



May 23, 2023

Jon Rehder, Superintendent
Cottonwood Jt. SD.
1916 East Street
Cottonwood, ID 83522

Dear Superintendent Rehder,

On April 4, 2023, State Department of Education (SDE) Coordinators Jennifer Butler and Jax Dunham conducted an Administrative Review (AR) of Cottonwood Jt. School District for the following United States Department of Agriculture (USDA) programs:

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

The site reviewed was Prairie High School.

The State agency (SA) would like to commend Jennifer Riener and the entire staff of Cottonwood Jt. SD. 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 – Certification and Benefit Issuance

One application was incorrectly determined due to using the incorrect pay frequency resulting in one student changing from free to reduced. Additionally, while reviewing a sample of denied applications, one application was discovered to be incorrectly denied and results in 6 students increasing to a reduced-price benefit.

CAP: The students receiving an increase in benefits were immediately changed. Send a letter to the previously denied household notifying them of the increase in benefits. Send a notice of adverse action advising of the reduction in benefit. Upload copies of the household letters as well as a copy of the benefit issuance list showing the changes in benefits.

CAP Completion: Due and completed April 19, 2023.

Corrective Action Response: Household letters were uploaded along with an updated benefit issuance list showing the required changes.

Finding 2 – Verification

Two separate applications were verified, but the bi-weekly gross income showing on the pay stubs was not used correctly to determine the changes of benefits as a result of verification. Both applications, impacting four students must be changed from free to reduced. Additionally, it was identified that there was some confusion with the verification process and requirements.

CAP: Send notices of adverse action advising households of the reduction of benefits. Upload copies of the letters sent to the two households as well as upload an updated benefit issuance list showing changes in student benefits. In addition, complete the [Verification training](#) located in the online training portal. Upload a copy of the certification of completion for that training.

CAP Completion: Due and completed April 19, 2023.

Corrective Action Response: Both notices of adverse action were uploaded along with a benefit issuance list showing the decrease in eligibility. A Certificate of Completion for the online Verification training was also uploaded.

Finding 3 – Professional Standards

Per 7 CFR 210.30(b)(1)(v), Food Service Directors must have at least eight hours of food safety training at least every five years. A free, online course, *Food Safety in Schools* is available through the [Institute of Child Nutrition \(ICN\)](#) and can be used to meet this requirement.

CAP: Upload a training certificate indicating successful completion of at least eight hours food safety training into MICNP.

CAP Completion: Due April 19; completed April 10, 2023.

Corrective Action Response: A Certificate of Completion for *Food Safety in Schools* dated April 10, 2023, was uploaded.

Finding 4 – Professional Standards

Employee training tracking logs must be completed with all required information, including the key area/topics, dates, and training subjects completed, with certificates, agendas, and sign-in sheets retained for backup. The SA template was printed for each employee, but not filled out. Technical assistance was provided on this requirement during the last AR during SY17-18, but no practice has been implemented. More information on professional standards requirements and learning objectives and topics with codes can be found on the [USDA Professional Standards Website](#).

CAP: Complete the training tracking logs for all employees to include the training that has been completed for the current school year. Include all required information as well as the hire date and required hours of training required for the year. Upload copies of the completed logs.

CAP Completion: Due April 19; completed April 13, 2023.

Corrective Action Response: Completed training logs for all 5 foodservice employees were uploaded indicating that annual training requirements for SY22-23 have been met.

Finding 5 – Civil Rights

All staff and volunteers must be trained on Civil Rights requirements before the Child Nutrition Program’s duties are assumed and annually thereafter. Paraprofessionals operating the POS during meal service must have documented civil rights training.

CAP: Have all non-foodservice staff that assist with program operations complete the required civil rights training for SY22-23. Upload a copy of the sign-in sheet showing their names documenting the date they completed training. Implement a plan to ensure all staff receive the required training each year.

CAP Completion: Due April 19; completed April 7, 2023.

Corrective Action Response: A sign-in sheet for Civil Rights training was uploaded with signatures from 5 non-foodservice staff that assist with meal service. This training was held on April 6, 2023.

