



March 20, 2024

Superintendent Gregg Russell  
Nampa School District  
8076 E Executive Dr  
Nampa, ID 83687

Dear Superintendent Russell,

On December 12-13, 2023, Idaho Department of Education coordinators conducted an Administrative Review (AR) of Nampa School District led by Coordinator Jennifer Bulter for the following United States Department of Agriculture (USDA) programs:

- National School Lunch Program (NSLP)
- School Breakfast Program (SBP)
- USDA Foods
- Fresh Fruit and Vegetable Program (FFVP)
- Afterschool Snack Program (ASSP)

The sites reviewed were:

- Central Elementary School (operating CEP and ASSP)
- Park Ridge Elementary School (implementing the FFVP)
- Lone Star Middle School
- Skyview High School

The State agency (SA) would like to commend Michelle Eggers and the entire staff of Nampa 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 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

The SA reviewed a statistical sample of 590 applications resulting in a 2.54% error rate. A total of 12 paper applications were incomplete and required missing information. Phone calls were made to the households while the SA was on site and the missing information was added with no change in benefits. Additionally, three applications required changes in benefits for three students; one paper application was miscalculated due to not including all reported income while two online applications were automatically determined for free based on categorical eligibility that could not be validated.

**CAP:** Send notices of adverse action for the three students requiring changes in benefits. Upload copies of the adverse action letter sent to the households and a copy of the benefit issuance list after benefits have been changed following the appropriate timeframe. Additionally, complete the "2023 NSLP Eligibility Determination -Online" training in the CNP learning portal and upload a certificate of completion.

**Date:** Due December 29; extended to and completed January 2, 2024.

**Response:** Letters of adverse action were uploaded, and benefits changed as required. The SFA also uploaded three separate certificates of completion for online courses. In addition to the NSLP eligibility determination course completed on December 20, the determining official also completed the NSLP benefit issuance course on December 15 and direct certification course on December 18, 2024.

### Finding 2 – Verification

During the review of a sampling of applications selected for verification, it was discovered that the SFA used the net income instead of the gross income to calculate the household income. Several applications were verified using the wrong income resulting in incorrect benefits.

**CAP:** Verify household income using gross income, send adverse action letters to households whose benefits were verified incorrectly, and update the benefits after the required timeframe. Upload copies of the adverse action letters and a corrected benefit issuance list showing the

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change in benefits. Additionally, complete the "Online 2023 Verification Training" in the CNP learning portal and upload a certificate of completion.

**Date:** Due December 29; completed December 19, 2023.

**Response:** Verification results were reviewed for all households and benefits determined using gross income. Letters of adverse action were uploaded, and benefits changed as required. The determining official also completed the online verification training and uploaded a certificate of completion dated December 18, 2023.

### **Finding 3 – 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)).

Compliance assessments for each school were completed and available on the district's website, however, the district-level assessment was not provided. The LEA recently adopted a compliant wellness policy, so must establish a practice to assess how the policy compares to model policies and the districts progress in enforcing and following the policy. Note the SA observed vending machines marketing non-compliant beverage items in direct violation of the newly adopted policy and wellness policy requirements outlined in 7 CFR §210.31.

**CAP:** Provide a written plan identifying 1. Who at the LEA will be responsible to complete the triennial assessments for the district policy; 2. Who at the LEA is responsible to complete the triennial assessments for each school's implementation of the policy; 3. How the assessments will be completed; and 4. What steps will be taken to ensure this requirement is met on a triennial basis, including notifying the public in a timely manner.

**Date:** Due January 12; extended to and completed January 19, 2024.

**Response:** A plan was uploaded that identified that the District's Operations Director will ensure building and food service compliance with the district's wellness policy. Food Service will conduct a Triennial Assessment and schedule a meeting with each Building Administrator to complete the Triennial Assessments for their sites. Food service will also report any noncompliance to District's Operations Director and post the Triennial Assessment to the Nutrition Services webpage. Elementary and Secondary Education Directors will correct issues at the building level. Any compliance concerns will be reported to the District's Operation Director.

### **Finding 4 – Smart Snacks**

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 identified that all fundraisers were not tracked in a timely manner and fundraisers exceeding the 4-day limit were being tracked as one

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fundraiser. The SA also observed a vending machine with non-compliant soft drinks available for students to purchase during the school day. Additionally, the SA observed non-compliant marketing on some beverage vending machines, even when the contents were compliant.

