

Date: August 28, 2018

To: Food Service Directors of School Food Authorities (SFAs) Participating in the U.S. Department of Agriculture (USDA) Child Nutrition Programs

From: Jessica Sharkus, RDN, CD
Director-School Nutrition Team (SNT)

Subject: Child Nutrition Programs' Flexibilities for School Year (SY) 2018-2019

The USDA Food and Nutrition Service (FNS) published policy memorandum [SP 18-2018](#) on June 18, 2018, which discusses the flexibilities for whole grains, milk, and sodium for SY 2018-2019 (<https://www.fns.usda.gov/child-nutrition-programs%E2%80%99-flexibilities-school-year-2018-2019>). Although USDA is in the process of developing a final rule that will address these flexibilities beyond this school year, this memorandum shares that the interim final rule published on November 30, 2017 (82 FR 56703), provides flexibilities effective July 1, 2018.

Schools across Wisconsin have done an excellent job making the transition to menus that follow the 2010 Healthy Hunger-Free Kids Act and most students have adjusted to these changes. We continue to encourage SFAs to keep the best interests of the students in mind and provide our school children the most healthful and nutritious meals possible.

Whole Grain-Rich Regulations

The USDA has once again given State agencies the discretion to grant whole grain-rich exemptions to SFAs that can demonstrate hardship(s) in procuring, preparing, or serving specific products that are acceptable to students and compliant with the whole grain-rich criteria. Wisconsin SNT has decided to offer exemptions for this coming school year. In SY 2017-2018 there were only ten SFAs that had approved exemptions. Hence, it appears that manufacturers in our state are supplying acceptable whole grain-rich products. However, since there are a few requiring an exemption to serve specialty non-whole grain-rich items, we will continue to allow schools to request exemptions.

For those schools that continue to have difficulty with procuring an acceptable whole grain-rich product for a menu item, we highly recommend:

- Checking with other SFAs in your geographical area to see which product they are using.
- Use the enriched product as an extra and couple it with a whole grain-rich menu item, example: enriched lasagna with whole grain-rich breadstick(s).
- Replacing the menu item with a compliant whole grain-rich item, example: replace enriched pancakes with whole grain-rich French toast sticks.

Applying for a Whole Grain-Rich Exemption

SFAs that apply for and receive an exemption are considered compliant with the whole grain-rich requirements during an Administrative Review or a performance-based certification review if grain offerings are consistent with the exemptions granted by the SNT and at least half of the grains offered weekly are whole grain-rich.

SFAs that were granted an exemption for SY 2017-2018 and would like to continue the exemption should indicate their desire for an exemption extension on the [Exemption Request Application](https://docs.google.com/forms/d/e/1FAIpQLSekyp2-qk3kpY2vzb2A1p5N8odO3TlwFZU6gnFt9OuSkOTjoA/viewform) (<https://docs.google.com/forms/d/e/1FAIpQLSekyp2-qk3kpY2vzb2A1p5N8odO3TlwFZU6gnFt9OuSkOTjoA/viewform>). The request should be submitted along with documentation that shows continued hardship with procuring, preparing, or serving compliant whole grain-rich products that are accepted by students. Separate documentation is required for each site (e.g., a middle school and a high school must submit separate records) and for each different product (e.g., lasagna noodles and penne noodles need separate records). Documentation requirements for new and existing exemption requests should include the following, dependent upon the request:

- If the SFA is unable to procure whole grain-rich product, submit
 - Grain listings or communications from your supplier stating they do not have the desired whole grain-rich product(s) available or whole grain-rich product(s) are significantly more expensive.
- If the SFA is unable to prepare a product that is acceptable to students, submit one or more of the following:
 - Taste test documentation – guidelines for taste testing and the required documentation is posted to our website on the [Meal Pattern Components web page](https://dpi.wi.gov/school-nutrition/national-school-lunch-program/menu-planning/meal-pattern), under the Grains heading (<https://dpi.wi.gov/school-nutrition/national-school-lunch-program/menu-planning/meal-pattern>).
 - Photographs showing whole grain-rich products that are of unacceptable quality.
 - Production records from service of enriched, then whole grain-rich products showing a significant decrease in participation.
 - Explanation that details a production limitation that prevents a whole grain-rich item from being used.

The Exemption Request Application

The online Whole Grain-Rich Exemption Request Application for a new or extended exemption is available on our [Meal Pattern Components webpage](https://dpi.wi.gov/school-nutrition/national-school-lunch-program/menu-planning/meal-pattern), under the Grains heading, along with more information on the required documentation (<https://dpi.wi.gov/school-nutrition/national-school-lunch-program/menu-planning/meal-pattern>). After the SNT has reviewed the application and documentation, you will be notified if your exemption is approved. Until your SFA has received an approved exemption from the SNT, the site must continue to serve whole grain-rich products to meet meal pattern requirements. Once approved, the SFA is expected to continue efforts to move towards 100 percent compliance. The SNT may follow-up

throughout the school year to inquire about steps taken to procure and/or prepare compliant whole grain-rich items (such as communications with vendors/distributors, testing new products, new recipes, taste tests with students, etc.). It is important to know this exemption is available only while acceptable products cannot be procured and while you can demonstrate a continued hardship.

SFAs can also review a list of available whole grain-rich products and recipes at:

- The USDA Foods available to Wisconsin SFAs found on the [Annual Order \(Survey\) webpage](https://dpi.wi.gov/school-nutrition/usda/annual-survey) (<https://dpi.wi.gov/school-nutrition/usda/annual-survey>);
- CN Labeling authorized list available on the [USDA CN Labeling webpage](https://www.fns.usda.gov/cnlabeling/usdausdc-authorized-labels-and-manufacturers) (<https://www.fns.usda.gov/cnlabeling/usdausdc-authorized-labels-and-manufacturers>); and
- [USDA Team Nutrition Standardized Recipes for Grains](https://www.fns.usda.gov/tn/grains-breads-and-desserts) (<https://www.fns.usda.gov/tn/grains-breads-and-desserts>).

Milk Regulations

Exemptions will not be needed in SY 2018-2019 to offer flavored, low-fat (1 percent fat) milk as part of a reimbursable meal for students in grades K through 12 in the National School Lunch Program (NSLP) and School Breakfast Program (SBP). Furthermore, flavored, low-fat milk may be provided to Special Milk Program and Child and Adult Care Food Program (CACFP) participants six years of age and older. Infants through pre-kindergarten students following the CACFP meal pattern may not be offered flavored milk regardless of fat content. (In co-mingling situations, Pre-K students may have flavored 1 percent milk.) Schools will also be able to offer flavored, low-fat milk as a competitive beverage for sale.

Sodium Regulations

Sodium Target 1 will continue as the regulatory limit in the NSLP and SBP for SY 2018-2019.

If you have any questions or need assistance with any of these flexibilities or menu planning, please contact a [Public Health Nutritionist](https://dpi.wi.gov/school-nutrition/directory) (<https://dpi.wi.gov/school-nutrition/directory>). We are always here to help you.