

May 2, 2023

Shawn Tiegs, Superintendent  
Nezperce Jt. School District #302  
615 2<sup>nd</sup> Ave.  
Nezperce, ID 83543

Dear Superintendent Tiegs,

On April 5, 2023, State Department of Education (SDE) Coordinators Jax Dunham and Jennifer Butler conducted an Administrative Review (AR) of Nezperce 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 Nezperce School.

The State agency (SA) would like to commend Marci Stapleton and the entire staff of Nezperce 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 – Verification

One application was verified using a tax return. In order to use this documentation, the LEA must have an employee that can accurately assess the tax summary while working in conjunction with someone from the household in order to make a final determination of income. As the household is self-employed, guidance from the Income for the Self-Employed section of the Eligibility Manual for School Meals must be followed. Otherwise, a collateral contact must be utilized to validate income.

**CAP:** Upload a procedure detailing how the SFA will proceed with a similar situation in the future. Please ensure that the procedure includes information detailing that when the SFA has questions or concerns related to verification that they will contact the Senior Financial Specialist (Melissa Cook) for guidance on how to proceed.

**Date of CAP completion:** Due April 20, 2023; submitted April 6, 2023; accepted April 12, 2023

**Corrective Action Response:** The SFA uploaded a procedure detailing how they will proceed with a similar situation, if encountered, going forward.

### Finding 2 – Professional Standards

There is no documentation that shows annual offer vs serve (OVS) or food safety training took place for the Kitchen Manager. Online OVS training for breakfast and lunch and a food safety training are available in the CNP Digital Learning Portal which provides a certificate of completion. Training documentation should be recorded on the professional standards tracking log and maintained on file at the SFA for three years plus the current year.

**CAP:** Upload certificates of completion from the CNP Digital Learning Portal showing that the *Online: 2022 Offer vs Serve at Lunch*, *Online: Offer vs Serve for Breakfast*, and *2022 Food Safety for School Meals - Online* trainings have been completed for the current school year.

**Date of CAP completion:** Due April 20, 2023; submitted April 12, 2023; accepted April 13, 2023

**Corrective Action Response:** The certificates for the previously listed trainings were uploaded showing that the necessary trainings have been completed.

### Finding 3 – Civil Rights

All staff and volunteers must be trained on Civil Rights requirements before the Child Nutrition Programs duties are assumed and annually thereafter. Teachers assisting the food service operation by checking the names of students that are to be claimed must have documented civil rights training.

**CAP:** Have all non-foodservice staff that assist with program operations complete the required civil rights training for SY 2022-2023. Upload a copy of the sign-in sheet showing their names documenting the date they completed training.

**Date of CAP completion:** Due April 20, 2023; submitted April 6, 2023; accepted April 12, 2023  
**Corrective Action Response:** The SFA uploaded a Civil Rights Frontline Training sign-in sheet showing that the appropriate training has been taken by the necessary staff.

#### **Finding 4 – 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 Notice of Direct Certification letter did not contain the correct full NDS. The SFA utilizes the SA template letters, but they currently use an old copy of the Notice of Direct Certification letter and have not obtained the new template letter from MyIdahoCNP's Download Forms annually. Additionally, though the menu posted on the website does have the correct short NDS, the SFA does not have the short NDS on the monthly menu posted in the cafeteria. The short statement must read, "This institution is an equal opportunity provider." It is suggested that the SFA post a hard copy of the menus from their website in the cafeteria instead of the current posted menus.

**CAP:** Upload a copy of the new Notice of Direct Certification letter that the SFA will use going forward. Additionally, upload documentation showing that the menus posted in the cafeteria now contain the short NDS.

**Date of CAP completion:** Due April 20, 2023; submitted April 6, 2023; accepted April 19, 2023

**Corrective Action Response:** The SFA uploaded a copy of the new Notice of Direct Certification letter with the correct full NDS and documentation showing that menus with the short NDS are now posted.

#### **Finding 5 – Food Safety**

The Food Safety plan (HACCP) must contain an employee exclusion section that is required by Idaho Food Code. The SFA must update their plan to come into compliance. A sample employee exclusion standard operating procedure (SOP) is available in MyIdahoCNP's Download Forms.

**CAP:** Upload a copy of the employee exclusion SOP that the kitchen will be utilizing going forward. Ensure that the "date implemented" has been completed to reflect that the SOP is now being followed.

**Date of CAP completion:** Due April 20, 2023; submitted April 6, 2023; accepted April 12, 2023

**Corrective Action Response:** A copy of the employee exclusion SOP was implemented and uploaded.

#### **Finding 6 – 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 documentation that the domestic product is significantly higher in price or not available in sufficient quantities. Though the SFA has the Buy American Exception Form for their products that are procured from outside of the United States, these documents were incomplete as they did not have the pricing or availability data attached. Additionally, it was discovered that the lettuce has an annual exception marked instead of a seasonal exception.

**CAP:** Complete and upload the SA's "Buy American Exception Form" with the attached pricing or availability data. Additionally, modify and the upload "Buy American Exception Form" for the

lettuce to include a seasonal exception instead of an annual exception since this product is generally available in the United States though there may be seasonal limitations.