**CAP:** Provide a written plan describing how all schools plan to comply with Smart Snacks regulations, including a tracking process for all fundraisers. In the plan, document the position title at each school in the district that is responsible to ensure all Smart Snacks regulations are followed at their respective schools.

**Date:** Due January 12; extended to and completed January 19, 2024.

**Response:** A plan was uploaded that identified that the District's Operations Director will ensure building compliance with Smart Snack Regulations. Food service will ensure any food service department sales meet Smart Snack Regulations. Food service will also provide Fundraising Tracking Forms and procedures to the Building Administrators at the beginning of each school year. The Building Administrators will ensure their facilities meet Smart Snack requirements and correct any noncompliance at the site level. Food service will complete the annual SFA on-site monitoring and report any Smart Snack compliance concerns to the Operations Director, including any issues with the fundraising tracking form.

## COMMENDATIONS

- The child nutrition office staff did an excellent job preparing for the AR. Documents were well organized and readily accessible when the SA arrived, and all requested paperwork was quickly gathered and distributed to the SA for review. The SA took pictures demonstrating how the files were laid out and organized to help support success for other districts.
- The Foodservice Director has a great attitude and is consistently addressing how the program can operate more efficiently. Any suggestions provided by the SA were swiftly adopted or new processes implemented. Potential issues were tended to immediately.
- Congratulations on not having any menu review findings! SA contractor CNR advised of a great job meeting meal pattern requirements and serving fresh fruits and vegetables. They also identified excellent organization in storage compartments and record keeping.
- The kitchen staff at Central Elementary School were very friendly and had great rapport with the students. They also showed great food safety practices and had a well-organized and clean kitchen.
- The Park Ridge Elementary School cafeteria was decked with festive decorations and provided a welcoming environment. Staff bridged a language barrier with a hungry kindergartener who lit up when given the option to have plain chicken without sauce. That made her day and filled her belly!
- The kitchen staff at Lone Star Middle School were very welcoming and had an excellent rapport with the students. The kitchen was well organized and offer versus serve was implemented properly.
- The manager at Skyview High School runs a dynamic and clean cafeteria. It was a pleasure to observe a full cafeteria with students who are clearly enjoying their school meal. The new seating and table arrangements created an inviting atmosphere for

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students to relax and visit with friends during their lunch break. A great deal of care is taken to ensure the school meals are inviting, yet nutritionally sound. The kitchen staff were friendly and interacted well with all the students.

- During the review of a Civil Rights binder, all necessary procedures, forms, and logs were present. It is extremely impressive, and rare, to see instruction in the Civil Rights binder regarding the procedure to assist Limited English Proficiency (LEP) students. The SA appreciates the extra effort to ensure all students have equal access to ask questions or file a complaint.

## TECHNICAL ASSISTANCE (TA)

### Certification and Benefit Issuance

- Multiple applications from the statistical sample were incomplete due to missing a Social Security Number indication, adult signature, or household total. All incomplete applications were paper applications as the online application software requires this information in order to submit. Consider implementing a process in which paper applications are reviewed by two people to ensure they are complete prior to determining benefits.
- According to the definition of “Documentation” included at 7 CFR 245.2 a complete income-based application must provide:
  - Names of all household members;
  - Amount, source, and frequency of current income for each household member;
  - Signature of an adult household member (an electronic signature is acceptable for web-based applications); and
  - Last four digits of the Social Security Number (SSN) of the household’s primary wage earner or another adult household member, or an indication that no adult household member has a SSN.
- The determining official (not the computer system) is ultimately responsible for determining eligibility for free or reduced-price meals. The LEA must ensure their computer system meets all requirements and performs all functions as outlined in this guidance with a high degree of accuracy. The determining official may sign or initial and date a separate sheet of paper that could then be attached to a batch of applications. Alternatively, the official may make a note to the electronic file. The computer system should be able to capture the original date of the approval and the basis for the determination (i.e., household size and income), and update the status of applications to account for transfers, withdrawals, terminations, and any other changes. [Eligibility Manual, page 72]
- When a household applies indicating an Assistance Program, the determining official should compare applications with case numbers to the direct certification list to determine if any children listed on the application are on that list. When a match is not found, the LEA should contact the household for further clarification; or verify the application for cause.

