



April 18, 2024

Brenda Piña, Chief Operating Officer  
Gem Prep: Nampa  
310 W. Iowa St.  
Nampa, ID 83686

Dear Chief Operating Officer Piña,

On February 8, 2024, Idaho Department of Education Coordinators Jax Dunham and Cambria Steffler conducted an Administrative Review (AR) of Gem Prep: Nampa for the following United States Department of Agriculture (USDA) programs:

- National School Lunch Program (NSLP)
- USDA Foods

The site reviewed was Gem Prep: Nampa.

The State agency (SA) would like to commend Breanna Harmon and the entire staff of Gem Prep: Nampa 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 – Certification and Benefit Issuance**

A statistical sample of 161 students resulted in a 1.86% error rate. Two applications affecting two students note inconsistent household member numbers and require follow-up to confirm benefits. One application affecting one student noted a case number, but the student was not on a DC list.

**CAP:** Call the households to confirm both household and case numbers. Send adverse action letters to households which have a reduction in benefits. Upload all applications with updated notes on household members, case number documentation, adverse action letters, and a new benefit issuance list noting that the appropriate benefit changes have been made.

**Date of CAP Completion:** Due March 8, 2024; completed March 6, 2024.

**Corrective Action Response:** The SFA uploaded all applications with notes, adverse action letters, and a new benefit issuance list noting that the correct benefits have been issued.

### **Finding 2 – Certification and Benefit Issuance**

One denied application requires follow-up due to listing the same income multiple times. If the income was duplicated, the family will change from denied to reduced price benefits.

**CAP:** Call the household to confirm the correct income. Upload a copy of the application with all notes taken included with the application. If the student changes from denied to reduced price meals, upload a new benefit issuance list showing that the appropriate benefit change has been made.

**Date of CAP Completion:** Due February 23, 2024; completed February 20, 2024.

**Corrective Action Response:** The SFA called the household and confirmed that the same income was listed multiple times. As a result, the student's eligibility was changed from paid to reduced on the benefit issuance list.

### **Finding 3 – Meal Counting and Claiming**

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). When submitting the NSLP claim for the review period (December 2023), the SFA used the monthly meal counts report from the SFA's POS software which includes inaccurate meal counts since it includes accidental double counts in the final counts used for the claim. As a result, the SFA overclaimed 5 free meals, 3 reduced meals, and 36 paid meals.

**CAP:** Utilize the NSLP Corrective Action Procedure Form to note how the SFA will use the edit check report from their software system when submitting and retaining documentation for claims since this report does not include accidental double counts for reimbursable meals.

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**Date of CAP Completion:** Due February 23, 2024; completed February 20, 2024.

**Corrective Action Response:** The SFA uploaded a NSLP Corrective Action Procedure Form noting that the SFA will utilize the Edit Check Report from their current POS software when submitting claims to ensure accuracy. The SFA noted that the Food Service Director (FSD) and Chief Operating Officer (COO) will be responsible for ensuring the process is followed, and they will retain a copy of the Edit Check Report beginning with the January 2024 NSLP claim.

#### **Finding 4 – Civil Rights**

The incorrect non-discrimination statement (NDS) is included on household letters for verification notification, verification results, notification of approval for free and reduced benefits, and notification of direct certification (DC). The correct USDA NDS can be located at: <https://www.fns.usda.gov/civil-rights/usda-nondiscrimination-statement-other-fns-programs>. The SA provides template letters in MyIdahoCNP's Download Forms.

**CAP:** Update all template letters, including eligibility, DC notification, verification, and adverse action letters, to include the correct NDS. Once complete, upload copies of all updated letters.

**Date of CAP Completion:** Due February 23, 2024; completed February 21, 2024.

**Corrective Action Response:** All template letters sent to households were uploaded showing that the current full NDS is now included.

#### **Finding 5 – Local School Wellness Policy**

Per 7 CFR 210.31(e)(2), LEAs must assess their wellness policy at least once every three years on the extent to which schools are in compliance with the district policy, the extent to which the local wellness policy compares to model local school wellness policies, and a description of the progress made in attaining the goals of the local wellness policy. LEAs must make this assessment available to the public in an easily understood manner (7 CFR 210.31(d)(3)).

**CAP:** Upload a plan identifying who at the LEA will be responsible for completing the triennial assessment(s), how the assessment(s) will be completed, when the triennial assessment will be completed, what steps will be taken to ensure this requirement is met on a triennial basis, and how this assessment will be made available to the public in an easily understood manner.

**Date of CAP Completion:** Due February 23, 2024; completed February 20, 2024.

**Corrective Action Response:** The SFA uploaded a plan noting that the School Operations Manager will be responsible for completing the triennial assessment(s) by the month of April every three years with the support of the wellness committee which includes the FSD. The FSD, COO, and School Operations Manager will schedule this in their online calendars to repeat every 3 years. A meeting will be scheduled with the wellness committee to review the current wellness policy, conduct the triennial assessment, and compare the wellness policy to a model policy. Any changes or updates to the local wellness policy will be able to be presented to the Gem Prep Board of Directors in the June meeting. All Triennial assessments will be available to the public through the nutrition page on the school website.

