



May 30, 2023

Seth Stallcop, Administrator
Legacy Public Charter School
4015 Legacy Way
Nampa, ID 83686

Dear Administrator Stallcop,

On February 2, 2023, State Department of Education (SDE) Coordinators Jennifer Butler, Cambria Steffler and Pamela Murray conducted an Administrative Review (AR) of Legacy Public Charter School for the following United States Department of Agriculture (USDA) programs:

- National School Lunch Program (NSLP)
- USDA Foods

The site reviewed was Legacy Public Charter School.

The State agency (SA) would like to commend Amanda Allison and the staff of Legacy Public Charter 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 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 an alternate 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

Benefit issuance for all free and reduced eligible students were reviewed. The following errors were identified and require corrections.

- One application, with two students is incomplete and cannot be determined without missing information. Obtain missing information and upload a copy of completed application for SA to confirm benefit issued to students.
- One application, with one student was incorrectly modified to remove student income. Parent was contacted while SA was onsite and household situation discussed. Original application submission should be utilized and household sent an adverse action notice changing benefit from Free to Paid based on household income.

The Status Compare Report listing 15 students was reviewed onsite. In validating that report, the SA identified students missing from the Free and Reduced Eligibility Record originally provided to the SA. Although most students were receiving the correct benefit at the POS, reporting features should be consistent and corrections made to the applicable software programs to document validated eligibility.

- Six students were not listed on the Eligibility Record, but were determined to be Directly Certified and need to be added and reflect a free status.
- Three students were not listed on the Eligibility Record, but were included on household applications with other students on the list. The missing students need to be added and have a benefit that reflects their household determination: one free and two reduced status.
- Two students were listed as denied due to expiration but were receiving a reduced status in the POS based on last year's application. Eligibility needs to be changed from reduced to paid for the two students. Immediately change student benefits and advise household that eligibility incorrectly carried over.
- Three students were not listed, but have free status in the POS based on last year's Direct Certification status. Eligibility needs to be changed from free to paid for the three students. Immediately change student benefits and advise household that eligibility incorrectly carried over.

CAP: Upload completed application, adverse action notice, and benefit issuance list showing student meal status has changed to validated benefit.

Completed: Due February 17; returned for correction; extended; completed April 11, 2023.

CAP Response: The missing information was added to the incomplete application resulting in no change in benefit. An adverse action notice was sent for the student required to change from free to reduced. Updated eligibility records were validated for required changes and the

Status Compare Report is now blank indicating that 15 students have been adjusted as required.

Finding 2 – Certification and Benefit Issuance

Systemic errors were discovered while reviewing benefit issuance directly related to the use of the online application software and point of service (POS) software programs. Currently, three electronic systems are involved in which the online application benefit determinations link to students in the student enrollment database which updates the POS system. The SFA has identified that benefit issuance changes must be made in both the student enrollment database and POS. However, changes may not occur in the online application system if no application exists.

- The online application system includes functions not being used consistently or correctly. More understanding of how to track changes to submitted applications must be obtained along with developing consistent practice of recording changes and associated dates of benefit changes. For consistency, look into practices of entering data into the online system when paper applications are received from households.
- The POS system provides a variety of reports that identify student "Status" and "Eligibility" which do not always align. Through exploration, it was identified that student status is directly tied to information entered into the POS whereas the eligibility is tied to the online application benefit determination. A "Status Compare Report" was discovered that identifies students with differing status and eligibility. This report may be of value to identify errors early on so that appropriate corrections can be made. As the POS counts participation and identifies student benefits for claim reimbursement, steps must be taken to ensure the accuracy of benefits listed in the system and settle any conflicting status versus eligibility issues.

CAP: The SFA must learn more about software features and explore the differences between the reports coming out of the POS as well as learn how to better track changes made to student eligibility in both the online application and POS systems. Upload a narrative identifying a plan to learn how to use each system and address changes to processes specifically addressing the "status" versus "student eligibility" discrepancies as well as details on how the SFA is able to include notes in the online application system showing changes in determination that override the original application submission.

