



United States  
Department of  
Agriculture

Food and  
Nutrition  
Service

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SUBJECT: Questions & Answers on the Final Rule, "Nutrition Standards in the National School Lunch and School Breakfast Programs"

TO: Regional Directors  
Special Nutrition Programs  
All Regions

State Directors  
Child Nutrition Programs  
All States

Attached are Questions & Answers on the final rule to update the school meals offered under the National School Lunch and School Breakfast Programs, as required by the Healthy, Hunger-Free Kids Act of 2010. This guidance addresses the final rule overall, and includes questions on general and specific aspects of the new meal requirements. We will revise this document periodically to issue additional Questions & Answers as they arise during the implementation of the new meal requirements. These Questions & Answers and other materials related to the new meal requirements are available on a special webpage on the FNS website:  
<http://www.fns.usda.gov/cnd/Governance/Legislation/nutritionstandards.htm>.

We appreciate all you do for the School Meal Programs and look forward to working with you to improve the nutrition of America's children. States should contact their FNS regional office with additional questions.

A handwritten signature in blue ink that reads "Cynthia Long". The signature is fluid and cursive, with the first name "Cynthia" being more prominent than the last name "Long".

Cynthia Long  
Director  
Child Nutrition Division

Attachment

# **Final Rule “Nutrition Standards in the National School Lunch and School Breakfast Programs”**

## **Questions & Answers for Program Operators – Revised 4/26/12**

*(New or Revised Q/As are italicized)*

### **General:**

#### **1. Why is USDA setting new meal patterns and dietary specifications for school meals?**

On December 13, 2010, President Obama signed into law Public Law 111-296, the Healthy, Hunger-Free Kids Act of 2010 (HHFKA). This historic legislation marked the most comprehensive changes to the school nutrition environment in more than a generation. The last update to school meals standards was over 15 years ago. Since that time, tremendous advancements in our understanding of human nutrition have occurred. In response to that reality, the HHFKA required USDA to update school meal nutrition standards to reflect the most current dietary science.

The timing of this legislation and USDA’s standards are critically needed to help combat the epidemic of childhood obesity as well as the urgent problem of childhood hunger. Nearly 1 in 3 children are at risk for preventable diseases like diabetes and heart disease due to overweight and obesity. If left unaddressed, health experts tell us that our current generation of children may well have a shorter lifespan than their parents. Additionally, during 2010 over 17 million households in the United States, representing over 32 million adults and over 16 million children, struggled to put enough food on the table. For many of these children, a school meal is the only nutritious source of food they can count on.

#### **2. What are the main differences between the proposed and final rules?**

The final rule makes significant improvements to school meals, while modifying several key proposed requirements to address public comments regarding cost, timing/implementation, food waste, and administrative burden. The final rule, in comparison to the proposed rule:

- Phases-in changes to the breakfast program gradually over a three-year period
- Does not require a meat/meat alternate at breakfast daily
- Does not restrict starchy vegetables, and establishes weekly minimums for all vegetable subgroups
- Reduces the required weekly grains amounts at lunch
- Allows students to take smaller portions of the fruits and vegetables components (at least ½ cup of either) under Offer versus Serve
- Provides an additional year for the implementation of the second sodium target
- Requires State agencies to assess compliance with the new meal requirements based on the review of one week of menus (instead of two weeks as proposed)

- Allows schools to continue the current tomato paste crediting practice of crediting by whole food equivalency

### **3. How are the new meal patterns and dietary specifications different from current requirements?**

The key changes to the meals for children in grades K and above are:

#### NSLP

- A daily serving of fruits
- A daily serving of vegetables plus a weekly requirement for dark green, red/orange, beans/pea (legumes), starchy, and “other” vegetables Increased quantity of combined fruits and vegetables
- Weekly meat/meat alternate ranges plus a daily requirement
- In the first year of implementation, at least half of the grains offered during the school week must be whole grain-rich

#### SBP

- Meat/meat alternate may be offered after minimum grains requirement is met
- In the second year of rule implementation, at least half of the grains offered during the school week must be whole grain-rich
- In the third year of implementation, fruit quantity increase at breakfast
- Breakfast is included in administrative reviews

#### NSLP and SBP

- One food-based menu planning approach and same age/grade groups
- Fruits and vegetables are two separate food components
- Daily fruits requirement
- Under Offer versus Serve, student must select at least ½ cup of the fruits or the vegetables component as part of the reimbursable meal
- Weekly grains ranges plus daily minimum requirement
- On the third year of rule implementation, all grains offered during the school week must be whole grain-rich
- Fat-free (unflavored or flavored) and unflavored low-fat milk only
- Calorie minimum and maximum levels
- Intermediate (Target 1 and Target 2) and final sodium reductions
- Trans fat limit
- Limit on saturated fat only (not on total fat)
- 3-year administrative review cycle

#### **4. When will the changes take place?**

The new lunch meal pattern is effective July 1, 2012, the beginning of SY 2012-2013. With the exception of the new milk requirement, changes to the breakfast program will be phased-in beginning July 1, 2013 (SY 2013-2014). See the implementation chart in the FNS website, <http://www.fns.usda.gov/cnd/Governance/Legislation/nutritionstandards.htm>.

#### **5. Does this rule impact the meals for children with disabilities?**

The meals for children with recognized medical disabilities that restrict their diet are not affected by the new meal patterns and dietary specifications and continue to be based on a medical statement from a licensed physician.

Optional accommodations for children with special dietary needs (without recognized medical disabilities) must be consistent with the new meal patterns and dietary specifications.

### **Fruits and Vegetables:**

#### **1. What forms of fruits are required?**

Schools may offer fruits that are fresh; frozen without sugar; canned in light syrup, water or fruit juice; or dried. Pasteurized, full-strength fruit juice may also be offered (it is credited to meet no more than one-half of the fruits component *offered over the week*). Required quantities are established in the meal patterns for lunch and breakfast. *Note: Frozen fruit with added sugar allowed temporarily in SY 2012-2013 only. See memorandum SP 20-2012.*

#### **2. What types of vegetables are required?**

Over the course of the week, schools must offer all vegetable subgroups established in the 2010 Dietary Guidelines for Americans: dark green, red/orange, dry beans/peas (legumes), starchy, and “other” vegetables (as defined in the Dietary Guidelines). Required minimum weekly quantities for each subgroup are established in the lunch meal pattern. Pasteurized, full-strength vegetable juice is also allowable (it is credited to meet no more than one-half of the vegetables component). We plan to release additional guidance to assist school food authorities in classifying vegetables in the appropriate subgroup. Vegetables are an option for breakfast.

**3. Where are kinds of vegetables in each of the required vegetable subgroups identified?**

Section 210.10(c)(2)(iii) of the regulations identifies the required vegetable subgroups. It is important to note that the term “other vegetables” refers to a specific vegetable subgroup that is listed in the 2010 Dietary Guidelines for Americans as well as online under [www.ChooseMyPlate.gov](http://www.ChooseMyPlate.gov).

**4. How can schools minimize food waste while requiring students to take a fruit or a vegetable as part of the meal?**

Under Offer versus Serve, schools must offer enough for each child to take the full required amount of each component, but a student may take smaller portions of the fruits and vegetables components, if desired. Students must select at least ½ cup daily of the fruits or the vegetables components for a meal to be considered reimbursable under Offer versus Serve in the NSLP and SBP.

**5. Are schools required to offer the vegetable subgroups at lunch in any specific sequence during the week?**

No. The menu planner decides when and how to offer the required vegetable subgroups at lunch.

**6. Is a school that offers vegetables in place of fruits at breakfast required to offer the vegetable subgroups in any particular sequence to ensure that the first two cups of any such substitution are from the vegetable subgroups that are under-consumed?**

The SBP does not have a total vegetable or a weekly vegetable subgroups requirement. If a school chooses to offer vegetables in place of fruits, it must plan how and when to offer them. As long as at least two cups of the red/orange, dark green, legumes, or “other” vegetable subgroups are offered over the course of the week, it does not matter what day of the week the starchy vegetables are included in the menu.

**7. At breakfast, must the student select only one fruit or may the student select a combination of fruit choices to meet the required fruit component for the reimbursable meal?**

Students may select a single fruit type or a combination of fruits to meet the required fruit component. Under Offer versus Serve, however, the student must select at least ½ cup of any fruit or combination of fruits to have a reimbursable meal.

