

November 5, 2021

Nicky Chavez, Director
5-County Juvenile Detention & Youth Rehab Center
423 N 2300 E
St. Anthony, ID 83445

Dear Director Chavez,

On October 18, 2021, State Department of Education (SDE) Coordinators Jennifer Butler and Jamie Gibson conducted an Administrative Review of District for the following United States Department of Agriculture (USDA) programs:

- National School Lunch Program Seamless Summer Option (SSO)
- School Breakfast Program Seamless Summer Option (SSO)
- USDA Foods
- Afterschool Snack Program (ASSP)

The State agency (SA) reviewed the 5-County Juvenile Detention & Youth Rehab Center. Breakfast and lunch meals vended from the Idaho Department of Juvenile Corrections in St. Anthony were monitored as part of this review.

The SA would like to thank Kristine Richards and the entire staff of 5-County JDC 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 five-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 – Local School Wellness Policy (LWP)

In July 2016, the regulations on wellness policies at [§7 CFR 210.31](#) were finalized and required LEAs to be in compliance by June 30, 2017. The LEA's current LWP (no date) is missing required elements, making it noncompliant. Technical Assistance (TA) was provided during the last AR (Sept. 2017) advising of required language and assessment. A [Sample RCCI Wellness Policy](#) is available on the SA's [School Wellness](#) website and a printed copy was provided for the LEA's consideration.

Corrective Action: Provide a written plan and timeline describing how and when the wellness policy language will be brought into compliance with Federal requirements.

CAP Completion: Due Nov. 2; extended to Nov. 8; completed Nov. 4, 2021.

Corrective Action Response: A narrative was provided identifying that a draft policy will be sent to legal counsel for review. After legal review, it will be sent to the 5-C Board of County Commissioners for review and approval. The anticipated timeline for final approval was identified to be the end of November 2021. Additionally, an internal committee was nominated to review the wellness policy annually and post a report on a triennial basis.

Finding 2 – Afterschool Snack Program (ASSP) Monitoring

Per [7 CFR 210.9 \(c\)\(7\)](#), SFAs must conduct a self-monitoring review of ASSP twice per year. This is a repeat finding; records indicate a review practice was in-place following the finding issued during the last AR, but did not continue as required, due to staff changes, resulting in the last ASSP review occurring July 2020.

Corrective Action: Conduct the first review for the year and upload the completed review form.

CAP Completion: Due Nov. 2; extended to Nov. 8; completed Nov. 4, 2021.

Corrective Action Response: ASSP requirements were covered with the center's full-time foodservice employee and she observed the ASSP service on November 3, 2021. The required monitoring form was completed and uploaded. The center advises they will complete monitoring requirements of the ASSP twice per year as required.

Finding 3 – Meal Pattern Compliance

Independent contractor CN Resource completed the menu review and identified that although all meal components were offered, the daily minimum requirement was not met for the fruit, vegetable, or grain components. Due to a decrease in residents, reimbursable breakfast and lunch meals only are being vended from Idaho Juvenile Detention Center (IJDC) on a temporary basis.

Corrective Action: IJDC received an AR at the same time and as the supplier of the vended

meals was responsible to complete the required corrective action. However, the SFA should monitor the meals to ensure that compliant meals are provided on a daily basis. Inadequate portions of fruit were identified during the last AR (SY17-18) and as a repeat finding may be subject to fiscal action if inadequate portions continue.

CAP Completion: Completed by IJDC on October 14, 2021.

Corrective Action Response: IJDC immediately increased the daily fruit serving to 1 cup for both breakfast and lunch. The lettuce serving size was increased to meet the 1 cup creditable serving amount and a new deli bun was identified and purchased to meet the daily grain minimum. 5-County JDC has advised that they have discussed with staff to recognize the meal pattern and communicate with IJDC staff to ensure all meals comply with meal pattern requirements.

COMMENDATIONS

- Thank you for your continued hard work in providing meals to children while encountering difficulties due to COVID-19 issues.
- The SFA was very open to SA feedback and responsive to identified issues.

