

U.S. Department of Agriculture (USDA)
Questions and Answers Regarding Whole Grain-rich Exemptions
for School Years 2014-15 and 2015-16

February 10, 2015

1. Is a state agency required to offer the whole grain-rich exemptions addressed in USDA memorandum SP 20-2015?

State agencies decide whether to offer school food authorities (SFAs) the temporary whole grain-rich exemption allowed by legislation. If a state agency wishes to do so, it must establish an approval process to evaluate a SFA's exemption request(s) and supporting documentation. The state agency's exemption request process is not subject to Food and Nutrition Service (FNS) approval.

2. Who may submit an exemption request?

A SFA may submit an exemption request to the state agency if it can demonstrate hardships in procuring, preparing or serving a whole grain-rich product for a previously offered enriched grain item. An exemption request may be for one or more different grain products, or for a group of products, and specify the enriched grain item the SFA would like to offer temporarily.

3. Does an exemption approval relieve an SFA from offering any whole grain-rich foods?

No. SFAs that receive an exemption remain responsible for incorporating whole grain-rich products into school menus and must ensure that at least half of the grain items offered weekly are whole grain-rich. During the exemption period, the SFA must work with the state agency to identify, evaluate, and incorporate compliant whole grain-rich products into school menus as soon as possible.

4. How would the enriched grains offered under this exemption count toward the meal pattern requirements?

The enriched grain products approved for the exemption would count toward the required grains component, but the SFA would be required to offer other products that meet whole grain-rich requirements during the school week. A SFA that receives an exemption must comply with the school year 2013-14 requirement to offer at least half of the grains as whole grain-rich products. For example, if an enriched pasta product is allowed under the exemption, other grains offered, such as rice or bread, must be whole grain-rich.

5. What documentation must an SFA submit to the state agency with the exemption request?

Acceptable documentation would include menu planning records, production/preparation records and pictures with additional information that may assist in the determination of the exemption request. The state agency has discretion to specify required documentation.

Questions and Answers Regarding Whole Grain-Rich Exemptions, continued

- 6. Does approval of an exemption request for a single enriched grain product, such as enriched pasta, remove the SFA's responsibility to seek other acceptable whole grain-rich pasta products?**

No. SFAs are expected to actively collaborate with the state agency to identify, evaluate, and incorporate acceptable whole grain-rich food products into the school menu as soon as possible. The state agency must provide technical assistance to the SFA to help overcome temporary challenges.

- 7. Do state agencies need to approve exemption requests within a specified time frame?**

State agencies must review an SFA's request and documentation, and notify the SFA of the exemption determination as quickly as possible. All necessary documentation must be available in the event of an Administrative Review.

- 8. Are state agencies able to issue a blanket flexibility approval for all SFAs or include exemption requests as options in their annual renewal agreements with SFAs?**

No. State agencies may not issue a blanket exemption approval for all SFAs. Exemption requests are expected to be approved on a case-by-case basis for one or more different grain products or for a group of products based on the documented hardship(s) experienced by an SFA in procuring each compliant whole grain-rich product.

- 9. Should state agencies issue all exemption approvals through SY 2015-2016?**

State agencies may, but are not required to, approve an SFA's exemption request through school year 2015-16. During the exemption period, the state agency is expected to communicate periodically with the SFA to ensure steps are being taken to identify, evaluate and incorporate other acceptable whole grain-rich products and/or preparation methods. States are also expected to help SFAs share information about new or existing whole grain-rich products that are popular with students or disseminate best practices or the successful experience of a particular SFA/school. The Best Practices Sharing Center (<http://healthymeals.nal.usda.gov/best-practices>) is a useful forum for state agencies and SFAs.

- 10. May a state agency require a SFA to sign a statement certifying that it has documentation to support the exemption request and review such documentation later during an Administrative Review?**

No. The state agency must examine the supporting documentation prior to approving an exemption request for one or more different grain products or for a group of products. This is necessary because only a portion of SFAs are scheduled to be reviewed in school years 2014-15 and 2015-16. For recordkeeping, the SFA must maintain the flexibility request approval and supporting documentation on file.

Questions and Answers Regarding Whole Grain-Rich Exemptions, continued

11. Do the whole grain flexibilities included in USDA memorandum SP 20-2015 impact the nutrient standards included in the interim final rule for Smart Snacks in School?

The Smart Snacks in School interim final rule at 7 CFR Part 210.11(c)(3)(i) provides for an exemption from the Smart Snacks nutrient requirements only for entrees served in the NSLP and the SBP the day of and the day after service in the reimbursable school meal. All other grain products sold to students on the school campus during the school day shall comply with the whole grain rich standards specified in §210.11(c)(2)(ii).

12. What is USDA doing to support schools in obtaining compliant whole grain and whole grain-rich food options?

USDA Foods offer a variety of whole grain and whole grain-rich products to schools to support successful implementation of the whole grain requirements. Current options include whole wheat flour, white whole wheat flour/enriched flour blend, rolled oats, whole grain-rich pancakes, whole grain-rich tortillas, brown rice and both 100% whole grain and whole grain-rich spaghetti, macaroni, rotini and penne pasta. USDA Foods staff continues to explore additional options and will accept suggestions for new items to support school districts' needs via email at USDAFoods@fns.usda.gov.

13. How does this exemption affect SFAs and state agencies that have exercised the flexibility to use enriched pasta in school meals, per policy memorandum SP 47-2014 (v.2), which is now superseded?

SFAs may retain the previously approved pasta exemptions and do not need to reapply. State agencies that had set up an approval process for pasta exemptions may retain it, or update it as necessary to incorporate other whole grain-rich products, at their discretion.