



Explore Academy of Las Vegas

Administrative Report

June 14, 2022

National School Lunch Program

Food and Nutrition Division

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I. Executive Summary

Administrative Review

The Richard B. Russell National School Lunch Act, as amended by the Healthy Hunger-Free Kids Act of 2010 (HHFKA), requires a unified accountability system designed to ensure participating school food authorities (SFAs) comply with National School Lunch Program (NSLP) and School Breakfast Program (SBP) requirements. The Act also requires an accountability system that conducts Administrative Reviews to evaluate requirements for NSLP and SBP during a three-year (triennial) cycle.

The Administrative Review provides a comprehensive evaluation of school meal programs of SFAs participating in the NSLP, SBP, and includes both Critical and General Areas of Review. This includes the implementation of HHFKA program requirements and other Federal Programs.

Procurement Review

The procurement of goods and services is a significant responsibility of a SFA. Obtaining the most economical purchase should be considered in all purchases when using the nonprofit food service account. SFAs must comply with the applicable regulations through audits, administrative reviews, technical assistance, training, guidance materials, and by other means (7 CFR 210.19(a)(3)). Federal, state and local laws and regulations specify the methods SFAs must ensure all competitive procurements must be in accordance with 2 CFR Part 200.318-.326 and all other applicable government-wide and FNS regulations and guidance.

Nevada Department of Agriculture (NDA) conducted the Procurement Review in tandem with the Administrative Review of the NSLP and SBP administered by Explore Academy from April 28-May 5, 2022.

An exit conference was held on Thursday, May 5, 2022, to provide a summary of the work performed and to discuss any anticipated findings and required corrective actions.

We commend your agency's commitment to improving operations of this essential nutrition assistance program. We wish to thank the Explore Academy staff for the time and assistance extended to our State Agency staff during this process.

II. Introduction

An entrance conference was conducted on Thursday, April 28, 2022. The review was conducted virtually via Microsoft Teams. The Administrative Review was conducted by Brittany Mally and Erica Jaramillo; the Procurement Review was conducted by Daniel Pimm. Explore Academy staff included Sara Miller and Laura Doyle. This report is based on the results of the offsite assessment, the onsite review of files, and meal service observations of the breakfast and lunch programs. An exit conference was held on Thursday, May 5, 2022, which provided a

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summary of the work performed at Explore Academy of Las Vegas and we discussed any additional documentation needed, preliminary findings, and observations.

III. Scope

The Administrative Review covered documents, records, and procedures relating the administration of the NSLP for the month of review, March 2022. The Procurement Review covered all documents, records, invoices, and procedures relating to the procurement for the SFA for the year of review, school year 2021-2022.

IV. Methodology

The Administrative Review was conducted in accordance with procedures and requirements set forth in the Administrative Review Manual, 2018-2019 edition. It included evaluating Explore Academy's administration of the National School Lunch and School Breakfast programs through the assessment of agency procedures, sampled review files, documentation, claims, fiscal systems, contracts, and staff interviews.

The Procurement Review was conducted in accordance with procedure and requirements set forth in the 2 CFR 200 and 7 CFR 210. The procurement plan, code of conduct, and procurement documents, including invoices, were evaluated for compliance.

V. Noteworthy Achievements

- Explore Academy is offering two entrée options to students at lunch, this provides some form of choice while following straight serve meal patterns.

VI. Critical Areas of Review

- Performance Standard I- Meal Access and Reimbursement
 - Certification and Benefits Issuance
 - Meal Counting and Claiming
- Performance Standard II- Meal Pattern and Nutritional Quality
 - Meal Components and Quantities
 - Dietary Specifications and Nutrient Analysis
- General Areas
 - Civil Rights
 - Professional Standards
 - Local School Wellness Policy
 - Water Availability
 - Food Safety
 - Reporting and Recordkeeping
- Procurement

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- Procurement Plan
- Code of Conduct
- Procurement Documents and Records

VII. Findings and Required Corrective Action

Performance Standard I – Meal Access and Reimbursement – Federally mandated counting and claiming systems for all SFAs that participate in NSLP and SBP. Free, reduced-price, and paid meals claimed for reimbursement must be served only to eligible children. Certification and benefits issuance process is the SFA’s certification of student eligibility for FRL meals and serves as a link to the SFA’s meal counting and claiming system. References include but are not limited to 7 CFR 245.2(1)(i); 7 CFR 245.6(b)(1); 7 CFR 210.7 (c)(1)(iii)(iv); 7 CFR 210.18 (g)(1)(ii)(A); CFR 210.19(c)(2)(i); and 210.19(c)(2)(ii).

