



**PilotED Schools of Nevada
(Cactus Park Elementary)**
Administrative Review Report

April 28, 2023

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 Cactus Park Elementary from April 18-20, 2023.

An exit conference was held on Thursday, April 20, 2023, 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 Cactus Park Elementary 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, April 18, 2023. The review was conducted at the Cactus Park Elementary in Las Vegas, Nevada. The Administrative Review was conducted by Erica Jaramillo and Allen Whitenack. Cactus Park staff included Karli Casto, Molly Couture, and David Becerra. 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, April 20, 2023, which provided a summary of the work performed at Cactus Park and we discussed any additional documentation needed, preliminary findings, and observations.

III. Scope

The Administrative Review covered documents, records, and procedures relating to the administration of the NSLP for the month of review, February 2023. The Procurement Review covered all documents, records, invoices, and procedures relating to the procurement for the SFA for the year of review, school year 2022-2023.

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 Cactus Park'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 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

- Cactus Park Staff: Cactus Park staff were very friendly and cooperative when answering reviewer's questions.

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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
 - Dietary Specifications and Nutrient Analysis
- First Year Resource Management
 - Maintenance of the Non-Profit School Food Services Account
- General Areas
 - Civil Rights
 - Professional Standards
 - 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

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>Meal Counting and Claiming Per 7 CFR 210.8, the meal counts for the review period must yield an accurate result, must be comparable to the day of review meal counts, and must not exceed the number of eligible students. Monthly and daily claim reconciliation must yield accurate meals.</p> <p>During claim review and meal observations the following was noted:</p> <ul style="list-style-type: none"> • <u>Claim review</u>: submitted February 2023 claim was based on invoices not served meals. From staff interviews, Cactus Park was not taking meal counts and so did not have monthly consolidation records. <ul style="list-style-type: none"> ○ Also, Cactus Park served snacks during the school day and does not operate an afterschool care program. Afterschool Snack Program (ASSP) meals cannot be claimed as reimbursable if served during the school day. • <u>Meal observation</u>: Breakfast meal counts were taken as students walked into door, beginning of service line, and there was no confirmation that all required components taken by students. During lunch service, staff counted 6 meals that did not have all five meal components. <p>Fiscal Action: Based on lack of documentation of served reimbursable meals for the review period (reference findings 2-3 and Technical Assistance 5) and the day of review meal observations as well as staff interviews, there will be a recoupment of Cactus Park’s February 2023 claim.</p>	<p>Create a procedure to accurately record and consolidate meal counts. Include:</p> <ul style="list-style-type: none"> • How daily meals count for reimbursable meals served to students for breakfast and lunch will be counted and recorded. • What constitutes a reimbursable meal at breakfast and lunch. • How monthly meal counts will be consolidated and used for monthly claim. <p>Submit procedure and May’s meal counts to NDA for review before submitting claim.</p> <p>*Fiscal Action- refer to Fiscal Action Letter attached.</p>	<p>May 29, 2023</p>

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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
#2	<p>Meal Components/Meal Pattern Per 7 CFR 210.10(b)(1)(i), daily, school lunches offered to each age/grade group must include the food components and food quantities specified in the appropriate meal pattern.</p> <p>While Cactus Park’s vendor delivered all food components required, Cactus Park staff did not serve all required components as follows:</p> <ul style="list-style-type: none"> • Breakfast: Initially missing second choice for milk, brought out once mentioned by reviewed. Also missing ½ cup of fruit to meet full 1 cup requirement. • Lunch: Only three components were offered during the first service, missing: milk and vegetable components. Items were found and served to those students missed and served at second service after technical assistance was provided. 	<p>All staff involved in the child nutrition program, especially those counting meals or passing out meals, must complete meal pattern training.</p> <p>Submit proof of training to NDA for review.</p> <p>Reference: theICN Meal Patterns training</p>	May 29, 2023
#3	<p>Menu Production Records Production and menu records must be maintained in accordance with FNS guidance. Production records for the review month of February 2023 were reviewed.</p> <p>Production records provided by vendor were not completed by Cactus Park. Staff must record amount pulled, amount served, and amount left over for each item.</p>	<p>1. Staff that serve and count meals must complete production record training.</p> <p>Reference: theICN Production Record training</p> <p>2. Create a procedure detailing who and how production records will be completed daily.</p> <p>Submit proof of training, procedure, and May 2023 production records to NDA for review.</p>	May 29, 2023

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General Program Compliance			
Civil Rights- Regulations require SFAs to comply with civil rights provisions to ensure that no child is denied benefits or otherwise discriminated against because of race, color, national origin, age, sex, or disability. References include but are not limited to 7 CFR 210.23(b), 7 CFR 210.18(h)(2)(ii), FNS Instruction 113-1, USDA memo SP59-2016.			
	Finding	Corrective Action	Due Date
#4	<p>Complaint procedure Per Instruction 113-1, SFA’s public notice should contain the elements of: program availability, complaint information and non-discrimination statement.</p> <p>Civil Rights complaint procedure and form was missing at time of review.</p>	<p>Use attached template for complaint procedure. Add procedure to parent handbook or to parent section on website.</p> <p>Submit procedure and proof of handbook or link from website to NDA for review.</p>	May 29, 2023
#5	<p>Civil Rights Training Training is required so that individuals involved in all levels of administration of programs that receive Federal financial assistance understand Federal laws, regulations, instructions, policies, and other guidance.</p> <p>Cactus Park staff had not completed annual civil rights trained at time of review.</p>	<p>All staff involved with the food program at Cactus Park must complete civil rights training attached.</p> <p>Submit proof of completed training to NDA for review.</p>	May 29, 2023
#6	<p>Signage The following signage was missing and should be placed in cafeteria or where visible to participants where meals are served: “And Justice for All...” poster, current menu, and most recent health inspection.</p>	<p>Post “And Justice for All...” poster, menu, and health inspection either inside temporary cafeteria or outside hallway where food items are passed out.</p> <p>Submit photo proof of signage posted to NDA for review.</p>	May 29, 2023

