



December 20, 2017

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

Dear Mr. Fehringer,

On November 30, 2017, State Department of Education (SDE) Coordinators Jennifer Butler and Lynda Westphal and Administrative Assistant Diane Bleazard conducted an Administrative Review of Bishop Kelly High School for the following United States Department of Agriculture (USDA) programs:

- National School Lunch Program (NSLP)
- School Breakfast Program (SBP)
- USDA Foods

The State agency (SA) would like to commend Vernon Bauer, Erin Christon, 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 Administrative Review 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 Administrative Review a minimum of one time during a three-year cycle 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

October 4, 2018, was the end of the 30 day carry-over period, but eligibility changes were not made until November 2. Based on the administrative error of 23.08% associated with benefit issuance, the SFA will be required to conduct a second review of applications beginning school year 2018-19, and continuing until further notice.

**CAP:** Upload a statement identifying a plan of action to ensure that carry-over will be addressed and benefits accurately changed on the effective date next school year.

**Timeframe for CAP completion:** Due December 15.

**Sponsor Response to CAP:** A plan was uploaded on December 14, 2017, that advises that once the end of the 30-day carryover period has been identified, a calendar reminder will be set with the reminder going out to three individuals, so they can help remind each other. The SA calculated benefit issuance errors for benefits inaccurately carried over beyond the carry-over period. The total fiscal action for the NSLP is \$314.68 and for the SBP is \$55.75.

### Finding 2 – Offer Versus Serve (OVS)

Staff did not receive the required annual OVS training.

**CAP:** Train all foodservice staff on OVS and upload a copy of the agenda and sign-in sheet documenting training.

**Timeframe for CAP completion:** Due December 15; extended to December 22.

**Sponsor Response to CAP:** OVS training completed on December 19, 2017, with agenda and sign-in sheet listing 8 participants uploaded on December 19, 2017.

## Fiscal Action

Due to benefit issuance errors, fiscal action results in \$370.43. Since this amount falls under the \$600 threshold, the fiscal action will be disregarded and no financial adjustment will occur.

## Commendations

- Congratulations for being awarded \$12,248.78 for a salad bar as part of a USDA equipment grant. Your initiative in applying for this grant is appreciated and shows your commitment to your students.
- The menu includes artistic and appealing names that make the options sound delicious and enticing. This is a best practice and promotes participation.
- Staff was responsive and took immediate action to implement recommendations provided by SA reviewers.

## Technical Assistance (TA)

### Certification and Benefit Issuance

- It was observed that all meal applications were converted to an annual amount when determining benefit issuance. Per the Eligibility Manual, when determining Free and Reduced Applications, income should not be converted unless various income frequencies are reported. Please make use of the Income Eligibility Guidelines chart.
- The benefit issuance list should include the date of eligibility for the determined benefits. Work with the KidServe software on how to include this information on a report. An expiration date with the benefits will assist with ensuring the carry-over date is changed on the appropriate date.

### Verification

- Copies of written communication sent to households must be retained with the application and household income documentation as part of the Verification records.
  - Correspondence for SY17-18 was obtained and added to the Verification section of the application binder while SA reviewers were onsite.

### Dietary Specifications and Nutrient Analysis

- SA contractor Steffanie Sandoval, RD, LD, conducted the menu analysis for the review week and discovered the following:
  - Chicken Nuggets and chicken strip meals being served did not meet the 2 ounce equivalent (oz. eq.) grain requirement per the meal patterns. The chicken nuggets and chicken strips only provided 1 oz. eq. grain and no other grain was being offered for this meal. Based on this feedback, an additional 1 oz. eq. roll has already been added to meet the minimum grain quantities.
  - The  $\frac{3}{4}$  cup of brown rice served with the Orange Chicken meal was not listed on the production record. Since the  $\frac{3}{4}$  cup of brown rice only credits a 1.5 oz. eq. grain, increase the rice serving to 1 cup to meet the daily minimum requirement. Be sure to document grain crediting on production records to support crediting amounts and that all components are offered.
  - The tortilla used in the Chicken Wrap only credits as 1.75 oz. eq. grain per the Product Formulation Statement (PFS). Additional grain must be added to meet the daily minimum requirement. It was suggested to add  $\frac{1}{4}$  cup brown rice to the wrap filling or add a grain side such as whole grain chips.
  - The Jamwich only credits as 1 oz. meat/meat alternate and 1 oz. eq. grain. Additional meat/meat alternate and grain must be served with this sandwich to meet the daily minimum requirement. It was suggested to serve it with a 1 oz. cheese stick and 1 oz. eq. whole grain chips, or consider purchasing the larger size Jamwich that credits as 2 oz. eq. grain and 2 oz. meat/meat alternate.
  - The 2 oz. of roast beef served in the Beef French Dip only credits as 1.25 oz. meat/meat alternate according to the PFS. In order to meet the minimum daily requirement of 2 oz., at least 3.25 oz. of roast beef will need to be served.

