

April 26, 2023

Scott Muir, Superintendent  
Soda Springs School District #150  
60 East 4<sup>th</sup> Street  
Soda Springs, ID 83276

Dear Superintendent Muir,

On March 14, 2023, State Department of Education (SDE) Coordinators Jax Dunham and Jamie Gibson conducted an Administrative Review (AR) of Soda Springs School District for the following United States Department of Agriculture (USDA) programs:

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

The site reviewed was Tigert Middle School.

The State agency (SA) would like to commend Carrie Lewis and the entire staff of Soda Springs 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

A statistical sample of 161 students resulted in 14 benefit issuance errors and an 8.7% error rate.

- One application was miscalculated and resulted in three students changing from free to reduced. The SFA must send this household an adverse action letter notifying of a reduction in benefits.
- One application resulted in six students changing from free to paid due to incorrect calculation and extension of benefits. The SFA must send this household an adverse action letter notifying of a reduction in benefits.
- No application or DC documentation was able to be located to reflect the free or reduced benefits for five students from four households for the current school year. These students were changed to paid while the SA was on-site.

**CAP:** Upload the notices of adverse action which were sent to the households for the two applications affecting nine students requiring changes following the 10-day period. Upload an updated benefit issuance list showing that the appropriate benefit changes have been made for all 14 students on the appropriate dates.

**Date of CAP completion:** Due March 31, 2023; submitted March 27, 2023; accepted March 30, 2023

**Corrective Action Response:** The SFA uploaded an updated benefit issuance list showing that the 14 students had been switched to the correct benefit in the POS system along with the adverse action letters for the two households requiring notification of benefit decreases.

### Finding 2 – Meal Counting and Claiming

The SFA's claim numbers were inconsistent with the point of service software claim reports for the month of February. The SFA's February claim for lunch at Tigert Middle School included eight additional free meals and eight less reduced priced meals due to a non-systemic data input error. The total lunch meals claimed still totaled 1,750 for the month. The SFA's February claim for breakfast also included one additional free meal and one less reduced priced meal due to a non-systemic data input error. The breakfast meals claimed for February still totaled 431 for the month. Prior to the submission of a monthly claim for reimbursement, the SFA must review the meal count data for each school to ensure the accuracy of the claim per CFR 210.8(a)(2). The SFA must work with site managers to ensure that meal counts are consolidated correctly and that accurate claim numbers are submitted to the State Agency to reflect accurate reimbursement.

**CAP:** Provide a procedure detailing how the SFA will ensure that claims are accurately transferred from the POS software to MyIdahoCNP for reimbursement in the future.

**Date of CAP completion:** Due March 31, 2023; submitted March 27, 2023; accepted March 29, 2023

**Corrective Action Response:** The SFA provided a procedure describing that physical counts will be compared with POS software counts to ensure accuracy of claims.

### **Finding 3 – Buy American Provision**

SFAs are 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 documentation that the domestic product is significantly higher in price or not available in sufficient quantities. Documentation for celery from Mexico was not available during the AR.

**CAP:** Complete and upload the SA's "Buy American Exception Form" for the celery from Mexico. Once completed, retain this documentation in your records.

**Date of CAP completion:** Due March 31, 2023; submitted March 29, 2023; accepted March 29, 2023

**Corrective Action Response:** The SFA provided appropriate documentation for the aforementioned product along with narrative describing how American products will be procured in the future.

### **Finding 4 – Meal Components and Quantities - Lunch**

The vegetable component has subgroup requirements which must be met for each grade group. The ½ cup weekly bean/legume vegetable subgroup requirement was not met for grades K-8 with the alternate meal line. Ensure each meal line has all the vegetable subgroups offered throughout the week in amounts to meet the weekly requirements.

**CAP:** Provide a written statement that the weekly beans/legumes vegetable subgroup requirement has been met. Include a detailed statement describing 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. The SFA must also submit supporting documentation such as menus, production records, nutrition facts labels, Child Nutrition (CN) labels, and recipes to support this statement. Once completed, submit the position title(s) of the SFA representative(s) that will oversee this area and ensure future compliance.

**Date of CAP completion:** Due February 14, 2023; submitted February 8, 2023; accepted February 14, 2023

**Corrective Action Response:** Documentation showing that the weekly bean/legume vegetable subgroup requirement has been met for grades K-8 was uploaded.

### **Finding 5 – Meal Components and Quantities - Lunch**

Federal regulations require weekly minimum amounts of meat/meat alternate to be served. The weekly requirement of 7 oz. eq. was not met for grades K-8 as the menu offered a minimum of 6 oz. eq. of meat/meat alternate throughout the week.

**CAP:** Provide a written statement that the weekly meat/meat alternate requirement has been met. Include a detailed statement describing 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.

The SFA must also submit supporting documentation such as menus, production records, nutrition facts labels, Child Nutrition (CN) labels, and recipes to support this statement. Once completed, submit the position title(s) of the SFA representative(s) that will oversee this area and ensure future compliance.