**8. What is the minimum amount of a fruit or vegetable that can be credited toward the meal pattern?**

The minimum creditable serving size for a fruit or a vegetable is 1/8 cup. However, 1/2 of a cup is the minimum amount of fruits or vegetables that a student must select for a reimbursable meal under Offer versus Serve. There is no daily or weekly maximum limit for fruits or vegetables provided the specific calorie limitations are not exceeded.

**9. Can vegetable juice blends contribute toward a vegetable subgroup?**

Full strength vegetable juice blends that contain vegetables from the same subgroup may contribute toward that vegetable subgroup. Vegetable juice blends containing vegetables from more than one subgroup may contribute to the “additional” vegetable subgroup. For example, a full-strength carrot/tomato vegetable juice blend may credit toward the “orange/red” vegetable subgroup. However, a full-strength vegetable juice blend containing carrots, spinach, tomato and watercress, may only credit toward the “additional” vegetable subgroup.

**10. How do leafy salad greens credit toward meal pattern requirements?**

Raw and cooked greens credit differently. Raw, leafy salad greens credit at half the volume served, which is consistent with the Dietary Guidelines for Americans. For example, a 1/2 cup of Romaine Lettuce contributes 1/4 cup toward the “dark green” vegetable subgroup. Cooked leafy greens such as sautéed spinach are credited by volume as served; for example, 1/2 cup of cooked spinach credits as 1/2 cup of dark green vegetables.

**11. How does dried fruit credit toward the meal pattern requirements?**

Whole dried fruit and whole dried fruit pieces credit at twice the volume served. For example, a 1/4 cup of raisins contributes 1/2 cup fruit toward the fruit requirement, as recommended by the Dietary Guidelines for Americans.

**12. Do 100% fruit strips, fruit drops or other snack-type fruit or vegetable products contribute toward meal pattern requirements?**

No. Only whole dried fruit, whole dried fruit pieces, fresh, frozen or canned fruits; vegetables; or full-strength juice may contribute toward fruits and vegetables components. Effective July 1, 2012 (SY 2012-2013), reimbursable meals must not credit snack-type fruit products that may have been previously credited.

**13. Will CN-Labeled Products that include vegetables provide crediting information for vegetable subgroups?**

Yes. CN Labels will be revised to document the creditable amounts of the vegetable subgroups required by the final rule: dark green; red/orange, beans/peas (legumes), starchy, and “other.”

**New Questions:**

**14. Is the limit on juice a daily or a weekly limit?**

*The juice limit will apply weekly to support menu planning flexibility. No more than half of the weekly offering for the fruit component or the vegetable component may be in the form of full-strength juice.*

**15. May a school serve 1/2 cup fruit pieces and 1/2 cup fruit juice?**

*Yes. The juice requirement that allows juice to be offered for 1/2 of the fruits offered is a weekly requirement. Therefore, schools could serve 1/2 cup fruit pieces and 1/2 cup fruit juice on one or more days as long as the total weekly juice offering does not exceed 1/2 of the total fruit offerings for the entire week.*

**16. Can 100-percent fruit and vegetable juice blends contribute to the reimbursable meal?**

*Yes. If the first ingredient in the 100-percent juice blend is fruit juice, then the 100-percent juice blend can contribute to the fruit requirement. If the first ingredient is a vegetable juice, then the 100-percent juice blend can contribute to the “other” or the “additional” vegetable requirement, depending on the needs of the menu planner.*

**17. The rule states that juice may be used for only 1/2 of the fruit component. Since the fruit component for grades K-5 and 6-8 is 1/2 cup daily, does that mean that only 1/4 cup juice can be served?**

*No. The provision that limits juice to no more than 1/2 of the fruits offered applies over the week. Therefore, schools could serve larger quantities of fruit juice one or two days a week, as long as the total weekly juice offering does not exceed 1/2 of the total fruit offerings for the entire week.*

**18. Does the limit on juice to half of the fruit component mean that if I serve 4 ounces of juice to my elementary students I can only credit two ounces toward the fruit component?**

*No, juice may be credited as the volume served, so 4 ounces will credit as 1/2 cup. However, no more than half of the fruit or vegetable offerings over the week may be in the form of juice. Also, all juice must be 100% full-strength juice; diluted juice is no longer allowed.*

**19. Is frozen 100% fruit juice without added sugar allowed under the new guidelines?**

*Yes. Frozen 100% fruit juice without added sugar can be used. 100% juice (served liquid or frozen) may be used to meet up to half of the fruit component of the meal pattern requirements for school lunch or school breakfast.*

**20. Is frozen fruit with added sugar allowed?**

*If schools have an existing inventory, they may continue to offer frozen fruit with added sugar in the NSLP in SY 2012-13 only. This temporary exemption applies to products acquired through USDA Foods as well as those purchased commercially. Beginning July 1, 2013, all frozen fruit served in the NSLP must contain no added sugars. Please see memorandum SP 20-2012 issued February 24, 2012, for additional guidance.*

*The fruit requirements in the SBP take effect in SY 2014-15. Until then, frozen fruit with added sugar may be offered in the SBP.*

**21. Is dried fruit with sugar coating allowed?**

*Yes. Dried fruit is sometimes processed with sugar to keep the fruit pieces separated. Although these types of products are allowed, schools must be aware of the maximum calorie limits when offering any food with added sugar.*

**22. If a school meets the fruit requirement for breakfast, can they add a serving of hash browns as an “extra?”**

*There is no vegetable requirement in the SBP. In order to serve starchy vegetables in place of fruits at breakfast, a school has to first offer 2 cups of non-starchy vegetables per week from the dark green, red/orange, beans/ peas (legumes) or “Other vegetables” subgroups as defined in § 210.10(c)(2)(iii). Therefore, to offer hash browns or other starchy vegetables, the weekly planned menu must include 2 cups of non-starchy vegetables.*

**23. If the fruit requirement at breakfast is 1 cup, may ½ cup each of fruits and vegetables be served at breakfast? For example: ½ cup juice and ½ cup beans?**

*Yes, as long as the first 2 cups per week of vegetables substituted for fruit are from the dark green, red/orange, beans/ peas (legumes) or “Other vegetables” subgroups as defined in section 210.10(c)(2)(iii).*

**24. May a salad bar with fruits and vegetables that is offered as part of the reimbursable meal be located after the point of service (POS)?**

*The memo on salad bars (SP 02-2010 – Revised) states “To ensure that each student’s selections from the salad bar meet the required portions for an entrée or food/menu item, the POS must be stationed after the salad bar. If a school is not able to position the salad bar in a location prior to the POS, SAs may authorize alternatives to the POS lunch counts.” If the fruits and vegetables are located in an approved location beyond the POS, there must be a system in place to ensure that each reimbursable meal selected by the student includes a fruit or a vegetable, and that the total of any fruit or vegetable item selected under OVS equals at least 1/2 cup.*

**25. Are schools that offer salad bars required use to specific size serving utensils to meet quantity requirements?**

*Schools are not required to use specific serving size utensils but may do so to encourage children to take appropriate food amounts. However, regardless of the serving utensils used, food service staff must ensure that the portions on the student's tray meet the meal pattern requirements. This may be done by training the cashiers to visually identify the correct portions, or by pre-portioning the food items.*

**26. Is a mixed salad required to consist of all dark green vegetables or can iceberg lettuce be part of the mix?**

*Iceberg lettuce is not considered a dark green vegetable, but a salad that consists of a variety of dark leafy greens (such as spinach or romaine lettuce) counts toward the dark green subgroup. If the mixed salad contains different vegetable subgroups and the quantities of each subgroup are known, they can be credited toward each subgroup. If the quantities are not known, a mixed salad counts toward the additional vegetables requirement. (Remember that uncooked, leafy greens count as half of the offering and 1/8 cup is the minimum creditable quantity that may be offered).*

**27. May a school offer a daily salad bar line that offers multiple vegetable subgroups every day as a way to meet the weekly vegetable subgroup requirement?**

*Yes, this is acceptable if the salad bar is available to all children each day and offers all of the required weekly subgroups over the course of the week.*

**28. Do the vegetable subgroups offered on a daily salad bar need to be itemized on the production records? Do all of these items need to be listed on the menu?**

