



June 19, 2020

Allen Mayo, Superintendent
Sho-Ban Tribal School
50 South Hilina Road
Pocatello, ID 83202

Dear Superintendent Mayo,

On February 5, 2020, State Department of Education (SDE) Contractor, Shawna Durbin, with CN Resource (CNR), conducted an on-site review of the meal program, and from May 5 – June 11, 2020, SDE Coordinator Jennifer Butler conducted an off-site review process for the Administrative Review (AR) of the Sho-Ban Tribal School due to the current COVID-19 pandemic for the following United States Department of Agriculture (USDA) programs:

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

The State agency (SA) reviewed Sho-Ban Tribal School (grades 6-12) operating Provision 2 breakfast and lunch.

The SA would like to thank Gwen Dupris and the staff of Sho-Ban Tribal 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 (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:

Finding and Corrective Action Plan (CAP)

Finding 1: Benefit Issuance

A review of benefits for 99 students resulted in a 5.05% error rate. Three applications resulted in changes in student benefits and three applications were missing required information and should have been returned to the household for completion prior to determining a benefit. These applications were received after a Provision 2 base year review was conducted by the State agency on October 2, 2019. During that review, benefit issuance errors were corrected and technical assistance was provided. Benefit issuance errors during a base year require all claims to be recalculated in order to establish correct claiming percentages to be used during non-base years.

CAP: Upload copies of household letters advising of the change in benefits sent to household and an updated benefit issuance list. Contact households for missing information and make plans to obtain signature and upload signed application.

CAP Completion: June 9, 2020

CAP Response: Notices were sent to the households requiring a change in benefits, and an adult signature was obtained for the incomplete application. All benefits were validated on an updated benefit issuance list.

Finding 2: Meal Components and Quantities

Independent contractor CN Resource (CNR) completed the menu review and found for the week of review, the 9-12 lunch menu did not meet the daily requirements for meat/meat alternate nor the weekly requirements for the red/orange subgroup.

- A meat/meat alternate was offered daily, however the minimum required daily portion size was not met.
- Red/orange vegetables were offered, but not in large enough quantities to meet the weekly requirement. Technical assistance was provided during the last AR for this subgroup being low. Future ARs may result in fiscal action if this requirement is not met.

CAP: Provide a written statement and supporting documentation demonstrating that the daily meat/meat alternate and weekly red/orange vegetable subgroup requirements are not met.

Completed: January 29, 2020

CAP Response: The changes made to correct the meat/meat alternate and red/orange vegetable subgroup requirements was to increase the amount of meat to 3 oz. per serving, increase the cheese to 1 oz. per serving (bringing the amount of meat/meat alternate to a total of 4 oz. per serving) and the red/orange vegetable amount was increased to ½ cup instead of ¼ cup per serving.

Finding 3: – Food Safety

Food temperatures are not recorded after they are taken and temperature logs are not completed daily and maintained on file. This issue was previously identified and discussed with the SFA while SA reviewers were onsite for the Provision 2 base year review on October 2, 2019. CNR also identified these food safety requirements were not being followed during their onsite portion of the AR on February 2, 2020.

CAP: Provide a statement of understating of the requirements, and the names of the SFA representatives who will ensure compliance. Submit one week of completed temperature logs and production records.

Completed: January 29, 2020

CAP Response: The SFA advised that immediate steps were taken to ensure compliance. The food service manager will be the primary person responsible for ensuring temperatures are recorded. If the manager is not available, the secondary person will be the food service assistant. If neither are available, the director will record the temperatures. The SFA stated, “We understand the requirements for food safety documentation and that it prevents foodborne illnesses, waste, and can alert us of defective equipment. Moving forward, all hot & cold temperatures will be recorded as part of a daily routine by the first person to arrive. The retention of these records will be maintained for a minimum of six months.”

Finding 4: Local Wellness Policy

In July 2016, the regulations on wellness policies (§210.31) was finalized and required LEAs to comply by June 30, 2017. The LEA’s current LWP contains outdated elements, making it noncompliant. Specifically, the policy includes incorrect nutritional information for NSLP and Smart Snacks. Inadequate meal pattern requirements for fruit and vegetables are included. The policy also references compliance with USDA Healthier US School Challenge, which no longer exists. The wellness policy committee must work to get the LWP compliant with the final rule requirements. For more information, please visit the Idaho SDE Child Nutrition Programs School Wellness website

CAP: Upload a narrative describing the plan for how and when the LWP will be brought into compliance with Federal requirements.