**Date of CAP Completion:** Due February 14, 2023; submitted February 8, 2023; accepted February 14, 2023

**Corrective Action Response:** Documentation showing that the weekly meat/meat alternate requirement has been met for grades K-8 was uploaded.

## Commendations

- The Food Service Director shows passion and is determined to operate a compliant and well-organized program.
- The Food Service Director is implementing a new record keeping process. It is evident the director focused on ensuring all records are retained appropriately.
- Tigert Middle School staff had great rapport with students, greeting them by name. Both breakfast and lunch meal service were performed quickly and efficiently to ensure that students had adequate time to eat.

## Technical Assistance (TA)

### Certification and Benefit Issuance

- When obtaining the SA Direct Certification (DC) list, be sure to save it in a format that captures the appropriate heading to validate the date and where the list came from. The SFA recommends using the PDF download option to capture the required heading information.
- If benefits are decreased, except in the case of benefit changes after the 30-day carryover period, 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)].
- Ensure that the effective date for students that are directly certified (DC) matches the date which the DC list was pulled and uploaded from the state match website.

### Verification

- Error prone applications are applications that document a monthly income within \$100 of the Income Eligibility Guidelines. Error prone applications must be a priority when selecting households for verification.

### Meal Components and Quantities

- Independent contractor CN Resource completed the menu review and provided the following TA:
  - The menu was not followed for the week of menu review; however, the substitutions made were documented and acceptable to meet meal pattern requirements.

- Monday: Cereal was not on the menu but was instead served as an alternative choice.
- Thursday: The cereal bar was not on the menu but was instead served as an alternative choice.
- A Child Nutrition Label or Product Formulation Statement is used to determine how processed food items contribute to the meal pattern. Without this documentation, it may be difficult to determine if the meal component was satisfied. A Child Nutrition Label or Product Formulation Statement was not submitted for all processed menu items. This documentation was secured for the breakfast wrap to confirm meal pattern crediting. The SFA should maintain this documentation on file to document meal pattern requirements as met.

### Food Safety (HACCP)

- Independent contractor CN Resource provided the following TA:
  - Boxes are dated as product comes in. Ensure product that is removed from box is also dated along with the date on the box to ensure that all food items are used in a “first-in, first-out” method.

### Offer Versus Serve (OVS)

- While on site, the SA noticed when a student declined the fruit or vegetable serving the staff then served a full serving of the other. The SA advised the full cup is not required, only a half cup of one or the other is required to be taken. Additionally, the SA observed small water bottles being offered to students in place of a milk. Program operators must not promote or offer water, juice, or any other beverage as an alternative selection to fluid milk in a reimbursable meal throughout the food service area (7 CFR 210.10(d)(4)).

### Civil Rights

- While on site, the SA reviewed the civil rights binder which had the log and complaint form. The SA advised inserting civil rights procedure found in MyIdahoCNP download forms or the district procedure that was uploaded into the off-site review modules into the binder. The SA also advised adding the Spanish version of the complaint form.

### Professional Standards

- Training is being tracked as completed with the online tracking sheet. On the day of onsite review, the director mentioned the training tracking log was lost during winter break, and IT is currently working to recover the file. The director has all supporting documentation on file including sign-in sheets and agendas. The SA was able to review all completed trainings for the current school year. The SA also mentioned tracking all completed on-site trainings. USDA has identified it takes at least 15 minutes to reasonably cover training topics and recommends documented training to be no less than 15-minute increments. If trainings fall short of 15 minutes, follow-up discussion and question and answers sessions should be utilized to bring time to a minimum recordable amount.

## Reporting and Recordkeeping

- Food service records must be maintained for three years plus the current year to document compliance with program regulations and the service of reimbursable meals. The current director is developing new processes for record keeping. The new director was able to find past claim records, training documentation, logs, and renewal information. Past records were not left in an organized manner, but the new process is structured to retain all necessary records.

## Fiscal Action

Due to benefit issuance and meal counting and claiming errors, fiscal action for the NSLP results in \$915.16, and fiscal action for the SBP results in \$273.14. However, since the fiscal action amount for the SBP falls under the \$600 threshold, the fiscal action will be disregarded for the SBP and fiscal action will only be assessed for the NSLP. The fiscal action of \$915.16 will be withheld from future claims.

## Your review is now closed.

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,

*Jax Dunham*

Jax Dunham, BS, RDN  
NSLP Coordinator

cc: Lynda Westphal, MHS, SNS, Director, Idaho Child Nutrition Programs  
Jennifer Butler, MEd, SNS, NSLP Coordinator, Idaho Child Nutrition Programs  
Carrie Lewis, Child Nutrition Director, Soda Springs School District #150

## Civil Rights Nondiscrimination Statement

In accordance with federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, this institution is prohibited from discriminating on the basis of race, color, national origin, sex (including gender identity and sexual orientation), disability, age, or reprisal or retaliation for prior civil rights activity.

Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication to obtain program information (e.g., Braille, large print, audiotope, American Sign Language), should contact the responsible state or local agency that administers the program or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339.

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](mailto:Program.Intake@usda.gov)

This institution is an equal opportunity provider.