Finding 6- Civil Rights

The household notification letters must include the full USDA Non-Discrimination Statement (NDS) when advising of approval or denial of benefits (7 CFR § 210.23). It was discovered that the household notification letters either did not contain the correct full statement or the entire statement. The SFA utilizes the SA template letters, but has old copies of letters that are photocopied each year rather than obtaining new ones from Download Forms. Additionally, the SFA is using the incorrect short statement on the monthly menu. On September 2, the SA emailed the SFA about the error and was advised it would be corrected. However, the March and April menus posted on the district’s website still contain the incorrect short statement wording. The statement must read, “This institution is an equal opportunity provider.”

CAP: Use the correct short statement wording on the monthly menu. Upload a copy of the May menu using the correct wording. In addition, upload a statement advising of a procedure to obtain new letters each year from Download Forms and steps taken to ensure that the

correct full NDS is included as required.

CAP Completion: Due April 19; completed April 11, 2023.

Corrective Action Response: The May menu with the correct short NDS was uploaded along with a statement explaining that every July/August the director will obtain new letter templates from Download Forms in MyIdahoCNP and ensure the correct full statement is included.

Finding 7 – Buy American Provision

Per 7 CFR 210.21 (d), SFAs are required to purchase domestic agricultural commodities or products that are produced and processed substantially in the United States or territories, as applicable. If a product from another country is sourced, then the SFA must have documentation that the domestic product is significantly higher in price or not available in sufficient quantities. Documentation for mandarin oranges from China was not available during the AR.

CAP: Complete and upload the SA's "Buy American Exception Form" for the mandarin oranges from China. Once completed, retain this documentation in your records.

CAP Completion: Due April 19; completed April 5, 2023.

Corrective Action Response: A completed Buy American Exception form was uploaded.

Finding 8 – Lunch Meal Components and Quantities – Vegetables – REPEAT FINDING

Federal regulations require a minimum of 3/4 cup of vegetables to be offered each day for grades 7-8. Independent contractor CN Resource (CNR) completed the menu review for the week of February 6-10, and identified this requirement was not met on Monday and Tuesday with only 1/2 cup planned each day. For grades 9-12, a minimum of 1 cup of vegetables must be offered each day. This requirement was not met on Monday with only 1/2 cup planned. This insufficient serving of vegetables is a repeat finding. During the last review, non-compliant meals were disallowed due to a repeat finding. The SA will again need to disallow meals for this repeat finding.

CAP: Provide a written statement that the daily vegetable requirements are now met and provide documentation demonstrating the correction.

CAP Completion: Due and completed February 14, 2023.

CAP Response: Broccoli and carrot servings have been increased to meet the daily minimum serving requirements. CNR reviewed and approved supporting documentation to correct the vegetable finding and meet requirements. The SA disallowed 117 lunch meals from the week of menu review and calculated fiscal action for insufficient quantities.

Finding 9 – Lunch Meal Components and Quantities - Grains

Federal regulations require menus to be planned that meet the minimum daily 2-ounce equivalent grain requirement for grades 9-12. CNR identified that for the week of the menu review only 1.5 oz. eq. grain was planned on Monday and 1.75 oz. eq. grain was planned on Thursday.

CAP: Provide a written statement that the daily grains requirements are now met and provide documentation demonstrating the correction.

CAP Completion: Due and Completed February 14, 2023.

CAP Response: The brown rice serving has been increased and the bun recipe modified to meet the 2 oz eq requirement for grades 9-12. CNR reviewed and approved supporting documentation to correct the fruit finding and meet requirements.

Commendations

- The foodservice director was very well prepared for the review. Documentation was uploaded well ahead of deadlines or was organized and ready for the on-site review. The time and work put into preparing for the review was much appreciated.
- The director was receptive to suggestions and has a positive, can-do attitude. She readily accepted any feedback provided by SA reviewers.
- The director has a well-kept food safety binder. The SA appreciated seeing the documentation of training and in-services that she and her staff have completed.
- The kitchen staff was very friendly and welcoming. They asked good questions about Smart Snacks wanting to ensure that the vending machine in the cafeteria met all requirements. The SA enjoyed the music that was played in lieu of a bell and it appeared that staff and students did as well.