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- When contacting the household for information, be sure to include the name of household member who provided the information and sign and date all notes added directly to the original paper application or in the online application software.
- Acceptable documentation [7 CFR 245.2] to establish eligibility based on homelessness requires the signature of the official from the program who is authorized to provide such documentation on behalf of that program. As the current list is provided electronically with a typed name for a signature, be sure to save the original email from the homeless liaison to retain a legally binding signature [UCC §§ 1-207 and 3-401].

### Verification

- Per 7 CFR 245.6a (h), all verified applications must be readily retrievable. All documents submitted by the household for the purpose of confirming eligibility, reproductions of those documents, or annotations made by the determining official indicating which documents were submitted by the household and the date of submission also must be retained, along with all relevant correspondence between the households selected for verification and the school or LEA. This documentation, including documentation concerning any appeals, must be kept by the LEA to demonstrate compliance with the verification requirements when LEAs are reviewed by State or Federal officials. The documentation must be kept for a minimum of three years, after the date of the fiscal year to which it pertains.

### Meal Components and Quantities

Independent contractor CN Resource (CNR) completed the menu review and provided the following TA:

- During the AR, 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. All menus served must meet all daily and weekly meal pattern requirements for the specific grade group. The sponsor was encouraged to provide training as needed to ensure compliance. Please note that per USDA guidance any repeat menu findings in future Administrative Reviews may result in fiscal action.
- Secure a Child Nutrition (CN) Label or Product Formulation Statement (PFS) for the Breakfast Pizza Squares. The spec sheet submitted included a CN number and meal pattern crediting statement but was not an official CN Label or PFS. The CN number was verified as active on the USDA CN Label Verification Report.
- Production records are a written record demonstrating that a reimbursable meal was served. They also provide valuable information for planning and forecasting menus. The production record for Monday showed the French toast sticks crediting at 1 oz. eq. grain for one serving, however the documentation submitted credited one serving at 2 oz. eq. grain. Update the production record to ensure the crediting matches the product served.
- CN Labels were submitted that included watermarks. Secure for your records the actual CN label from the product packaging, without the watermark. The CN numbers were verified as active on the USDA CN Label Verification Report for the required items.

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- Secure CN Labels or PFS for all required items. The spec sheets submitted included CN numbers and meal pattern crediting statements but were not official CN Labels or PFS. The CN numbers were verified as active on the USDA CN Label Verification Report for required items.
- Menu items listed on the production records did not always match the submitted recipes. The recipe for the enchiladas and queso states each serving is 2 enchiladas and 1 oz. queso. According to the CN labels, each enchilada credits as 1 oz. eq. meat/meat alternate and 1 oz. eq. grain, plus 0.5 oz. eq. meat/meat alternate for queso. The production records list crediting for one enchilada plus queso instead of a serving of 2 enchiladas plus queso as the recipe states. Update the crediting on your production records to 2.5 oz. eq. meat/meat alternate and 2 oz. eq. grain to match the recipe.
- Planned production records initially submitted for 10/6/23 listed carrots as being served instead of the baked beans that were on the menu. After communication with the sponsor, it was determined that baked beans were actually served, not carrots. The error was found before the meal service and corrected. Actual production records for 10/6/23 were sent in at a later date.

### Offer versus Serve (OVS)

- Under Offer versus Serve (OVS), meals that contain fewer than three components (NSLP) or items (SBP), or do not contain at least ½ cup fruit or vegetable, are not reimbursable [7 CFR 210.10 (e)]. The SA observed good implementation and understanding of OVS. However, during lunch observations, staff was reminded about inadequate ½ cup fruit and vegetable portions due to crediting and encouraged to discuss the production record prior to meal service. This was determined to be a non-systemic issue.
- Consistent with the Dietary Guidelines, raw, leafy greens credit for half the volume served. Staff were reminded if a student only selected a 1/2 cup vegetable with a mixed entree, a full cup of leafy greens would be required to meet the 1/2 cup reduced portion size allowed under OVS.
- The reduced 1/2 cup portion size can only be used once for either the fruit or vegetable component under OVS. For reimbursable meals for grades 9-12, pay close attention to the full 1 cup minimum portion size for a full fruit or vegetable component when only fruit, vegetable, and one other full component are selected as part of a reimbursable meal.
- Prior to meal service, it is best practice for staff to discuss the crediting amount of food items and what is required for a reimbursable meal under OVS. The crediting amount listed on the production record will guide this conversation.

