



**COMMONWEALTH of VIRGINIA
Department of Education**

DATE: July 28, 2017
TO: Division Superintendents
FROM: Steven R. Staples, Superintendent of Public Instruction
SUBJECT: Menu Planning Flexibilities for School Year 2017-2018

The purpose of this memo is to detail the process for School Food Authorities (SFAs) to gain approval for menu planning flexibilities for school year (SY) 2017-2018. The Virginia Department of Education (VDOE) Office of School Nutrition Programs (SNP) supports efforts to provide appealing student menus for the National School Lunch (NSLP) and School Breakfast Programs (SBP), and encourages SFAs to maintain quality nutritional standards for these meal programs.

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 SY 2017-2018. The VDOE supports SFAs in their efforts to serve high quality, nutritious meals and recognizes the challenges of balancing student acceptability with menu standards. When evaluating the flexibilities detailed in this memo, we request that you consider maintaining the highest quality standards and not compromise the nutrition goals currently in place for students.

Whole Grain-Rich Requirements

Based on Section 747(a) of the Appropriations Act, for SY 2017-2018, SFAs may request an exemption from the whole grain-rich requirements in the NSLP and SBP. Exemption requests will be evaluated for specific products if the SFA can demonstrate hardship in procuring, preparing, or serving compliant whole grain-rich products that are accepted by students. Exemptions are allowed for pasta, bread (one item only from Group B), and brown rice. Frequency of service must also be submitted for approval. A copy of SFA's bid with the addition of requested items must accompany the form. Once approved, any of the exempted items may not be served more than once per day across all meal types.

The School Food Authorities must complete and submit the *VA Whole Grain-Rich Exemption Request Form* (Attachment A) by Friday, August 25, 2017, for each product. Once received, the requests will be evaluated and approved on a case-by-case basis for one or more of the different grain products. Blanket requests for the whole grain-rich requirement will **not** be considered. The VDOE will make every effort to review and return completed forms in a timely manner.

The SFAs must submit a *VA Whole Grain-Rich Exemption Request Form* for an exemption from the whole grain-rich requirement for SY 2017-2018. SFAs that receive an exemption are considered compliant with the whole grain-rich requirements if their grain offerings are consistent with the exemption, grains are not served more than once per day, and the SY 2013-2014 requirement to offer at least half of the grains meeting the whole grain-rich criteria is met. (This memo supersedes any previously approved pasta wavier.)

Sodium Limits

Under Section 747(b) of the Appropriations Act, for SY 2017-2018, schools must continue to meet Sodium Target I (as defined in 7 CFR § 210.1(f)(3) and 220.9(f)(3)). The Food Nutrition Services 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. The SFAs are encouraged to continue to work towards creating low sodium menus that students enjoy.

Low-Fvat Flavored Milk

Under Section 747(c) of the Appropriations Act, for SY 2017-2018, state agencies have the discretion to grant School Food Authorities exemptions allowing the service of low-fat (1-percent milk fat) flavored milk through the National School Lunch Program and the School Breakfast Program and as a competitive food available for sale during the school day.

The Virginia Department of Education will be granting exemptions allowing for the service of low-fat, flavored milk to SFAs demonstrating a hardship by decreased milk consumption and or decreased participation. The SFAs must complete the *VA Flavored Milk Exemption Form* (Attachment B). Documentation to support the SFA's exemption request **and** a copy of SFA's milk bid with the addition of low-fat, flavored milk must accompany the form. Support documentation can be, but is not limited to, records of declining milk sales, dairy invoices, and evidence of decreased program participation, such as production records. The VDOE will make every effort to review and return submitted forms in a timely manner.

We would like to remind SFAs of the best practice to serve only unflavored milk at breakfast and we strongly encourage the continuation of this practice.

All forms must be submitted to SNPPolicy@doe.virginia.gov by Friday, August 25, 2017. If you have any questions, please email SNPPolicy@doe.virginia.gov. Requests submitted past the deadline may not be considered.

SRS/scc/ag

Attachments:

- A. [VA Whole Grain-Rich Exemption Request Form](#) (Word)
- B. [VA Flavored Milk Exemption Request Form](#) (Word)