Technical Assistance (TA)

Certification and Benefit Issuance

- According to the eligibility manual, LEAs have an obligation to follow-up when households submit applications with questionable and incomplete information. *SP13-2012 Verification for Cause in School Meal Programs* states, "Verification for cause may be conducted at any time during the school year."

Verification

- Hard copies of all notification letters sent to households as part of the verification process must be kept with the application and supporting verification documentation for a complete record. Undated copies of the original notification of verification letters were retained, but no copies of the final notice letters were kept.
- Error prone applications are applications that document a monthly income within \$100 of the Income Eligibility Guidelines. Error prone applications must be a priority when selecting households for verification.
- The verifying official (either the determining or confirming official) must sign and date the "For Official Use Only" portion of the application at the conclusion of verification. The results of the process should be marked on the application as well as when the notice letters were sent.

Dietary Specifications and Nutrient Analysis

CNR completed the menu review and provided the following TA:

- 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.

Please note that per USDA guidance any repeat menu findings in future Administrative Reviews, may result in fiscal action

- 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.
- The federal regulations require a minimum of 3/4 cup of vegetable to be offered each day for grades 7-8. This requirement was not met on 2 days; suggestions to help meet requirements were provided.
- The federal regulations require a minimum of 1 cup of vegetable to be offered each day for grades 9-12. This requirement was not met on 1 day; suggestions to help meet requirements were provided.
- 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 2 days; suggestions to help meet this requirement were provided.
- The bun recipe only credits for 1.75 oz. eq. grain. The total amount of flour (bread flour 2000g + whole wheat flour 2400g) equals 4400 grams. This amount is divided by 150 servings= 29.33/ divided by 16 (reference amount of grain in 1 oz. eq. grains) = 1.83 or rounded down to 1.75 oz. eq. Consider changing the recipe yield to 130 servings to credit at 2 oz. eq. grain.
- A standardized recipe is a recipe that has been carefully adapted and tested to ensure that it will produce a consistent product each time it is prepared. The recipes submitted were not always written in standardized format with complete information. Standardized recipes on the menu that need updating to reflect what is actually being prepared include the following:
 - Pizza with Cheese Topping recipe 900026 has scratch sauce but a canned sauce product was written in.
 - Grain recipes have all purpose and whole wheat flour, but a label for just the USDA mixed grain flour was provided.

Civil Rights

- 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.

SFA On Site Monitoring

- The line on the SFA On-Site Review Checklist asking for the date of the last breakfast review is to help guide the SFA to identify the requirement to review at least 50% of the sites for breakfast every other year, with a site being reviewed at least every two years.

Local School Wellness Policy (LWP)

- Per 7 CFR 210.31(e)(2), LEAs must assess their wellness policy at least once every three years. The last assessment, posted on the district's website, was conducted in January

2018, but the SFA opted-in to Waiver #7 and identified an anticipated completion date of 6/30/23 for the triennial assessment.

- During the triennial assessment, the wellness committee must ensure that the wellness policy addresses all required elements of the final rule by reviewing and updating all required policy sections comprising a complete local wellness policy. For more information, visit the SA's [School Wellness](#) webpage.
- Only the 8200 section of the LWP was posted on the foodservice webpage. In order to have a compliant policy, all required areas must be included. Section 8200, adopted May 2017, cross references 2310, 2315, and 8230. Section 8230 cross references 2305 and 8250 which references 3420. Section 8230 adopted in 2017 includes nutrition standards that are outdated and not currently being followed. Section 8240C updated in 2020 is not referenced in other sections, but addresses school meal requirements. In reviewing all sections, some policy wording is repetitive and worded differently in multiple policies causing potential confusion. Additionally, policy 8240 states, "All grains served shall be whole grain", which is more restrictive than current USDA nutrition guidelines.
- 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.

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. For more information, refer to [A Guide to Smart Snacks School](#) available at the USDA website.
- Per 7CFR210.11, fundraisers, including exempted and compliant, must be tracked. It was identified that each school has 2-3 fundraisers per year which allow for students to purchase food, but this is not being tracked. Per state policy, a maximum of 10 exempted fundraisers per school site per year may be approved by the school administrator. A fundraiser can be for a maximum of four consecutive school days. All exempted fundraisers beyond 10 must be pre-approved by the State agency using the Request form. Details are available at the [SDE CNP Smart Snacks website](#) where a template fundraising tracking form may be found.