**Date of CAP completion:** Due April 20, 2023; submitted April 11, 2023; accepted April 19, 2023

**Corrective Action Response:** A Buy American Exception Form with the according availability and pricing information for the aforementioned products was uploaded. Additionally, the SFA determined that a Buy American Exception Form was not needed for lettuce as all lettuce ordered and received for the current school year is a product of the United States.

### **Finding 7 – Meal Components and Quantities – Breakfast**

No more than half of the fruit or vegetable offerings over the course of the week may be in the form of juice. For grades K-12 during the week of menu review, 66.67% of the credited fruit offerings were fruit juice.

**CAP:** Provide a written statement that the fruit requirement is 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 listed under step 1 are now corrected. This documentation may include: menus, production records, nutrition facts labels, Child Nutrition (CN) labels, and recipes. Additionally, submit the position title(s) of the School Food Authority representative(s) that will oversee this area and ensure future compliance.

**Date of CAP completion:** Due February 15, 2023; submitted February 14, 2023; Accepted by CNR on February 16, 2023

**Corrective Action Response:** Documentation showing that the weekly fruit requirement has been met for grades K-12 was uploaded.

### **Finding 8 – Meal Components and Quantities – Lunch**

Federal regulations require menus to be planned to meet the minimum daily 2-ounce equivalent grain requirement for grades 9-12. This requirement was not met on Tuesday of the week of menu review with only 1.5-ounce equivalents of grains served.

**CAP:** Provide a written statement that the daily grain requirement is 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 listed under step 1 are now corrected. This documentation may include: menus, production records, nutrition facts labels, Child Nutrition (CN) labels, and recipes. Additionally, submit the position title(s) of the School Food Authority representative(s) that will oversee this area and ensure future compliance.

**Date of CAP completion:** Due on February 15, 2023; submitted for acceptance February 14, 2023; accepted by CNR on February 16, 2023

**Corrective Action Response:** Documentation showing that the daily grain requirement has been met for grades 9-12 was uploaded.

## Commendations

- The Food Service Director did a great job preparing for the Administrative Review. All documents that were requested both on-site and off-site were provided promptly with detailed responses.
- The Kitchen Manager was very enthusiastic about providing nutritious and appealing meals for the students. She showed great rapport with the students, and she did a great job multitasking.
- The SFA has very organized and thorough records. This efficient system demonstrates dedication in operating a compliant program.
- Independent contractor CN Resource provided the following commendation:
  - The Kitchen Manager provides a lovely salad bar with a great variety of items. It was nice to see so many students come back for additional servings of both fruits and vegetables.

## Technical Assistance (TA)

### Meal Counting and Claiming

- Student worker meals are recorded separately to ensure they receive their meal at no cost. Currently, the student worker meal counts are obtained on a weekly basis. Their meal counts must be obtained daily and included in the daily total. It was discussed that a separate column could be added to the daily participation count sheet so that all information is kept in one document and supports a daily participation total.

### Meal Components and Quantities

- When utilizing student helpers, be sure to remind them to be consistent with serving sizes. During the elementary school service, it was observed that the 1/2 cup spoodle was sometimes not full to equal a 1/2 cup, and other times it was over filled which could result in running out of portions sooner than planned.

### Offer Versus Serve (OVS)

- As students self-select from the salad bar, be mindful that leafy greens only credit at 1/2 the volume. Therefore, it would take an entire one cup serving of lettuce to credit for 1/2 cup.

### Civil Rights

- SFAs must take reasonable steps to ensure meaningful access for Limited English Proficiency (LEP) persons, including providing timely, appropriate, and competent language services at no cost to individuals with LEP. Documents that are vital to program participation must be translated. For details, refer to **SP37-2016 Meaningful Access for Persons with Limited English Proficiency in the School Meal Programs: Guidance and Q&As**.

### Professional Standards

- The SFA's professional standards training log does not include information on the key topic/area for each training. Training tracking logs must include the key areas/topics and training subjects completed with certificates, agendas, and sign-in sheets retained for backup. Topics with codes to include in the key areas/topics can be found on the [USDA Professional Standards Website](#).
- Consider implementing a process that ensures the required trainings - food safety, OVS, and civil rights - are conducted at the beginning of each school year and adequately documented.

### Resource Management Comprehensive Review

- While on-site, it was discovered that the SFA allows adults to purchase a la carte meals from the salad bar. Since these a la carte offerings are not reimbursable meals, they are considered nonprogram foods. The SFA is required to complete the Nonprogram Food Revenue Tool (NPFRT) to ensure that nonprogram foods include a sufficient markup to cover the cost of food, labor, storage, and the delivery of products.

### Professional Standards

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

### 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) 332-6823.

Thank you for your continued support of the Child Nutrition Programs.

Sincerely,

*Jax Dunham*

Jax Dunham, BS, RDN  
NSLP Coordinator

cc: Lynda Westphal, MHS, SNS, Director, Idaho Child Nutrition Programs  
Jennifer Butler, MEd, SNS, NSLP Coordinator, Idaho Child Nutrition Programs  
Marci Stapleton, Child Nutrition Director, Nezperce Jt. School District #302

### Civil Rights Nondiscrimination Statement

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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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