



**Democracy Prep at the Agassi Campus**  
*Administrative Review Report*

December 8, 2022

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.

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 Democracy Prep at the Agassi Campus (DPAC) from November 29-30, 2022.

An exit conference was held on Wednesday, November 30, 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 Democracy Prep at the Agassi Campus, SLA Management, and School Food Solutions staff 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 Tuesday, November 29, 2022. The review was conducted at the Democracy Prep at the Agassi Campus (DPAC) in Las Vegas, Nevada. The Administrative Review was conducted by Erica Jaramillo and the Procurement Review was conducted by Daniel Pimm. DPAC staff included Isabel Garcia and Jeremy Wells. Food School Solutions staff included Kaylee Smith and Casey-Leigh Turner. 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 virtually via Microsoft TEAMS on Wednesday, November 30, 2022, which provided a summary of the work performed at DPAC 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, September 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 DPAC'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

- All staff involved from DPAC, SLA Management, and School Food Solutions were very helpful and cooperative with feedback and discussions during observations.
- Meal counting tic sheets and reviewed claims had no calculation errors which can be hard with multiple tic sheets for each grade group meal service.
- Garden bar with a variety of vegetable and fruit options was great to see. SLA Management also switched out options more suited for specific age groups, like applesauce for elementary.

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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
  
- Resource Management
  - Revenue from non-program foods (Pricing of Adult Meals)
  
- 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

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**VII. Findings and Required Corrective Action**

<b>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.</b>			
<b>Finding</b>		<b>Corrective Action</b>	<b>Due Date</b>
<b>#1</b>	<p><b>Nutrient Analysis</b> All areas must be compliant for all age/grade groups for total Calories, Saturated Fat, and Sodium requirements set forth in HHFKA of 2010.</p> <p>The reports reviewed from <i>MCS Menus and Inventory</i> software for September 2022 contained the wrong nutrient specifications parameters for Breakfast K-12 and Lunch K-8 causing menu to be outside of compliance ranges.</p> <ul style="list-style-type: none"> <li>• Breakfast for K-12 was using 450-600 kcals and 640mg Sodium as USDA ranges, but the correct ranges are 450-500 kcals and 540mg Sodium.                             <ul style="list-style-type: none"> <li>○ 8/29-9/2 was over 45 kcals and over 71mg Sodium. 9/5-9/9 was over 69 kcals</li> </ul> </li> <li>• Lunch for K-8 was using 600-700 kcals and 1360mg Sodium but correct ranges are 600-650 kcals and 1230mg Sodium.                             <ul style="list-style-type: none"> <li>○ 8/29-9/2 was over 50 kcals and 60mg Sodium</li> </ul> </li> </ul>	<p>Correct nutrient specification parameters to the accurate USDA ranges for DCAP’s nutrient analysis. If continuing to use <i>MCS</i>, contact <i>MCS</i> representative to update system or transfer to <i>Titan</i> software for Nutrient Analysis.</p> <p>Submit to NDA one week of Nutrient Analysis for each age group for the month of January 2023.</p>	<b>January 8, 2023</b>
<b>#2</b>	<p><b>Menu Production Records</b> Production and menu records must be maintained in accordance with FNS guidance. Production records for the review month of September 2022 were reviewed.</p> <p>Production records for lunch did not differentiate between age group meal services.</p>	<p>Update process to record the differentiation, for each grade group, of the following: serving sizes, planned servings, and reimbursable meals served.</p> <p>Submit a week’s worth of production records, using your updated template.</p>	<b>January 8, 2023</b>

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<p>#3</p>	<p><b>Condiments (repeat finding)</b> Per 7 CFR 210.10(i)(3)(i), “Nutrient analysis must include all foods offered as part of the reimbursable meals...Foods items are included based on portion sizes and serving amounts.” Condiments were unrestricted on the observation day. Quantities on nutrient analysis did not match staff’s answers on what was the allowed condiment quantity per meal. Also, some days had very low quantity for offered (5 per age group) which did not match the number of observed children grabbing or asking for condiments.</p>	<p>Condiment dispensers were moved on observation day to remove the unrestricted access; however, staff need to know and follow allowable portion sizes of condiments per meal.</p> <p>Create a business plan for condiments, including how condiments will be monitored at service line, and having accurate quantities on nutrient analysis and production records.</p> <p>Submit to NDA for review.</p>	<p><b>January 8, 2023</b></p>
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**Resource Management** – All revenues and expenses under the nonprofit school food service account must be allowable- used only for the operation and improvement of the food service and net cash resources may not exceed three months’ average operating expenses. References include not are not limited to 7 CFR 210.14.

