

April 21, 2023

Seth Boyle, Administrator
Taylor's Crossing Public Charter School
1445 North Wood River Drive
Idaho Falls, ID 83401

Dear Superintendent Boyle,

On November 3, 2022, State Department of Education (SDE) Coordinators Cambria Steffler, Jennifer Butler, Jax Dunham, and Jamie Gibson conducted an Administrative Review (AR) of Taylor's Crossing Public Charter School 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 Taylor's Crossing Public Charter School.

The State agency (SA) would like to commend Helen Grover and the entire staff of Taylor's Crossing 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 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

A statistical sample of 101 applications resulted in 10 benefit issuance errors, a 9.90% error rate.

- Two applications, affecting four students were miscalculated due to the point of service software calculating income on a monthly basis. This resulted in the students' benefit change from free to reduced.
- One application, affecting one student, was miscalculated due to the point of service software calculating income on a monthly basis. This resulted in the students benefit changing from reduced to paid.
- One student was identified as directly certified, but there was no direct certification documentation available resulting in this student changing to a paid benefit.
- Four students were categorized as free on the benefit issuance list, but no application or other documentation was provided to validate this benefit resulting in these four students changing to a paid benefit.

CAP: Change student benefits as required and send notices of adverse action to the three households requiring changes in benefits. Change the benefits following the 10-day appeal period. Upload copies of the letters, and status change documentation showing the date the required benefit changes took effect on.

Date of CAP completion: Due November 18, 2022; Returned for correction several times and technical assistance given; Completed February 22, 2023

Corrective Action Response: The SFA provided copies of the adverse action letters sent to households, and uploaded a corrected benefit issuance list.

Based on the administrative error of applications associated with certification and benefit issuance, hire date of the new director, and potential switch in online application software, the SFA will be required to conduct a second review of applications beginning school year 2023-2024, and continuing until further notice. A second review of applications requires a re-evaluation by the Confirming Official of the eligibility determination made by the Determining Official, based on the information provided by the household on the application. Depending on the outcomes of this second review, the SFA may be required to complete this process until the next administrative review. A Second Review of Applications Report must be filed while this requirement is in place. Please reference the Independent Review of Applications section in the Eligibility Manual, a copy of which is available in MyIdahoCNP Download Forms.

Finding 2 – Civil Rights

The current notification letters do not contain the full USDA non-discrimination statement (NDS). As outlined at 7 CFR 245.5(a), the information letters sent to families must include the full USDA NDS when advising of approval or denial of benefits.

CAP: Upload a copy of updated letters that include the long NDS to MyIdahoCNP.

Date of CAP completion: Due November 18, 2022; Submitted November 18, 2022; Accepted November 30, 2022

Corrective Action Response: The SFA provided copies of the notification letters with the correct NDS.

Finding 3 – Civil Rights

The SA found several errors on the district's website. The errors are as follows:

1. Taylor's Crossing Public Charter School website does not have the full Non-Discrimination Statement.
2. The website indicates breakfast and lunch meals are free due to USDA waivers
3. The Free and Reduced Application posted on the website is from school year 2021-2022.
4. The prices advertised on the school website are not the prices approved for school year 2022-2023.

CAP: Submit a link to the webpage to MyIdahoCNP after the following edits have been made:

1. Update the NDS on the website to the full NDS. Submit the link to the webpage with the NDS to MyIdahoCNP.
2. Remove free meal promotion that is not applicable to the current school year.
3. Upload the school year 2022-2023 application to the website. Submit a link to the webpage with the application to MyIdahoCNP.
4. Update the meal prices on the website.

Date of CAP completion: Due November 18, 2022; Submitted November 18, 2022; Accepted November 30, 2022

Corrective Action Response: The SFA provided a link to the website where the full NDS has been posted in both English and Spanish, the free meal promotion has been removed, the application has been updated, and the meal prices are reflective of the current school year.

Finding 4 – Civil Rights

School Foodservice Authority staff who interact with program applicants or participants (i.e. kitchen staff, determining official, and confirming official) and their supervisors, as well as the hearing official must have annual civil rights training. The SA reviewed an online certificate of completion by the director and an agenda sign-in sheet for the kitchen manager and part-time staff. However, no training records were maintained for the vice-principal who serves as the confirming official or the school administrator who serves as the hearing official. Training documentation was also not maintained for the student aid that helps in the kitchen and an aide that helped to serve on the day of review.

CAP: Upload documentation showing that the confirming official, hearing official, student intern, and aide have completed the required annual civil rights training.