*Yes. Section 210.10(a)(3) of the regulations requires that production records and menu records for the meals show how the meals offered contribute to the required food components and food quantities. These records must be examined by the State agency during the administrative review to ensure the meals offered are reimbursable.*

**29. If a school has multiple serving lines with different menu items, must each serving line offer all of the vegetable subgroups weekly?**

*Yes, this ensures that all students have access to all of the vegetable subgroups throughout the week regardless of the serving line selected. For example, a child who picks the pizza line consistently would have access to all vegetable subgroups throughout the week. (See Question #3 under the topic Multiple Offerings.) Another solution could be to offer a centrally located garden bar or salad bar that all students can access after they pass through the serving lines.*

**30. Can the vegetable subgroups be offered a couple of different times over the week in small amounts that add up to the required amount for the full week?**

*Yes, schools can break up the subgroup requirement across the week as long as the week's menu as a whole meets the full subgroup requirements, AND each day the school offers the full daily vegetable minimum. Keep in mind that the minimum creditable amount is 1/8 cup. Example: one day a school offers a 1/2 cup of bean/corn salsa that includes 1/4 cup of beans per serving, and another day that week the school offers a bean burrito that supplies another 1/4 cup of beans. This example assumes that school is providing additional vegetable with each of these meals to meet the minimum daily requirement for vegetables (1 cup for grades 9-12 and 3/4 cup for lower grades).*

**31. Are there maximum limits on the amount of vegetable subgroups offered at lunch?**

*No; schools must offer at least the minimum quantities of all the vegetable subgroups required in the NSLP meal pattern. There is only a maximum limit on the amount of juice that may be offered under the fruits and the vegetable components. No more than half of the fruits or vegetables offered over the week may be in the form of juice.*

**32. How may beans/peas (legumes) be used in school meals?**

*Dry/mature beans and peas may be offered as a meat alternate or as a vegetable, at the discretion of the menu planner. However, one serving may not count toward both food components in the same meal. For example, one serving of refried beans can be offered as a vegetable in one meal and as a meat/meat alternate on another occasion. The refried beans offered as a vegetable count toward the weekly beans/peas requirement, but not toward the meat/meat alternate weekly range. Menu planners must determine in advance how to count beans/peas in a meal. For additional guidance on beans and peas, see: <http://www.choosemyplate.gov/food-groups/vegetables-beans-peas.html>*

**33. May a school use a food product that contains a non-creditable amount of vegetables (less than 1/8 cup)?**

*Yes, but the school must offer vegetables in the required amounts over the course of the week from other sources to meet the daily and weekly vegetable requirements.*

**34. How should schools credit a vegetable mixture toward the vegetable subgroup requirements?**

*Vegetable combinations from the same subgroup (e.g., carrots and sweet potatoes are red/orange vegetables) may count toward that single vegetable subgroup. Vegetable combinations that contain at least 1/8 cup each of different vegetable subgroups (e.g., carrots and corn) may credit each one toward the appropriate subgroups. If the quantities of the different vegetables are not known, the vegetable mixture counts as "additional vegetables."*

**35. Where may I find information to help me categorize unusual vegetables?**

*See the following resources:*

<http://www.choosemyplate.gov/food-groups/vegetables.html>  
<http://www.cnpp.usda.gov/Publications/USDAFoodPatterns/ItemClustersAndRepFoods.pdf>

### **Meat/Meat Alternate:**

#### **1. Is a daily meat/meat alternate required at breakfast?**

No; schools have discretion to offer a meat/meat alternate after the minimum daily grains requirement (1 oz. eq.) is met.

#### **2. Are schools required to offer tofu as part of the lunch menu?**

No; the final rule allows schools the option to offer commercially-prepared tofu as a meat alternate.

#### **3. Is regular yogurt still creditable as a meat/meat alternate?**

Yes. There have been no crediting changes to meat/meat alternate options other than the ones specifically identified in the final rule.

#### **4. Is soy yogurt or tofu yogurt creditable as a meat/meat alternate?**

Tofu yogurt is not creditable; however, ½ cup of soy yogurt (4.0 fluid ounces) may credit as 1.0 ounce equivalent meat alternate.

### ***New Questions:***

#### **5. Is tofu creditable as a meat/meat alternate in the CACFP and SFSP?**

*No. Tofu will credit in the NSLP and SBP only, beginning July 1, 2012.*

*In the school meal programs, 2.2 ounces (1/4 cup) of commercially prepared tofu, containing at least 5 grams of protein, is creditable as 1.0 ounce equivalent meat alternate.*

#### **6. How does tofu credit in a combination dish?**

*Firm tofu that meets FNS requirements for tofu can be diced into miso soup and credited toward the meat alternate component – it is recognizable as the meat substitute. The miso ingredient, dissolved into the broth of the miso soup, is a fermented soy product which does not credit – it is not tofu.*

*Similarly, a soft tofu, pureed into a soup, does not credit because it is not recognizable and does not represent a meat substitute. Therefore, the blended tofu is not creditable. Finally, noodles made from tofu do not represent a meat substitute and are not composed of grains. This explains why the noodles are not credited for either component.*

**7. Can an SFA rely on the nutrition facts panel alone to evaluate a meat analog, such as a soy burger or tofu sausage?**

*When considering processed tofu products such as links and sausages made from tofu as meat alternates for the reimbursable meal, the tofu ingredient must contain the required 5 grams of protein per 2.2 ounces by weight. However, the additional ingredients beyond the tofu in a meat substitute such as tofu sausage are also included on the nutrition label. Therefore, the protein amount listed on the label for the meat substitute does not necessarily indicate the protein of the tofu for verification of FNS tofu requirements. This information would need to be obtained from the tofu manufacturer.*

**Grains:**

**1. How will schools identify whole grain-rich products?**

Until the whole grain content of food products is required on a product label by the Food and Drug Administration (FDA), schools must evaluate a grain product using the two-element criterion developed by the Institute of Medicine and set forth in the final rule:

Element #1. A serving of the food item must meet portion size requirements for the Grains/Breads component as defined in FNS guidance.

AND

Element #2. The food must meet at least one of the following:

a. The whole grains per serving (based on minimum serving sizes specified for grains/breads in FNS guidance) must be  $\geq 8$  grams. This may be determined from information provided on the product packaging or by the manufacturer, if available. Also, manufacturers currently may apply for a Child Nutrition Label for qualifying products to indicate the number of grains/breads servings that are whole grain-rich.

b. The product includes the following Food and Drug Administration (FDA)-approved whole grain health claim on its packaging. “Diets rich in whole grain foods and other plant foods and low in total fat, saturated fat and cholesterol may reduce the risk of heart disease and some cancers.”

c. Product ingredient listing lists whole grain first, specifically:

I. Non-mixed dishes (e.g., breads, cereals): Whole grains must be the primary ingredient by weight (a whole grain is the first ingredient in the list)

II. Mixed dishes (e.g., pizza, corn dogs): Whole grains must be the primary grain ingredient by weight (a whole grain is the first grain ingredient in the list)

The product ingredient listing (Element #2c of the above criterion) is a practical way for schools to identify whole grain-rich products because manufacturers are not required to provide information about the grams of whole grains in their products, and the FDA whole grain health claim is not mandatory. Detailed instructions for this method appear in the *HealthierUS School Challenge Whole Grains Resource* guide, which is available online at [http://teamnutrition.usda.gov/healthierUS/HUSSCkit\\_pp25-35.pdf](http://teamnutrition.usda.gov/healthierUS/HUSSCkit_pp25-35.pdf). FNS will provide additional guidance as necessary.

***Revised Question:***

**2. Does the 50 percent guideline for whole grain-rich apply to the grain content of the product or to the weight of the product?**

The 50 percent guideline for whole grain-rich requires that if the food item is a grain-based product (bread, cereal, etc), it must contain 50 percent or more whole grains by weight *or* have a whole grain listed as the first ingredient on the ingredient label. If the food item is a mixed dish product (lasagna, stir fry, etc), a whole grain must be the primary *grain* ingredient by weight.

**3. Will the Child Nutrition Labeling program specify if whole grains are in a product?**

Yes; the Child Nutrition Labeling program is being updated to report the whole grain-rich contributions to the grains component.

