



April 18, 2024

Brenda Piña, Chief Operating Officer
Gem Prep: Meridian
2750 E. Gala St.
Meridian, ID 83642

Dear Chief Operating Officer Piña,

On February 7, 2024, Idaho Department of Education staff Jax Dunham and Katherine Forstie conducted an Administrative Review (AR) of Gem Prep: Meridian for the following United States Department of Agriculture (USDA) programs:

- National School Lunch Program (NSLP)
- USDA Foods

The site reviewed was Gem Prep: Meridian.

The State agency (SA) would like to commend Breanna Harmon and the entire staff of Gem Prep: Meridian 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 – Meal Counting and Claiming

Prior to the submission of a monthly claim for reimbursement, the SFA must review the meal count data for each school to ensure the accuracy of the claim per CFR 210.8(a)(2). When submitting the NSLP claim for the review period (December 2023), the SFA used the monthly meal counts report from the SFA's POS software which includes inaccurate meal counts since it includes accidental double counts in the final counts used for the claim. As a result, the SFA overclaimed 1 reduced meal and 10 paid meals.

CAP: Utilize the NSLP Corrective Action Procedure Form to note how the SFA will use the edit check report from their software system when submitting and retaining documentation for claims since this report does not include accidental double counts for reimbursable meals.

Date of CAP Completion: Due February 22, 2024; completed February 20, 2024.

Corrective Action Response: The SFA uploaded a NSLP Corrective Action Procedure Form noting that the SFA will utilize the Edit Check Report from their current POS software when submitting claims to ensure accuracy. The SFA noted that the Food Service Director (FSD) and Chief Operating Officer (COO) will be responsible for ensuring the process is followed, and they will retain a copy of the Edit Check Report beginning with the January 2024 NSLP claim.

Finding 2 – Civil Rights

The incorrect non-discrimination statement (NDS) is included on household letters for verification notification, verification results, notification of approval for free and reduced benefits, and notification of direct certification (DC). The correct USDA NDS can be located at: <https://www.fns.usda.gov/civil-rights/usda-nondiscrimination-statement-other-fns-programs>. The SA provides template letters in MyIdahoCNP's Download Forms.

CAP: Update all template letters, including eligibility, DC notification, verification, and adverse action letters, to include the correct NDS. Once complete, upload copies of all updated letters.

Date of CAP Completion: Due February 22, 2024; completed February 21, 2024.

Corrective Action Response: All template letters sent to households were uploaded showing that the current full NDS is now included.

Finding 3 – Local School Wellness Policy

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)).

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CAP: Upload a plan identifying who at the LEA will be responsible for completing the triennial assessment(s), how the assessment(s) will be completed, when the triennial assessment will be completed, what steps will be taken to ensure this requirement is met on a triennial basis, and how this assessment will be made available to the public in an easily understood manner.

Date of CAP Completion: Due February 22, 2024; completed February 20, 2024.

Corrective Action Response: The SFA uploaded a plan noting that the School Operations Manager will be responsible for completing the triennial assessment(s) by the month of April every three years with the support of the wellness committee which includes the Food Service Director. The FSD, COO, and School Operations Manager will schedule this in their online calendars to repeat every three years. A meeting will be scheduled with the wellness committee to review the current wellness policy, conduct the triennial assessment, and compare the wellness policy to a model policy. Any changes or updates to the local wellness policy will be able to be presented to the Gem Prep Board of Directors in the June meeting. All Triennial assessments will be available to the public through the nutrition page on the school website.

Finding 4 – 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 had backup documentation, they did not complete the required Buy American Exception Form. Complete and retain the SA's Buy American Exception Form for all food products requiring documentation.

CAP: Complete the NSLP Corrective Action Procedure Form noting how the SFA will retain the SA's Buy American Exception Form for all food products requiring documentation.

Date of CAP Completion: Due February 22, 2024; completed February 20, 2024.