CAP Completion: June 5, 2020

CAP Response: The LEA uploaded a plan stating that the school wellness committee will meet to review and update the LWP on or before August 27, 2020 in order to get an updated LWP to the school board for final approval on or before September 10, 2020. The adopted policy will be posted on the school website.

Commendations

- The foodservice director was very diligent in preparing for the AR and completed off-site modules in a timely manner. The hard work continued after the AR was changed to a desk review, requiring additional paperwork to be scanned and uploaded. The effort put into this review during a stressful time is greatly appreciated.
- CNR advised that staff was great to work with.

Technical Assistance (TA)

Certification and Benefit Issuance

- The income frequency listed on the application must be used to determine the application. If multiple frequencies are listed then all income must be converted to an annual amount per USDA regulations.
- When making edits or changes to an application, the best practice is to use a different colored pen. Be sure to always initial and date changes with a note of why change occurred and who in the household provided the new information. Sticky notes are discouraged, as the new information can be easily lost.
- Ensure the "For Official Use Only" portion of applications is updated when income, household, or determination results change based on new information.

Meal Components and Quantities

CNR completed the menu review and provided the following TA:

- During the Administrative Review the results of the menu review were provided to the SFA in a detailed Menu Review Results Report. Recommendations were included to bring all areas into compliance. All menus served within the SFA must meet all daily and weekly meal pattern requirements for the specific grade group. The SFA 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.
- The federal regulations require menus to be planned that meet the minimum daily 2-ounce equivalent meat/meat alternate requirement for grades 9-12. Check all manufacturer's labels and CN labels to ensure that the daily and weekly meat/meat alternate requirements are met.
 - During the week of menu review, the quesadilla only offered 1.75 oz. eq. meat/meat alternate. Note that the recipe credits 2 oz. eq. meat/meat alternate per serving. However, the CN label provided shows that 1.2 oz. of chicken is needed for a 1 oz. eq. serving. Increase the chicken to 12.5 pounds per 100 servings. This will provide 1.5 oz. eq. meat/meat alternate with the chicken and will meet the 2 oz. eq. requirement with the ½ oz. cheese added to each quesadilla.
- Subgroups of vegetables must be met for each grade group. The 1 ¼ cup weekly red/orange vegetable subgroup requirement was not met for grades 9-12. The total red/orange vegetable served for the week of menu review was 1 1/8 cup. Consider the following suggestions to meet the red/orange vegetable requirement:
 - Increase the total tomatoes and carrots served in the salad on Tuesday. The total red/orange vegetables served in the salad was too low (less than 1/8 cup) to contribute towards the red/orange vegetable sub-group, therefore it was combined with other vegetables to contribute toward the other vegetable sub-group. Increasing the total red/orange vegetables served to a minimum of 1/8 cup per serving will help meet the weekly requirement.
 - Consider adding cherry tomatoes or carrots to the salad served on Friday.

- Serve ½ cup sweet potato fries or tater tots instead of peas with Tuesday’s meal.
- Offer 1/8 cup salsa with the chips served on Monday.

Food Safety

Independent contractor CNR provided the following TA:

- During the review, the food safety plan was discussed with the SFA. The SFA must have a site-specific food safety plan so that food service staff may stay in compliance with food safety requirements and procedures. Technical assistance was provided during the last AR.
- During the review, temperature logs were discussed with the SFA. The SFA must take, record, and maintain temperature logs for all food and food storage areas, in accordance with the requirements of the local health department. The completed temperature logs must be kept on file for a minimum of six (6) months.
- 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. The SFA should require suppliers to attest that their final food products are either 100% domestic commodities or a food product containing over 51% domestic food components, by weight or volume. 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 SFA must keep documentation justifying the limited exception(s); make use of the Buy American Provision Exception document available in Download Forms. This form requires the SFA to identify which allowable exception is being used and if the exception is one-time, seasonal, or annual.
 - Documentation must be maintained to support the qualifying Buy American exemption. The USDA Agricultural Marketing Services (AMS) [Market News](#) and custom [Retail Reports](#) are good sources for supporting documentation.

