



Esmeralda County School District
Administrative Review Report

April 9, 2021

National School Lunch Program
Food and Nutrition Division

Administrative Review Report
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. Nevada Department of Agriculture has obtained a waiver from USDA and will be conducting Administrative Reviews on a four-year cycle beginning January 2021.

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 the NSBP administered by Esmeralda County School District (EsCSD) from February 22 – March 5, 2021.

An exit conference was held on Thursday, March 11, 2021 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 Esmeralda County School District staff, in particular Lora Penson, for the time and assistance extended to our State Agency staff during this process.

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II. Introduction

An entrance conference was conducted on Monday, April 22, 2021. The review was conducted remotely with video observation at Esmeralda County School District in Dyer, Nevada. The Administrative Review was conducted by Bailey Taber, School Nutrition Specialist. EsCSD staff included Lora Penson, the Food Service Coordinator. This report is based on the results of the offsite assessment, the review of electronic files, and video observations of meal services for the breakfast and lunch programs. An exit conference was held on Thursday, May 11, 2021 which provided a summary of the work performed at EsCSD along with discussion of 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 months of review, December 2020 and February 2021. The Procurement Review covered all documents, records, invoices, and procedures relating to the procurement for the SFA for the year of review, school year 2019-2020.

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 EsCSD'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

- Communication: Lora was always quick to respond and diligent in providing any documentation requested.
- Launch of the NSLP: Lora has done an excellent job of launching the School Lunch Program during a tenuous year. The program is off to a great start!
- Facilities: despite much older facilities and equipment, EsCSD's facilities were clean, organized, and well-maintained.

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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
 - Offer versus Serve
 - Dietary Specifications and Nutrient Analysis
 - Menu Production Records
- General Areas
 - Civil Rights
 - Professional Standards
 - SFA On Site Monitoring
 - Local School Wellness Policy
 - Water Availability
 - Food Safety
 - Reporting and Recordkeeping
- Procurement
 - Procurement Plan
 - Code of Conduct
 - Procurement Documents and Records
- Other Federal Programs
 - Community Eligibility Provision (CEP)

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VII. Findings and Required Corrective Action

Performance Standard II – Meal Pattern and Nutritional Quality – Meals claimed for reimbursement must contain food components in specific quantities and requirements as required by regulations; the meal pattern limits calories, restricts sodium levels, limits saturated fat, and eliminates trans fats. References include but are not limited to 7 CFR 210.10 and 220.80.

	Finding	Corrective Action	Due Date
#1	<p>Menu Production Records (MPRs) 7 CFR 210.10 (3) requires schools or SFAs to maintain daily Menu Production Records to show how the meals offered contribute to the required food components and food quantities for each age grade group. Production records must also demonstrate traceability for the food ingredients used, consumed, and leftover.</p> <p><i>Repeat finding</i>-The MPRs reviewed from the months of December 2021 and February 2021 incorrectly or inconsistently documented the required elements, including the amount of food pulled, prepared and leftover.</p>	<p>(1) Complete NDA’s Menu Production Workbook Training (found in Appendix D). Submit to NDA the dates, times, and signatures from all staff that completed the workbook.</p> <p>(2) Submit the MPRs for all sites for the week of April 19, 2021 for NDA to review. Include the accurate calculated amounts of food planned, prepared, and leftover.</p>	<p>(1) May 7, 2021</p> <p>(2) May 7, 2021</p>
#2	<p>Dietary Specifications and Nutrient Analysis 7 CFR 210.10 (f) and 7 CFR 220.8 (f) requires SFAs to offer school meal programs consistent with the federal standards for calories, saturated fat, sodium, and trans-fat.</p> <p>Many of the items and components on the menus for lunch are not included in the nutrient analysis or properly credited for the meal pattern. This includes the following:</p> <ul style="list-style-type: none"> • Some items are entered generically into program and do not account for specific nutrients, such as “juice,” “fruit,” and “milk.” • Condiments are not accounted for in the nutrient analysis. • Some items, such as the Uncrustables, appear to be improperly entered into the Nutrikids program, as they account for well 	<p>(1) Correctly enter all previously omitted or incorrectly entered food items into the Nutrikids program, including condiments and other items such as juice, fruit, and milk. Resubmit the nutrient analysis reports and menu contribution reports from the month of April to NDA for review.</p>	<p>(1) May 7, 2021</p>

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	over 100% of calories from sugar on the days they are served.		
#3	<p>Meal Components and Quantities</p> <p>7 CFR 210.10(c) requires SFAs operating NSLP to follow meal pattern requirements for each age grade group within all reimbursable meal service lines including offering minimum quantities of all food components and vegetable subgroups over the week.</p> <p>Certain meal components offered on the menu on some days were below or far above the required amount. Some of this may have been due to certain items not being properly entered and credited in the Nutrikids program. These incidents include the following:</p> <ul style="list-style-type: none"> • No vegetable subgroups are documented or tracked on the lunch menus. • Breakfast and lunch grains were not accurately credited see Appendix E for details. 	<p>(1) Complete the USDA’s training on how to use the grain calculator tool. Submit training certificates to NDA.</p> <p>(2) Complete the Institute of Child Nutrition’s(ICN) training on Meal Pattern. Submit training certificates to NDA.</p> <p>(3) Adjust the cooked grains components such as pasta and rice into Nutrikids. Ensure that all vegetable subgroups are credited in Nutrikids. Ensure that all previously uncredited food components are credited in Nutrikids. Submit corrected Menu Certification (Contribution) Reports to NDA for the month of April.</p>	<p>(1) May 7, 2021</p> <p>(2) May 7, 2021</p> <p>(3) May 7, 2021</p>