Completed: Due February 17; returned for correction; completed March 2, 2023.

CAP Response: The director identified she has set up software training to take place over the summer and worked with another LEA to go over the appropriate steps to process applications, update benefit issuance, and verify accuracy of the students' status. She will continue to improve her understanding of the online application system.

Finding 3 – Verification (REPEAT FINDING)

The SFA completed verification, but did not complete the entire process as required. The household selected for verification was not provided a second notice and the notification of outcome was not sent in a timely manner. Verification needs to be completed by November 15th, and households selected for verification need to be notified in a timely manner to submit required documentation.

CAP: Provide a written statement of how you will notify the household(s) undergoing the

verification process with the second notice of verification and a notification of the outcome in a timely manner.

Completed: Due February 17; returned for correction; completed March 20, 2023.

CAP Response: The SFA uploaded a plan that if no response is received within 2 weeks of the original notice of verification, a second notice will be sent to the household. The plan identifies that the verification process must be completed with all changes done by November 15.

Finding 4 – Civil Rights

The household notification letter identifying student benefits contains an outdated non-discrimination (NDS) statement. The correct NDS in both English and Spanish is available on Download Forms.

CAP: Update the NDS on the template household notification letter and upload a copy demonstrating the correction has been made.

Completed: Due February 17; completed February 16, 2023.

CAP Response: A copy of the updated letter template was uploaded for review.

Finding 5 – Civil Rights

The SFA does not have a procedure for accommodating students with special dietary needs. The SFA must have a procedure for staff to follow if a student with special dietary needs participates in the school meals program. The SFA should ensure families have access to the required request form to ensure that needed accommodations are met. The Medical Statement to Request Special Meals form is available on Download Forms.

CAP: Upload a copy of the medical statement form you will use for students with special dietary needs and the procedure kitchen staff will follow to accommodate students with special dietary needs.

Completed: Due February 17; returned for correction; completed March 20, 2023.

CAP Response: The SA's English and Spanish medical forms were uploaded. The SFA uploaded a procedure identifying that parents will be emailed the medical statement and the director will evaluate how to accommodate the student and address modifications with staff.

Finding 6 – Professional Standards

Food Service Directors must have at least eight hours of food safety training, either not more than five years prior to their starting date or completed within 30 days of their starting date. There was no available documentation showing 8 hours of food safety training was completed while SA was on-site, but the director advises she will be able to provide the Food Protection Manager certification from completing the exam last June which will count towards the training requirement.

CAP: Upload a copy of documentation that 8 hours of food safety training was completed.

Completed: Due February 17; completed February 16, 2023.

CAP Response: The director uploaded her Food Protection Manager Certificate showing she completed the exam on June 14, 2022.

Finding 7 – Offer versus Serve

There is no documentation that the director completed required annual OVS training. All staff training should be maintained on file at the SFA for three years plus the current year.

CAP: Complete the OVS training for lunch in the CNP Learning Portal. Upload the certificate of completion.

Completed: Due February 17; completed February 16, 2023.

CAP Response: A certificate of completion was uploaded showing the online course *NSLP Offer Vs Serve at Lunch* was completed February 8, 2023.

Finding 8 – Buy American Provision (REPEAT FINDING)

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 documentation that the domestic product is significantly higher in price or not available in sufficient quantities. Documentation for mandarin oranges from China and canned sliced olives from Morocco was not available during the AR. This is a repeat finding from the last AR.

CAP: Complete and upload the SA's Buy American Exception Form for all food products requiring documentation and retain on file.

Completed: Due February 17; completed February 16, 2023.

CAP Response: Exception forms were completed and uploaded for mandarin oranges, sliced olives, and bananas. The SFA must continue to monitor deliveries to ensure Buy American provisions are followed as outlined in contracts.

