

November 1, 2021

Jeff Gee, Superintendent
Ririe School District
13809 N. 130 E.
Ririe, ID 83443

Dear Superintendent Gee,

On October 20, 2021, State Department of Education (SDE) Coordinators Jennifer Butler and Jamie Gibson conducted an Administrative Review of Ririe School 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

The State agency (SA) reviewed Ririe High School (grades 7-12).

The SA would like to thank Eva Niederer and the entire staff of Ririe School District 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 (adopted in 2015 and updated 8/13/2020) is missing required elements, making it noncompliant. Technical Assistance (TA) was provided during the last AR (Nov. 2016) advising of required language and assessment. Please see the SA’s [School Wellness website](#) for more information.

- Note the current 8200 *Local Wellness Policy* cross-references 4 other policies: 2310 *Nutrition Education*, 2315 *Physical Activity Opportunities and Education*, 4175 *Required Annual Notices*, and 8230 *Nutrition Standards*. Policy 2310 is missing from the LEA website and is not listed in the Table of Contents for Section 2000 policies.

Corrective Action: Upload written documentation from the superintendent, or designee describing a plan with timeline identifying how and when the wellness policy language will be brought into compliance with Federal requirements.

Date of CAP Completion: Completed October 25, 2021.

Corrective Action Response: The superintendent identified he meets with a parent advisory group on a monthly basis and will review the wellness policy and LWP finding during the November 3, 2021 meeting. He will also obtain the foodservice director’s input on putting together a wellness committee. The superintendent will review the current policy and add any cross-referenced policies that may be missing. With monthly school board meetings, it was identified that the district will be brought into compliance with federal requirements and final approval anticipated to be received during the January 7, 2022 meeting.

Finding 2 – Competitive Foods (Smart Snacks)

Ririe High School did not have a process of tracking fundraisers as required and operated vending machines that did not meet Smart Snack regulations. 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 and beverages sold to students must either comply with Smart Snack specific nutrition standards, be tracked as exempt fundraiser(s), or be inaccessible during the school day (defined as midnight the day before until 30 minutes after the school day ends). All fundraisers, both exempted and compliant, including non-food sales, must be tracked. Per state policy, the school administrator may approve a maximum of ten exempted fundraisers, per school site, per year. An exempted fundraiser can be for a maximum of four consecutive school days. If food or beverage items are not compliant and sold during the school day, they must count toward the 10 exempt fundraisers allowed. All exempted

fundraisers beyond ten must be pre-approved by the SA using the Request form (7CFR 210 (b)(2)). Details and a tracking form are available on the [SDE CNP Smart Snacks web page](#).

- At Ririe HS, the vending machines sell items during the school day that do not meet Smart Snack nutrition guidelines. As this food fundraiser has occurred every day since August 31, the 10 exemptions Idaho allows for non-compliant food fundraisers have been exceeded at Ririe HS for the school year. Two non-compliant vending machines are located in a small room in the hallway across from the cafeteria. It was recommended that the vending machines be immediately brought into compliance, be turned off during the school day, or close the small room to students.
- During the last review (November 2016), technical assistance was provided advising of Smart Snack regulations and non-compliant items in the vending machines. Fundraising tracking requirements were also covered at that time.

Corrective Action: Upload written documentation from the principal, athletic director, or designee, describing how Ririe HS will come into compliance with Smart Snacks regulations, including a plan to bring vending machines into compliance and a process to track all fundraisers occurring for the school.

Date of CAP Completion: Completed October 25, 2021.

Corrective Action Response: The superintendent identified that he met with the athletic director in charge of the vending machines and they reviewed Smart Snack regulations. Starting immediately, any snacks purchased for sale in vending machines will meet Smart Snack requirements, however, as previously approved by the SA, the current inventory will be sold down while Smart Snack compliant alternatives are obtained to sell in the vending machines. All items not sold by December 17, 2021, will be transferred and sold at the concession stand, after school hours, at sporting events. Regarding fundraiser tracking, the superintendent will track all fundraisers using the SA training form and keep it up-to-date and available for review.

Finding 3 - Meal Components and Quantities – Meat/Meat Alternate

Independent contractor CN Resource completed the menu review and identified that for the week of review, the lunch menu did not meet the minimum daily and weekly requirements for meat/meat alternate.

Corrective Action: Provide a written statement addressing how weekly meat/meat alternate requirements are now met. Include a detailed statement to describe what specific changes were made to the menu, for the week of review, to correct all menu review findings and bring the menu into compliance. Submit supporting documentation to demonstrate that the menu findings are now corrected.

Date of CAP Completion: Completed October 14, 2021.

