



February 16, 2023

Marianne Sanders, Administrator  
Victory Charter School  
9779 Kris Jensen Lane  
Nampa, ID 83686

Dear Administrator Saunders,

On January 25, 2023, State Department of Education (SDE) Coordinators Jennifer Butler, Cambria Steffler, and Pamela Murray conducted an Administrative Review (AR) of Victory Charter School for the following United States Department of Agriculture (USDA) programs:

- National School Lunch Program (NSLP)
- USDA Foods

The site reviewed was Victory Charter School.

The State agency (SA) would like to commend Andrea Mercantonio-Perez and the entire staff of Victory 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

Systemic errors were discovered while reviewing benefit issuance directly related to the use of the online application software and point of service (POS) software programs. Currently, three electronic systems are involved in which the online application benefit determinations link to students in the student enrollment database which updates the POS system. The SFA has identified that benefit issuance changes must be made in both the student enrollment database and POS. However, changes may not occur in the online application system if no application exists.

- The online application system includes functions not being used consistently or correctly. More understanding of how to track changes to submitted applications must be obtained along with developing consistent practice of recording changes and associated dates of benefit changes. For consistency, look into practices of entering data into the online system when paper applications are received from households.
- The POS system provides a variety of reports that identify student "Status" and "Eligibility" which do not always align. Through exploration, it was identified that student status is directly tied to information entered into the POS whereas the eligibility is tied to the online application benefit determination. A "Status Compare Report" was discovered that identifies students with differing status and eligibility. This report may be of value to identify errors early on so that appropriate corrections can be made. As the POS counts participation and identifies student benefits for claim reimbursement, steps must be taken to ensure the accuracy of benefits listed in the system and settle any conflicting status versus eligibility issues.

**CAP:** The SFA must learn more about software features and explore the differences between the reports coming out of the POS as well as learn how to better track changes made to student eligibility in both the online application and POS systems. Upload a narrative identifying a plan to learn how to use each system and address changes to processes specifically addressing the "status" versus "student eligibility" discrepancies as well as details on how the SFA is able to include notes in the online application system showing changes in determination that override the original application submission.

**Completed:** February 11, 2023

**CAP Response:** Upon working with another LEA, the director identified that not all steps were completed as required. Additional training was obtained and the director created step-by-step instructions on how to accurately enter and update students in the student enrollment

database and POS from the online application and direct certification systems. The director will continue to update instructions as applicable and use it to train staff.

### **Finding 2 – Verification**

Though the SFA completed verification, it was not completed within the required timeframe, and households were not provided with all the necessary documentation. For one application, the household was advised of the change in benefit over the phone and no written notification of the outcome of verification was sent. Another application was not sent a second notice as a reminder or the notice of the outcome of verification in a timely manner.

**CAP:** Provide a written statement of how the verification timeline and SFA recordkeeping requirements will be met in the future and how households undergoing the verification process will be provided with a second notice and notification of the outcome in a timely manner.

**Completed:** January 31, 2023

**CAP Response:** The SFA identified the creation of a Standard Operating Procedure (SOP) for the verification process which includes a timeline of action beginning October 1. The SOP outlines timelines and retention for the required notification letters.

### **Finding 3 – Food Safety**

Food safety training is required annually. This training should cover the site's individual Hazard Analysis and Critical Control Points (HACCP) plan. The food service staff completed a training on the site's HACCP plan, but school administration staff working in the kitchen during meal service are not listed on the training sign-in sheet. Since the administration and student servers help in the kitchen and serve meals, they must also have food safety training directly related to the tasks they do.

**CAP:** Complete a food safety training, including covering the school's HACCP plan, for administrators that help in the kitchen. Provide an agenda and sign-in sheet of this training as well as a written statement explaining how food safety will be covered with the student workers that rotate working in the kitchen.