### Local School Wellness Policy

- For more information on Local Wellness Policy requirements, visit the following webpages:
  - Local School Wellness Policies at <https://www.fns.usda.gov/tn/local-school-wellness-policy>

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- Local School Wellness Policy Implementation Tools and Resources at <https://www.fns.usda.gov/tn/local-school-wellness-policy-implementation-tools-resources>
- Local School Wellness Policy Outreach Toolkit at <https://www.fns.usda.gov/tn/local-school-wellness-policy-outreach-toolkit>
- Local School Wellness Policy: Guidance and Q&As at <https://www.fns.usda.gov/cn/local-school-wellness-policy-guidance-and-qas>

### Smart Snacks

- 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. Vending, school stores, and fundraising occurring outside of foodservice must comply with specific nutrition standards. Refer to [A Guide to Smart Snacks School](#) available at the USDA website.
- As per 7CFR210.11, the school should have knowledge of and keep a written record of food sales that occur within the school day, but outside of food service. Only foods sold in school and intended for consumption during the school day (from midnight until 30 minutes after the end of school) fall under Smart Snacks regulations. Smart Snacks information and resources, including a sample site tracking form, can be found at the [Idaho Department of Education Child Nutrition Programs Smart Snacks website](#).
- Compliance documentation to support vending machine and a la carte products sold outside of foodservice must be maintained by the entity responsible for stocking the machine or store. The [Smart Snacks Product Calculator](#) is a useful tool that produces a report that can be used to confirm and document compliance.
- All fundraisers, including exempted and compliant, must be tracked. Per state policy, a maximum of 10 exempted fundraisers per school site per year may be approved by the school administrator. A fundraiser can be for a maximum of four consecutive school days. All exempted fundraisers beyond 10 must be pre-approved by the State agency using the Request form [7CFR 210.11]. Details are available at the [Idaho Department of Education CNP Smart Snacks website](#).
- The SA fundraiser tracking template includes an option to check “non-food” for ease in tracking those types of sales along with the “compliant” and “exempted” food fundraiser options. The purpose of tracking all fundraising, including both food and non-food, is because the SA requires at least 50% of fundraising to be exempted or non-food related. If the need arises to request an additional exempted fundraiser (beyond the 10 locally approved), the pre-approval request form must be submitted along with the school’s fundraiser tracking form.
- The SA observed a beverage vending machine selling non-compliant soft drinks from which students were able to purchase drinks during the school day at Skyview HS. The machine should either be disabled during the school day, the drinks switched out for compliant items, or the sale of the non-compliant drinks should count toward the 10 exempted fundraisers allowed for the year.

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- When reviewing the fundraiser tracking log with the Skyview HS principal, it was discussed that one fundraiser can only be a maximum of four consecutive school days (otherwise it must count as multiple fundraisers); compliant fundraisers, including non-food, were not identified on the fundraising log and should be added to the log immediately; signage outside of the cafeteria indicated a 'candy cane' fundraiser at lunch time. When asked, the principal was aware of the fundraiser, but it was not on the fundraiser tracking log at the time of the AR.

### Resource Management

- Per 7 CFR 210.14, SFAs must observe the restrictions on the use of nonprofit food service revenue so that all revenue is used for operating the meal service and/or improving its quality and efficiency. Revenue may be used for food, supplies, equipment, and personnel to operate the meal service. While reviewing the nonprofit food service account, it was discovered that an unallowable purchase of foliage for retirees was incorrectly charged to the food service account. The receipt included a note that indicated the purchase was to be charged to a different account and the Foodservice Director confirmed that the wrong account was used to purchase these items. The SFA must carefully monitor the nonprofit food service account to make sure all charges to the account are for allowable costs in the child nutrition programs. On December 19, 2023, an email was sent showing a transfer from the general fund to the food service account to cover the cost for the unallowable purchase of the foliage.

### FISCAL ACTION

There is no fiscal action resulting from this review.

### 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,

*Jennifer Butler*

Jennifer Butler, MEd, SNS  
NSLP Coordinator

cc: Lynda Westphal, MHS, SNS, Director, Idaho Child Nutrition Programs  
Michelle Eggers, Child Nutrition Director, Nampa School District

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