



December 27, 2022

Ron Stultz, Director  
Bonner County Detention  
4002 Samuelson Avenue  
Sandpoint, ID 83864

Dear Director Stultz,

On October 18, 2022, State Department of Education (SDE) Coordinators Cambria Steffler, Jennifer Butler, Jax Dunham, and Jamie Gibson conducted an Administrative Review (AR) of Bonner County Detention for the following United States Department of Agriculture (USDA) programs:

- National School Lunch Program (NSLP)
- School Breakfast Program (SBP)
- Afterschool Snack Program (ASSP)

The site reviewed was Boundary County Detention Center.

## 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 nondiscrimination statement (NDS) must accompany any printed and web-based materials referencing FNS programs. Web pages associated with program operation should list the full USDA NDS with details on participants' right to file a complaint. The NDS on the webpage is an outdated version.

**CAP:** Update the non-discrimination statement on the detention center's website to the correct USDA non-discrimination statement available on [USDA's website](#). The updated long NDS was provided to the SFA, to send to the detention center's web designer to have updated.

**Completed:** October 25, 2022

**Corrective Action Response:** The NDS was updated on the website, but was later removed due to the SFA's decision to withdraw from the NSLP.

### Finding 2 – Local School Wellness Policy

The LWP was not updated with the requirements of the Final Rule. On July 29, 2016, the USDA Food and Nutrition Service (FNS) finalized regulations to create a framework and guidelines for written wellness policies established by LEAs to be updated by June 30, 2017. Technical Assistance (TA) was provided during the last AR (September 2016) advising to review the new regulation as LEAs required to comply fully with the requirements of the final rule per §210.30.

**CAP:** Provide a written plan describing how wellness policy language will be brought into compliance with Federal requirements. Include a timeline addressing various phases of the process from creating a compliant LWP to having it approved and posted on the public website. The SA has a [Sample RCCI Wellness Policy](#) that could be considered when updating the policy.

**Completed:** November 1, 2022

**Corrective Action Response:** The LWP was updated using the sample RCCI wellness policy and a copy was uploaded for review. The new policy was posted on the detention center's website, but has been removed since the SFA's decision to withdraw from the NSLP.

### Finding 3 – Food Safety

Each site must have a written food safety plan for compliance with Hazard Analysis Critical Control Point (HACCP) program criteria found in 7 CFR 210.13(c). There was no food safety plan available on site during SA review. A copy of the food safety plan (HACCP) must be available in a location accessible to food service staff. (CFR210.13(b)).

**CAP:** Create a HACCP manual specific to the operations at the detention center using the ICN Sample SOPs located on the [Institute of Child Nutrition's Website](#) or the current vended meal contractor's SOPs. Ensure a bodily fluid clean up section is included in the HACCP plan. This manual will need to be made available to staff involved with meal service to reference. Upload a copy of the completed HACCP plan.

**Completed:** October 25, 2022

**Corrective Action Response:** A copy of the vended meal contractor's HACCP plan, including a bodily fluid clean-up plan, has been uploaded for review.

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

Per 7 CFR 210.30(b)(1)(v), food service directors must complete eight hours of food safety training every 5 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.

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

**Completed:** October 26, 2022

**Corrective Action Response:** A certificate for eight hours of food safety training completed by the food service director was provided.

#### **Finding 5 – Meal Pattern**

Independent contractor CN Resource (CNR) identified that, for the week of menu review, the lunch menu did not meet the minimum daily requirements for meat/meat alternate. The federal regulations require menus to be planned that meet the minimum daily 2-ounce equivalent meat/meat alternate requirement for grade group 9-12. This requirement was not met on Wednesday, Friday and Saturday. A Child Nutrition (CN) Label or Product Formulation Statement (PFS) was not available for some items. Therefore, meal pattern crediting could not be determined as met. Choose a product with either a CN Label or PFS in order to determine meal pattern crediting. Consider serving a raw unprocessed patty as another option to confirm meal pattern crediting.