	<b>Finding</b>	<b>Corrective Action</b>	<b>Due Date</b>
<p>#4</p>	<p><b>Pricing of Adult Meals</b> Per FNS Instruction 782-5 “Breakfasts and lunches served to teachers, administrators, custodians, and other adults must be priced so that the adult payment in combination with any per-lunch revenues from other sources designated specifically for the support of adult meals (such as State or local fringe benefit or payroll funds, or funding from voluntary agencies) is sufficient to cover the overall cost of the lunch. Including the value of any USDA entitlement and bonus donated foods used to prepare the meal.”  DPAC does not charge enough for adult lunch to cover the cost of the meal. DPCA gets reimbursed \$4.43 (includes 0.08¢</p>	<p>Update policy to charge adults \$4.43. Policy should include where funds are paid from. DPAC is planning to start utilizing Entitlement funds and will need to update charge amount to reflect this when that takes effect. Include this in your policy if possible.</p> <p>Submit updated policy for NDA to review.</p>	<p><b>January 8, 2023</b></p>

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	performance-based rate) for free lunch but is only charging \$4.00 for adult meals.		
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**General Program Compliance**

**Local School Wellness Policy (LSWP)**-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
#5	<p><b>Meal Consumption Times (repeat finding)</b> Per Nevada’s LSWP and DCAP’s Wellness Policy meals consumption time for each student is 15minutes for breakfast and 20 minutes for lunch. Time spent acquiring the meal is not included in the time to consume the meal.</p> <p>On the day of observation lunch for the elementary school was only 14 minutes.</p>	<p>Create business plan or update procedure to detail how each student will be given full meal consumption time. Include new meal service schedule that DCAP was already planning to initiate.</p> <p>Submit procedure to NDA to review.</p>	<p><b>January 8, 2023</b></p>

**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
#6	<p><b>Food service management companies</b> Per USDA guidance, contracts with food service management companies (FSMC) per 7 CFR 210.19(a)(5) shall be reviewed by state agencies and comply with 7 CFR 210.16(c).</p> <p>With regards to a fixed meal price contract, the reviewer was unable to examine the school food authority’s contract price (please see Procurement Review Report attached for more detail).</p>	<p>Provide complete executed contract including the agreed upon price per meal fees established for the 2022-23 School Year.</p>	<p><b>January 8, 2023</b></p>

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## VIII. Recommendations and Technical Assistance

### Recommendations:

1. **More distinct share table:** During breakfast observation students placed unwanted items in multiple places, at lunch students used a more consistent spot. Consider having signage or having shar table closer to the end of the service line.
2. **Update and Increase Offer Versus Serve Signage:** The current signage could be overlooked or too bland for students. Consider updating with new USDA OVS posters. Also consider adding more explanative signage at the ‘Garden bar’ that meal much have ½ cup fruit or vegetable.
3. **OVS knowledge of non-Nutrition staff assisting:** DCAP staff that is assisting with students getting through the line, should have correct understanding of what makes a complete OVS meal. This will help the SLA Management staff at the end of the meal service line and make the line run smoother.
4. **Bulk condiments:** Bulk condiments can be an option when monitoring and recording accurate condiments and dietary specifications.

### Technical Assistance:

1. Dietary Specifications: Technical assistance was provided to move condiments so students would not have unrestricted access. Condiment dispenser was moved to end of service line between SLA Management staff, to be monitored to ensure the acceptable portion size allowed per meal was taken. This was completed during the lunch meal observation.
2. Meal Production Records:
  - Technical assistance was provided for condiments to be included on the Production Records. This was completed during the review.
  - Technical assistance was provided for the number of served adult meals to be recorded in the non-reimbursable section of the Production Records. This was corrected during the review.
3. Food Safety: Technical assistance was provided to replace the missing internal thermometers in one fridge and one freezer. This was corrected during the kitchen observation.

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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-attached
- B. Procurement Review Detail-attached
- C. Adult Meal Pricing Tool
- D. [Connecticut Dept. of Education Offer Verses Serve Resource page](#)

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