Date of CAP completion: Due November 18, 2022; Submitted November 18, 2022; Accepted November 30, 2022

Corrective Action Response: The SFA uploaded the certificates of completion for the confirming official and hearing official, and a civil rights training sign in sheet with the one page civil rights training handout for the student and the aide that assist in the kitchen.

Finding 5 – Professional Standards

Per 7 CFR 210.30(b)(1)(v), food service directors must complete eight hours of food safety training every 5 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.

Date of CAP completion: Due November 18, 2022; Submitted November 18, 2022; Accepted November 30, 2022

Corrective Action Response: The SFA uploaded a certificate of completion for eight hours of food safety training.

Finding 6 – Professional Standards

Employee training tracking logs must be maintained for all CNP staff to document compliance with annual professional standard requirements (7 CFR 210.30). Technical assistance was provided during the last review on completing training tracking logs. Logs must include the key area/topics and training subjects completed with certificates, agendas, and sign-in sheets retained for backup. The SA has made available a template tracking log prompting this information available in Download Forms. More information can be found in policy memo SP05-2020. Professional Standards Learning Objectives and Topics with Codes can be found on the [USDA Professional Standards Website](#).

CAP: Complete and upload training log for all three CNP employees listing completed trainings from the current school year to show year-to-date training hours.

Date of CAP completion: Due November 18, 2022; Submitted November 18, 2022; Accepted November 30, 2022

Corrective Action Response: The SFA uploaded a completed training log for all three CNP employees.

Finding 7 – Food Safety

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 jalapenos, penne pasta, spaghetti pasta, tropical fruit salad, and the California vegetable blend from Mexico, Italy, and Indonesia were not available during the AR.

CAP: Complete and upload the SA's "Buy American Exception Form" for the jalapenos, penne pasta, spaghetti pasta, tropical fruit salad, and California vegetable blend from Mexico, Italy, and Indonesia. The SFA will also provide a procedure for how they will continue to correctly

complete and retain the SA's "Buy American Exception Form" for any foods produced outside of the United States going forward.

Date of CAP completion: Due November 18, 2022; Returned for correction and technical assistance provided; Submitted and accepted December 7

Corrective Action Response: The SFA uploaded Buy American exception forms for all out of compliance foods, and provided a written statement stating the correct forms will be retained on file for all future products.

Finding 8 – Local Wellness Policy

The LWP (adopted March 2018) was found out of compliance with the USDA Final Rule.

Technical Assistance (TA) was provided during the last AR advising that LEAs were required to comply fully with the requirements of the final rule per §210.30.

CAP: Provide a written plan describing how wellness policy language will be brought into compliance with Federal requirements. Include a timeline that outlines the various phases of the process including dates of wellness policy committee meetings, timeframe of actions to be taken to create a compliant LWP, and dates of having it approved and posted on the public website.

Date of CAP completion: Due November 18, 2022; Submitted November 18, 2022; Accepted November 30, 2022

Corrective Action Response: The superintendent provided a timeline for when the local wellness policy will be brought into compliance.

Finding 9 – Offer vs Serve (OVS)

All food service line staff must receive annual OVS training when OVS is implemented. All staff training must include an agenda and sign-in sheet and training documentation must be maintained on file at the SFA for three years plus the current year. OVS training is available through the [Idaho CNP training portal](#) and a training log is available in MyIdahoCNP Download Forms.

CAP: Food service breakfast and lunch line staff must complete the separate breakfast and lunch OVS online trainings in the CNP training portal. Upload certificates of completion along with a training log for all line staff.

Date of CAP completion: Due November 18, 2022; Submitted November 18, 2022; Accepted November 30, 2022

Corrective Action Response: The SFA uploaded training certificates for the OVS breakfast and OVS lunch trainings for all applicable staff members, and included these trainings on the training log.

Finding 10 – Meal Components and Quantities

Per CN Resource's findings and conversations with the foodservice director, there are deficiencies in the understanding of the SBP and NSLP meal pattern requirements.

CAP: Complete the NSLP and SBP meal pattern trainings available via the SA's CNP Digital Learning Portal. Once completed, upload the certificate of completion for both the NSLP and SBP meal pattern trainings.

Date of CAP completion: Due November 18, 2022; Submitted November 18, 2022; Accepted November 30, 2022

Corrective Action Response: The SFA uploaded training certificates for the breakfast and lunch meal pattern trainings.

Finding 11 – Breakfast Meal Components and Quantities - Grain

Independent contractor CN Resource (CNR) identified for the week of menu review the breakfast menu did not meet the minimum daily and weekly requirements for grain.