**Completed:** February 9, 2023

**CAP Response:** A food safety training sign-in sheet completed February 9, 2023, was uploaded. An SOP was developed identifying that, at the beginning of each school year, staff and administrators working in the kitchen will be trained on the HACCP manual and food safety and will sign a training sign-in sheet. Student workers are evaluated on their performance and the evaluation sheet was modified to include the statement, "Students are trained daily on HACCP guidelines."

### **Finding 4 – Resource Management**

Prior approval was not obtained for a Capital Expenditure as required per 2 CFR §200.439. The SFA had uploaded a plan to purchase a steamer in the Financial Report area of MyIdahoCNP in response to a spend-down plan for a fund balance in excess of three months, but this did not initiate the process for SA approval for a capital expenditure.

**CAP:** Submit a Capital Expenditure Request in the appropriate section of MyIdahoCNP under SY21-22 as the purchase of the steamer occurred during the last school year. Upload a written narrative detailing safeguards to ensure that Capital Expenditure Requests will be submitted to

the State agency by completing the required request form and awaiting approval before purchasing equipment over the \$5,000 threshold in the future.

**Completed:** February 9, 2023

**CAP Response:** The SFA completed the required request form in MyIdahoCNP and identified the creation of a Standard Operating Procedure (SOP) for requesting prior approval for equipment purchases over \$5,000. The SOP outlines completing the Capital Expenditure Request form, uploading three bids, and waiting for approval. If future equipment purchases are made over the \$5,000 threshold without prior approval, general funds will need to reimburse child nutrition funds for the unapproved purchase.

### **Finding 5 - Meal Components and Quantities – Meat/Meat Alternate**

Independent contractor CNR completed the menu review and identified that for the week of menu review, the 9-12 lunch menu did not meet the minimum daily and weekly requirements for meat/meat alternate. Federal regulations require menus to be planned that meet the daily and weekly minimums. The daily 2oz. eq. meat/meat alternate requirement for grades 9-12 was not met on all five days. The weekly minimum requirement of 10 oz. eq. for grades 9-12 was not met. The menu offered a minimum of 7.5 oz. eq. of meat/meat alternate throughout the week. By following the suggestions to meet the daily meat/meat alternate requirement, the weekly requirement will also be met.

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

**Completed:** December 2, 2022

**CAP Response:** The SFA provided a statement explaining adjustments that were made, including modifying the ham and cheese in the Potato and Ham Soup recipe and obtaining the required crediting documentation.

### **Finding 6 - Meal Components and Quantities - Grain**

CNR identified that for the week of menu review the 9-12 lunch menu did not meet the minimum daily and weekly requirements for grain. Federal regulations require menus to be planned that meet the daily minimum 2oz. eq. grain requirement for grades 9-12. This requirement was not met on all five days. The weekly requirement of 10 oz. eq. was not met for grades 9-12. The menu offered a minimum of 5 oz. eq. of grain throughout the week. By following the suggestions to meet the daily grain requirement, the weekly grain requirement will also be met.

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

**Completed:** December 2, 2022

**CAP Response:** The SFA provided a statement explaining adjustments that were made, including replacing croutons with a roll, revising the hamburger bun recipe, increasing the rice portion, and obtaining required crediting documentation.

## Commendations

- The food service director was very responsive and met all timelines in preparing for the review. She demonstrated a desire to operate a successful program and took immediate action on any suggestions provided.
- The food service staff and administrators showed great rapport with the students while serving meals. The students of all grade levels were respectful and took responsibility for maintaining a clean environment in the cafeteria.
- The food service director showed a strong understanding of professional development trainings with having completed Buy American Exception forms. She stated she learned about them in a training and knew she had to have them.
- CN Resource completed the menu review and provided the following commendation: Excellent work meeting the whole grain-rich and all vegetable and fruit requirements for the week of menu review.

## 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. The best practice for verification documentation includes a copy of the selected application(s), a copy of the initial letter sent to household(s), a copy of the second request letter(s) (if required), copies of all submitted documentation (if applicable), and a copy of the final determination letter(s) advising households of the results of verification.

### Meal Counting and Claiming

- Student workers may receive a meal at no cost to them that can be claimed for reimbursement at their applicable eligibility. The option to be a student worker must be made available to all students regardless of their eligibility status.