- Salad recipes (Chef, Caesar, Garden) were written as single servings. Write recipes using volume (cup) measurements for vegetables and fruits as they are credited based on cups under NSLP. Also, keep ounce measurements on meat/meat alternates in the recipe and ensure these items are weighed for accurate crediting. While on-site, weighing meat/meat alternates for these salads was not observed.
- The whole grain roll being served with the salad did not have a PFS to show the grain crediting. The roll was weighed on site and weighed out to be 1.25 oz. Until alternative crediting documentation is obtained, an additional roll must be added to the salad to meet the minimum 2 oz. eq. for the meal pattern.
- The breakfast menu for the review week fell short on the requirement to meet the 9 oz. eq. weekly grain minimum. Consider increasing the ¼ cup of yogurt served with cereal to ½ cup to meet the weekly meal pattern.
- Bagels were found to not be whole grain-rich (WGR) and therefore could not be credited towards the weekly meal pattern or be sold as an a la carte item due to Smart Snacks regulations. New WGR bagel products were identified for purchase.

### Meal Components and Quantities

- Use the SA production record template found in Download Forms to simplify production record documentation.
- Be sure to retain accurate backup documentation for food items, such as PFS, CN Labels, recipes, and ingredient lists, to support crediting amounts and portion sizes.
- Be sure to check CN label crediting of products and pay close attention to this crediting and portion sizes when new or replacement products are received.
- Crediting amounts for grains must be supported by either Exhibit A or an accurate Product Formulation Statement (PFS).
- Use the *USDA Child Nutrition Programs Tips for Evaluating a Manufacturer's Product Formulation Statement* document located on USDA's website to identify an accurate PFS.

### Offer Versus Serve (OVS)

- The "What Makes a Reduced or Free Meal" document, located under the Cafeteria Menu webpage on the Bishop Kelly High School website, incorrectly describes a reimbursable breakfast. This document must be removed or corrected using the notes provided by the SA to accurately reflect the implementation of OVS and the choices to select for a reimbursable meal.
  - The SFA has removed this document from their website.
- Annual OVS 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.
- Prior to meal service, staff should 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.

## Food Safety

- The most recent food safety inspection report must be posted in a location visible to the public. (7 CFR 210.13(b))
  - This was corrected while SA reviewers were onsite.
- Each SFA 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). SFAs are required to update HACCP-based food safety programs to cover any facility where food is stored, prepared or served for the purposes of the NSLP, SBP or other FNS programs. The SA Contractor identified that no HACCP plan was available on site and provided instruction to print a template document for personalization. SA reviewers reviewed the printed manual while onsite and provided instruction to continue working on personalizing the manual to fit the kitchen needs.
- Train staff annually on Food Safety, including procedures included in the HACCP manual. 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.
- Starting July 1, 2018, the Idaho Food Code requires a Person in Charge to demonstrate knowledge of food safety practices by completion of one of the examinations and courses that meets the demonstration of knowledge requirements in Section 2-102.11 of the Idaho Food Code.
  - The director successfully passed the ServSafe® certification examination on December 9, 2017.

## Civil Rights

- Ensure the correct USDA Non-Discrimination Statement is included on all public documents dealing with USDA Child Nutrition Programs. The short non-discrimination statement should read, "This institution is an equal opportunity provider" and is for use on documents less than one page (double-sided) in length; the long statement is for use on longer documents and can be found on the CNP website under Civil Rights.
  - The incorrect short statement was included on the Notice of Benefits letter sent to households. This letter template was updated while SA reviewers were onsite.
  - The monthly menu document also includes an outdated statement and must be corrected.

## Local School Wellness Policy

- All Local Educational Agencies (LEAs) must assess their wellness policy at least once every three years on the extent to which the school is in compliance with the policy, the extent to which the local wellness policy compares to model local school wellness policies, and the progress made in attaining the goals of the local wellness policy. LEAs must make this assessment available to the public. Posting to the school website and/or in a school newsletter would support this requirement.
- For more information regarding local wellness policies, please visit the Idaho SDE Child Nutrition Programs School Wellness website.

### 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 Standards) to increase consumption of healthful foods during the school day and support a healthy school environment. Vending, school stores, and fundraising need to comply with specific nutrition standards.
- 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 SDE Child Nutrition Programs Smart Snacks website.