**4. Can schools exceed the upper range of the grains component?**

No. The grain ranges are the minimum and maximum schools may offer. They are intended to help schools offer age-appropriate meals within the required calorie ranges.

**5. Does a school have to offer a whole grain rich item every day?**

Schools must offer at least a minimum amount of grains daily to meet the required weekly range. In SY 2012-2013 and SY 2013-2014 for lunch, and in SY 2013-2014 for breakfasts, half of the grains offered weekly must be whole grain-rich. During this period, the menu planner has discretion to decide when and how to offer whole grain-rich items, as long as the applicable whole grains-rich requirement is met. We encourage menu planners to offer whole grain-rich items often to facilitate student acceptability and transition to all whole grain-rich products in SY 2014-2015 for lunches and breakfasts. At that time, schools must offer only whole-grain rich products daily and weekly.

***Revised Question:***

**6. Are CN-labeled products that contribute to the Grains component now required to be whole grain-rich?**

*Temporary approvals (expiring June 30, 2014) will be issued for CN Label applications containing crediting for non-WGR grains. Those claims will continue to report, “provides X.X servings of bread or bread alternate” so that program operators may distinguish between WGR claims and non-WGR claims. This effort seeks to provide adequate time for manufacturers to reformulate products to meet the WGR requirements by June 30, 2014.*

*Products containing items with both WGR and non-WGR claims (i.e. non-WGR breaded patties on WGR sandwich bun) will report this by using both the terms Grains (for WGR items) and bread or bread alternate (for non-WGR items). These products will also receive temporary approvals (expiring June 30, 2014).*

**7. Does the removal of formulated grain-fruit products include energy/granola bars?**

No. Formulated grain-fruit products were specifically defined in the school breakfast regulations (appendix A to 7 CFR 220). The final rule removes from the regulations the portion of appendix A that deals with formulated grain-fruit products. These products are highly fortified and have a specific nutrient profile. To credit them in the school breakfast program, they required approval from FNS and a statement on the label saying they met a grain and fruit serving. The removal of formulated grain-fruit products does not prohibit the use of energy bars, granola bars, cereal bars, breakfast bars, fortified cereals, or cereals with fruit to be credited toward the meal pattern.

**New Questions:**

**8. Do I have to serve a minimum of 1 ounce equivalent (oz eq) of grains with every breakfast offered, or can I serve some meals that have only meat/meat alternates?**

*The minimum daily requirement for grains in the School Breakfast Program is 1 oz eq daily for all grade groups. Every reimbursable breakfast offered must contain at least 1 oz eq grains. Further, in order to offer a meat/meat alternate at any given breakfast meal, a school must first meet the daily grains minimum (1 oz eq).*

**9. If a school offers a choice of grains in combination food items daily (e.g., crust for pizza, sandwich roll, etc), must all of these bread items provide the minimum daily grains requirement OR must at least one grain offered daily provide the minimum?**

*Every reimbursable meal offered must meet the daily minimum requirements for all components. Therefore, if a pizza contains adequate grains to meet the minimum daily requirement, but a sandwich roll does not, the sandwich meal must contain another grain in order to meet to minimum daily grains requirement.*

**10. Can I serve more than two ounce equivalents (oz eq) of grains on any given day? For example, could I serve a 3 oz eq item such as a pizza?**

*Yes, there is a daily grains minimum but not a daily maximum. However, the weekly grains maximum and the average daily calorie maximums cannot be exceeded. For more specific information on multiple offerings, refer to Question # 1 under the topic Multiple Offerings.*

**11. May a school offer a formulated grain-fruit product to meet the grains component?**

*The final rule disallows the use of formulated grain-fruit products to meet the grain and fruit components at breakfast beginning July 1, 2012. However, if a school wishes to use these products to count toward the grains component, this is acceptable, provided that inclusion of these products does not cause the menu to exceed the average weekly calorie and saturated fat limits. Formulated grain-fruit products do not credit toward the fruits component.*

*Be aware that at lunch, however, these products may be considered a dessert and there is a limit of up to two grain-based desserts per week (total of 2 ounce equivalents). SFAs should refer to the Grains Guidance to determine which grain products are considered dessert items and included in the weekly dessert limit.*

**12. Are fully cooked grain and pasta items whose nutrition label has water as the first ingredient, followed by a whole grain, considered whole grain-rich?**

*Yes. In accordance with the 2010 Dietary Guidelines, a grain-based product is also considered whole grain-rich if water is listed as the first ingredient on the ingredient label and a whole grain is listed as the second ingredient on the ingredient label.*

**13. Will all grains served on the serving line have to be whole-grain rich or only those which are counted toward the reimbursable meal?**

*All grains offered in amounts of 0.25 oz eq or greater (the minimum creditable amount) must be included in the calculation of daily and weekly grain offerings, as well as the dietary specifications (calories, saturated fat, and sodium). Due to the phase-in of the whole grain-rich requirement at breakfast and lunch, for the first two years of implementation, non-whole grain-rich grains may be offered on the serving line. Beginning July 1, 2014, all grains offered in creditable amounts on the serving line must be whole grain-rich. Non-creditable grain ingredients in products at very low levels used as processing aids are allowable at levels less than 2-percent.*

**Milk:**

**1. What types of milk are allowed?**

Only fat-free (unflavored and flavored) and low-fat (1%) milk (unflavored) may be offered as part of the reimbursable meal.

**2. Does the final rule impact the current provision on non-dairy milk substitutes for children with special dietary needs?**

No. Required (disability accommodations) and optional (parent requested) milk substitutes are considered meal exceptions and are not subject to this final rule. Milk substitutes must meet the regulatory standards outlined in 7 CFR 210.10(d)(3), which do not address fat or flavor/sugar restrictions.

However, milk substitutes offered as part of the reimbursable meal must be included in weighted nutrient analysis and, therefore, are subject to the overall weekly average fat limit and calorie ranges. We do not expect that they are offered frequently enough to have a significant impact on the overall nutrient analysis.

***New Question:***

***3. Does the requirement to offer unflavored/flavored fat-free milk or unflavored low-fat milk apply to the Special Milk Program (SMP)? Is a variety of fluid milk required in SMP?***

*Only the milk fat restriction (fat-free and low-fat milk only) applies to the SMP. This policy is consistent with memorandum FNS-29-2011, which implemented the Healthy, Hunger-Free Kids Act milk provision regarding milk in the meal programs authorized by the Richard B. Russell National School Lunch Act and the Child Nutrition Act in an effort to reduce childhood obesity. The other milk requirements, such as the limit on flavored milk and the requirement to offer a variety of fluid milk, do not apply to the SMP. However, if an SMP operator chooses to offer flavored milk, we recommend consistency with the final rule on school meals. Additionally, SMP operators may offer only one of the allowable milk types (e.g., plain fat-free milk only). FNS will codify the nutritional requirements for milk in the SMP in a separate regulatory action.*

## **Sodium:**

### **1. What is the sodium requirement and when will schools have to meet it?**

See the following chart for deadlines and corresponding maximum limits. Implementation of the second and final targets is subject to USDA's review of data on the relationship between sodium intake and human health, as required by the FY 2012 Agriculture Appropriations Act.

| <b>Sodium Limits and Timeline</b>                                                                                                                           |                                                                                                                                                            |                                                                                                                                                           |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Target I: SY 2014-15</b><br>Lunch<br>≤1230mg (K-5)<br>≤1360mg (6-8)<br>≤1420mg (9-12)<br><br>Breakfast<br>≤540mg ( K-5)<br>≤600mg (6-8)<br>≤640mg (9-12) | <b>Target 2: SY 2017-18</b><br>Lunch<br>≤935mg (K-5)<br>≤1035mg (6-8)<br>≤1080mg (9-12)<br><br>Breakfast<br>≤485mg ( K-5)<br>≤535mg (6-8)<br>≤570mg (9-12) | <b>Final target: 2022-23</b><br>Lunch<br>≤640mg (K-5)<br>≤710mg (6-8)<br>≤740mg (9-12)<br><br>Breakfast<br>≤430mg ( K-5)<br>≤470mg (6-8)<br>≤500mg (9-12) |

### **2. How is USDA facilitating implementation of the sodium requirement?**

The final rule extends the timeline to meet the second intermediate sodium target (Target 2). With this change, program operators have five years instead of four (until the School Year beginning July 1, 2017) to reach the second intermediate sodium target. Extending the timeline to meet Target 2 also gives the food industry more time to reformulate products, and gives school children more time to grow accustomed to foods with less salty flavor.