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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
#7	<p>Wellness Policy Per Nevada’s LSWP the following should be included but were missing from Cactus Park’s LSWP: incentives, special occasions, and revenue.</p>	<p>Update LSWP to include missing sections. Submit updated LSWP to NDA for review.</p>	<p>May 29, 2023</p>
#8	<p>School Wellness Committee Meeting 2x/year Nevada’s School Wellness Policy states stakeholders/committee needs to meet at least twice a year. There were no meetings completed or plans in place for committee meetings for 22-23 school year during the review.</p>	<p>Create a business plan to hold two committee meetings per year going forward. Submit plan to NDA for review.</p>	<p>May 29, 2023</p>

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 include but are not limited to 7 CFR 210.30

	Finding	Corrective Action	Due Date
#9	<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. Tracking system was missing at time of review.</p>	<p>Create a tracker or use USDA’s Professional Standards Training Tracker. Create a plan for how required hours will be completed by June 30, 2023. Submit Trackers and plan to NDA or review. Reference Professional Standards Guide.</p>	<p>May 29, 2023</p>

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Food Safety- Regulations require SFAs to establish a food safety program and maintain facilities in accordance with Federal, State, and Local Health Code regulations to reduce risks of food borne illnesses. References include but are not limited to 7 CFR 210.13, *USDA Guidance for School Food Authorities: Developing a School Food Safety Program*, NRS 429.200, 444.335, and NRS chapter 446.

Finding		Corrective Action	Due Date
#10	HACCP Manual All SFAs are required to establish a food safety program for any facility where food is stored, prepared, or served. HACCP manual was not available during onsite review.	Develop a HACCP manual for Cactus Park and submit it to NDA for review. Resources for creating a HACCP plan can be found at the Institute of Child Nutrition .	May 29, 2023
#11	Southern Nevada Health District (SNHD) - Health Cards On the day of review, all Nutrition staff on duty did not have a current SNHD Health Card.	Obtain Health Cards for staff responsible for handling food onsite. Submit to NDA Health card and/or plan/appointments for any not yet obtained.	May 29, 2023
#12	Food Prep Area During observation of food prep areas, the following was noncompliant: Food cases for fruit were placed straight on the ground, internal thermometer in refrigerators were missing, and temperature log for refrigerator was missing.	Raise food to be stored 6" above ground on clean shelving. Obtain internal thermometers for refrigerators and record monthly temperature log for each refrigerator. Submit photo proof of raised food and internal thermometers to NDA. Also submit temperature log for each refrigerator to NDA for review.	May 29, 2023

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
#13	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 the Procurement Review Report (attached) for more detailed information on what is required.	Develop a Procurement Plan to outline procedures for program operations or use the Procurement Plan template provided by NDA and submit for review.	May 29, 2023

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	Procurement plan/procedure was not provided during review.		
#14	<p>Code of Conduct Per 2CFR 200.3189(c)(1), the non-federal entity must maintain written standards of conduct covering conflict of interest and to govern the actions of its employees engaged in the selection, award, and administration of contracts. The code of conduct must also provide for disciplinary action for violations by officers, employees, or agents.</p> <p>Code of Conduct was not provided during review.</p>	<p>Develop a written Code of Conduct related to procurement for the non-profit school foodservice account, template provided.</p> <p>Submit Code of Conduct to NDA for review.</p>	May 29, 2023

VIII. Recommendations and Technical Assistance

Recommendations:

- 1. Rearrange food service table setup:** During meal observation, many students hit their heads on the shelves of the table because they had to bend down to grab food items from bins on the bottom tier of table. Consider moving food items to the top of the table or using a different table to remove the safety issue.

Technical Assistance:

- 1. Meal counting:** Technical assistance was provided to Monse (staff counting meals) to stand in a position at the end of the service line to have a better view of students and the food items selected to ensure only reimbursable meals are counted (meals containing all required food components/items).
- 2. Direct Certification:** Technical assistance was provided to Molly Couture on how to use the Single Student Lookup Tool to get direct certification student information.
- 3. Resource Management:** Technical assistance was provided for Cactus Park to have a separate account for the school nutrition program funds and to have a procedure for how the account will be maintained. This was completed during the review.
- 4. Civil Rights Compliant Log:** Technical assistance was provided for Cactus Park to have an annual log for civil rights complaints. This was completed during the review.
- 5. Afterschool Snack Program (ASSP):** Technical assistance was provided for Cactus Park to spot claiming and ordering snacks due to lack of an aftercare school program.

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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. Fiscal Action Letter
- D. USDA Civil Rights Complaint Procedure
- E. Civil Rights Training
- F. NV Local School Wellness Policy
- G. Professional Standards Tracker
- H. Professional Standards Guide
- I. Sample HACCP
- J. Procurement Plan Template
- K. Written Code of Conduct Template

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