CAP: Provide a written statement that the daily and weekly bread/grain, whole grain-rich requirements are now met and provide documentation demonstrating the correction.

Date of CAP completion: Due October 4, 2022; Submitted September 30, 2022; Accepted October 6, 2022

Corrective Action Response: The SFA removed the Rice Krispies and replaced it with another whole grain cereal to meet the minimum grain requirement.

Finding 12 – Breakfast Meal Components and Quantities - Fruit

CNR identified production records must indicate how the food items on the menu are meeting the USDA meal pattern for the age/grade group being served to document compliance (7 CFR 210.10). The production records submitted to CNR for review did not meet the minimum requirements. The daily minimum of 1 cup and weekly minimum of 5 cups was not met on any menu day. Only 1/2 cup fruit was offered daily.

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

Date of CAP completion: Due October 4, 2022; Submitted September 30, 2022; Accepted October 6, 2022

Corrective Action Response: The SFA will provide ½ cup fruit and ½ cup juice at breakfast to meet the 1 cup requirement. The SFA provided a production record for documentation.

Finding 13 – Lunch Meal Components and Quantities - Vegetables

CNR identified for the week of menu review, the K-8 and 9-12 lunch menu did not meet the minimum daily and weekly requirements for vegetables.

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

Date of CAP completion: Due October 4, 2022; Submitted September 30, 2022; Accepted October 6, 2022

Corrective Action Response: The SFA will increase the serving size of vegetables to 1 cup to meet the daily and weekly minimum requirement. The SFA provided a production record for documentation.

Commendations

- Kitchen staff at Taylor’s Crossing Public Charter School did a great job creating a welcoming environment for students and encouraged students to try different items by allowing a sample.
- The Food Service Director demonstrated an eagerness to learn and showed determination to complying with CNP Regulations.

Technical Assistance (TA)

Certification and Benefit Issuance

- State agency went over the importance of running Direct Certification (DC) and updating the Benefit issuance list in a timely manner and not just the beginning of the year. The director will work with the office to run a benefit issuance list and save for records.
- Completed applications are generally received at front office and then submitted to the SFA. It was discovered that there was a significant delay with some applications being submitted to the SFA for determination. This delay interferes with the SFA's timeline requirement to determine the application, may cause the household to unnecessarily accrue unpaid meal charges, and potentially interferes with Verification reporting requirements. The SA recommends Free and Reduced Applications be date stamped upon receipt to allow students to receive benefits as of the date of receipt as opposed to the date of determination (SP11-2014). Additionally, the date stamp will document that eligibility was determined within the ten operating day window.
- The income frequency listed on the application must be used to determine the application. If multiple frequencies are listed then all income must be converted to an annual amount per USDA regulations. PowerSchool requires a monthly frequency and does not comply with USDA requirements. Please make use of the Income Eligibility Guidelines chart.
- The Direct Certification (DC) list should be run as soon after July 1 each school year in order to identify students and send DC notification letters to household to inform them in a timely manner that they do not need to complete a free and reduced meal application. DC notification letters should be sent out as soon as a child is directly certified.
- Best practice is that student names (i.e., a current enrollment list) should be run through Direct Certification at the beginning of the school year, so that all the new students as well as any new matches that may be available may be identified. Once the students are identified, this documentation must be printed/saved for three years plus the current year (the DC system does not save information).
- There were a large number of applications submitted that were denied. Based on the amount, it appears there might be a requirement for households to complete applications even though a family does not qualify. Besides being an unnecessary use of time for the approver, this is not an allowable practice (page 76 of the Eligibility Guidance for School Meals Manual 2017). The State Agency advises sending home information on when an application needs to be completed.

Verification

- The SFA misunderstood the required timeline for verification and did not start until October 31. Applications should have been pulled and households notified of verification requirements on the first operating day of October. By mid-to late October, a second notice should be sent to households that have not responded advising them of the date the benefits will expire if not response is received. Student counts must be conducted on October 31 and all verification processes must be completed including

non-responsive applicants changed to "paid" status and the verification report be submitted in MyIdahoCNP by November 15.