USDA is also facilitating implementation of the sodium requirement by offering low-sodium products through USDA Foods. For example, the USDA Foods program offers reduced sodium canned beans and vegetables at no more than 140 mg per half-cup serving, which is in line with the requirement to reduce sodium in school meals. The sodium content in most cheese products has been reduced, and there is wide availability of frozen vegetables and meats without added salt.

## **Trans Fat:**

### **1. Does the trans fat ban apply to naturally occurring trans fat in beef?**

No. Naturally occurring trans fat found in products such as beef, lamb, and dairy products made with whole milk is excluded from this ban.

### **New Questions:**

- 2. How can a menu planner ensure meeting the trans fat requirement with a mixed dish (e.g., beef burrito) that may have both added and naturally occurring trans fat?**

*For commercially prepared products, schools must refer to the nutrition facts panel or manufacturer's specifications to determine that there are zero grams of trans fat per serving. For mixed dishes that may contain both naturally occurring trans fat (e.g., beef) and added/synthetic trans fat (partially hydrogenated oil), the only certain way to determine if the product is in compliance is for schools to request information from suppliers on how much of the trans fat is naturally occurring versus if any of the ingredients contain added (synthetic) trans fat.*

- 3. Can I use software to determine the amounts of trans fat in our menus?**

*No. Trans fat is not required in the State Agency nutrient analysis of the one-week menu in an approved software program. Software may be used for trans fat analyses for informational purposes; however, currently, nutrient databases do not have complete data for trans fat. As more trans fat information becomes available, it will be included in the Child Nutrition Database, required by all USDA-approved software. Therefore, SFAs must rely on nutrition facts labels and manufacturer specifications.*

### **Calories:**

- 1. May RCCIs obtain a waiver on the calorie maximums if the residents are engaged in high energy, physical work?**

*No. The National School Lunch Act (NSLA) does not allow FNS to waive the nutrition standards (meal patterns and dietary specifications). To meet the calorie needs of the RCCI participants, the operator may increase the calories provided through other meal services such as snacks and dinner.*

### **Meal patterns:**

- 1. How do I serve meals in RCCIs and small K-12 schools?**

*If it is not possible to use the established age/grade groups, program operators have some flexibility. The breakfast meal requirements for all grades (K-12) overlap, so a menu planner may offer the same food quantities to all children. However, the calorie range that fits all grade groups is quite narrow (450-500 calories) and the planner must meet the sodium limit for the youngest grade group when the sodium limits begin to go into effect.*

*At lunch, there is overlap for grades K-5 and 6-8; therefore, a single menu can be used to meet the needs of children in grades K-8. The daily minimum requirements for food components are identical. However, in order to accommodate the average daily nutrient limits and weekly minimums/maximums for both grains and meat/meat alternates, menu planners must work within the following parameters: 8-9 oz eq grains/week, 9-10 oz eq meats/meat alternates/week, average daily calorie range 600-650, and average daily sodium limit  $\leq 640$  mg (the final target for SY 2022-23).*

*However, menu planners must adapt in order to offer menus that meet requirements for grades 6-8 and 9-12 in a single school, since one single menu with the same amounts of food will not work. Additionally, the new meal pattern does not allow for schools with a grade configuration with one grade above or below the grade grouping to follow the predominant grade group requirements (as was previously allowable). However, modest adaptations can be made to menus to accommodate both grade groups in a single school.*

*One way to ease menu planning for these 2 grade groups within one school is to start with a menu that is appropriate for grades 6-8, then add in a few additional foods to serve to the older grade group. For the older children (grades 9-12), the fruit and vegetable minimums must be met. Therefore, on top of the requirements for the 6-8 group, schools must make available to the older children:  $\frac{1}{2}$  cup more fruit daily,  $\frac{1}{4}$  cup more vegetables daily and across the week:  $\frac{1}{2}$  cup more red/orange,  $\frac{1}{4}$  cup other,  $\frac{1}{2}$  cup additional (any subgroup) vegetables.*

*An alternate suggestion is to make the full 1 cup fruit and vegetables required for grades 9-12 available to both grade-groups (same menu plan for these 2 food components), if such offerings do not exceed the calorie limit for the 6-8 grade group. One potential method of doing so would be offering a salad bar to all students. Or, to meet the additional calorie needs of the 9-12 grade group, consider an additional ounce equivalent of grain or meat/meat alternate served to the older children (e.g., additional bread option, larger entrée serving size).*

## **2. How will schools with a shorter or longer school week implement the new meal pattern requirements?**

*Schools that regularly serve lunch 6 or 7 days per week must increase the weekly grains quantity by approximately 20 percent ( $\frac{1}{5}$ ) for each additional day. When schools regularly operate less than 5 days per week, they must decrease the weekly quantity by approximately 20 percent ( $\frac{1}{5}$ ) for each day less than five.*

*For schools with occasional decreases in the school week length due to holidays, etc., the menus do not have to be adjusted, but menu planners must plan their menus in a way that is consistent with the intent of the meal patterns. Planners should make sure they do not consistently fail to offer certain vegetable subgroups, or offer meat/meat alternates and/grains in portions that would exceed the weekly requirements.*

*Please see attached charts for appropriate quantities for varying school week length.*

- 3. When menu planners adjust the vegetable subgroup requirement in the NSLP meal pattern for a 4, 6 or 7 –day school week, will they be able to round the resulting figures/numbers (i.e. 0.5 and 0.75 cups)?**

*Please see attached charts for appropriate quantities for varying school week length.*

- 4. In a school serving Pre-K to grade 5 students, must the manager plan a separate menu for the Pre-K students?**

*Menu planners must meet the meal requirements for students in grades K-5 using the new meal pattern in the final rule. For Pre-K students, menu planners must follow existing meal pattern requirements (the meal pattern for the Pre-K group remains unchanged). A menu planner may choose to use a single menu to meet the meal requirements for both Pre-K and grades K-5 if able to ensure both the Pre-K and K-5 meal requirements are met. SFAs should consult with their State Agencies if they have questions on whether their menu meets requirements for both groups.*

- 5. When are year-round schools including RCCIs required to comply with the new meal pattern?**

*All SFAs, including RCCIs, must follow the new meal pattern effective July 1, 2012.*

- 6. The new meal patterns refer to “age/grade groups.” Should we determine which ages apply to each grade group?**

*No. The term “age/grade groups” refers to grade groupings only. The classification of grade groups K-5, 6-8, and 9-12 was based on nutritional needs of children and the ages that typically correspond with these grade levels (ages 5-10 for grades K-5, ages 11-13 for grades 6-8, and ages 14-18 for grades 9-12). Schools should therefore plan menus based on the grade levels of students. For specific guidance, SFAs are encouraged to consult with their State Agency to determine appropriate grade groups for such a school.*

### **Multiple Offerings:**

- 1. For menu planning purposes, when multiple choice menus are served, how are minimums and maximums calculated?**

*The daily minimum requirement applies to fruits, vegetables, grains, meat/meat alternates, and milk (all 5 components) at lunch, and fruits, grains, and milk (all 3 components) at breakfast. For menu planning purposes, all offerings must meet the minimum requirement (be equal to or above that amount).*

*Example 1: In grades 9-12 the minimum daily grain requirement is 2 ounce equivalents. So if a student is offered a choice between a pizza with 2 ounce equivalents of grain OR a stir fry with a 1 ounce equivalent of grains, only 1 of those offerings meets the 2 ounce minimum. The student would need to have another ounce equivalent offered with the stir fry, such as a side item, in order to meet the daily grains minimum.*

*A weekly range requirement applies to both the grain and meat/meat alternate components. For menu planning purposes, SFAs must offer a weekly menu such that the sum of all daily minimum offerings meets at least the weekly minimum requirement. For grades K-5 and 6-8, the daily grains minimum is only 1 oz eq and the weekly grains minimum is 8 oz eq. Offering a minimum of only 1 oz eq daily would only total 5 oz eq across the week. So on some days, schools would have to offer **more** than 1 oz eq of grains as a **minimum** offering. The same applies to the weekly minimum amount of meat/meat alternate.*