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 report was moved while SA reviewers were onsite.

School Breakfast and SFSP Outreach

- SFAs must inform eligible families of the availability of reimbursable breakfasts served under the SBP. In addition to providing all households informational packets with Free and Reduced Meal Applications, schools must send reminders regarding the availability of the SBP multiple times throughout the school year (7 CFR 210.12 (d)). The foodservice page on the district's website would be a good location to promote the breakfast program. Posting a monthly breakfast menu may also help promote the meal.

Resource Management

- USDA Policy Memo [SP 23-2017 Unpaid Meal Charges: Guidance and Q&A](#) has helpful answers related to Meal Charge Policies, Payment Options and Payment Reminders, Alternate Meals, and Debt Collections.
- The SFA's SY22-23 USDA Paid Lunch Equity (PLE) Tool identified a required weighted average price of \$2.89. (This is below USDA's target price of 3.31). The SFA's prices are below equity with an approved \$2.66 weighted average price. The SFA will want to consider how they will raise lunch prices in the future to have their prices more in line with their required weighted average lunch price.
- Per 2 CFR §200.320(a), procurement by micro-purchases should be equitably distributed among qualified suppliers to the extent practicable. In a previous procurement review it was discovered that foodservice purchases were frequently made at a store with a personal connection to the foodservice director. Technical assistance was provided that, *"when using the grocery store in town that is owned by a relative, make sure to use other available vendors in an equal capacity when making purchases. This will help ensure your district will not receive any disputes related to the procurement process"*. During the resource management portion of the AR there were again several purchases made at the identified business in the amount of \$1,051.76 versus \$115.13 at the other local grocery store. Although the foodservice director does not procure any of the items

herself steps must be taken to ensure purchases are equally distributed when using federal funds. The superintendent confirmed that procurement outside of foodservice occurs with the other store and efforts are made to support both local businesses, however considerations will be made to ensure foodservice funds are more equitable dispersed or price quotations are obtained to support the procurement decision.

Special Provision Options

- Provision 2 Breakfast Base Year (SY17-18) benefit issuance was previously validated by the SA on January 23, 2017. The retention of all required Provision 2 documentation was confirmed during the administrative review. Daily meal count records by student name and eligibility are maintained on a thumb drive and all other base year records are kept in a binder at the elementary school. Some items were not stored together, so the importance of keeping all base year records together in one location to help ensure all items on the checklist are retained as required was encouraged.
- The current Provision 2 cycle expires at the end of SY24-25. If you wish to continue with Provision 2 breakfast, 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.

Procurement

- A procurement review was previously completed. Please follow the guidance provided in the closure letter for that review.

Fiscal Action

Due to a repeat finding of inadequate portions, fiscal action for the disallowed lunch meals from February results in \$196.73 and will be withheld from a future claim.

Your review is now closed.

Should you wish to appeal the fiscal action 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

NSLP Coordinator

cc: Lynda Westphal, MHS, SNS, Director, Idaho Child Nutrition Programs
Jennifer Riener, Child Nutrition Director, Cottonwood Jt. SD.

Civil Rights Nondiscrimination Statement

In accordance with federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, this institution is prohibited from discriminating on the basis of race, color, national origin, sex (including gender identity and sexual orientation), disability, age, or reprisal or retaliation for prior civil rights activity.

Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication to obtain program information (e.g., Braille, large print, audiotape, American Sign Language), should contact the responsible state or local agency that administers the program or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339.

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

This institution is an equal opportunity provider.



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:
Rick Kennedy
Contracts and Procurement Officer
State Department of Education
PO Box 83720
Boise, Idaho 83720-0027
(208) 332-6844
E-mail: rkennedy@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, this institution is prohibited from discriminating on the basis of race, color, national origin, sex (including gender identity and sexual orientation), disability, age, or reprisal or retaliation for prior civil rights activity.

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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

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