



United States
Department of
Agriculture

Food and
Nutrition
Service

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SUBJECT: FNS Guidance to School Food Authorities: Flexibility in the Meat/Meat Alternate and Grain Maximums for School Year 2012-2013

TO: Regional Directors
Special Nutrition Programs
All Regions

State Directors
Child Nutrition Programs
All States

This memorandum is revised to include Questions and Answers (Q&As) that provide clarifications to questions we have received from State agencies and SFAs. In addition, the instructions that accompany the FNS-developed Certification Tool have been updated to reflect the provisions of this memo.

INTRODUCTION

In January 2012, at the direction of the Healthy Hunger-Free Kids Act passed by Congress, the U.S. Department of Agriculture (USDA) published a final rule to promote the health of America's school children. The rule establishes new, science-based nutrition standards for the National School Lunch and School Breakfast Programs.¹ These standards are based on the recommendations of doctors, nutritionists, and other experts, and are designed to ensure that taxpayer-funded school meals reinforce the efforts of parents who are trying to instill their children with healthy eating habits and lifestyles in the face of the nation's growing child obesity epidemic.

The new standards identify the healthy ranges for five categories of food--fruits, vegetables, grains, meats or meat alternatives, and fluid milk--as well as the healthy ranges for total calories, saturated and trans fat, and sodium. For the grains and the meats/meat alternates components there are science-based, age-appropriate daily minimum quantities, as well as weekly minimum and maximum quantities for total calories. School Food Authorities (SFAs) that comply with the new standards are eligible for reimbursement for school meals, as well as for a 6 cent per lunch performance-based reimbursement that became available on October 1, 2012.

¹ The rule became effective on July 1, 2012. 77 FR4 4088.

On April 27, 2012, FNS published the interim rule entitled *Certification of Compliance with Meal Pattern Requirements for the National School Lunch Program under the Healthy, Hunger-Free Kids Act of 2010* (77 FR 25024) (<http://www.gpo.gov/fdsys/pkg/FR-2012-04-27/pdf/2012-10229.pdf>). In support of this interim rule, FNS developed the Certification Tool and Instructions released in May 2012 (SP 34-2012, <http://www.fns.usda.gov/cnd/Governance/Policy-Memos/2012/SP34-2012os.pdf>). The instructions offer technical guidance to States and SFAs about how to assess their compliance with the new standards when certifying SFA eligibility for the 6 cent performance-based reimbursement. After considering several approaches for measuring compliance with the weekly ranges for the grains and meats/meat alternates components in an effort to find the easiest method for schools and SFAs, FNS opted for measuring, for each day of the week-long menu, the reimbursable meal offered with the smallest grain or meat/meat alternate quantity (*i.e.*, the minimum), and the reimbursable meal offered with the largest grain or meat/meat alternate quantity (*i.e.*, the maximum). The weekly minimum and weekly maximum offerings available to students are determined by summing respectively, the daily minimums and daily maximum quantities.

During this initial period of implementation, FNS sought feedback from State agencies and SFAs on the new requirements. Our State and SFA partners have identified significant operational challenges in meeting the requirements for the grains and meats/meat alternates components, particularly for SFAs with schools with multiple menu offerings and multiple serving lines during meal service. Those challenges, and the way in which FNS will help the States and SFAs address them, are discussed below.

OPERATIONAL CHALLENGES RELATING TO GRAINS

Grains are unique among the components of the new school lunch standards in that they may be served in a variety of ways. For example, grains may be served as part of the entrée such as a sandwich or pasta, as a side dish such as rice or a roll, or both. Grains may also be served occasionally (up to 2 oz per week) as a dessert (e.g. fruit cobbler). This variety may create challenges for school menu planners considering different portion sizes for a single meal and across the various meals that may be offered on a given day, and that must be summed to stay within the weekly ranges. We understand that in practice it may be difficult for SFAs to offer meals with relatively larger grain items (e.g., 3 oz.) on the same day as meals with smaller grain items (e.g., 1 oz.), and stay within the weekly ranges. Some SFAs report that they have been forced to standardize their grain serving sizes to achieve compliance. This has limited menu planners' flexibility and in some cases has unintentionally precluded offering popular items such as sandwiches on a daily basis. In addition, some SFAs have reported that at present popular grain products such as rolls and bread may not be readily available from suppliers in the wide range of serving sizes needed to meet the grain range weekly requirements, thus exacerbating planning challenges. Finally, the variation in the maximum grain limit by age/grade groups also has contributed significantly to the challenges SFAs face in planning menus and serving lines to accommodate schools that serve multiple age/grade groups.