*Example 2a: If a grade K-5 school offers a 1 oz eq grain item (salad) and a 3 oz eq grain item (pizza) every day (and instructs the student to select one option only), the minimum weekly offering is 5 oz eq grain (1 oz eq x 5 days). This menu would not meet the required weekly minimum of 8 oz eq.*

*SFAs must also plan their menus so that the sum of the daily maximum offerings for grains and meat/meat alternates is equal to or less than the weekly maximum limit. Therefore, the sum of daily minimums must meet the weekly minimum requirement AND sum of daily maximums must meet the weekly maximum requirement.*

*Example 2b: If every day a grade 9-12 school offered an item with 3 oz eq of grain (even if other items with lower weights were also options), this would add to a total of a possible 15 oz eq offered over the week (child could select that 3oz grain item every day). This menu would not meet the required weekly maximum of 12 oz eq.*

**2. When serving multiple choice menus, is every grain choice required to be whole grain-rich?**

*No. The whole grain-rich requirement is determined on a weekly basis. Half of the ounce equivalents of grain offerings must be whole grain-rich for SY 2012-2013 and SY 2013-2014 in NSLP and SY 2013-2014 in SBP. Therefore, not every grain item must be whole grain-rich if there are enough ounce equivalents of grain offered throughout the week that are whole grain-rich. Although SFAs are not required to serve a whole grain-rich item daily, they are encouraged to do so to prepare students for the shift to all whole grain-rich grains beginning SY 2014-2015.*

**3. When multiple serving lines are used in a school, must each line meet the weekly vegetable subgroup requirement?**

*In most cafeteria set-ups, yes. As required in section 210.10(k)(2), each independent line must meet the daily and weekly requirements (including subgroups), in order to ensure that a child is able to take a reimbursable meal every day in any line they may choose.*

*If the school sets up serving stations, where a student is able to go to several different places to select different components of the meal (e.g., first goes to a salad bar, then goes into a pasta station, etc) before passing the point of service, then all of the stations as a whole must meet the daily component and weekly vegetable subgroup requirements.*

### **Offer versus Serve (OVS):**

#### **1. How will OVS be implemented under the final rule?**

OVS continues to be a requirement in the NSLP for senior high schools, and is an option for lower grade schools. It is also an option for the school food authority for all schools in the SBP. Under OVS, schools must offer all the required food components and quantities, and students are required to select at least 3 full components in the NSLP and SBP, with exceptions as noted below:

NSLP: In the NSLP, schools must offer 5 food components (milk, fruits, vegetables, grains, meat/meat alternates). Students are allowed to decline 2 of the 5 required food components, but must select at least  $\frac{1}{2}$  cup of either a fruit or vegetable. Students must select the other food components in the quantities planned.

SBP: In order to carry out the OVS option in the SBP, schools must offer 3 food components (milk, fruits and grains) that consist of a minimum of 4 food items. Students are allowed to decline 1 food item but must select at least  $\frac{1}{2}$  cup of fruit. Students must select the other food components in the quantities planned.

### ***New Questions:***

#### **2. Can a student meet the OVS $\frac{1}{2}$ cup requirement for fruit or vegetable by selecting $\frac{1}{2}$ cup of a dish containing a mixture of fruits and vegetables?**

*Yes, a student may select a  $\frac{1}{2}$  cup that consists of different fruits (e.g., fruit salad), or different vegetables (e.g., mixed vegetables) or a combination of only fruits and vegetables (e.g., carrot/raisin salad). Keep in mind that the  $\frac{1}{2}$  cup allowance for fruit or vegetables may be used only once for either the fruits or the vegetables component in a meal, so the other food components selected by the student under OVS must be full components.*

#### **3. Can a student meet the OVS $\frac{1}{2}$ cup requirement for fruit or vegetable by selecting $\frac{1}{4}$ cup fruit and $\frac{1}{4}$ cup vegetable?**

*Yes. Although fruits and vegetables are separate components in the meal patterns, the OVS requirement to select at least  $\frac{1}{2}$  cup of fruits or vegetables daily for a reimbursable meal may be met if the student selects  $\frac{1}{4}$  cup of fruits and  $\frac{1}{4}$  cup of vegetables. This is another way to promote the consumption of fruits and vegetables among children. The student would not be required*

*to select additional fruits or vegetables if the reimbursable meal under OVS includes two other components in full.*

**4. May students take a smaller portion of both fruits and vegetables under OVS?**

*Under OVS, students must select at least ½ cup of either the fruit or the vegetable component, or a ½ cup combination of both components (¼ cup fruits and ¼ cup vegetables), for a reimbursable meal. If a student selects only three components, and two of these three components are fruits and vegetables, the student may select ½ cup of either the fruit or vegetable, but then must select the full component of the other.*

*For example, if a student in grades 9-12 selects just milk, fruit and vegetables, the student may take ½ cup of the vegetable but must take the full 1 cup offering of the fruit. However, if the student selects another full component, such as a grain or meat/meat alternate, the student may take a smaller portion of the fruit because the fruit is no longer being counted as the 3<sup>rd</sup> component in the reimbursable meal.*

**5. Must the SFA prepare full servings of both fruits and vegetables for every student when OVS is in place?**

*SFAs must plan meals in the NSLP and SBP to meet all meal requirements and provide required amounts of food for all students. Menu planners should take into account participation and selection trends to determine what and how much food to offer students. Careful menu planning will ensure that students have access to all the required food components for the reimbursable meal and minimize food waste.*

**6. The regulations allow students to decline two components at lunch. Does this remove the SFA's option to choose the number of components that may be declined in elementary and junior high/middle school?**

*Yes. The number of components that may be declined at lunch under OVS is the same for all age/grade groups.*

**USDA Foods:**

**1. Will the products provided by USDA Foods enable schools to offer meals that meet the new requirements?**

USDA Foods are better than ever. Fruits, vegetables, whole grains, and healthy sources of protein are available to help schools create meals that are consistent with the new meal requirements. For example, the USDA Foods program offers reduced sodium canned beans and vegetables at no more than 140 mg per half-cup serving, which is in line with the requirement to reduce sodium in school meals. A variety of frozen fruits and vegetables without added sugar or salt are also available. The program also offers reduced sodium and

reduced-fat processed and blended cheeses (including cheddar and mozzarella), fajita strips, and beef products. Other healthy food choices available from USDA Foods are listed on their website: [www.fns.usda.gov/fdd](http://www.fns.usda.gov/fdd)

Schools can convert their USDA Foods into ready-to-use end products. Establishing the nutrient standards for processed end products, and sharing their standards with processors, is the responsibility of the school/SFA that orders the end product.

**2. How quickly will the USDA Foods catalog be updated to provide foods that support the new meal requirements?**

FNS is working with the Agricultural Marketing Service (AMS) and the Farm Service Agency (FSA) to revise specifications as necessary, and update the fact sheets to reflect those changes. Over the past few years, FNS has improved product specifications to reduce sodium, fat and added sugars to help schools meet their nutrition goals as well as the Healthier US School Challenge criteria. For more information and resources, please visit FDD's webpage: [www.fns.usda.gov/fdd](http://www.fns.usda.gov/fdd).

**3. Will State agencies have an opportunity to adjust USDA Foods orders already placed for School Year 2013?**

Yes. State agencies will have an opportunity to adjust School Year 2013 orders placed prior to the final rule publication up until April 1, when the first solicitations occur.

**4. How will USDA Foods help schools implement the changes to the NSLP and SBP meal pattern?**

USDA Foods help stretch food budgets and meet the new meal pattern requirements. These food items currently account for 15 to 20 percent of the food served on the lunch line. Over the past few years, USDA has improved product specifications to reduce sodium, fat and added sugars in USDA food items, to help schools meet the new nutrition standards. FNS is working with USDA's Agricultural Marketing Service (AMS) and Farm Service Agency (FSA) to revise product specifications as necessary, and update the USDA Foods fact sheets to reflect those changes. For example, AMS is revising its specifications to require frozen fruits without added sugars. USDA will continue to offer low sodium or no added salt canned and frozen vegetables, and many meat, poultry, and cheese items already contain less than 480 mg of sodium per serving. All necessary changes are expected to be in effect prior to the School Year 2013-14 purchases. For more information and resources, please visit FDD's webpage: [www.fns.usda.gov/FDD](http://www.fns.usda.gov/FDD).

