



**COMMONWEALTH of VIRGINIA
Department of Education**

February 17, 2017

TO: Division Superintendents

FROM: Steven R. Staples, Superintendent of Public Instruction

SUBJECT: Flexibility for the Target 2 Sodium Requirements for School Year 2017-2018

The U.S. Department of Agriculture's Food and Nutrition Service (FNS) published a final rule in January 2012, as required by the Healthy Hunger-Free Kids Act of 2010, to promote the health of America's school children. The rule established new, science-based nutrition standards for the National School Lunch Program (NSLP) and School Breakfast Program (SBP). These standards are based on the recommendations of doctors, nutritionists, and other experts. FNS also considered public comments in developing them. These standards are designed to align the school meals with the Dietary Guidelines for Americans, as required by law, and enhance the diet and health of school children.

Current Sodium Requirements

One of the requirements of the updated school nutrition standards is to reduce the sodium content of meals gradually over a 10-year period with two intermediate sodium targets (see 7 CFR 210.10(f)(3) and 220.8(f)(3)) (a summary of the sodium targets is also available online at:

<http://www.fns.usda.gov/sites/default/files/sodium.pdf>). Target 1 took effect on July 1, 2014, and Target 2 is scheduled to take effect on July 1, 2017. Appropriations Acts in 2012, 2015, and 2016 prohibited the use of appropriated funds to implement regulations in the NSLP and SBP that require a sodium reduction below Target 1 "until the latest scientific research establishes that the reduction is beneficial for children."

The Scientific Report of the 2015 Dietary Guidelines Advisory Committee published in February 2015 and the 2015-2020 Dietary Guidelines for Americans, Eighth Edition (Dietary Guidelines), published in January 2016, confirm that the current scientific research and evidence affirm that sodium reduction is beneficial for children. The regulatory reductions are consistent with the Dietary Reference Intakes established by the National Academy of Medicine referenced by the Dietary Guidelines. Based on the scientific research and publications, FNS has concluded that there is sufficient evidence that the reduction of sodium is beneficial for children and thus satisfies the appropriations directive.

School Year 2017-2018 Flexibility

Beginning on July 1, 2017, school food authorities (SFAs) will be required to implement Target 2 requirements as the next intermediate target aimed at gradually reducing the sodium content of school meals. It is understood that some SFAs and manufacturers have expressed concerns with the school year (SY) 2017-2018 implementation timetable and anticipate operational challenges in meeting the Target 2 requirements. School food manufacturers require significant lead time to conduct product development that results in acceptable products with lower sodium and product availability. In addition, we have been advised that some SFAs and manufacturers delayed plans for implementing the Target 2 reduction based on the uncertainty created by the series of appropriations directives.

To help address these operational challenges, FNS is offering additional flexibility to SFAs in implementing the Target 2 requirements in SY 2017-2018. FNS will implement the Target 2 requirements for school meals effective July 1, 2017, as required by current regulations. SFAs are expected to comply with these requirements. SFAs that are prepared to meet or have already begun to meet Target 2 requirements are encouraged to begin or continue implementation during SY 2017-2018. However, for SY 2017-2018, SFAs that are working toward compliance with Target 2 but not yet fully in compliance will not incur fiscal action during administrative reviews.

Based on this flexibility, during SY 2017-2018, the Virginia Department of Education (VDOE) will consider an SFA compliant with the sodium requirements if the SFA meets Target 1 requirements, regardless of whether or not the Target 2 requirements are met. As a reminder, the sodium limit applies to the average meal offered during the school week, not to individual food items or meals. Additionally, VDOE will not reconsider or recertify any SFAs already certified as eligible to receive the 6 cent reimbursement to determine compliance with Target 2. In lieu of assessing fiscal action for not meeting Target 2 requirements, VDOE will maintain an open dialogue during the review process and provide collaborative technical assistance that includes an action plan with reasonable time frames to achieve and maintain compliance with the dietary specifications for sodium.

During this period of flexibility, FNS will continue to engage with the school food manufacturing partners to gather ongoing input on needs and challenges that arise over time, and support program operators in sodium reduction efforts with resources, technical assistance and information through the FNS *What's Shaking?* sodium reduction initiative and the FNS *Team Up for School Nutrition Success* initiative.

If you have questions or need additional information regarding the flexibility for the Target 2 Sodium Requirements for School Year 2017-2018, contact the school nutrition program specialist assigned to your division or Sandy Curwood, School Nutrition Programs Director, via e-mail at Sandra.curwood@doe.virginia.gov or by telephone at (804) 371-2339.

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