OPERATIONAL CHALLENGES RELATING TO MEAT/MEAT ALTERNATES

We have also been advised that some SFAs have found it difficult to offer meals with meat/meat alternate items in a range of sizes (e.g., 3 oz. and 1 oz. on the same day), and stay within the weekly ranges. As a result, some SFAs have limited service of popular food items such as hamburgers and bone-in chicken breasts. Additionally, as with grains, SFAs have reported that some of the meat/meat alternate products used frequently are not yet available from suppliers in a useful range of sizes. We previously addressed this issue, noting that SFAs may have current inventories or products on order, including USDA Foods meats/meat alternate products that do not easily fit within the weekly ranges. (FNS memorandum SP 39-2012, *Existing Inventory of USDA Foods and Commercial Products* [<http://www.fns.usda.gov/cnd/governance/Policy-Memos/2012/SP39-2012os.pdf>]) At that time, we recognized the continued challenges of preparing and offering such products while remaining within the new requirements this school year.

FNS OFFERS ADDITIONAL FLEXIBILITY TO ASSESS COMPLIANCE WITH WEEKLY RANGES

To help address these operational challenges, FNS is offering additional flexibility in menu planning for School Year (SY) 2012-13. There is no change in the method of measuring the required daily minimum quantities for grains or meats/meat alternates. Given the complexity of calculating the grains and meats/meat alternates components, however, and to allow for more time for suppliers to more widely offer a broader array of serving options **State agencies should consider any SFA compliant with the component requirements for grains and meat/meat alternates if the menu is compliant with the daily and weekly minimums for these two components, regardless of whether they have exceeded the maximums for the same components.**

In addition, State agencies should also take this flexible approach in assessing compliance with the grains and meats/meat alternates weekly ranges when conducting validation reviews on the 25 percent of previously certified SFAs this school year: There is no need for State agencies to reconsider or recertify any SFAs already certified as eligible to receive the 6 cent reimbursement based on previous guidance, as the previously certified menus would fit within this additional flexibility approach to assessment.

We have updated the instructions that accompany the FNS-developed Certification Tool to reflect this additional flexible approach to assessment, and will also update the Certification Questions and Answers (SP 31-2012, <http://www.fns.usda.gov/cnd/governance/Policy-Memos/2012/SP31-2012osr2.pdf>) and other documents as appropriate.

We understand that this is a year of transition, and State agencies are encouraged to work with SFAs to assist them in meeting the new requirements. The flexibility in the assessment approach reflected in this memorandum will facilitate implementation in SY 2012-13. FNS will continue to monitor implementation data and feedback from SFAs and State agencies to determine whether the appropriate approach is being used to measure compliance, and whether other adjustments beyond the current School Year prove necessary.

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Original Signed

Cynthia Long
Director
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Attachment

Q1. What is the purpose of offering this flexibility for the remainder of this school year?

As a part of our ongoing implementation plan, the Department has been listening to parents, schools, State agencies and other interested parties. We always anticipated that some modifications and other allowances would be required for changes of this size and scope. USDA has asked for, and States and schools have provided us with, valuable feedback. The top operational challenge that States and schools have reported is in serving meals that fit within the weekly minimum and maximum serving ranges for the grains and meat/meat alternate portions of the standards.

By providing this additional flexibility to our State and local partners, we hope to ease some of the operational challenges so that more schools can reach their implementation goals. This flexibility allows more time for the development and identification of products that fit with the new standards, while granting schools additional weekly menu planning options for SY 2012-13 and helping students adjust to any different items being offered.

Q2. How do these new flexibilities affect SFAs that have not yet applied for 6 cents certification?

SFAs that have not applied for certification may submit certification documentation with the grains and meat/meat alternates that exceed the weekly maximum requirements for these components and may still be certified to receive the 6 cents reimbursement.

Q3. How do these flexibilities affect SFAs that were previously denied certification solely because they exceeded the weekly maximum requirements for grains and/or meat/meat alternates?

SFAs that are in this situation are encouraged to contact their State agencies as soon as possible to find out the procedure the State has put in place for re-evaluating these certifications. State agencies should work with these SFAs to get them certified as quickly as possible. State agencies may re-evaluate the menus and certification documentation that these SFAs originally submitted and retroactively make 6 cents reimbursements available accordingly.

Q4. Do SFAs that have already been certified to receive the 6 cents reimbursement need to re-apply for certification?

No, SFAs that have already been certified to receive the 6 cents reimbursement do not need to re-apply for certification. Similarly, SFAs that have already submitted certification applications (but have not yet been certified) do not need to re-submit certification materials. State agencies will apply these new flexibilities when making certification determinations for these applications.