**5. With the new whole grain requirement, why is the USDA Foods program continuing to offer enriched flour, rice, and pasta products, instead of exclusively whole grain products?**

Since the final rule allows time (two years) for schools/students to make the transition to an exclusive use of whole grain-rich products, USDA Foods is making both types of products

available in School Year 2012-13. Increasingly, USDA's whole-grain products are featured on school menus. Stir-fries using USDA quick-cooking brown rice, sandwich wraps with USDA whole-grain tortillas, and USDA whole-grain pasta with vegetables are popular menu offerings. Schools can top USDA's whole-grain rotini with USDA's low-sodium spaghetti sauce and use whole-wheat flour for breadsticks. USDA will continue to improve and expand whole grain offerings.

### **Age/Grade Groups:**

#### **1. The final rule established three age/grade groups for the NSLP and SBP. Does this mean that schools cannot offer the same meal to all grade levels?**

Correct. In individual cases where a school district has an unusual grade configuration that prevents the use of the required age/grade groups, it may serve the same lunch and breakfast to children in grades K-5 and 6-8 as the requirements overlap. However, the school district would have to be very careful to meet the sodium and calorie requirements for each grade group. An example of this accommodation is provided in the rule preamble.

#### **2. What age/grade groups must a K-8 school use for menu planning?**

If a K-8 school is unable to effectively offer different meal patterns for the K-5 students and the grade 6-8 students, the menu planner may offer students in these grades the same quantities of the food components because the quantities required by the lunch meal patterns for the age/grade groups K-5 and 6-8 are the same or overlap. For example, the school would have to offer 8-9 oz eq of grains and 9-10 oz eq of meat/meat alternate to all students to meet the requirements established for groups K-5 and 6-8. In addition, the meals offered to these students must consist of 600-650 calories to meet the dietary specification for both groups. Furthermore, the sodium content of these meals, when in effect, must meet the sodium specification for the youngest group: K-5.

### **Implementation:**

#### **1. How will FNS assist with implementation of the new meal requirements?**

FNS is committed to helping State and local operators implement these changes. We will provide training and technical assistance to program operators through a variety of methods, including webinars, special training sessions, and conference presentations. In the upcoming months, we will disseminate information at national events such as the School Nutrition Association (SNA) Legislative Action Conference, SNA's Annual National Conference, Food Research Action Center/Feeding America's Anti-Hunger Conference, the American Commodity Distribution Association annual conference, and School Board and Administrators' meetings. Interactive training on the new meal requirements, developed by FNS and the National Agriculture Library, will be available online shortly. The training presentations, webinars, fact sheets, Q&As, guidance and technical assistance materials

designed to assist program operators with implementation of the new meal requirements will be available on the FNS website for easy access. In addition, USDA will provide additional funds to State agencies to support implementation of the rule.

FNS is also updating the Food Buying Guide and other essential resources, and collaborating with the National Food Service Management Institute to develop new resources. The Child Nutrition Database is currently being updated and nutrient analysis software systems available from industry will be reevaluated to assist State agencies with monitoring calories, saturated fat, and sodium in the meals offered to students in grades K through 12 during the administrative review. The Child Nutrition Labeling Program is also being updated to report whole grain-rich contributions to the grains component and to provide standardized crediting claims.

All materials related to the new school meal patterns will be housed on a special webpage on the FNS website:

<http://www.fns.usda.gov/cnd/Governance/Legislation/nutritionstandards.htm>

***Revised Question:***

**2. Are schools allowed to implement the meal requirements in the SBP in SY 2012-2013?**

Yes. Schools that have the ability to implement any or all of the phased-in SBP meal requirements in SY 2012-2013 may do so with the approval of the State agency. *The States need to identify their own process for determining if early adoption of breakfast requirements at an individual SFA is appropriate. This is to ensure that the nutritional integrity of the meal is not compromised. For example, an SFA would compromise the nutritional integrity of the meal if it adopts the new calorie requirements (with a lower minimum than existing requirements) without making other improvements to the meal, such as increased whole grains or additional fruit.*

**Compliance:**

**1. Is the weighted nutrient analysis based on meals planned, offered or served?**

The weighted nutrient analysis required to be conducted by the State agency is based on the meals offered by the schools selected for review.

**2. Are schools/SFAs required to purchase nutrient analysis software to prove they are meeting the calories, saturated fat, and sodium specifications?**

No. Schools/SFAs are not required to conduct a nutrient analysis under the final rule. They will receive technical assistance from the State agency to plan meals that are consistent with the dietary specifications. However, schools/SFAs may choose to conduct a nutrient analysis to assist in their efforts to ensure they are meeting the dietary specifications.

State agencies will monitor calories, saturated fat, and sodium in the meals offered to students in grades K through 12 during the administrative review. State agencies must use USDA-approved nutrient analysis software to assess compliance with these specifications, and include in the analysis all foods offered as part of the reimbursable meals during the one week review period.

**3. Can a school/SFA purchase nutrient analysis software with funds from the non-profit school food service account?**

Yes. However, only Nutrient Analysis Software Approved by USDA for Administrative Reviews is considered an allowable cost to the non-profit school food service account.

**Monitoring:**

**1. How will State agencies monitor compliance with the new meal requirements?**

State agencies will monitor compliance with the new meal requirements through administrative reviews. The final rule ends the School Meals Initiative reviews previously authorized under 7 CFR 201.19, and amends 7 CFR 210.18 to include monitoring of the new meal requirements (meal patterns and dietary specifications) as part of the administrative reviews. SFAs are not required to conduct a nutrient analysis because they are expected to follow the meal pattern to meet nutrient targets.

**2. How many weeks of menus/production records must be reviewed?**

State agencies will continue to assess compliance with the meal requirements based on a nutrient analysis of one week of menus, instead of two (as proposed).

**3. When does the new 3-year review cycle begin?**

The 3-year administrative review cycle begins SY 2013-2014. This allows State agencies to complete the current 5-year Coordinated Review Effort (CRE) cycle and prepare for the new review cycle. FNS will develop additional guidance on the implementation of the new administrative review cycle.

**4. How will State agencies determine if school food authorities have planned menus that meet the new requirements in order to receive the additional 6 cents reimbursement rate increase?**

Requirements for certification of school food authorities for the 6 cents reimbursement will be provided in a forthcoming interim rule, expected to be published in Spring 2012.

**5. How does the rule address compliance with the new meal patterns and dietary specifications?**

Technical assistance and corrective action continue to be the key tools used by the State agencies to seek compliance with the new meal requirements. However, as currently done, State agencies must apply immediate fiscal action if the meals offered are completely missing a required food component. State agencies must also take fiscal action for repeated violations of the vegetable subgroup and milk type requirements. State agencies have discretion to take fiscal action for repeated violations of the food quantity and whole grain requirements, and for repeated violations of the dietary specifications (calories, saturated fat, sodium, and trans fat).

***New Question:***

**6. Will the current administrative review process continue to be used to monitor the new meal requirements?**

*The interim rule on the 6-cent reimbursement rate increase (published 4/27/12) addresses the administrative review process to be followed in the upcoming (2012-13) school year. Guidance pertaining to subsequent school years will be forthcoming.*

**Nutrient Analysis:**

**1. If there are multiple lines/choices of entree, are calories, fat, and sodium calculated based on an average of what is offered, each line individually, or a weighted average of what students are expected to take?**

*The calculation is a weighted average based on what is offered on each serving line.*

**2. Is there a difference between “planned meals” and “offered meals”?**

*Planned meals represent the SFA’s calculation of the items that will need to be prepared for a school’s usual average daily participation (ADP). Ideally, the planned and the offered meals are similar, except for substitutions due to product shortage, delivery failure, etc. Because the meals offered are an indicator of previous student selections, the State agency must review the nutrition program based on what is offered to correctly assess the calorie, saturated fat, and sodium levels in school meals.*

**Software requirements:**

**1. What nutrients must be included in the nutrient analysis report?**

*The nutrient analysis report must include calories, saturated fat (both in grams and percent of calories) and sodium because these are the nutrients that must be monitored by the State*