### Dietary Specifications and Nutrient Analysis

- 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.

### Meal Components and Quantities

- If modifications or substitutions are made to the planned menu, those changes must ensure the components meet the daily minimum requirements, as well as, the weekly vegetable subgroup and other component crediting requirements.
- 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.
- CNR completed the menu review and provided the following:
  - 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. Please note that per USDA guidance any repeat menu findings in future Administrative Reviews, may result in fiscal action.
  - All menus served must meet all daily and weekly meal pattern requirements for the specific grade group. The sponsor was encouraged to provide training to staff as needed to ensure compliance.
  - The sponsor should maintain Product Formulation Statements or Child Nutrition Labels on file for all processed food products to document meal pattern requirements as met. These labels need to be dated within the last 5 years.
  - Standardize recipes so that true yields and portion sizes can be determined. 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.

### Food Safety

- The most recent food safety inspection report must be posted in a location visible to the public per 7 CFR 210.13(b). The inspection report was relocated from inside the kitchen to the entrance vestibule at the school while the SA was onsite.
- Any staff working in the kitchen, including school administrators and food service employees, must receive annual training on Food Safety, including procedures included in the HACCP manual. All staff training should include an agenda and sign-in sheet and training documentation shall be maintained on file at the SFA for three years plus the current year. Curriculum for student workers must follow the site’s HACCAP manual.
- Temperatures for equipment are recorded on the daily production record. However, the use of a monthly temperature log for equipment helps to demonstrate patterns in equipment temperatures by seeing the temps on one sheet. A monthly log template is available in Download Forms.

## Civil Rights

- School staff who interact with program applicants or participants must have annual civil rights training (in addition to all SFA staff and determining, confirming, and hearing officials). The training agenda and sign-in sheet uploaded did not have names for the administrators helping in the kitchen during meal service, but the paperwork provided to reviewers while on site listed the names of the administrators. Ensure a complete training sign-in sheet is maintained showing all names of those that have received civil rights training.

## Local School Wellness Policy (LWP)

- The wellness policy sections posted to the Lunch Info webpage only include sections 8200-8250 which do not comprise a complete wellness policy. The sections from the 8000 series (8200, 8210, 8220, 8221, 8230, 8235, 8240, and 8250) were either adopted or revised between 2015-2019. Wellness policy regulations were finalized in July 2016, and require elements missing from the 8000 series. Some of the 8000 series sections cross-referenced policy numbers 2305, 2307, and 3420 which help meet requirements. However, there is no cross-reference to 2310 Nutrition Education, which addresses elements required in the final rule.
- There is no policy to address food and beverage marketing that allows the marketing and advertising of only those foods and beverages that meet Smart Snacks in School nutrition standards as required in the final rule. The wellness committee should ensure that the wellness policy addresses all required elements of the final rule, including marketing requirements, and updates any references to other policies outside of the 8000 series. For more information, visit the SA's [School Wellness](#) webpage.

## Resource Management

- Module 700 questions are incomplete or require additional information. Look for emails from Financial Specialist Kat Forstie regarding necessary information and upload a corrected Nonprogram Food Revenue Tool (NPFRT) with edits as discussed. Once completed, additional TA or findings requiring corrective action may be identified.
- The SFA's SY22-23 USDA Paid Lunch Equity (PLE) Tool identified a required weighted average price of \$3.22 (rounded to \$3.20) 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 an attestation of a positive fund balance on 12/31/21 was approved per SP08-2022. Consider an increase greater than 10 cents next year in order to catch up to your weighted average requirement.

## Procurement

- A procurement review was recently 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 Child Nutrition Programs.

Sincerely,

Jennifer Butler, MEd, SNS  
NSLP Coordinator

cc: Lynda Westphal, MHS, SNS, Director, Idaho Child Nutrition Programs  
Andrea Mercantonio-Perez, Child Nutrition Director, Victory Charter School

## Civil Rights Nondiscrimination Statement

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

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