



March 10, 2023

Joe Fehringer, Business Manager  
Bishop Kelly High School  
7009 Franklin Road  
Boise, ID 83709

Dear Mr. Fehringer,

On February 16, 2023, State Department of Education (SDE) Coordinators Jennifer Butler and Jax Dunham, along with Financial Specialist Kat Forstie, conducted an Administrative Review (AR) of Bishop Kelly High School for the following United States Department of Agriculture (USDA) programs:

- National School Lunch Program (NSLP)
- USDA Foods

The site reviewed was Bishop Kelly High School.

The State agency (SA) would like to commend Brian Bockenstette and the entire staff of Bishop Kelly High 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 – Civil Rights

The condensed Frontline Staff civil rights training document is only for non-food service employees that interact with program participants as part of the program (i.e. collect applications, monitor the cafeteria). This training cannot be used for foodservice staff, or those with a significant foodservice role (i.e. operating the POS). The determining, confirming, or hearing officials, and their supervisors, are required to complete the full civil rights training annually. It was identified that the confirming and hearing officials have not watched the SA civil rights training video. Additionally, two full time foodservice employees and five administrators that operate the POS during meal service did not watch the required training.

**CAP:** Upload the civil rights training agenda and sign-in sheet indicating the SA video was watched by the 9 individuals identified to need to complete the full civil rights training.

**Date for CAP Completion:** Due March 2, 2023, extended to March 7; completed March 3, 2023

**Corrective Action Response:** An agenda/sign-in sheet was uploaded showing that all required personnel watched the SA's Civil Rights training video on various dates.

### Finding 2 – Civil Rights

The household notification letters must include the full USDA Non-Discrimination Statement (NDS) when advising of approval or denial of benefits (7 CFR § 210.23). Four different letters used to communicate eligibility contained only the short NDS. The notice of results of verification did include the full statement.

**CAP:** Update all household notification template letters to include the full NDS. Upload copies of the direct certification notification letter, benefit determination letter, verification notification letter, and second notice of verification letter.

**Date for CAP Completion:** Due March 2, 2023, extended to March 7; completed March 3, 2023

**Corrective Action Response:** Copies of template household letters were uploaded showing that the full NDS was added.

### Finding 3 – Professional Standards

Per 7 CFR 210.30(b)(1)(v), Food Service Directors must have at least eight hours of food safety training at least every five years. A free, online course, *Food Safety in Schools* is available through the [Institute of Child Nutrition \(ICN\)](#) and can be used to meet this requirement. The director previously held a food protection manager certification, but the 5-year certification has expired.

**CAP:** Upload a training certificate indicating successful completion of at least eight hours food safety training into MICNP.

**Date for CAP Completion:** Due March 2, 2023; completed February 25, 2023

**Corrective Action Response:** A certificate of completion was uploaded showing 8 hours of instruction for Food Safety in Schools was completed on February 25, 2023.

#### **Finding 4 – Professional Standards**

Staff must be trained on all duties they are responsible for. Additionally, staff must have documented training for annual Offer Versus Serve (OVS), Food Safety, and Civil Rights training. Although some staff member had taken online trainings covering the required topics, there is no practice to ensure training requirements are met and required training completed for all applicable staff.

**CAP:** Create a plan to implement a process that ensures the required trainings – Food Safety, OVS, and Civil Rights- are conducted at the beginning of each school year and adequately documented. Upload a plan identifying what steps will be taken to have the required trainings completed at the beginning of the school year for all applicable staff and actions to be taken to ensure that foodservice staff meets annual training hours for professional standards requirements per 7 CFR 210.30.

**Date for CAP Completion:** Due March 2, 2023, extended to March 7; completed March 5, 2023

**Corrective Action Response:** The SFA uploaded an agenda and sign-in sheet with an August 2023 date indicating training for Civil Rights, OVS, and Food Safety will occur on a date one week prior to the first day of school. Each topic identifies the rationale for the training and expectations for the topics. The SA's online trainings are identified as being part of the method for training on the topic.

#### **Finding 5 – Food Safety**

The Food Safety plan (HACCP) must have bodily fluid clean-up and employee exclusion standard operating procedures (SOPs) that are required by Idaho Food Code. A sample SOP for employee exclusion is available in download forms in MyIdahoCNP, and a sample SOP for bodily fluid cleanup is available at the following website for reference: <https://theicn.org/icn-resources-a-z/standard-operating-procedures/>.

**CAP:** Obtain the bodily fluid clean-up and employee exclusion standard operating procedures for inclusion in the HACCP manual.

**Date for CAP Completion:** Due March 2, 2023; completed February 25, 2023

**Corrective Action Response:** The SFA advised that the two policies have been obtained are included as page 78 & 79 of the HACCP manual.