- The SFA must make at least one attempt to contact the household when the household does not adequately respond to the request for verification [7 CFR 245.6a(f)(6)]. While the required follow-up attempt may be in writing (mail or e-mail) or by telephone or text message, make sure to document the attempt to contact the household.
- 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.
- The confirming official, who must be a different individual than the determining official, must review an application prior to beginning the Verification process. This ensures the application eligibility was determined correctly. Both officials complete the "Official Use Only" box on the free and reduced meal application that has been selected for verification. Once the verification process has been completed and results determined, the verifying official, who can be either the confirming or determining official, must complete the "Official Use Only" box on the meal application. The hearing official is a separate individual with supervisory authority over the other officials that would oversee the hearing process and settle the eligibility if the confirmed original determination is disputed.
- The vice-principal is identified as the confirming official and verifying official. All applications were signed by the hearing official in the confirming official's signature area of the "for official use only" portion of the application even though a review by the confirming official was not required. The hearing official should not be involved in the benefit issuance process in order to conduct a fair hearing.
- Attempt to directly certify students selected for verification before sending the verification notification letter to the household. According to 7 CFR 245.6a(c)(2), verification efforts are not required for children who have been certified under direct certification procedures.
- If benefits are decreased, a notice of adverse action must be sent. LEAs must provide 10 days advance notification to households that are to receive a reduction or termination of benefits, prior to the actual reduction or termination [7 CFR 245.6a(j)]. Households must be advised of their right to a fair hearing.
- Contact Melissa Cook at the SA for any questions regarding verification requirements.

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.

- The submitted production records did not provide adequate information. It is a requirement of the federal regulations to maintain complete and accurate production records. See below for what areas were missing:
 - Production records with planned numbers for each item should be accessible before each meal service. At times, planned numbers were missing from the items being served (i.e. peanut butter).
 - Serving sizes did not always match what was actually offered, per communication with the sponsor.
 - Milk types and planned numbers were not recorded on the production record.
 - Clearly mark the grade groups being served on the production records. Grades K-12 were missing from all daily production records.
- A Child Nutrition (CN) Label or Product Formulation Statement (PFS) was not available for all processed menu items.
- 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.

Offer vs Serve

- Train staff on OVS annually. All staff training should include an agenda and sign-in sheet and training documentation should be maintained on file at the SFA for three years plus the current year. OVS training is available through the State agency training portal and a training log is available in MyIdahoCNP Download Forms.
- The kitchen staff demonstrated confusion on how to implement OVS effectively. Upon completion of the OVS training for lunch and breakfast, the kitchen staff and foodservice director will be able to more effectively implement menus and serve reimbursable meals under OVS.

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.

Food Safety

- The SFA should change the HACCP and SOP binder to reflect the current school year to ensure that the procedures have been reviewed and updated as required.

Professional Standards

- Per 7 CFR 210.30 Professional Standards Regulations, directors must complete at least 12 hours of annual continuing education/training. Managers must complete at least 10

hours of annual training. Staff working an average of at least 20 hours per week must complete at least 6 hours, while part time staff working less than 20 hours per week must complete at least 4 hours annual continuing education/training, regardless of the number of part-time hours worked.

- It was noted that Summer Food Service Program (SFSP) and Afterschool Snack Program (ASSP) online courses were completed even though the SFA does not operate those programs. Learning about other programs is advised, but be mindful that they operate under different rules than NSLP and SBP and may cause confusion.
- Implement 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. When new employees are hired ensure necessary training is received within the first 30 days. Other trainings required to meet annual professional standards requirements should be updated on an on-going basis.

Local School Wellness Policy

- 7 CFR210.31(c)(3) allows only marketing of foods and beverages that meet the nutrition standards under §210.11, but the cafeteria contains a cooler wrapped in signage that promotes ice cream that should be covered from view
- On July 29, 2016, the USDA Food and Nutrition Service (FNS) finalized regulations to create a framework and guidelines for written wellness policies established by LEAs. (§210.31) The final rule requires LEAs to fully comply with the requirements of the final rule by June 30, 2017. 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.
- Per 7 CFR 210.31(e)(2), LEAs must assess their wellness policy at least once every three years on the extent to which schools are in compliance with the district policy, the extent to which the local wellness policy compares to model local school wellness policies, and a description of the progress made in attaining the goals of the local wellness policy. LEAs must make this assessment available to the public in an easily understood manner (7 CFR 210.31(d)(3)).

Procurement

- A procurement review was completed. Please follow the guidance provided in a separate closure letter.

Fiscal Action

Due to benefit issuance errors, fiscal action for NSLP results in \$1,745.80 and SBP results in 204.69. Since the SBP fiscal amount falls under the \$600 threshold, the fiscal action will be disregarded. However, the NSLP fiscal action in the amount of \$1,745.80 must not be disregarded.

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
Helen Grover, Child Nutrition Director, Taylor's Crossing 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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