	Finding	Corrective Action	Due Date
#1	<p>Certification and Benefit Issuance Applications received by SFA must be certified for the correct meal benefit level (either free, reduced or paid) as detailed in the Eligibility Manual for School Meals, July 18, 2017 edition. Of the 28 applications reviewed the following errors were noted:</p> <ul style="list-style-type: none"> ● 19 were incomplete (blank ‘For School Use Only’ sections) ● 5 were missing Determining Officials signature ● Three were missing case number for step 2 ‘assistance program’ ● One had assistance program case number over 9 digits 	<ol style="list-style-type: none"> 1. Complete the Determining Free and Reduced-Price Lunch Eligibility training March 2021 version from our NDA YouTube Channel. 2. Create procedure that details how applications will be evaluated within 10 day timeframe. Include the names(s) and titles(s) or the person(s) responsible for ensuring process is followed. Submit procedure to NDA for review. 3. Correct and resubmit 19 applications that were blank to DNA for review. 	July 14, 2022
#2	<p>Meal Counting and Claiming Per 7 CFR 210.8, the school food authority establishes internal controls which ensure the accuracy of meal counts prior to the submission of the monthly claim for reimbursement. The counting and claiming observed during the review were not accurate, as it was detected that the daily meal counts were more than the number of meals delivered by the vendor.</p>	Create procedure to edit check daily meal counts to ensure that meals are not being over claimed. Submit procedure to NDA for review.	July 14, 2022

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	<ul style="list-style-type: none"> Multiple days in March 2022 served meal counts were 31 or 32 but invoices and Production sheets only show 30 breakfast meals Multiple days in March 2022 served meal counts were 71 but invoices and production sheets only show 70 lunch meals 		
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General Program Compliance

Wellness Policy- To help foster a healthy school environment, Section 204 of the Healthy, hunger Free-Kids Act added section 9A to the Richard B. Russell National School Lunch Act (NSLA) to expand the scope of wellness policies. References include but are not limited to 7 CFR 210.11; 7 CFR part 210 Appendix B; and The Healthy Hunger Free Kids Act Section 9A (204).

	Finding	Corrective Action	Due Date
#3	<p>School Wellness Committee Meeting 2x/year Nevada’s School Wellness Policy states stakeholder/committee needs to meet at least twice a year. There were no committee meetings in 2021-2022 school year.</p>	<p>Create a business policy/process that details how Explore Academy will ensure meetings are held twice a year and how documentation of meeting attendance and topics discussed will be keep in records. Please submit a timeline/date when committee will meet next.</p>	July 14, 2022

Professional Standards- Regulations establish hiring standards for new school nutrition program directors at the School Food Authority (SFA) level and annual training standards for all school nutrition program directors, managers, and staff. References includer but are not limited to 7 CFR 210.30

	Finding	Corrective Action	Due Date
#4	<p>Professional Standards Training Tracking 7 CFR 210.30(g) requires all SFAs to track and maintain records regarding employees annual training. USDA’s Professional Standards Training Tracker may be used, or an alternative tracking tool may be developed but must include at minimum these required fields: employee name, hiring date, employee position, required hours of training, training title/subject, length of training, school year training is applied to, and completed training hours to date.</p>	<p>Develop Professional Standards Training Tracker and submit to NDA for review.</p> <p>See Appendix or click link for USDA’s Professional Standards Training Tracker</p>	July 14, 2022

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	Tracking system was missing at the time of review.		
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Procurement – SFAs must comply with the applicable regulations for procurement of goods and services, including using the specified methods in federal, state, and local laws and regulations; with all contracts, purchasing services involving the child nutrition program regulations for procurement must be in place. References include but are not limited to 7 CFR 210.19(a)(3); 2 CFR 200.318-326; 7 CFR 210.21; 2 CFR 200; 2 CFR 318(a-d); 2 CFR 200.320