Q5. How do the new flexibilities for grains and meat/meat alternates affect validation reviews?

State agencies should continue validation reviews as they had before FNS issued these new flexibilities, keeping in mind that SFAs may be over the weekly maximum requirements for grains and meat/meat alternates and still be validated.

This means that State agencies using the FNS prototype Validation Review Checklist (SP 40-2012 issued August 8, 2012) may answer questions related to the SFA meeting the weekly maximum requirements for grain and meat/meat alternates “no” and still validate the SFA.

Q6. Will the new flexibilities have any effect on the USDA Certification Menu Worksheet or Simplified Nutrient Assessment?

The USDA Certification Menu Worksheet and the Simplified Nutrient Assessment will not be changed. The instructions for the worksheet, however, have been updated to reflect the SY 2012-13 flexibility for certification.

The USDA Menu Worksheet and Simplified Nutrient Assessment reflect the requirements of the meal pattern, which remain in place. SFAs that elect to use the grains and meat/meat alternate flexibility in SY 2012-13 will notice that the menu worksheet will show that weekly maximum limits are exceeded. The worksheet may still be submitted for certification and the State agency will not consider the weekly maximums when making a certification determination.

As described in the worksheet instructions, it is highly recommended that SFAs make a note that they are using this flexibility in the “SFA Notes Section” when submitting for certification. All other requirements in the worksheet and the nutrient assessment *must* be met in order for an SFA to be certified.

Q7. How does this affect commercially-available software approved as alternatives to the USDA Tool for 6 cents certification?

Like the USDA Menu Worksheet, no changes will be made to the commercially-available software approved for use in 6 cents certification. SFAs may submit certification documentation using any of these approved software programs and the State agency will not consider the weekly maximums for grains and meat/meat alternates when making a certification determination. Additionally, while software companies are encouraged to edit their software instructions to reflect the SY 2012-13 flexibility (consistent with the USDA’s recent instruction edits), there is no requirement to do so.

Q8. Can already-certified SFAs add additional grains and/or meat/meat alternates to their menus?

SFAs that are already certified have the option to adjust menus to add more grains and/or meat/meat alternates without re-submitting certification documentation. However, it is important for menu planners to keep in mind that adding additional foods to menus submitted for certification will increase calories and possibly saturated fat. Therefore, they should be careful to ensure that any adjustments to menus continue to meet the weekly dietary specifications.

Over the course of the 2012-2013 School Year, all SFAs should be moving toward meals that are consistent with the meal pattern limits by gradually incorporating the changes needed to meet the grains and meat/meat alternate weekly maximum requirements.

Q9. The flexibility memo (SP11- 2013) does not mention breakfast. Does this flexibility also apply to the breakfast meal pattern for SY 2012-13?

The flexibility on the grains and meat/meat alternate weekly maximums is for SY 2012-13, when no changes have gone into effect for breakfast yet. Therefore, since there are no maximums in SY 2012-13 in the current breakfast meal pattern, this flexibility is not necessary in breakfast.

Q10. Does the flexibility apply to those who have chosen to implement the new breakfast meal pattern early?

Yes. State agencies should apply the flexibilities in memo SP 11-2013 for the grains component to early implementers of the new breakfast requirements. Since there is no required meat/meat alternate component in the new breakfast meal pattern, there is no weekly maximum for meats/meat alternates and the flexibility in SP 11-2013 for that component is not relevant.

Q11. Will FNS be offering this flexibility beyond the current school year?

These actions are by no means exhaustive. Implementation is a process that takes time, and as the school year progresses we will continue listening and providing education, technical assistance, and flexibilities where appropriate. We understand that this is a year of transition, and State agencies are encouraged to work with SFAs to assist them in meeting the new requirements. The flexibility in the assessment approach reflected in this memorandum will facilitate implementation in SY 2012-13. FNS will continue to monitor implementation data and feedback from SFAs and State agencies to determine whether the appropriate approach is being used to measure compliance, and whether other adjustments beyond the current School Year prove necessary.

Q12. Does this flexibility extend to the weekly calorie maximums or other aspects of the new standards?

The additional flexibility in this memo applies to the weekly minimum and maximum serving ranges for the grains and meat/meat alternate portions of the standards. Fortunately, there are a

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number of options currently available to deal with potential additional challenges, such as feeding very active students. Parents, individual students and/or sports teams can supplement the taxpayer-subsidized meals with items provided from home or other sources. Schools can also make larger portions of fruits and vegetables (or even milk) available at lunch and structure afterschool snack and supper programs to provide additional foods for those who need them. Many schools have previously found success with parent or school-run booster clubs providing afterschool snacks and may opt to continue or even expand this practice.