



COMMONWEALTH of VIRGINIA  
Department of Education

**DATE:** May 4, 2018  
**TO:** Division Superintendents  
**FROM:** Steven M. Constantino, Ed.D., Acting Superintendent of Public Instruction  
**SUBJECT:** **Menu Planning Flexibilities for School Year 2018-2019**

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) 2018-2019. The Virginia Department of Education (VDOE) Office of School Nutrition Programs (SNP) continues to support 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 November 30, 2017, the United States Department of Agriculture (USDA) published the interim final rule for Flexibilities for Milk, Whole Grains, and Sodium Requirements. The interim final rule extends through school year 2018-2019 the three menu planning flexibilities currently available to School Food Authorities (SFAs). The interim final rule will become effective July 1, 2018. The final rule is expected to be published in the fall of 2018 and implemented in the following school year.

### Whole Grain-Rich Requirements

Extending Section 747(a) of the Appropriations Act, for SY 2018-2019, 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, **June 8, 2018**, 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 SFAs must submit a *VA Whole Grain-Rich Exemption Request Form* for an exemption from the whole grain-rich requirement for SY 2018-2019. 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 or whole grain-rich waiver).

### Sodium Requirements

The rule retains Sodium Target I as the regulatory limit in the NSLP and SBP through the end of SY 2018-2019.

## Low-Fat Flavored Milk

The interim final rule will allow NSLP, SBP, and Special Milk Program (SMP) operators the option to serve flavored, low-fat milk, including as a competitive beverage for sale in schools, in SY 2018-2019. Under this rule, NSLP and SBO operators that choose to exercise this option are not required to demonstrate a reduction in student milk consumption or an increase in milk waste, but are expected to incorporate this option into the weekly menu in a manner consistent with the dietary specifications for these programs. No waiver is required. This flexibility is intended to encourage consumption of fluid milk and ease the administrative burden for SFAs.

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](mailto:SNPPolicy@doe.virginia.gov) ✉ by **Friday, June 8, 2018**. If you have any questions, please email [SNPPolicy@doe.virginia.gov](mailto:SNPPolicy@doe.virginia.gov) ✉. Requests submitted past the deadline may not be considered.

SMC/scc/bdb

### Attachment:

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

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