Finding 9 - Meal Components and Quantities – Meat/Meat Alternate

Independent contractor CNR completed the menu review and identified that for the week of menu review, the K-5 lunch menu did not meet the minimum daily requirement for meat/meat alternate on Wednesday. Federal regulations require menus to be planned that meet the daily and weekly minimums.

CAP: Provide a written statement that daily minimum meat/meat alternate requirements are now met and provide documentation demonstrating the correction.

Completed: Due and completed January 16, 2023.

CAP Response: The SFA provided a statement explaining adjustments that were made and provided modified beef marinara and chicken alfredo recipes.

Finding 10 - Meal Components and Quantities – Vegetable Subgroup

CNR identified that for the week of menu review the K-5 and 6-8 lunch menu did not meet the minimum weekly requirement for the beans/legumes vegetable subgroup. Federal regulations require menus to be planned that meet the weekly minimum for all vegetable subgroups.

CAP: Provide a written statement that weekly minimum bean/legumes vegetable subgroup requirements are now met and provide documentation demonstrating the correction.

Completed: Due and completed January 16, 2023.

CAP Response: The SFA provided a statement explaining adjustments that were made, and provided an updated refried beans recipe.

Commendations

- The foodservice director was very open to suggestions and demonstrated a desire to fulfill requirements and operate a successful program. She completed modules and provided documentation in a timely manner.
- CN Resource completed the menu review and provided the following commendation: Great job meeting meal pattern requirements with a big variety of healthy foods and very nice and organized storage compartments with daily temperature logs taken.

Technical Assistance (TA)

Certification and Benefit Issuance

- The SA discovered a discrepancy between student “status” and “eligibility” in the POS reports. A “Status Compare Report” listed 15 students not included on the “Eligibility Report Student Listing Report” with conflicting Status and Eligibility. The SA recommends using the Status Compare Report to help identify discrepancies and ensure students are receiving the correct benefit.
- Direct certification (DC) notification letters should be sent out as soon as a child is directly certified. The DC list should be run after July 1 each school year in order to identify students and notify household in a timely manner so that the household knows they do not need to complete a free and reduced meal application.
- For SY22-23, only a January 2023 Direct Certification list was available. The SFA advised other lists were printed, but was unable to locate them for SA validation. The SA was able to assist in locating some lists to print by searching the Downloads file on the computer. Be sure to save these lists in a secure location and retain for 3 years, plus the current year to meet record keeping requirements.

Verification

- The sponsor completed verification for the required number of students, however all the required documentation was not kept together for review. The verification documents provided for review did not contain the original application or the final letter notifying parents of the results of the verification process. All correspondence and documentation should be kept on file together. The best practice for verification documentation includes a copy of the selected application(s), a copy of the initial letter sent to household(s), a copy of the second request letter(s) (if required), and a copy of the final determination letter(s) advising households of the results of verification.
- A confirmation review must occur prior to sending out the household letter for Verification to ensure the correct determination was originally made. This review must be documented on the application. As an online application system is utilized, the SFA will need to add details from the For Internal Use Only section of a paper app, including adding a space for the confirming official to sign and date and the verifying official to sign and date as well as document the results of verification and when the required notices were sent.

- As stated at 7 CFR 245.6a(j), the notice of adverse action must advise the household of:
 - Change in benefits;
 - Reasons for the change;
 - An appeal must be filed within the 10 calendar days advance notice period to ensure continued benefits while awaiting a hearing and decision;
 - Instructions on how to appeal; and
 - The household may reapply for benefits at any time during the school year.

Civil Rights

- Students with disabilities, including food intolerances, must have an equal opportunity to participate in and benefit from school meal programs. A Medical Statement for Meal Accommodation Form must be completed and retained for meal modifications that alter the required components of a reimbursable meal and provide a nutritionally equivalent choice. OVS is not an allowable means to accommodate a food allergy. The SFA must ensure that parents have access to the required form. Refer to [SP40-2017: 2017 Edition of Accommodating Children with Disabilities in the School Meal Programs](#) for more information.