Corrective Action Response: An NSLP Corrective Action Procedure Form was uploaded detailing how the SFA will ensure the Buy American Exception Form is utilized. In this plan, the SFA detailed that the FSD will collect Buy American backup documentation at the beginning of the school year and fill out the Buy American Exception form for applicable products. Additionally, the COO will review that the proper documentation is in place each year. School nutrition staff will also be aware of and note any nondomestic products that are delivered so that they may notify the Food Service Director.

COMMENDATIONS

- The FSD and COO show a genuine interest in operating a compliant program. All questions were quickly answered, and all changes were swiftly noted and implemented.
- The SFA has great training agendas. The agendas clearly outline what topics were covered and what resources were utilized.
- Though SFA on-site monitoring is not required for SFAs with only one site, the form was still completed by the FSD to ensure compliance.

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- The foodservice team did a great job preparing for the review. All documentation was readily available and well organized when the SA was on-site.

TECHNICAL ASSISTANCE (TA)

Certification and Benefit Issuance

- The first DC list ran by the SFA was on 9/17/2023, yet school started on 8/16/2023. Best practice is to run a DC list after July 1 or when school begins to capture all students and notify households in a timely manner so that households know they do not need to submit a free and reduced application.
- Though free and reduced applications with no indication of income can be accepted as a complete, best practice is to follow-up with the household to confirm that there is no income and refer them to services within the school if needed.

Verification

- Households were only given two days' notice before benefits decreased as a result of verification. 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)]. This allows the household to appeal the decision to decrease benefits.

Smart Snacks

- All fundraisers, including exempted and compliant, must be tracked. Only foods sold in school and intended for consumption during the school day (from midnight until 30 minutes after the end of school) fall under Smart Snacks regulations. Per state policy, a maximum of 10 exempt fundraisers per school 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 (7 CFR 210.11). Smart Snacks information and resources, including a sample site tracking form, can be found at the Idaho Department of Education Child Nutrition Programs Smart Snacks website.

Food Safety

- Independent contractor CN Resource completed the menu review and provided the following TA:
 - Each SFA is required to purchase domestic agricultural commodities or products that are produced and processed substantially in the United States or territories, as applicable (7 CFR 210.21 (d)). If a product from another country is sourced, then the food service must have proof that the domestic product is significantly higher in price or not available in sufficient quantities. Include the Buy American Provision in SFA solicitation documents for the purchase of commercial foods. Products must be checked upon receipt and not accepted if the products do not comply with the Buy American Provision, unless there is documentation to justify the exception (exorbitant pricing or product shortages).

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Meal Components and Quantities

- Independent contractor CN Resource completed the menu review and provided the following TA:
 - Grades K-8
 - Grade group is not included on production records
 - OVS is not stated on production records
 - Salad serving size should be clearly stated to determine crediting
 - 1 cup serving should be on production records showing a crediting of $\frac{1}{2}$ cup vegetable.
 - The Child Nutrition (CN) Label submitted for the beef cheese and bean burrito showed an expired CN number. The CN number was verified as active on the USDA CN Label Verification Report.
 - Grades 9-12
 - Grade group is not on production records
 - OVS is not stated on production records
 - Salad serving size should be clearly stated to determine crediting
 - 1.5 cup serving should be on production records showing a crediting of $\frac{3}{4}$ cup vegetable.
 - The Child Nutrition (CN) Label submitted for the breadstick showed an expired CN number. The CN number was verified as active on the USDA CN Label Verification Report.

FISCAL ACTION

Due to meal counting and claiming errors, fiscal action results in \$8.73. However, since this amount falls under the \$600.00 threshold, the fiscal action will be disregarded and no financial adjustment will occur.

YOUR REVIEW IS NOW CLOSED.

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,

Jax Dunham

Jax Dunham, BS, RDN
NSLP Coordinator

cc: Lynda Westphal, MHS, SNS, Director, Idaho Child Nutrition Programs

Breanna Harmon, Child Nutrition Director, Gem Prep: Meridian Charter School

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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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