Corrective Action Response: The SFA submitted to CNR a written statement describing the specific changes made to the menu to meet the daily & weekly meat/meat alternate requirements and bring the menu into compliance.

Finding 4 - Meal Components and Quantities - Grain

CN Resource identified that for the week of review, the lunch menu did not meet the minimum daily and weekly requirements for grain. Although serving an insufficient grain quantity is a repeat finding, the SA did not proceed with calculating fiscal action based on flexibility provided

in USDA guidance *COVID-19: Child Nutrition Response #100*. If this repeat violation is discovered in future ARs, it may result in fiscal action.

Corrective Action: Provide a written statement addressing how grain requirements are now met. Include a detailed statement to describe what specific changes were made to the menu, for the week of review, to correct all menu review findings and bring the menu into compliance. Submit supporting documentation to demonstrate that the menu findings are now corrected.

Date of CAP Completion: Completed October 14, 2021.

Corrective Action Response: The SFA submitted to CNR a written statement describing the specific changes made to the menu to meet the daily & weekly grain requirements and bring the menu into compliance.

COMMENDATIONS

- Thank you for your continued hard work in providing meals to children while encountering difficulties due to COVID-19 issues.
- The director was very well prepared for the review. All necessary documentation was ready for the on-site review. The time and work put into preparing for the review was much appreciated.
- Great job on maintaining professional standards training tracking logs and ensuring staff receives required training.
- Good catch on identifying the product change impacting the creditable amount of grain which required a last-minute adjustment to meet the daily minimum for the meal pattern.

TECHNICAL ASSISTANCE (TA)

Certification and Benefit Issuance

- This area was not reviewed based on USDA Guidance *COVID-19: Child Nutrition Response #97* - the requirement under 7 CFR 210.18(g) (1) is waived regarding certification and benefit issuance and the requirement under 7 CFR 210.18 (h)(2)(i) (A-E) is waived regarding free and reduced-price processes not applicable to SSO in SY21-22.

Verification

- This area was not reviewed as no applications were received during SY21-22. Nationwide Waiver #97 FNS included verification as one of the sections that is not applicable to SSO ARs in SY2021-22.

Meal Counting and Claiming

- It was discovered that three non-program lunch meals were unintentionally claimed for the high school resulting in an over claim of three meals. Further investigation identified that the POS software counted 2 adult and one child “guest meals” in the reimbursable meal totals for the claim. The SFA immediately had all cashiers stop using the guest meal buttons and use the “staff lunch” button for all paid meals until the POS issue is

corrected. The SFA will look into changing the name of the buttons in the POS to assist cashiers.

Dietary Specifications and Nutrient Analysis

- Independent contractor CN Resource completed the menu review and provided the following TA in a detailed Menu Review Results Report:
 - The labeling submitted for several items did not include an official Product Formulation Statement (PFS) and did not include the meal pattern calculations. An official Child Nutrition (CN) Label from the product packaging or a complete PFS, should be secured from the manufacturer to confirm meal pattern crediting.
 - 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 ARs, may result in fiscal action.
 - Menus must meet the minimum daily 2-ounce equivalent meat/meat alternate requirement for grades 9-12. This requirement was not met on two days: September 14 with the cobb salad and September 16 with the deli sandwich.
 - Regulations require weekly minimum amounts of meat/meat alternate to be served. The weekly requirement of 10 oz. eq. was not met for September 13-17, 2021. The menu offered a minimum of 9.25 oz. eq. of meat/meat alternate throughout the week. Following the recommendations provided for September 14 and 16 will help ensure the weekly requirements are met.
 - Menus must meet the minimum daily 2-ounce equivalent grain requirement for grades 9-12. This requirement was not met on 3 days: September 14, 15, and 16.
 - Regulations require weekly minimum amounts of grains to be served. The weekly requirement of 10 oz. eq. was not met for September 13-17, 2021. The menu offered a minimum of 9.25 oz. eq. of grain throughout the week. Following the recommendations for September 14-16 will help ensure that weekly requirements are met.
 - The whole grain rich requirement was met due to the approved meal pattern waiver that all grains offered must be whole grain-rich.
- Although inadequate grain servings was 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.
- Pursuant to USDA guidance *COVID-19: Child Nutrition Response #90*, the SFA requested and was approved for meal pattern flexibilities for school year 2021-2022. Based on three approved requests (8/24/21, 9/24/21, & 10/01/21) as of October 20, 2021, the following requirements are waived as needed during this school year:
 - That menus meet the dietary specification for sodium, at 7 CFR 210.10(b), (c), and (f); and 220.8(b), (c), and (f);
 - That all grains offered be whole grain-rich, at 7 CFR 210.10(c); and 220.8(c);
 - To offer a variety (at least two different options) of fluid milk, at 7 CFR 210.10(d)(1)(i) and 220.8(d)

- To plan menus and offer food components for specified age/grade groups in the stated combinations, at 7 CFR 210.10(c) and 220.8(c)

Nonprofit School Food Service Account

- It is recommended that the foodservice director and business manager meet on a regular basis to discuss and monitor child nutrition program financials.

