# SNP Memo #2020-2021-67

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**COMMONWEALTH of VIRGINIA   
Department of Education**

DATE: July 2, 2021

TO: Directors, Supervisors, and Contact Persons Addressed

FROM: Sandra C. Curwood, PhD, RDN, ***Sandy***

## SUBJECT: Consolidated Appropriations Act 2021: Effect on Child Nutrition Programs – REVISED (Includes Meal Pattern Flexibility, PLE Tool Requirements, and Poultry Procurement Guidance)

On Friday, May 14, 2021, the U.S. Department of Agriculture, Food and Nutrition Service (USDA-FNS) released Policy Memo SP-11 2021, CACFP 10-2021, SFSP 06-2021, *Consolidated Appropriations Act 2021: Effect on Child Nutrition Programs - REVISED*. The memo is attached to this email for your review. Through the passage of the Appropriations Act, Congress extended certain flexibilities for school food authorities (SFAs) for the 2020-2021 and 2021-2022 school years (SYs).

Specifically, Congress provided that SFAs participating in the School Breakfast Program (SBP) may credit any vegetable offered, including potatoes and other starchy vegetables, in place of fruit without excluding vegetables from other subgroups in weekly menus. This flexibility applies to the Seamless Summer Option (SSO) as well. This flexibility is effective for SY 2020-2021 and 2021-2022 and will provide SFAs with greater flexibility in planning breakfast menus. However, the flexibility does not require the SFA to make any menu changes.

Congress also stipulated that funds made available by the Appropriations Act or any other act may not be used to restrict offering low-fat (1% fat) flavored milk in the National School Lunch Program (NSLP) or SBP as long as such milk is not inconsistent with the most recent Dietary Guidelines for Americans. This extension provides additional flexibility in planning school breakfast and lunch menus, but does not require SFAs to make menu changes.

The memo also notes that, for SY 2021-2022, only a SFA that had a negative balance in the nonprofit school food service account as of December 31, 2020, shall be required to establish a price for paid lunches served through the NSLP. Please note that this provision does not apply to SFAs operating SSO for the 2021-2022 school year. If a SFA needs to complete the Paid Lunch Equity (PLE) Tool and does not have pricing or sales data from October 2020, October 2019 data may be used. The SY 2021-2022 PLE Tool is attached to this email.

Finally, Congress prohibits the use of funds made available through the Consolidated Appropriations Act from being used to procure raw or processed poultry from the People’s Republic of China. This prohibition should be noted in the Request for Proposal (RFP) and bid, and SFAs should check packaging upon delivery to ensure compliance.

Should you have any questions, please email the SNPPolicy mailbox at [SNPPolicy@doe.virginia.gov](mailto:SNPPolicy@doe.virginia.gov).

SCC/CEJ/cc