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

**Completed:** September 13, 2022

**Corrective Action Response:** Product formulation statements were submitted for three menu items. Serving sizes were confirmed to have been increased to meet the daily minimum requirement.

#### **Finding 6 – Meal Pattern**

The SA observed that milk was not available during the lunch service on the day of review. The detention center explained that the milk was not delivered that day and no attempt was made to buy additional milk for the lunch service. The four meals that were served this day were disallowed.

**CAP:** Write a response detailing the procedure for obtaining missing meal components if there is an insufficient amount of food for the meal service.

**Not completed:** Corrective action remains outstanding due to the SFA announcing they were voluntarily withdrawing from NSLP prior to completing the required corrective action.

#### **Finding 7 – Food Safety**

The juvenile detention center could not produce a record of the Buy American exception forms while the SA was on site. 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).

**CAP:** Complete a Buy American exception form for each of the out of compliant food items and upload a copy in the review attachments in MyIdahoCNP.

**Not completed:** Corrective action remains outstanding due to the SFA announcing they were voluntarily withdrawing from NSLP prior to completing the required corrective action.

## Technical Assistance (TA)

### Meal Counting and Claiming

- The claim for reimbursement for the month of September indicated that enrollment at the facility was 90, when only 15 residents were enrolled. The number inaccurately reflected the number of reimbursable breakfast meals instead of the total enrollment for the month. When submitting the claim for reimbursement, the SFA must verify the number of enrolled students over the course of the month.

### Dietary Specifications and Nutrient Analysis

- Independent contractor CN Resource completed the menu review and provided the following TA:
  - During the Administrative Review 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.
  - A sponsor must maintain current product documentation and nutrition facts labels from the manufacturer for commercially prepared foods. Nutrition facts labels were not submitted for some menu items. It was unclear in the recipes submitted if these items were whole grain-rich or not. For the sake of this review, these products were credited as enriched grains.
  - A Child Nutrition Label or Product Formulation Statement (PFS) can be 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. The documentation submitted for some menu items were not acceptable and meal pattern crediting could not be determined. Choose products with appropriate documentation in order to determine meal pattern crediting. Note that the daily and weekly meal patterns were still met with the other menu items served as these items could not be credited.

### Meal Components and Quantities

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

- A standardized recipe is a recipe that has been carefully adapted and tested to ensure that it will produce a consistent product each time it is prepared. The recipes submitted were not always written in standardized format with complete information. The amount of pinto beans in the pinto bean recipe was only enough for 1/2 cup beans in a 3/4 cup serving. Increase the amount to 11.5 oz. dry beans to provide 3/4 cup beans for 5 servings.
- The federal regulations require menus to be planned that meet the minimum daily 2-ounce equivalent meat/meat alternate requirement for the 9-12 grade group. This requirement was not met on Wednesday, Friday and Saturday. A Child Nutrition (CN) Label or Product Formulation Statement (PFS) was not available for some items. Therefore, meal pattern crediting could not be determined as met. Choose a product with either a CN Label or PFS in order to determine meal pattern crediting. Consider serving a raw unprocessed patty as another option to confirm meal pattern crediting.

### Civil Rights

- The student handbook included wording to file any grievance with USDA, but did not reference the USDA Non-discrimination Statement (NDS). It should be modified to include the detention center's grievance policy and the full USDA's NDS when referencing child nutrition programs.
- Ensure the Civil Rights complaint log is dated annually with a new log started each year. If no complaints were received during the school year, write "No complaints" on the log at the end of the school year and retain the documentation for three years plus the current year.

### Food Safety

- The most recent food safety inspection report must be posted in a location visible to the public (7 CFR 210.13(b)). The food safety inspection report will need to be moved to publicly visible location at the front of the detention center or where detainees are served the meal.