### Professional Standards

- The United States Department of Agriculture has established minimum Professional Standards for school nutrition professionals who manage and operate the National School Lunch and School Breakfast Programs. 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.
- The Idaho Child Nutrition Programs digital learning portal contains multiple courses that could be used to meet training requirements.

### Procurement

- A separate procurement review was completed by Keddington & Christensen, LLC. on September 26, 2017. No findings requiring corrective action were found, but five areas of technical assistance were noted. Please follow the guidance provided in this NSLP Procurement Review to update your policies.
- 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)). Trio Gravy from Canada and Honeydew Melons from Mexico were located onsite. 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).
- The Agricultural Marketing Service website is a great resource to evaluate where produce is coming from.

### Resource Management Comprehensive Review

- The Non-program Food Revenue Tool must be completed annually; the required SY17-18 tool must be submitted for approval during renewal.

## Your review is now closed

Fiscal action results in \$370.43, but will be disregarded. Should you wish to appeal any of these findings please follow the appeal procedures found on the State Agency Appeal Procedures document attached to this letter.

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 H. Butler, M.Ed., S.N.S.  
NSLP Coordinator

cc: Colleen Fillmore, P.h.D., R.D.N., L.D., S.N.S., Director, Child Nutrition Programs  
Vernon Bauer, Child Nutrition Director, Bishop Kelly High School

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# State Agency Appeal Procedures

## School Meal Programs – Administrative or Follow-up Review

School food authorities may appeal the denial of all or part of a Claim for Reimbursement or withholding payment arising from administrative or follow-up review activity conducted by the State Agency under 210.18 of this part.

### The appeal process outlined in 7 CFR 210.18 (p) reads as follows:

1. The written request for a review shall be postmarked within 15 calendar days of the date the appellant received the notice of the denial of all or a part of the Claim for Reimbursement or withholding of payment, and the state agency shall acknowledge the receipt of the request for appeal within 10 calendar days;
2. The appellant may refute the action specified in the notice in person and by written documentation to the review official. In order to be considered, written documentation must be filed with the review official not later than 30 calendar days after the appellant received the notice. The appellant may retain legal counsel, or may be represented by another person. A hearing shall be held by the review official in addition to, or in lieu of, a review of written information submitted by the appellant only if the appellant so specified in the letter of request for review. Failure of the appellant school food authority's representative to appear at a scheduled hearing shall constitute the appellant school food authority's waiver of the right to a personal appearance before the review official, unless the review official agrees to reschedule the hearing. A representative of the state agency shall be allowed to attend the hearing to respond to the appellant's testimony and to answer questions posed by the review official;
3. If the appellant has requested a hearing, the appellant and the state agency shall be provided with at least 10 calendar days advance written notice, sent by certified mail, return receipt requested, of the time, date and place of the hearing;
4. Any information on which the state agency's action was based shall be available to the appellant for inspection from the date of receipt of the request for review;
5. The review official shall be an independent and impartial official other than, and not accountable to, any person authorized to make decisions that are subject to appeal under the provisions of this section;
6. The review official shall make a determination based on information provided by the state agency and the appellant, and on Program regulations;
7. Within 60 calendar days of the state agency's receipt of the request for review, by written notice, sent by certified mail, return receipt requested, the review official shall inform the state agency and the appellant of the determination of the review official. The final determination shall take effect upon receipt of the written notice of the final decision by the school food authority;
8. The state agency's actions remain in effect during the appeal process;
9. The determination by the state review official is the final administrative determination to be afforded to the appellant.



Appeals must be directed to:  
Brandon Phillips  
Financial Specialist, Public School Finance  
State Department of Education  
PO Box 83720  
Boise, Idaho 83720-0027  
(208) 332-6983  
E-mail: [bcphillips@sde.idaho.gov](mailto:bcphillips@sde.idaho.gov)

### **USDA Nondiscrimination Statement**

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, sex, disability, age, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA.

Persons with disabilities who require alternative means of communication for program information (e.g. Braille, large print, audiotape, American Sign Language, etc.), should contact the Agency (State or local) where they applied for benefits. Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program complaint of discrimination, complete the [USDA Program Discrimination Complaint Form](#), (AD-3027) found online at: [http://www.ascr.usda.gov/complaint\\_filing\\_cust.html](http://www.ascr.usda.gov/complaint_filing_cust.html), and at any USDA office, or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter 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;
- (2) fax: (202) 690-7442; or
- (3) email: [program.intake@usda.gov](mailto:program.intake@usda.gov).

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