



Food and
Nutrition
Service

Park Office
Center

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Date: May 22, 2017

Memo Code: SP 32-2017

Subject: School Meal Flexibilities for School Year 2017-2018

To: Regional Directors
Special Nutrition Programs
All Regions

State Directors
Child Nutrition Programs
All States

On May 1, 2017, U.S. Department of Agriculture (USDA) Secretary Sonny Perdue issued a Proclamation announcing several menu planning flexibilities that underscore USDA's commitment to assisting schools in serving healthy and appealing school meals. In his Proclamation, Secretary Perdue specifically directed the Food and Nutrition Service (FNS), to begin the process to amend the regulations for the school meal programs with respect to sodium, whole grains, and flavored milk.

FNS recognizes that school nutrition professionals have worked diligently to overcome operational challenges in providing meals that encourage student participation and enhance their educational experience throughout the school day. However, schools and industry have expressed the need for additional time and assistance to effectively achieve changes in the school meal patterns, including those related to sodium and whole grains. In addition, FNS recognizes that schools need the flexibility to offer additional milk options to ensure children receive the nutrients provided by milk.

In addition, on May 5, 2017, Congress enacted the Consolidated Appropriations Act, 2017 (P.L. 115-31; the Appropriations Act). Section 747 of the Appropriations Act provides flexibilities related to whole grains, sodium, and flavored milk for school year (SY) 2017-2018. Although FNS will be working towards more permanent regulatory changes in these areas, this memorandum implements flexibilities for SY 2017-2018 as required by Congress.

Whole Grain-Rich Requirements

Based on Section 747(a) of the Appropriations Act, for SY 2017-2018, State agencies may offer exemptions from the whole grain-rich requirements in the National School Lunch Program (NSLP) and School Breakfast Program (SBP). State agencies may approve school

food authority (SFA) exemption requests for specific products, if the SFA can demonstrate hardship(s) in procuring, preparing, or serving compliant whole grain-rich products that are accepted by students. Exemptions are allowed for any type of grain product(s) (for example, pasta, bread, brown rice, etc.) and for one or more different products. State agencies that elect to provide exemptions must notify their FNS Regional Office and provide a copy of their exemption process.

SFAs that receive an exemption are considered compliant with the whole grain-rich requirements during an Administrative Review or a performance-based certification review if their grain offerings are consistent with the exemption granted by the State agency and at least half of the grains offered weekly are whole grain-rich. However, at a minimum, SFAs must comply with the SY 2013-2014 requirement to offer at least half of the grains which meet the whole grain-rich criteria.

All exemptions approved by a State agency under SP 33-2016, *Exemption Notice: Requests for Exemption from the School Meals' Whole Grain-Rich Requirement for School Year 2016-2017*, April 29, 2016, may continue under the terms by which they were approved, through SY 2017-2018, at the discretion of the State agency. Please refer to [SP 33-2016](#) for further guidance on the exemption process.

Sodium Limits

Under Section 747(b) of the Appropriations Act, for SY 2017-2018, schools must continue to meet Sodium Target 1 (as defined in 7 CFR 210.10(f)(3) and 220.9(f)(3)). FNS will continue to support Program operators in sodium reduction efforts with resources, technical assistance, and information through the FNS *What's Shaking?* and *Team Up for School Nutrition Success* initiatives as well as through USDA Foods and USDA Recipes. Schools are encouraged to continue to work towards creating low-sodium menus that students enjoy.

Low-Fat Flavored Milk

Finally, under Section 747(c) of the Appropriations Act, through SY 2017-2018, State agencies have the discretion to grant SFAs exemptions allowing service of low-fat (1-percent milk fat), flavored milk through the NSLP and the SBP and as a competitive food available for sale on campus during the school day. In order to qualify for the exemption, schools must demonstrate hardship by documenting a reduction in student milk consumption or an increase in school milk waste.

Although granting exemptions for low-fat, flavored milk is a State option, FNS strongly encourages State agencies to provide this option to interested SFAs. State agencies offering exemptions from the flavored milk requirements must establish a process for evaluating and responding, in a reasonable amount of time, to an SFA's exemption request. Such processes may be modeled on the process used for evaluation of whole grain-rich exemption requests. State agencies that elect to provide exemptions must notify their FNS Regional Office and provide a copy of their exemption process.

When evaluating an SFA's exemption request, the State agency should evaluate the documentation of declining milk sales or increased milk waste submitted by an SFA. Documentation of hardships that may be considered by the State agency includes, but is not limited to, the following:

- A significant decrease in milk sales since implementation of the current meal patterns;
- Declining milk sales despite offering alternative products and brands;
- A food waste study indicating significant waste of fluid milk;
- Significant negative feedback from students and parents regarding lack of availability of low-fat, flavored milk; and
- Significant negative feedback from students regarding the palatability of fat-free, flavored milk.

FNS is hopeful that implementation of these options will increase fluid milk consumption as well as overall participation in the School Meal Programs. FNS is committed to working in partnership with State agencies and SFAs as they make these important changes in their school meals.

State agencies are reminded to distribute this memorandum to Program operators immediately. Program operators should direct any questions regarding this memorandum to the appropriate State agency. State agency contact information is available at <https://www.fns.usda.gov/school-meals/school-meals-contacts>. State agencies should direct questions to the appropriate FNS Regional Office.

A handwritten signature in dark ink, appearing to read "Angela Kline". The signature is written in a cursive, flowing style.

Angela Kline
Director
Policy and Program Development Division
Child Nutrition Programs