	Finding	Corrective Action	Due Date
#5	<p>Procurement Plan Per USDA guidance, the procurement plan must outline the specific procedures per 2CFR Part 200 for program operators 2CFR 318 (a). Please see Procurement Review Report (attached) for more detailed information on what is required.</p> <p>With regards to a procurement plan, the reviewer was unable to examine the school food authority’s procurement plan & accompanying procedures.</p>	<p>Develop a Procurement Plan to outline procedures for program operations or use the Procurement Plan template provided by NDA and submit for review.</p>	July 14, 2022
#6	<p>Code of Conduct Per 2CFR Part 200.3189(c)(1) the non-Federal entity must maintain written standard of conduct covering conflicts of interest and to govern the actions of its employees engaged in the selection, award, and administration of contracts. No employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a federal award if he or she has a real or apparent conflict of interest. The code of conduct must also provide for disciplinary action for violations by officers, employees, or agents (2CFR 200.318 (c)1).</p> <p>With regards to a code of conduct for Child Nutrition program the reviewer was unable to examine the school food authority’s code of conduct.</p>	<p>Develop a written code of conduct for Explore Academy and submit to NDA for review.</p> <p>See Appendix for Sample Written Code of Standards of Conduct</p>	July 14, 2022

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VIII. Recommendations and Technical Assistance

Recommendations:

1. **Food Safety Inspection-** Now that Explore Academy facility is open more regularly, request a health inspection from SNHD. The last two inspections were from 2020 which had limited review capacity while following COVID-19 protocols.
2. **Dietary Specifications and Nutrient Analysis** – During the review, Explore Academy did not have required documents available, but reviewer was able to obtain from vendor, Better 4 You Meals. In the future, Explore Academy should have a system in place to retain records of dietary specifications and nutrient analysis documents from vendor.

Technical Assistance:

1. Overt identification- Technical assistance provided to prevent overt identification of children receiving free or reduced price meal benefits on documents recording meal counts at point of service per *Eligibility Manual for School Meals*, July 18, 2019. Color code can be used but key/legend cannot be on document
2. Direct Certification matching process- Currently Explore Academy has not been conducting direct certification matches for the current school year 2021-2022, as they have been operating under the USDA Waiver #85 and serving all meals for free under SSO. Conducting direct certification matching was not a requirement this year due to waiver #85, however still conducting this process is a best practice as the free or reduced-price eligibility can make student eligible for other benefits such as PEBT and reduced testing fees. To get access to the monthly direct certification list, access to the Single Student Look-Up Tool is needed, which is housed by the NDA. Contact us to be added in this system.
3. Benefit Issuance Document- Although operating under the USDA Wavier #85 and serving all meals for free under SSO, Explore Academy was still collecting meal applications but there was no benefit issuance document in place. Again, please refer to the Eligibility Manual attached for more information on what this document needs to include and be used for. One will need to be in place and used for next school year.
4. Approval and denial letters: Explore Academy did not have household letter templates in place for any processes including notice of filling out an application, approved or denied for free or reduced price meals, direct certification notification, and verification notification. Samples of what these letters should include is attached.
5. Production records- Technical assistance provided for Explore staff to complete the Production Records sheets from Better 4 You Meals in its entirety. This includes circling OVS or Serve only, Prepared columns, Served columns, and Leftover columns.
6. Civil Rights Complaint Procedure and Compliant Log- Technical assistance provided to create civil rights procedure that Explore Academy staff follows if a complaint

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were to arise. Also, to create a complaint log for every school year as required under FNS 113-1 and the *Administrative Review Manual*, 2017-2018 edition.

IX. Corrective Action Response

A written response to the corrective actions detailed in this report must be submitted within thirty (30) calendar days of receipt of the report. The response must include a description of the corrective action plan for the findings, including implementation time frames and supporting documentation as necessary.

NDA will thereafter assess the SFA's corrective action response. If the corrective action is not completed, or if the need is identified to ensure all corrective items are in place, we may schedule a follow up review. Program Funds may be withheld until corrective action is completed if not submitted by the required due date.

The SFA may appeal the NDA's action by submitting a written appeal request within fifteen (15) calendar days after receipt of notice of this Administrative Review Report and should be sent by certified mail, or its equivalent, or sent electronically by email. NDA will acknowledge the receipt of an appeal request within 10 days after its receipt of the request. More information is available in Appendix A.

X. Appendix

- A. Appeal Procedure-attached
- B. Procurement Review Detail-attached
- C. Procurement Plan Template
- D. Sample Code of Conduct
- E. Nevada School Wellness Policy Guidelines
- F. USDA's Professional Standards Training Tracker
- G. Eligibility Manual for School Meals

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