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), N

	Finding	Corrective Action	Due Date
#4	<p>Local School Wellness Policy</p> <p>Compliance for the Local School Wellness Policy must meet the minimum requirements outlined in 7 CFR 210.31. These include documentation that the policy has been made available to the public, efforts to review and update the policy and how stakeholders may be made aware of their ability to participate, along with evidence of the most recent</p>	<p>(1) Provide specific documented evidence of the assessment and/or updates of EsCSD’s School Wellness Policy.</p> <p>(2) Add a third district-wide goal to EsCSD’s Wellness Policy which will promote wellness for students.</p>	<p>(1) May 7, 2021</p> <p>(2) May 7, 2021</p>

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	<p>triennial assessment of the policy implementation.</p> <p>The following elements were found to be non-compliant for EsCSD’s School Wellness Policy implementation:</p> <ul style="list-style-type: none"> • Esmeralda’s School Wellness Policy only includes two district-wide wellness goals instead of the required minimum of three. (Nutrition promotion and education, physical activity, and other school-based activities that promote school wellness) • The minutes shared from the board meeting did not sufficiently detail how the Wellness Policy was assessed and/or modified. • It was shared that the Wellness Policy is available for public viewing on EsCSD’s website, but it was not located on the website as stated. 	<p>(3) Provide evidence of how EsCSD will make potential stakeholders aware of ways they may become involved in the Wellness Policy implementation.</p> <p>(4) Make EsCSD’s School Wellness Policy available and accessible to the public.</p>	<p>(3) May 7, 2021</p> <p>(4) May 7, 2021</p>
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VIII. Recommendations, Technical Assistance, and Best Practices

Recommendations:

1. **Minimize unnecessary extra items served on menus** – On multiple days it was documented that additional items were offered, usually grains such as graham crackers, pretzels, Sunchips, or bread rolls, when the grain requirement and the calorie requirement for the meal had already been met. Reducing unnecessary additional items will be more cost effective, save labor, and more appropriately guide children on the proportionate amount of food that should be eaten at a meal. Additionally, only serving juice once or twice a week will also cut down on costs. Work with your produce vendor to determine whether larger portions of fruit are available to serve instead of juice and fruit every day at breakfast.
2. **Utilize complete whole grain foods by School Year 2021-2022** – EsCSD shared that a couple of the new items they are using since they launched their NSLP this year have been difficult to procure in whole grains form. The USDA has allowed waivers for certain required components this year due to interruptions in the food supply caused by COVID-19, as well as difficulty for manufacturers to meet sudden demand when the requirements were rolled-back to the previous requirement for 100% whole

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grain rich items late in the school year during 2019-2020. Although it is acceptable that EsCSD is not serving 100% whole grain rich pasta on their lunch menus this year, by school year 2021-2022 it will be required that any grain items served be 100% whole grain rich. Grain items falling below the 100% whole grain rich requirement identified on future ARs could result in fiscal action.

3. **Meet sodium limits each day rather than just the weekly average** - The amount of sodium recorded for the meal was well above the allowable range on many days, which was compensated for by one day in the week when sodium was far below the allowable range. This practice is discouraged and all days should be within the allowable range for sodium. When this practice is utilized SFAs also run the risk of exceeding the weekly average on future reviews. NDA recommends adjusting the planned menus so that the nutrient analysis falls within the sodium limits each day and not just for the weekly average.
4. **Incorporate School Garden/locally grown produce in NSLP programs** – School Gardens and purchasing locally grown food provides a multitude of benefits for students including learning about healthy food, learning how to grow fruits and vegetables, and promoting better nutrition. USDA supports such efforts through its Farm to School Program. Nonprofit School Food Service Funds can be used to support local farmers and school garden programs. See Appendix E for more information.

Technical Assistance:

1. Implement use of a clicker-counter to track the number of reimbursable meals served at each service: The practice of counting the number of children who received meals after they have already sat down to eat is not allowed in the NSLP and SBP. When this was discussed with EsCSD staff they shared that they would be able to utilize a clicker-counter to track the meals and would implement right away.
2. Separate the NSLP Civil Rights Grievance Log from the LEA general tracker: The USDA requires that School Food Authorities keep and maintain a civil rights grievance log that is separate from any others for the Local Education Agency. EsCSD created a separate log and shared it with NDA for approval.
3. Put in place the Procurement Policy that EsCSD has on file: Although EsCSD had shared the required procurement documents with NDA as part of a corrective action on their previous AR in 2017, these documents were no longer formally utilized by the SFA for their School Nutrition Programs. The documents were reviewed, updated, and signed by the superintendent for immediate reenactment and consistent implementation moving forward.

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Best Practices:

1. Avoid serving bean entrees and bean vegetable sides in same meal: Legumes are one of the required vegetable subgroup components that must meet a minimum serving portion over the course of a week. This may be accomplished by serving them as a side dish or including them for credit in an entrée. Alternatively, legumes may qualify as a vegetarian protein option. However, it is recommended that legumes are served spread out between meals over the course of the week, and that both entrees and sides do not include them within the same meal.
2. Keep and organize nutrition labels filed for all food components served on menus: It is helpful for SFAs to maintain nutrition labels filed under their respective components, such as protein, grain, fruit, vegetable, and milk. When new food items are implemented on menus, immediately add the nutrition label to the file, and periodically (i.e. once annually) go through the entire file to ensure that outdated and inapplicable labels are no longer kept. This best practice ensures that all documentation correctly reflects what is served on the menus, and enables the SFA to periodically conduct self-monitoring of the nutritional analysis of their program. This also allows SFAs to easily replace old labels when they are notified by the manufacturer of a product formulation changes.

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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
- B. Procurement Review Detail
- C. Menu Production Record Resources
- D. Meal Component and Quantities Deficiencies-Detailed
- E. School Garden and Local Purchasing Resources

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