

April 27, 2023

Gary Brogan, Superintendent  
Bear Lake County School District  
633 Washington St.  
Montpelier, ID 83254

Dear Superintendent Brogan,

On March 14, 2023, USDA Western Regional Office staff Mark Nguyen, Amanda Briggs, and Jacqueline Brown, and State Department of Education (SDE) Coordinators Cambria Steffler, Jennifer Butler, and Pamela Murray conducted an Administrative Review (AR) of Bear Lake County School District for the following United States Department of Agriculture (USDA) programs:

- National School Lunch Program (NSLP)
- School Breakfast Program (SBP) Operating Provision 2 breakfast option
- USDA Foods

The sites reviewed were Paris Elementary School and Bear Lake Clover Creek School.

The State agency (SA) would like to commend Ashley Preece and the entire staff of Bear Lake County 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 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 – Meal Counting and Claiming

Students are marked off on a roster prior to the service line requiring that the adult on the service line ensures a reimbursable meal is selected. During breakfast, it was observed that the server was cleaning up tables and not at the service line when the teacher checked students to go through the line, resulting in students not being monitored as they self-selected food items. On another occasion, the server had to go into the kitchen to get more bagels. This again resulted in students going through the service line not being monitored. One student was identified to have not selected a reimbursable meal during this breakfast service. That meal will be disallowed and removed from the claim for reimbursement. Technical assistance was provided while SA reviewers were onsite that if the monitoring of reimbursable meals is at the end of the line, then the podium where the teacher stands should be moved closer to the service line so the server and teacher can easily communicate when a need arises for the server to step away and the teacher can stop the students from proceeding through the line unsupervised. CNR had also provided technical assistance during their review on January 8 that an extra set of eyes would be helpful to monitor reimbursable meals.

**CAP:** Upload a narrative describing changes during the breakfast meal service to ensure that students do not go through the service line while the service line does not have an adult present to monitor reimbursable meals.

**Due Date for CAP completion:** Due March 29, 2023; Submitted March 23, 2023; Accepted April 12, 2023

**Corrective Action Response:** The SFA uploaded a written statement saying the POS has been moved closer to the service line for staff members to easily communicate, and an additional kitchen staff member is coming on days when multiple items are being served.

### Finding 2 – Meal Counting and Claiming

Breakfast is defined in 7 CFR 220.2 as a meal served to a child in the morning hours. It was identified that an afternoon PreK class operating from 12:30-3:30 p.m. is served a breakfast meal around 12:40 p.m. which is claimed for reimbursement under Provision 2 breakfast. The PreK may participate in a lunch meal in the afternoon and be claimed under that program. The PreK students would qualify for free meals or pay a reduced or full price cost based on their eligibility. A Provision 2 breakfast base year is being established this school year and the unallowed breakfast participation counts are impacting the claiming percentages for the next four years. Therefore, the meal counts for the afternoon PreK students will need to be removed and the claiming percentages recalculated by the SA.

**CAP:** Upload a plan identifying if the afternoon PreK class will participate in NSLP or no longer participate in meal service and provide a copy of correspondence provided to families

identifying the change. This change will need to be implemented upon students returning from Spring Break. In addition, upload transaction reports for all PK students that received a breakfast meal during the afternoon session. These transaction reports must capture the meals from the start of school to March 24, the last school day before Spring Break.

**Due Date for CAP completion:** Due March 29, Extended to April 4, Submitted April 3; Accepted April 26, 2023

**Corrective Action Response:** The SFA uploaded a written statement stating all parents were notified by phone that the afternoon PreK class would be offered lunch at either free, reduced, or paid depending on their eligibility. The SFA provided transaction reports for the afternoon PreK class from the start of the school year. The SA calculated the meal counts to be removed from the breakfast claim totaling \$897.37.

### **Finding 3 – Infant and Pre-K Meal Pattern**

PreK students are not co-mingled with grades K-5, but are served the same breakfast meal in their classroom. When PreK students are not co-mingled they must follow the preschool meal pattern outlined in 7 CFR 220.8(o)(1). Please refer to guidance located at [Nutrition Standards for CACFP Meals and Snacks | Food and Nutrition Service \(usda.gov\)](https://www.usda.gov/food-nutrition-service/nutrition-standards-for-cacfp-meals-and-snacks) for more information on the differences between the PreK and K-5 NSLP meal pattern, including limits on sugar in cereal and yogurt items, unallowable grain-based dessert items, and the requirement to serve only non-flavored milk.

**CAP:** Upload a narrative describing all considerations to be addressed to make changes to the PreK meal service to ensure the PreK meal pattern is followed and only allowable items are offered as part of a reimbursable meal.