TECHNICAL ASSISTANCE (TA)

Meal Components and Quantities

- Pursuant to USDA guidance *COVID-19: Child Nutrition Response #90*, the SFA requested meal pattern flexibilities for school year 2021-2022. Based on one approved request (10/01/21) as of October 18, the following requirements are waived as needed during this school year:
 - That all grains offered be whole grain-rich, at 7 CFR 210.10(c); and 220.8(c);
- It was discussed to work with IJDC as the provider of vended meals to identify if requests for additional waiver flexibility should be submitted.
- Although inadequate fruit portions are a repeat finding, the SA did not proceed with calculating fiscal action due to supply chain issues impacting the meal pattern. This flexibility is based on USDA guidance *COVID-19: Child Nutrition Response #100*. If this repeat violation is discovered in future ARs, it may result in fiscal action.
- As the vended meal contract is temporary, ensure that any new kitchen staff responsible for reimbursable meals completes training on meal patterns, component crediting, and production record completion. Suggested courses include:
 - Idaho CNP's online [2021 Production Record Training](#)
 - The ICN's online [Overview of the Food Buying Guide](#)

Dietary Specifications and Nutrient Analysis

Independent contractor CN Resource completed the menu review and provided the following TA on the menus vended from IDJC:

- The menu met 92% whole grain for the week of review. The waffle served this week was not whole grain-rich. Please note this requirement was met due to the approved whole grain-rich meal pattern waiver.
- The federal regulations require specific serving sizes of fruit/vegetable for breakfast. Servings were sometimes less than the required 1 cup serving. On Wednesday, Thursday, and Saturday only 1/2 cup fruit was served. Increase the serving sizes of fruit these days to 1 cup or serve an additional 1/2 cup of fruit.
- The federal regulations require menus to be planned that meet the minimum daily 2-ounce equivalent grain requirement for grades 9-12. This requirement was not met on Tuesday. The bun served with the Rib-B-Que only provides 1.75 oz. eq. grains. Serve a bun that provides at least 2 oz. eq. grains per serving.
- The federal regulations require a minimum of 1 cup of fruit to be offered each day for grades 9-12. This requirement was not met on Tuesday. Only 1/2 cup (4 oz.) of grapes was served this day. Ensure that at least 1 cup of fruit is served daily. This can be accomplished through serving 1 cup of grapes or 1/2 cup grapes with 1/2 cup of canned fruit or 100% fruit juice of choice.
- The federal regulations require a minimum of 1 cup of vegetables to be offered each day for grades 9-12. This requirement was not met on Friday when only 7/8 cup vegetables was served.
- Create a recipe for the Idaho Nachos served on Friday that includes all of the items listed on the Production Record that were used for crediting.
- Keep in mind that raw leafy green vegetables, such as lettuce and spinach, are creditable at half volume. The amount of shredded lettuce served this day was 3/8 cup which credits at 1/8 cup. Increase the amount of lettuce served this day to 1/2 cup to provide 1/4 cup per serving and meet the daily requirement with the tater tots and tomatoes.
- Meal pattern crediting was determined based on the product documentation submitted; however, it is required that the Product Formulation Statement for items listed below are signed and dated by the manufacturer, OR the official Child Nutrition Label from the product packaging is secured.
 - Breadstick served on Sunday and Wednesday
 - Onion Rings served on Thursday
 - Country Fried Steak Patty served on Saturday
- The Child Nutrition (CN) Label submitted for the Hamburger Patty included a watermark. Please secure for your records the actual CN label from the product packaging, without the watermark.
- Production records are a written record demonstrating that a reimbursable meal was served. They also provide valuable information for planning and forecasting menus. The submitted production records did not provide adequate information. It is a requirement of the federal regulations to maintain complete and accurate production records.
- Production records did not always include daily menu substitutions. Be sure any substitutions that are made are listed on the production records.