#### **Finding 6 – 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 [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. The proper documentation for pineapple tidbits from the Philippines, mandarin oranges from China, and grapes from Peru was not available during the AR.

**CAP:** Complete and upload the SA's "Buy American Exception Form" for the pineapple tidbits from the Philippines, mandarin oranges from China, and grapes from Peru. Retain these copies in your records.

**Due Date for CAP Completion:** March 2, 2023, extended to March 7; completed March 7, 2023

**Corrective Action Response:** The SFA uploaded the required Buy American Exemption forms.

### **Finding 7 – Resource Management**

Schools must offer the food components and quantities required in the lunch meal pattern outlined in 7 CFR 210.10(c). While reviewing the foodservice account, the SA identified the SFA purchased sandwiches from a sub shop chain to serve during the first few days of school as there was a concern of not having enough food available. No menu compliance documentation, such as a product formulation statement, was obtained to support meal pattern compliance or crediting toward a reimbursable meal. The director obtained nutritional information from the sandwich shop and identified the sandwiches did not meet meal pattern requirements.

**CAP:** As food service funds were used to purchase food that did not meet requirements of 7 CFR 210.10(c), general funds must transfer funds to cover the cost of unallowable food. Upload an account ledger showing that \$1,794.00 was transferred from General Funds back to the Child Nutrition Fund.

**Date for CAP Completion:** Completed February 16, 2023

**Corrective Action Response:** The SFA provided a copy of a journal entry showing the transfer of \$1,794.00 from general funds to non-profit food service account.

### **Commendations**

- Congratulations on a terrific job planning, serving, and documenting compliant meals. No findings were issued based on the menu records and meal observations by CNR Resource (CNR) during the menu review.
- The foodservice director was very timely in preparing for the review.
- CNR advised of a great job with meal service and menu planning and nice organization with food storage and record keeping.

### **Technical Assistance (TA)**

#### **Local School Wellness Policy (LWP)**

- 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 comply 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)). The SFA opted in to Waiver #7 on 7/21/22, indicating that the triennial assessment will be completed by June 28, 2023.

#### **Food Safety**

- CNR identified that, although all boxes are dated as product comes in, any product that is removed from boxes should also be dated to ensure that all food items are used in a “first-in, first-out” method.

### Buy American Provision

- Per 7 CFR 210.21 (d) Sponsors must purchase, to the maximum extent practicable, domestic commodities and products for use in the NSLP. Limited exception (to be used as a last resort with documentation) may be used when:
  - a product is not produced or manufactured in the US in sufficient and reasonable quantities of satisfactory quality
  - competitive quotes, bids, or proposals reveal the cost of a US product is significantly higher than the foreign product

### Offer versus Serve (OVS)

- Train staff on OVS annually. All staff training should include an agenda and sign-in sheet, and training documentation should be maintained on file at the SFA for three years plus the current year. This is a repeat finding from last AR. Although there is no documented OVS training, the director provided assurances that OVS training occurred in October. The SA observed a good understanding of OVS, but a finding was added for a plan to ensure required trainings occur at the beginning of the year.

### 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. The SFA uploaded a "Disclosure Statement" advising they do not participate in the Smart Snacks. However, the SFA sells a la carte food items during the school day and is required to meet the nutritional guidelines for competitive foods. The SA observed that smart snack standards are being met.

### Professional Standards

- All staff training must include a dated agenda and sign-in sheet indicating covered topics and time spent covering each topic. Training documentation should be maintained on file at the SFA for three years plus the current year.
- Employee training tracking logs should be completed in full to include the employees' name, title, and scheduled work hours. The log must also include the key area/topics and training subjects completed with certificates, agendas, and sign-in sheets retained for backup. Professional Standards Learning Objectives and Topics with Codes can be found on the USDA Professional Standards Website.

### Reporting and Recordkeeping

- Though the SFA has retained records for 3 years plus the current year, it is recommended that the CNP claim summary report from MyIdahoCNP be printed and retained for each month of operation during the school year. Saving the claim report along with the financial reports from the POS software will help ensure compliance and support record retention requirements.

## Nonprofit Food School Food Service Account

- The foodservice director demonstrated his knowledge with the non-program food revenue tool (NPFRT) and is aware that nonprogram food prices need to increase.
- A spend down plan for Supply Chain Assistance (SCA) funds was reviewed. The SFA only participated in the first round of funds and has drawn the total \$19,925.24 available. The SA reviewed receipts and identified the funds were spent on allowable costs.

## Procurement

- A procurement review was previously completed. Please follow the guidance provided by Procurement Specialist Kathrine 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 the Child Nutrition Programs.

Sincerely,

*Jennifer Butler*

NSLP Coordinator

cc: Lynda Westphal, MHS, SNS, Director, Idaho Child Nutrition Programs  
Brian Bockenstette, Child Nutrition Director, Bishop Kelly High School

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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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