**Due Date for CAP completion:** Due March 29, 2023; Submitted March 23, 2023; Returned for correction; Submitted April 18, 2023; Accepted April 27, 2023

**Corrective Action Response:** The SFA uploaded a copy of the breakfast and lunch menu to reflect the CACFP meal pattern for the Pre-K classes.

### **Finding 4 – Civil Rights**

The nondiscrimination statement must accompany any new printed materials and any web-based materials referencing FNS programs (FNS Instruction 113-1). The full statement must be included on outreach material when notifying potentially-eligible participants how to apply for benefits or when informing participants about their right to file a complaint. The link for the non-discrimination statement on the website does not work, and the complaint forms in the civil rights binders at the schools contain the outdated NDS.

**CAP:** 1. Update the non-discrimination statement on the website and provide a link to the updated webpage.

2. Upload a copy of the new civil rights complaint forms for the civil rights binder.

**Due Date for CAP completion:** Due March 29; Submitted March 23; Accepted April 19, 2023

**Corrective Action Response:** The SFA updated the NDS on the district website, and provided a copy of the NDS to be included in the civil rights binders and on all applicable documents.

### **Finding 5 – On-Site Monitoring**

SFA's must conduct on-site reviews of each school under its jurisdiction, as required by [§§ 210.8\(a\)\(1\)](#) and [220.11\(d\)](#). While Bear Lake High School and Clover Creek School are served

meals at the same site, Bear Lake Clover Creek School is a standalone site and must be treated as such. Therefore, it needs to be monitored separately from Bear Lake High School to meet SFA's on-site monitoring requirements. The on-site monitoring form was only completed for Bear Lake High School. The on-site monitoring form needs to be completed for Clover Creek School.

**CAP:** Complete the on-site monitoring form for Clover Creek School and upload the form.

**Due Date for CAP completion:** Due March 29, Submitted March 23; Accepted March 28, 2023

**Corrective Action Response:** The SFA completed the on-site review for both breakfast and lunch for Clover Creek.

### **Finding 6 – Buy American**

Per 7 CFR 210.21 (d), 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. The tomatoes from Mexico did not have an exception form. The cucumbers from Mexico, grapes from Chile, and canned pineapple from Indonesia had annual exception forms on file however, none included supporting documentation to justify the exception. The cucumbers and grapes should also not have an annual exception form. 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 and upload the Buy American exception form with applicable documentation to justify the exception for the tomatoes, and provide documentation to justify the exception for the tomatoes, cucumbers, grapes, and canned pineapple.

**Due Date for CAP completion:** Due March 29, 2023; Extended to April 4, 2023; Submitted April 3, 2023; Accepted April 12, 2023

**Corrective Action Response:** The SFA uploaded documentation from the vendor that pineapple is not produced in sufficient quantities in the US, and grapes and cucumbers are not produced in sufficient quantities for this season. A Buy American exception form was uploaded for tomatoes with documentation that they are not grown in sufficient quantities during the season.

### **Finding 7 – Food Safety**

While the SA was on site for Clover Creek School, the most recent health inspection report was hung in a visible location, but the other health inspections for recent school years were not kept on file. Besides the most recent health inspection, the next recent on file was 2/11/2021.

**CAP:** Contact the health department to receive previous health inspection documents and upload the documents. If the documents cannot be obtained, write a narrative of how these documents will be maintained for the required time frame.

**Due Date for CAP completion:** Due March 29, 2023; Extended to April 4, 2023; Submitted April 3, 2023; Accepted April 12, 2023

**Corrective Action Response:** The SFA provided copies of the two most recent health inspection reports.

### **Finding 8 – Food Safety**

The food safety (HACCP) plan did not contain an employee exclusion policy which is required by Idaho Food Code.

**CAP:** Upload a copy of the employee exclusion policy.

**Due Date for CAP completion:** Due March 29, 2023; Submitted March 23, 2023; Accepted March 28, 2023

**Corrective Action Response:** The SFA uploaded a copy of the employee exclusion policy.

### **Finding 9 – Lunch Meal Components and Quantities - Grain**

The federal regulations require menus to be planned that meet the minimum daily 2-ounce equivalent and weekly 8-ounce equivalent grain requirement for grades 9-12. This requirement was not met on 2/9/23 with the one 1.25 oz. eq. roll served. The weekly requirement was not met with only 7.25-ounce equivalents of grains served throughout the week.