Nonprofit School Food Service Account

- The 501-fund account currently includes categories for all *Meals* and *Paper Products* expenses. It is recommended that an additional subcategory be utilized to track items specifically for the USDA Child Nutrition Programs. This would help separate allowable and unallowable items and streamline CNP reviews. Even when nonprogram foods are sourced from the same vendor, separate invoices may be requested to help identify foods that are purchased for service outside of the reimbursable breakfast and lunch meals and ASSP. For example, coffee and creamer for staff, non-program dinner food, and food or paper products not for use in the CNP are currently included under the 501 fund.

Civil Rights

- The SA identified that the LEA had two separate USDA non-discrimination statements posted on the Child Nutrition Programs webpage as well as the incorrect short statement. TA was provided via email on 9/28/21 and the website was corrected to include the correct USDA FNS version only.
- The condensed Frontline Staff civil rights training document is only for non-food service employees that assist with program participants. This training cannot be used for foodservice staff, or their supervisors, who are required to complete the full civil rights training annually.

Reporting and Recordkeeping

- Policy 3-3 posted on the LEA's website did not meet the required time limits with record retention for school meal programs. TA was given during the SY17-18 AR with the understanding the policy would be corrected. The SA emailed the LEA on 9/28/21 and provided wording from 7 CFR 210.9 (b)17 and 7 CFR 210.15 (b) 5. The LEA responded that the policy was changed and approved in 2017, but it was not updated on the website. The SA confirmed the posting of the updated 2017 Policy 3-3 to the website prior to the day of review.

SFA SSO On-Site Monitoring

- All SFAs operating SSO are required to review each SSO site at least once during its operation. The *Seamless Summer Option On-site Review Checklist* is the required form to complete and document this review. Monitoring must be complete no later than February 1, and the completed checklist to be retained on file for proof of monitoring.

Professional Standards

- [Professional Standards](#) for school nutrition professionals who manage and operate the National School Lunch and School Breakfast Programs (7 CFR 210.30) 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. An up to date employee training tracking log must include the key area/topics and training subjects completed with certificates, agendas, and sign-in sheets retained for backup. The SA has made available a template tracking log prompting this information and

Professional Standards Learning Objectives and Topics with Codes which can be found on the [USDA Professional Standards Website](#).

- Requirements under 7 CFR 210.30(b)(3), (c), and (d) specific to Professional Standards annual training requirements for all school nutrition professionals are not applicable when operating SSO during SY21-22. However, SFAs are encouraged to have staff continue to complete in-person or online training whenever possible to support program expectations.

Afterschool Snack Program (ASSP)

- ASSP self-monitoring must occur twice per year. As operations are continuous with an RCCI, these reviews may align with the fiscal year (Oct-Sept) or a school year (July-June). For year-round operations, a 6-month cycle is recommended to complete both reviews.
- While reviewing production records for the month of September it was identified that served portions did not meet the required daily creditable amount. SFAs must identify how items credit toward the meal pattern. A [product formulation statement](#), [Exhibit A](#), and the [Food Buying Guide](#) are tools to calculate how portions credit. The SA provided a copy of a production record that identified minimum portion sizes as a guide to help ensure minimum portions are met.
- Although inadequate portions for ASSP were identified, the SA did not apply fiscal action due to flexibility granted in USDA guidance *COVID-19: Child Nutrition Response #100* waiving the requirements outlined in 7 CFR 210.18(l)(2)(i-ii). If this repeat violation is discovered in future ARs, it may result in fiscal action.

Procurement

- A separate procurement review was completed by Kathrine Forstie in SY20-21 with a SA closure letter sent; please follow the guidance provided.

YOUR REVIEW IS NOW CLOSED.

There is no fiscal action resulting from this review. Should you wish to appeal any of these findings please follow the appeal procedures on the [State Agency Appeal Procedures](#) document located on the SDE web page.

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

[electronic signature]

Jennifer Butler, Med, SNS

NSLP Coordinator

cc: Colleen Fillmore, PhD, RDN, LD, SNS, Director, Child Nutrition Programs

Kristine Richards, Secretary/Child Nutrition Director, 5-County JDC

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