### Professional Standards

- Training standards apply to all school nutrition program employees, regardless of student enrollment or size of the Local Educational Agency (LEA). Note: If hired January 1 or later, an employee must only complete half of the required training hours.
  - Directors – must complete at least 12 hours of annual continuing education/training. These required hours are in addition to the food safety training required in the first year of employment.
- Any employee who has responsibilities within the School Nutrition Programs will need to complete annual training related to their job duties. The staff has completed the Civil Rights training on 9/8/2022, but will need to complete a Food Safety training for SY22-23 and implement this training annually for future school years.
- The USDA has established minimum Professional Standards for school nutrition professionals who manage and operate the NSLP and SBP, effective July 1, 2015. The

standards provide annual training requirements for all school nutrition professionals. It is required that some form of documentation be kept on file to show Professional Standards compliance; options include the [FNS online tracking tool](#).

### 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)).
- The current policy, posted on the website, is not dated. An approved and/or revised date should be included so that the triennial assessment requirements can be monitored.
- For more information on local wellness policy requirements, visit the SA's [School Wellness](#) webpage. The SA has a [Sample RCCI Wellness Policy](#) that could be considered when updating the policy.
- Federal legislation requires school districts to implement a local wellness policy that must include language:
  - Permitting parents, students, school board, PE teachers, school health professionals, school food service staff, administrators, and community members to participate in the development, implementation, review, and update of the local wellness policy.
  - Identifying wellness policy leadership of one or more LEA and/or school official(s) who have the authority and responsibility to ensure each school complies with the wellness policy.
  - Specifying measurable goals for nutrition education, nutrition promotion, physical activity, and other school-based activities to promote student wellness that are written with consideration for evidence-based strategies.
  - Addressing nutrition guidelines for all foods and beverages sold on the school campus during the school day and for providing school meals that adhere to Federal meal pattern requirements.
  - Identifying nutrition standards for non-sold foods and beverages available during classroom and school celebrations.
  - Stating a policy for food and beverage marketing that allows the marketing and advertising of only those foods and beverages that meet Smart Snacks in School nutrition standards.
  - Addressing an evaluation conducted once every three years of the wellness policy and the extent to which schools are in compliance, how the district policy compares to model wellness policies, and the progress made in attaining local wellness policy goals.
  - Identifying a way to share the wellness policy content and implementation with the public.

## 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 items sold in the commissary need to either meet nutritional requirements or be sold outside of the “school day”.

## Buy American

- Per 7 CFR 210.21 (d) Sponsors must purchase, to the maximum extent practicable, domestic commodities and products for use in the NSLP.
  - A domestic commodity or product is an agricultural commodity produced in the US and a food product that is processed in the US using substantial; agricultural commodities.
- Applies to all food/beverage products purchased using funds from the non-profit food service account.
- Limited exception (to be used as a last resort with documentation)
  - When a product is not produced or manufactured in the US in sufficient and reasonable quantities of satisfactory quality
  - When competitive quotes, bids, or proposals reveal the cost of a US product is significantly higher than the foreign product

## Procurement

- A procurement review was partially completed prior to the SFA withdrawing from child nutrition programs. Please follow the guidance provided in the procurement letter.

## Fiscal Action

Due to four lunch meals missing the milk component, fiscal action results in \$17.72. However, since this amount falls under the \$600 threshold, and the SFA withdrew from the child nutrition programs, the fiscal action will be disregarded and no financial adjustment will occur.

## Your review is now closed.

This review was closed with incomplete corrective action due to the SFA withdrawing from the program. 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,

*Cambria Steffler*  
Cambria Steffler, MS, RD

NSLP Coordinator

cc: Lynda Westphal, MHS, SNS, Director, Idaho Child Nutrition Programs  
Jennifer Butler, MEd, SNS, Lead NSLP Coordinator, Child Nutrition Programs  
Jennifer Jeffers, Child Nutrition Director, Bonner County Detention

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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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