**CAP:** Provide a written statement and documentation that the daily & weekly grain requirements are now met.

**CAP Completed:** Due March 9, 2023; Submitted March 13, 2023; Accepted March 14, 2023

**Corrective Action Response:** The menu was updated to have an additional 1-ounce equivalent of Chex Mix.

## **Commendations**

- Staff were very friendly and helpful to SA staff. They were also very receptive to any feedback provided.
- Staff are engaged with the students and have a great rapport leading to greater student compliance for requests that they take reimbursable meals.
- The food service staff takes time to prepare fresh cut produce for the salad bar every day. The salad bar looked very enticing for students.
- The cafeteria tables decorated with school logos and mascots are a very nice touch and help make the cafeteria more inviting for students.

## **Technical Assistance (TA)**

### **Meal Components and Quantities**

- 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.

### **Infant and Pre-K Meal Pattern**

- Cereal served to Pre-K must not contain more than 6 grams of sugar per dry ounce. The cereal served to the K-5 students is over the threshold of sugar allowable for Pre-K students.
- The Pre-K meal pattern only allows for fat free (skim) or low-fat (1%) unflavored milk to be served to ages 2-5. During the observed morning Pre-K breakfast meal service, five meals were laid out for students in the classroom. Four of five meals included chocolate milk and only one had plain low-fat milk. The SFA was told to remove the flavored milk option from the crates prepared for the mid-morning and afternoon Pre-K sessions to avoid serving more unallowable milk. Ensure that only unflavored milk is provided to Pre-K moving forward.
- Refer to the footnotes on Exhibit A to help determine whether or not a grain item served to grades K-5 is allowable for Pre-K.

### **Special Provision Options**

- Provision 2 Base Year (SY22-23) benefit issuance was previously validated by the SA on 11/18/22. The retention of all required Provision 2 documentation was confirmed during the administrative review. Daily meal count records by student name and eligibility and monthly benefit issuance lists are saved electronically and will be stored on a thumb drive. All other Base Year records will be stored in a locked file cabinet in the food service director's office. The current Provision 2 cycle expires at the end of SY25-26. If you wish to continue with Provision 2 breakfast at that time, you must contact the SA prior to the expiration date to see if you qualify for an extension. Please ensure all required Provision 2 documentation, including base year daily meal count records by student name and eligibility, is maintained per requirements.

### **Smart Snacks**

- All foods sold and marketed during the school day must meet Smart Snack regulations. The vending machine at Bear Lake High School was off during the school day, but the vending machine has marketing for drinks that are not Smart Snack compliant.

### **Resource Management**

- The SFA must get approval before purchasing any equipment over the \$5,000 threshold. An email was sent to the FSD to indicate that the request would be approved for the lower amount of \$24,187.29 and General Funds would have to pay the \$3,765.62 as the lower priced freezer appeared to meet the specifications. There was no justification sent to show why the higher priced freezer was chosen. The SFA did not acknowledge the email with a reason or with the understanding that the difference would need to be paid by General Funds. No approval was given. Email received on 2/25/23 from Bear Lake indicating the lower cost freezer was purchased and the SFA thought that was the end of it. The SFA has been given TA to make sure items are approved prior to purchase. Miscommunication between the SFA and SA delayed the approval which is now given.

- The SFA's Non-program Food Revenue Tool (NPFRT) is not in compliance. The SFA must take steps to ensure that nonprogram foods are sufficiently priced in order to meet the nonprogram foods requirement. The revenue ratio must be equal to or greater than the food cost ratio. Some of the items for a price increase could include the pizza rippers, pudding and the cookie. Main Lunch and Main Breakfast should be removed from the A La Carte tab, as they should be priced as second meals. If the SFA chooses not to raise prices for nonprogram foods then non-Federal funds could be used to cover the shortfall when the food cost ratio is less than the revenue ratio.

### **Procurement**

- A procurement review was previously completed. Please follow the guidance provided by Procurement Specialist Kat Forstie in a separate closure letter.

### **Fiscal Action**

Due to Provision 2 meal count errors and the incomplete breakfast meal during the on-site review, fiscal action results in \$789.99.

### **Your review is now closed.**

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,

*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, Idaho Child Nutrition Programs  
Ashley Preece, Child Nutrition Director, Bear Lake County School District

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To file a program discrimination complaint, a Complainant should complete a Form AD-3027, USDA Program Discrimination Complaint Form which can be obtained online at: <https://www.usda.gov/sites/default/files/documents/USDA-OASCR%20P-Complaint-Form-0508-0002-508-11-28-17Fax2Mail.pdf>, from any USDA office, by calling (866) 632-9992, or by writing a letter addressed to USDA. The letter must contain the complainant's name, address, telephone number, and a written description of the alleged discriminatory action in sufficient detail to inform the Assistant Secretary for Civil Rights (ASCR) about the nature and date of an alleged civil rights violation. The completed AD-3027 form or letter must be submitted 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; 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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