#### **Finding 6 – Professional Standards**

7 CFR 210.30 requires that some form of documentation be kept on file to show Professional Standards compliance. Employee training tracking logs must include the key area/topics and training subjects completed with certificates, agendas, and sign-in sheets retained for backup.

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The SFA has completed the required trainings for all employees according to their training agendas and training tracking log, but the sign in sheet is missing for these trainings or the sign in sheet does not have the required information (date and agenda). The SA has made available a template agenda and sign in sheet that can be used to obtain this information at staff trainings.

**CAP:** Complete the NSLP Corrective Action Plan Document outlining the procedure for how training back up documentation will be obtained and kept on file.

**Date of CAP Completion:** Due February 23, 2024; completed February 20, 2024.

**Corrective Action Response:** An NSLP Corrective Action Procedure Form was uploaded detailing how the SFA will utilize sign in sheets along with agendas to have written record that nutrition staff received applicable training by signing and dating the sign in sheets.

### **Finding 7 – 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, then the SFA must have documentation that the domestic product is significantly higher in price or not available in sufficient quantities. Though the SFA had backup documentation, they did not complete the required Buy American Exception Form. Complete and retain the SA's Buy American Exception Form for all food products requiring documentation.

**CAP:** Complete the NSLP Corrective Action Procedure Form noting how the SFA will retain the SA's Buy American Exception Form for all food products requiring documentation.

**Date of CAP Completion:** Due February 23, 2024; completed February 20, 2024.

**Corrective Action Response:** An NSLP Corrective Action Procedure Form was uploaded detailing how the SFA will ensure the Buy American Exception form is utilized. In this plan, the SFA detailed that the FSD will collect Buy American backup documentation at the beginning of the school year and fill out the Buy American Exception Form for applicable products. Additionally, the COO will review that the proper documentation is in place each year. School nutrition staff will also be aware of and note any nondomestic products that are delivered so that they may notify the FSD.

## **COMMENDATIONS**

- The FSD and COO show a genuine interest in operating a compliant program. All questions were quickly answered, and all changes were swiftly noted and implemented.
- The foodservice team did a great job preparing for the review. All documentation was readily available and well organized when the SA was on-site.
- Though SFA on-site monitoring is not required for SFAs with only one site, the form was still completed by the FSD to ensure compliance.

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## TECHNICAL ASSISTANCE (TA)

### Certification and Benefit Issuance

- Though free and reduced applications with no income can be accepted as complete, best practice is to follow-up with the household to confirm that there is no income and refer them to services within the school if needed.
- The first DC list ran by the SFA was on 9/17/2023, yet school started on 8/16/2023. Best practice is to run a DC list after July 1 or when school begins to best capture all students and notify households in a timely manner so that households know they do not need to submit a free and reduced application.

### Verification

- Hard copies of all notification letters sent to households as part of the verification process must be kept with the application and supporting verification documentation for a complete record. Copies of the original notification of verification letters along with copies of the 2nd attempt letter and final notice letters were not included with the application in the verification file for SY 23-24 though this was filed correctly in previous school years. The SFA attached all verification letters with the according applications in the verification file while the SFA was on-site.
- 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)]. This allows the household to appeal the decision to decrease benefits.

### Food Safety

- Independent contractor CN Resource completed the menu review and provided the following TA:
  - 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. 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).

### Offer Versus Serve

- During the meal service review, the food service staff were pre-plating the meals with a fruit, vegetable, and main entree. The students were asked if they did not want any of the items, and the food service staff would remove the item. The service line was operating this way to streamline the meal service, but there is concern that the students are not being given the chance to deny taking a component. The SA gave guidance on allowing students to grab their fruit at the time they grab their milk and pre-making entrees as options to keep the meal service line moving quickly but not fully pre-plating

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the meal. Utilize the SA's CNP Digital Learning Portal training for ideas on how to develop an OVS training for kitchen staff to enhance understanding.

### Meal Components and Quantities

- Independent contractor CN Resource completed the menu review and provided the following TA:
  - Grades K-8
    - Grade group is not included on production records
    - OVS is not stated on production records
    - Salad serving size should be clearly stated to determine crediting
      - 1 cup serving should be on production records showing a crediting of  $\frac{1}{2}$  cup vegetable.
    - The Child Nutrition (CN) Label submitted for the beef cheese and bean burrito showed an expired CN number. The CN number was verified as active on the USDA CN Label Verification Report.
  - Grades 9-12
    - Grade group is not on production records
    - OVS is not stated on production records
    - Salad serving size should be clearly stated to determine crediting
      - 1.5 cup serving should be on production records showing a crediting of  $\frac{3}{4}$  cup vegetable.
    - The Child Nutrition (CN) Label submitted for the breadstick showed an expired CN number. The CN number was verified as active on the USDA CN Label Verification Report.

### FISCAL ACTION

Due to benefit issuance and meal counting and claiming errors, fiscal action results in \$\$182.75. 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

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cc: Lynda Westphal, MHS, SNS, Director, Idaho Child Nutrition Programs  
Breanna Harmon, Child Nutrition Director, Gem Prep: Nampa

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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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