

February 3, 2023

Jon Abrams, Superintendent
Oneida County School District #351
195 South 300 East
Malad City, ID 83252

Dear Superintendent Abrams,

On November 16, 2022, State Department of Education (SDE) Coordinators Jax Dunham and Jamie Gibson conducted an Administrative Review (AR) of Oneida County School District for the following United States Department of Agriculture (USDA) programs:

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

The site reviewed was Malad Middle/Senior High School.

The State agency (SA) would like to commend Jean Coburn and the entire staff of Oneida County 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 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

One application was miscalculated and resulted in 6 students changing from free to reduced eligibility. While on site, notices of adverse action were sent to the household requiring changes to the benefit issuance list following the 10-day period.

CAP: Change student benefits to reduced and send household adverse action letters. Upload documentation showing that the required benefit changes took effect on December 6, 2022.

Date of completion: December 12, 2022

Corrective Action Response: Documentation was uploaded demonstrating that the 6 students were changed from free to reduced eligibility on December 6, 2022.

Finding 2 – Civil Rights

An outdated non-discrimination statement (NDS) is included on the SFA's district website. The SFA must update the website to include the current full NDS. The current full NDS is available in both English and Spanish on the SA website under [Civil Rights](#).

CAP: The food service director will work with the district webmaster to post the current full USDA NDS on the school food service webpage. Notify the SA when the website has been updated.

Date of completion: December 12, 2022

Corrective Action Response: The school district food service website was updated with the updated full NDS statement.

Finding 3 – Local School Wellness Policy

In July 2016, the regulations on wellness policies (§210.31) was finalized and required LEAs to be in compliance by June 30, 2017. The LEA's current LWP is missing required elements, making it noncompliant. Specifically, the policy does not address a policy for the marketing of competitive foods and beverages. The wellness policy committee must work to get the LWP compliant with the final rule requirements.

CAP: Upload a narrative describing the plan for how and when the LWP will be brought into compliance with Federal requirements.

Date of completion: December 12, 2022

Corrective Action Response: Documentation was uploaded stating that the LWP will be updated to be in compliance by the end of February 2023.

Finding 4 – Food Safety

Each SFA must have a written food safety plan for compliance with Hazard Analysis Critical Control Point (HACCP) program criteria found in 7 CFR 210.13(c). The HACCP plan must have an

employee exclusion element as required by Idaho Food Code. The HACCP binder that the SA reviewed on site did not include this section.

CAP: Update your HACCP binder at each site to include the employee exclusion standard operating procedure (SOP) and update staff on the new addition. Upon update, upload a copy of the new HACCP plan.

Date of completion: December 12, 2022

Corrective Action Response: Documentation was uploaded demonstrating the new employee exclusion SOP included in the HACCP plan. The SFA stated that this new SOP was reviewed at all schools before being implemented.

Finding 5 – Buy American Provision

The SA observed items that were procured from outside of the United States including bananas, canned mandarin oranges from China, and canned pineapple from Indonesia. 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, the SFA 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. The SFA should require suppliers to attest that their final food products are either 100% domestic commodities or a food product containing over 51% domestic food components, by weight or volume. The SFA must keep documentation justifying the limited exception(s); make use of the document available in Download Forms.

CAP: Complete and sign the SA's Buy American Exception Form for the bananas, canned mandarin oranges, and canned pineapples. The SFA must also provide a written procedure detailing how they will implement the required practices for Buy American going forward. Once completed, upload the documentation into MyIdahoCNP.

Date of completion: December 12, 2022

Corrective Action Response: The SFA completed and uploaded the SA's Buy American Exception Form for the bananas, canned mandarin oranges, and canned pineapples. A narrative was also provided describing how the SFA will fill out the Buy American Exception Form at the beginning of each school year for items that require an annual exception.

Finding 6 – Smart Snacks

Malad Middle/High School had one vending machine which contained non-compliant snack items on during the school day. An additional vending machine found in the cafeteria was turned off. 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. Food and beverages sold to students 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 regulations with Malad High School front office staff. 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.

CAP: Provide written documentation describing how Malad Middle/High School plans to comply with Smart Snacks regulations.

Date of completion: December 12, 2022

Corrective Action Response: Written documentation was uploaded stating that outlets with timers have been purchased to ensure that vending machines with noncompliant food items are not available to students during the school day.

Commendations

- The food service director was very welcoming. The SA was provided with swift responses to all items that the food service director was tasked with providing.
- The SFA demonstrated excellent note taking when reviewing and determining free and reduced applications.
- Malad Middle/High School staff were very personable with students, and they did a good job reminding students to take items to ensure they had a reimbursable meal.
- Independent contractor CN Resource completed the menu review and provided the following commendations:
 - The SFA did excellent work meeting all breakfast and lunch meal pattern requirements for the week of menu review.
 - The SFA did a great job serving all meal requirements and a large variety of vegetables.
 - The SFA did an excellent job keeping organized records and food storage compartments.