Paid Lunch Equity

- This area was not reviewed based on USDA Guidance *COVID-19: Child Nutrition Response #97* in which the requirement under 7 CFR 210.18(h) (1) (ii) is waived regarding the requirements for pricing paid lunches in 210.14(e) that are not applicable to SSO in SY21-22.
- Per USDA, the SY 2020-21 Weighted Average Price equal to or above the target price of \$3.18 are compliant for SY 2021-22. \$3.18 is the difference between the free and paid reimbursement rates for SY 2020-21.

Civil Rights

- The hearing official read and signed off on the frontline staff civil rights training handout instead of completing the required training. The condensed frontline staff civil rights training document is only for non-food service employees such as teachers, secretaries, custodians, or volunteers that assist with program participants. This training cannot be used for foodservice staff, the determining, confirming, or hearing officials, or their supervisors, who are required to complete the full civil rights training annually.

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, as applicable [7 CFR 210.21 (d)]. If a product from another country is sourced, then the SFA must have supporting documentation that the domestic product is 1) significantly higher in price, or 2) not available in sufficient quantities. Exception documentation was not available during the AR. Out of compliance items observed onsite included mandarin oranges from China, green chili peppers, jalapenos, and fresh tomatoes from Mexico. The SA has a "Buy American Exception Form" available in Download Forms to be completed and kept for all food products requiring documentation.

Local School Wellness Policy (LWP)

- FNS is waiving statutory and regulatory requirements at 7 CFR 210.31 and providing a new first triennial assessment deadline of June 30, 2022, for states that opt in to: *COVID-19: Child Nutrition Response #98 Nationwide Waiver of Local Wellness Policy Triennial Assessments in the National School Lunch and School Breakfast Programs.*

Smart Snacks

- Compliance documentation to support vending machine and a la carte products must be kept. The [Smart Snacks Product Calculator](#) is a useful tool that produces a report that can be used to confirm and document compliance.

- 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) must meet Smart Snacks nutritional regulations. Smart Snacks information and resources, including a fundraiser tracking form, can be found at the Idaho SDE Child Nutrition Programs Smart Snacks website.
- Per state policy, a maximum of ten exempted fundraisers per school site per year may be approved. An exempted fundraiser can be held for a maximum of four consecutive school days. All exempted fundraisers beyond ten must be pre-approved by the SA using the request form available on the SA website. Additional information is available on the SA Smart Snacks website where a template fundraising tracking form may be found.
- The SA fundraiser tracking template includes an option to check “non-food” for ease in tracking those types of sales along with the “compliant” and “exempted” food fundraiser options. The purpose of tracking all fundraising, including both food and non-food, is because the SA requires at least 50% of fundraising to be exempted or non-food related. If the need arises to request an additional exempted fundraiser (beyond the 10 locally approved), the pre-approval request form must be submitted along with the school’s fundraiser tracking form.
- The SA discussed Smart Snacks regulations and the tracking log with the principal and superintendent showing them the SA’s Smart Snacks website. A copy of [A Guide to Smart Snacks School](#) was provided during the exit conference.

Professional Standards

- 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.

Special Provision

- The Provision 2 breakfast cycle ended June 2021 after the SFA did not qualify for an extension. If the SFA wishes to conduct a new base year, contact the SA during renewal for SY22-23.
- Per 7 CFR 245.9 (b)(2), schools electing this alternative must be prepared to pay the difference between Federal reimbursement and the cost of providing all meals at no charge from sources other than Federal funds. In most cases, LEA general funds must make up for the loss of revenue when operating Provision 2 as household revenue is not being received.

Procurement

- A separate procurement review was completed by Kathrine Forstie in SY20-21 with a SA closure letter sent following completion of corrective action (if needed); please follow the guidance provided as part of that review.

FISCAL ACTION

Due to a POS operation error, fiscal action results in \$12.95. However, since this amount falls under the \$600 threshold, the fiscal action will be disregarded and no financial adjustment will occur.

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
Eva Nieder, Child Nutrition Director, Ririe School District

CIVIL RIGHTS

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), 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: [How to File a Complaint](#),

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.

This institution is an equal opportunity provider.