Meal Counting and Claiming

- Student workers may receive a meal at no cost to them that can be claimed for reimbursement at their applicable eligibility. The student worker selection must be made available to all students regardless of their eligibility status.

Dietary Specifications and Nutrient Analysis

- The lunch menu uses creative adjectives to describe each meal component which positively promotes meals. However, caution should be used with describing potato chips as "salty" (Jan. 11 and Feb. 2). Attention should be given to the sodium reduction requirements in child nutrition programs and the nutrition promotion elements of the local wellness policy. Consider changing the adjective to "crunchy" or something similar.

Meal Components and Quantities

- If modifications or substitutions are made to the planned menu, those changes must ensure the components meet the daily minimum requirements, as well as, the weekly vegetable subgroup and other component crediting requirements.
- Be sure to share any communication from the SA or the USDA on policy updates or guidance related to meal pattern or nutrition requirements to the SFA's contracted menu planner.
- CNR completed the menu review and provided the following:
 - 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 to staff as needed to ensure compliance.

- The sponsor should maintain Product Formulation Statements or Child Nutrition Labels on file for all processed food products to document meal pattern requirements as met. These labels need to be dated within the last 5 years.
- 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.
- Standardize recipes so that true yields and portion sizes can be determined. To be standardized recipes must include at a minimum the following:
 - All ingredients in the recipe.
 - Correct volume or weighted measure of each ingredient.
 - Serving/portion sizes for each grade group.
 - The true yield made by the recipe.
 - Clear and complete preparation steps and directions.

Food Safety

- 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 document available in Download Forms.

Professional Standards

- The SFA maintains a Professional Standards Log, but did not retain back up documentation as required. Backup documentation should be included with the training log. This documentation may include a certificate, a conference agenda, sign-in sheet, or confirmation of virtual attendance.

Local School Wellness Policy (LWP)

- The wellness policy sections posted to the Lunch Info webpage only include sections 8200-8250 which do not comprise a complete wellness policy. The sections from the 8000 series (8200, 8210, 8220, 8221, 8230, 8235, 8240, and 8250) were either adopted or revised between 2015-2019. Wellness policy regulations were finalized in July 2016, and require elements missing from the 8000 series. Some of the 8000 series sections cross-referenced policy numbers 2305, 2307 which help meet requirements. There is a cross-reference to 3420, but that policy cannot be located in the 3400 series. There is no cross-reference to 2310 Nutrition Education, which addresses elements required in the final rule and must be included. Section 2310 also includes a cross-reference to 7310 which addresses food and beverage marketing that was required in the final rule.
- The wellness committee should ensure that the wellness policy addresses all required elements of the final rule by updating policies, updating references to other policies, and combining required sections outside of the 8000 services to be considered a

complete local wellness policy. For more information, visit the SA's [School Wellness](#) webpage.

Resource Management

- SFA should be pricing a la carte items so that the price is below the 40% industry Standard. If pricing is higher than the 40% industry standard the prices are in jeopardy of non-compliance with USDA requirements.
- The Non-program Food Revenue tool must be completed accurately. Example image was provided for feedback. Prices must be accurately listed with the sale price being higher than the cost per purchase unit or portion.
- The SFA's SY22-23 USDA Paid Lunch Equity (PLE) Tool identified a required weighted average price of \$2.73 (rounded to \$2.70) for student paid lunches. The current \$2.50 and \$2.75 prices were approved because an attestation of a positive fund balance on 12/31/21 was approved per SP08-2022. Consider an increase greater than 10 cents next year in order to catch up to your weighted average requirement.

Procurement

- A procurement review was completed in SY2-21. Please follow the guidance provided by Procurement Specialist Kat Forstie in the closure letter provided at that time.

Fiscal Action

Due to benefit issuance errors, fiscal action results in \$355.80. 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. 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: Lynda Westphal, MHS, SNS, Director, Idaho Child Nutrition Programs
Amanda Allison, Child Nutrition Director, Legacy Public Charter School

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

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