product Formulation Statement (PFS) was not available for some menu items. Choose a product with this documentation in order to determine meal pattern crediting.
 - 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 standardized format with complete information.

Civil Rights

- Ensure the Civil Rights complaint log is dated annually, with a new log started each year. If no complaints were received during the school year, write "No complaints" on the log at the end of the school year and retain the documentation for three years plus the current year. Writing "No complaints" documents what occurred during the school year and helps to ensure the log is the final log and not an extra copy.
- The complaint forms in the Civil Rights binder are from 2014 and included the incorrect Non-discrimination Statement (NDS). Using the link in Download Forms, print off new complaint forms in English and Spanish to have available.

Food Safety (HACCP)

- The temperature of dry storage needs to be recorded daily.
- Temperatures for equipment are recorded on the daily production record. The SA discussed the use of a monthly temperature log for equipment to help demonstrate patterns in equipment temperatures when seeing the temps on one sheet. A monthly log template is available in Download Forms.

Offer versus Serve (OVS)

- Train staff on OVS annually. All staff training should include an agenda and sign-in sheet and training documentation should be maintained on file at the SFA for three years plus the current year. OVS training is available through the State agency training portal and a training log is available in MyIdahoCNP Download Forms.

Resource Management Comprehensive Review

- Paid Lunch Equity
 - The SFA's SY22-23 USDA Paid Lunch Equity (PLE) Tool identified a required weighted average price of \$3.31 (rounded to \$3.30) for student paid lunches. The SFA's prices are below equity with an approved \$2.63 weighted average price. The current \$2.50 and \$2.75 prices were approved because of the Attestation of Compliance with PLE form completed for SY22-23. Consider an increase greater than 10 cents next year in order to catch up to your weighted average requirement.
- Revenue from Nonprogram Foods
 - Check Lunch and Breakfast recipes for complete calculations. A cinnamon roll breaks out at only .01 per serving. Banana Bread recipe has no flour and cost breaks out at 0.03 per serving. Food cost on milk and muffin on the A La Carte menu are above the recommended 40% industry standard and in jeopardy of non-compliance.

Procurement

- A procurement review was previously completed. Please follow the guidance provided by Procurement Specialist Kat Forstie in a separate closure letter.

Fiscal Action

Due to benefit issuance errors and claiming of unallowable lunch meals, fiscal action results in \$26.40 for breakfast and \$347.54 for lunch. However, since these amounts fall under the \$600 threshold, the fiscal action will be disregarded and no financial adjustment will occur.

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
Cecily Vietti, Food Service Director, Liberty Charter School

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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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