Civil Rights

- Procedures for receiving and processing complaints must state that all complaints associated with Child Nutrition Programs are forwarded to the State agency within three working days. No written procedures were available explaining this process during the review (7 CFR 210.15(a)(6)). A [compliant procedure](#) is located on the State agency civil rights web page. This procedure should be kept with the Civil Rights file that includes complaint forms and tracking logs available at each site. Technical assistance was provided during the school year 16-17 AR.
- School Foodservice Authority staff who interact with program applicants or participants (i.e. Cafeteria staff, Free and Reduced Application approval staff) and their supervisors

as well as the Hearing Official must have annual Child Nutrition Programs civil rights training. Each year the SA releases the required training which can be accessed through the training portal or on the SA website. Make plans to ensure all SFA staff watch the required [civil rights training video](#) at the beginning of the school year.

- Only teachers, secretaries, custodians, and volunteers can complete annual Civil Rights training using the Frontline Staff handout. All foodservice staff, determining, confirming, verifying, and hearing officials, and their supervisors must watch the full video training each year. Civil rights training must occur at the beginning of each school year and ongoing as necessary, including for any new employees.
- The nondiscrimination statement (NDS) must accompany any printed materials and any web-based materials referencing FNS programs. Each year ensure that all templates include the correct nondiscrimination statement (NDS) and monitor usage of the NDS on an ongoing basis. If the material is too small to contain the full statement, the material at minimum must include the following statement: “This institution is an equal opportunity provider.” The full statement must be included on outreach material, including websites, when notifying potentially-eligible participants how to apply for benefits or when informing participants about their right to file a complaint. The full statement is available on the SA website under Civil Rights.

Professional Standards

- The Food Service Director was hired after July 1, 2015. A Professional Standards questionnaire was completed to document education and or experience.
- Consider implementing a process that ensures the required Professional Standards training hours will be met by the end of the school year. Identify trainings to be taken by specified dates throughout the school year to ensure all required training hours for each position is met.

Local School Wellness Policy (LWP)

- 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. (§210.30) The final rule requires LEAs to fully comply with the requirements of the final rule by June 30, 2017. 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.
- All LEAs must assess their wellness policy at least once every three years and report on the extent to which each school complies with the district policy. LEAs must make this assessment available to the public. Posting to the school /district website and/or in a school newsletter would support this requirement.

Afterschool Snack Program

- Although the SFA was approved to operate the Afterschool Snack Program (ASSP) and technical assistance for program operation was provided both in person during the Provision 2 base year review and via email, the SFA never filed a claim for the ASSP, so no documentation was reviewed as part of this AR. The SFA needs to modify their application packet to indicate they will not operate ASSP if they do not intend to.

Special Provision Options

- Provision 2 Base Year (SY19-20) benefit issuance was previously validated by the SA on October 2, 2019. This Provision 2 cycle expires at the end of SY22-23. However, the LEA has shared their desire to return to operating the Community Eligibility Provision (CEP) next school year. Please ensure all required Provision 2 documentation, including base year daily meal count records by student name and eligibility, is maintained per requirements.
- The LEA intends to return to CEP in SY20-21 and must meet all requirements under 7 CFR § 245.9(f) in order to opt-in for CEP. Requirements include ceasing the collection of Free & Reduced Meal Applications, providing breakfast and lunch at no cost to enrolled students, retaining all CEP records for the 4-year cycle plus 3-years after the final claim is submitted, receiving reimbursement based on a formula that uses the LEA's current Identified Student Percentage (ISP), using non-Federal funds to cover any costs of providing meals to students that exceed the Federal reimbursement, and obtaining April 1 data every year.
 - The State agency validated the LEA's ISP as of April 23, 2020, for operation of CEP beginning SY20-21. This CEP cycle expires at the end of SY23-24.

Procurement

- A procurement review is currently being completed. Please follow the guidance provided in a separate closure letter.

Fiscal Action

Due to benefit issuance errors fiscal action results in \$23.40. However, since this amount falls under the \$600 threshold, the fiscal action will be disregarded and no financial adjustment will occur. A recalculation for the entire year will also not occur as the SFA will be discontinuing with Provision 2 and the base year claim totals will not be calculated for non-base year claiming.

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, MEd, SNS
NSLP Coordinator

cc: Gwen Dupris, Food Service Director, Sho-Ban Tribal School
Colleen Fillmore, PhD, RDN, LD, SNS, Director, Child Nutrition Programs

Civil Rights

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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.

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