Technical Assistance (TA)

Certification and Benefit Issuance

- Homeless children remain eligible for free meals for the duration of the current school year, regardless of a change in their living situation, and up to 30 days into the subsequent school year, due to the yearlong eligibility requirement [7 CFR 245.6(c)(1)]. The foodservice director should communicate with the homeless liaison to ensure that information for each homeless student's status is accurate each year.
- The SFA should ensure that letters including household notification of eligibility and denial are retained alongside the applicable applications. This ensures good record keeping practices in the case of a dispute.

Verification

- One verified application had an increase in benefits, but an adverse action letter was sent out notifying the family of the changes in benefits. A notification letter informing the household of an increase in benefits should have been sent, and the change in

eligibility should be effective immediately. The 10-day notice required in an adverse action letter is only applicable when a reduction in benefits occurs.

- If benefits are decreased, a notice of adverse action must be sent. LEAs must provide 10 days advance notification to households that are to receive a reduction or termination of benefits prior to the actual reduction or termination [7 CFR 245.6a(j)].

Meal Counting and Claiming

- The SFA's process for consolidating meal counts by eligibility over the course of the month invites human error. By including dual enrolled students and student servers which require manual counting, the food service director must combine online meal counts with manual meal counts. Though the dual enrolled students and student servers are correctly added to the meal count by eligibility, the SFA should try to implement a new process to prevent errors and reduce labor in the future. It is recommended that the SFA contact their software system provider to see if the student servers and dual enrolled students can have separate inputs at the POS by eligibility to enhance the consolidation of meal counts.
- Program adults work directly with the meal service at the site as either a food service volunteer only or a paid food service employee. Program adults may have meals served at no charge. These meals must not be claimed for reimbursement, but may be counted as legitimate operating costs.

Food Safety (HACCP)

- Temperature logs were being completed, but these logs did not include any space for dry storage temperatures. The SFA must create new temperature logs that include space for recording dry storage temperatures.
- Items being labeled with the date received was occurring inconsistently, and some items were missing a date. Best practice is to label all food items received with inventory tracking dates to ensure that the "First in, First out" method for inventory control is being utilized. For items removed from the original packaging, the SFA should label for identification as well as for inventory dates.

Local School Wellness Policy (LWP)

- The local wellness policy (LWP) summary provided on the foodservice website provides additional wording on nutritional standards separate from that of the districts full LWP. It is encouraged that the wellness policy committee addresses the wording in this summary when assessing and updating the current LWP.

Professional Standards

- Three staff members had incomplete training logs. Employee training logs are saved with the agenda/sign in sheet. The professional standards training that was completed was missing from the employee tracking logs. Training hours logged in the off-site review modules were also missing from the tracking logs. The SFA staff must ensure all completed trainings are logged with the according trainings.

School Breakfast and SFSP Outreach

- SFAs must inform eligible families of the availability of reimbursable breakfasts served under the SBP. In addition to providing all households informational packets with Free and Reduced Meal Applications, schools must send reminders regarding the availability of the SBP multiple times throughout the school year (7 CFR 210.12 (d)). The foodservice page on the district's website would be a good location to promote the breakfast program.

Meal Components and Quantities

- Independent contractor CN Resource completed the menu review and provided the following TA:
 - The chocolate milk offered was 1% chocolate milk. Update the production records to reflect 1% chocolate milk.
 - As meat/meat alternate requirements were already met without counting the meat/meat alternate on the fruit and veggie bar, the cheddar cheese, cottage cheese, and sunflower seeds were not credited towards the meat/meat alternate requirements.
 - The Child Nutrition (CN) Label submitted for the breakfast burrito included a watermark. Secure the correct CN label from the product packaging without the watermark.
 - The documentation for the banana bread included a child nutrition statement, but it was not official or complete crediting documentation. The reviewer secured and uploaded a complete Product Formulation Statement (PFS) for this item, however this is the responsibility of the SFA. Keep the PFS on file for future crediting documentation.
 - The documentation submitted for the breakfast on a stick was not an official CN Label or PFS. A CN Label was obtained which included a watermark. The original CN Label from the product packaging (without the watermark) should be secured and kept on file.

Resource Management Comprehensive Review

- For SY22-23, USDA suggests a \$3.31 target paid lunch price. The SFA's current weighted average requirement is \$2.86, but prices are only at \$2.78 average and below equity. PLE requirements were met for SY22-23 because prices were increased by 30 cents and the SFA submitted an Attestation with proof of a positive fund balance. Watch your fund balance account and monitor meal costs. Consider a greater meal price increase for SY23-24 to be closer to equity.

Fiscal Action

Due to benefit issuance errors, fiscal action results in \$41.70. However, since this amount falls under the \$600 threshold, the fiscal action will be disregarded and no financial adjustment will occur.

Your review is now closed.

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,

Jax Dunham

Jax Dunham, BS, RDN
NSLP Coordinator

cc: Lynda Westphal, MHS, SNS, Director, Idaho Child Nutrition Programs
Jennifer Butler, MEd, SNS, NSLP Coordinator, Child Nutrition Programs
Jean Coburn, Child Nutrition Director, Oneida County School District

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Office of the Assistant Secretary for Civil Rights
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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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