*Agencies through a nutrient analysis. These nutrients must be compared to the required dietary specifications for calories (minimum and maximum levels), sodium, and saturated fat. Trans fat does not need to be included in the nutrient analysis. If it is included, the trans fat value should not be used to determine if the menus meet the dietary specification for trans fat. State Agencies must examine nutrition labels and manufacturer specifications to monitor trans fat in the food products and food ingredients used to prepare school meals.*

**2. When software programs have missing nutrient values for trans fat, can the missing values be replaced with zeroes?**

*No. There is often confusion between missing nutrient data and zero values for nutrient data. If a value is missing, it cannot be assumed it is zero, even if it is likely that the item contains little or none of the nutrient. Missing nutrient data means that the value is unknown. Missing nutrient values or nutrient totals including missing nutrient values (for one or more items) must be marked as such in the approved software programs. These values are marked, so the user of nutrient analysis software can see that the total shown does not completely represent the amount of the nutrient in the food item, recipe, or menu. The user may then look at the items with missing values and decide if the total would likely be more or less based on which food items have missing values. It is inappropriate for a user to replace missing values with zeroes. A true zero value for a nutrient means that it does not contain any of the nutrient (or very little, as some zero values are based upon less than certain fractional amount for FDA labeling purposes).*

**3. When will the requirements for approval of nutrition analysis software be updated?**

*The updated specifications and requirements for the approved software should be available shortly on the Healthy Meals Resource System website under <http://healthymeals.nal.usda.gov/software-support.html>. Other guidance documents will be updated, as well.*

**4. When are changes to the nutrient analysis software required?**

*The software developers of currently approved programs will have one year (by July 1, 2013) to make the required changes. Software developers of currently approved programs will be expected to show they have made the changes related to the Final Rule before being moved to the list of Nutrient Analysis Software Approved by USDA for Administrative Reviews. New developers or new programs by current developers will need to be evaluated and approved before being added to this list.*

**5. Will the Child Nutrition Database be modified to include both nutrients (i.e. calories, saturated fat, sodium, and trans fat) and meal component information (i.e. fluid milk, fruits, grains, meats, and vegetables)?**

*The Child Nutrition (CN) Database currently includes calories, saturated fat, sodium, and trans fat. There are no plans to include food pattern information in the CN Database.*

**6. Will the use of approved nutrient analysis software apply only to State agencies?**

*Only State Agencies are required to complete the one-week nutrient analysis in an approved software program. However, schools may choose to use approved software to do their own nutrient analyses.*

**7. Will USDA continue to review and approve nutrient analysis software for use in implementing Nutrient Standard Menu Planning in SY 2012-2013 breakfasts?**

*No. Software will no longer be evaluated and approved for Nutrient Standard Menu Planning (NSMP). However, software that is currently approved for NSMP will remain approved through SY 2012-2013 (June 30, 2013) for use by schools that continue to use NSMP for breakfast.*

*Starting with SY 2012-2013 nutrient analysis software will be approved by USDA for Administrative Reviews. Updated specifications will include any new or changed nutrient standards that are required to be included in the software.*

**8. Does USDA foresee approving software companies for Food-Based Menu Planning?**

*At this point, FNS does not have plans to require any food-based menu planning functionality.*

**Technical Assistance Resources:**

**1. When will the new Food Buying Guide be out?**

*We will be updating the Food Buying Guide in segments. The first task will be to separate the Fruits and Vegetables sections as well as add the vegetable subgroups. We recognize that SFA's will need this information as soon as possible; therefore, we will post updated sections as soon as they are available to the FNS PartnerWeb and public website.*

**Crediting:**

**1. How do food manufacturers provide standardized claims about the quantities of meal components in a unique product recipe?**

*Crediting is determined by rounding the food component down to the nearest quarter ounce equivalency for the meat/meat alternate and grain components, and down to the nearest eighth (1/8) cup for the fruit and vegetable components.*

- 2. Currently, meats/meat alternates (M/MA) and grains are credited in quarter ounce equivalents (servings) and fruits and vegetables are credited in 1/8 cup increments. Will this change?**

*No. The minimum creditable amounts for meal components are not changing. Menu items must contribute at least quarter ounce equivalents toward the M/MA and grain components and at least 1/8 cup toward the fruits and vegetables components.*

### **Meal Identification:**

- 1. Must all menu items on the serving line be identified as part of the reimbursable meal?**

*Yes. The foods or food components (depending on the situation) that are part of a meal must be labeled, listed, or otherwise identified near/at the beginning of the serving line and prior to the Point-of-Service so the students can easily choose a reimbursable meal.*

- 2. Must a school place all food components that are part of the reimbursable meal before the Point of Service (POS)?**

*If a school is not able to position all food components (e.g. salad bar) prior to the POS, State agencies may authorize alternatives to the POS lunch counts. When food components/food items are located in an approved location beyond the POS, they must be labeled, listed on the menu, or otherwise identified so the students can easily identify all the components for a reimbursable meal and select the correct quantities. There must be a system in place to ensure that each reimbursable meal selected by the student under OVS includes a fruit or a vegetable (at least 1/2 cup).*

### **Summer Meals:**

- 1. Will schools operating Seamless Summer Option in the summer of 2012 be required to follow the new meal patterns as of July 1, 2012?**

*Schools offering the SSO this summer have the option to follow new meal requirements or the requirements currently in place in SY 2011-2012.*

### **New Questions:**

- 2. Do the SFAs that have authority from the State agency to use the NSLP meal pattern for SFSP meals have to switch to the new meal pattern by July 1, 2012?**

*No. They may implement the new meal pattern in the SFSP at the beginning of the 2013 summer in consultation with the State agency (as they will have been using the new meal pattern the entire previous school year).*

**3. When do SFAs need to implement the new meal pattern for meals offered under the Summer Food Service Program (SFSP) and the Seamless Summer Option (SSO) in 2013?**

*The SSO and the SFSP will need to follow the meal pattern requirements that are effective July 1, 2012 at the start of their 2013 summer operations and continue with these requirements for the entirety of their summer operation. Therefore, each summer SSO and SFSP will be implementing the phased-in meal requirements subsequent to NSLP and SBP operations.*

**4. How will SFAs implement the weekly requirements for meals in the Seamless Summer Option (SSO), where meals are not always served 5 days a week and where sites serve children of various ages?**

*The new meal requirements will apply to the SSO meals beginning in the summer of 2013. We will issue guidance to help schools properly implement the meal pattern in summer settings prior to that time. Please refer to existing QAs on how to adapt the meal pattern requirements for short or long weeks, as well as how to handle K-12 grade configurations.*

**5. Will the 6 cents reimbursement rate increase apply to SSO meals and how will those meals be certified for the rate increase?**

*FNS will soon issue regulations of the certification process for the 6 cents reimbursement rate increase.*

**Miscellaneous:**

**1. Do the new meal requirements apply to other Child Nutrition Programs such as the afterschool snack service, Special Milk Program, Child and Adult Care Food Program, or Summer Food Service Program?**

No. The final rule meal patterns and dietary specifications are for the NSLP (Seamless Summer option included) and SBP. However, the milk fat requirement established by this rule was previously implemented in the Special Milk Program and the Child and Adult Care Food Program (CACFP) through policy memoranda (SP 29-2011 and CACFP 21-2011) for consistency across the Child Nutrition Programs. The proposed rule to revise the CACFP meal patterns is under development. When that rule is implemented, the NSLP and SBP infant and Pre-K meal patterns will also be updated. In the meantime, schools must follow the requirements in section 210.10 and 220.8.

**2. Do the new meal requirements apply to meals served to Pre-K children in schools?**

No. The meal pattern for Pre-K students will be updated through a future rule updating the CACFP meal patterns to ensure that meal requirements for preschoolers are the same across the Child Nutrition Programs. Until then, schools serving Pre-K children should continue to use existing meal patterns for this age group in 7 CFR 210.10(p) and 7 CFR 220.8(o).

**Procurement and Food Service Management Companies (FSMCs):**

**1. Is there guidance for SFAs that may need to update their contracts with their FSMCs?**

*Yes, please refer to memo SP 17-2012, entitled “Procurement Questions and Answers to Assist in the Implementation of the Final Rule titled Nutrition Standards in the National School Lunch and School Breakfast Programs”. This memorandum was issued February 23, 2012.*