



State of Arizona  
Department of Education  
Office of Diane M. Douglas  
Superintendent of Public Instruction

**HNS# 07-2017**

MEMORANDUM

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**To:** Sponsors of the National School Lunch Program and School Breakfast Program

**From:** Melissa Conner, Associate Superintendent  
Arizona Department of Education, Health & Nutrition Services Division

**Date:** June 9, 2017

**RE:** HNS Response to School Meals Flexibilities for School Year 2017-2018 SP-32-2017

*Original Signed*

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The purpose of this memorandum is to provide Local Education Agencies (LEAs) information of extended authority to Arizona Department of Education, Health and Nutrition Services (HNS) regarding memo SP-32-2017 School Meals Flexibilities for School Year 2017-2018.

On May 1, 2017, U.S. Department of Agriculture (USDA) Secretary Sonny Perdue issued a Proclamation that directs Food and Nutrition Service (FNS) to begin the process to amend regulations with respect to sodium, whole grains, and flavored milk.

On May 5, 2017, Congress enacted the Consolidated Appropriations Act 2017 (P.L. 115-31; The Appropriations Act). Section 747 of the Appropriations Act provides flexibilities related to whole grains, sodium, and flavored milk for school year (SY) 2017-2018. Although FNS will be working towards more permanent regulatory changes in these areas, SP 32-2017 School Meal Flexibilities for SY 2017-2018 implements flexibility as required by Congress.

Based on Section 747(a) of the Appropriations Act for SY 2017-2018, HNS will offer exemptions from the whole grain-rich requirements in the National School Lunch Program (NSLP) and School Breakfast Program (SBP).

The School Food Authority (SFA) may request an exemption for a specific product through SY 2017-2018. The product exemption will be granted based on the SFA's ability to demonstrate hardship in procuring, preparing, or serving specific whole grain-rich products that are not accepted by students.



All prior whole grain-rich exemption requests approved by HNS are superseded by this memorandum. SFAs must complete a SY 2017-2018 “*Whole Grain-Rich and Fat-Free, Flavored Milk Exemption Request Form*”.

HNS will review new specific product exemption requests submitted by SFAs using the attached form titled “*Whole Grain-Rich and Fat-Free, Flavored Milk Exemption Request Form*”. This form requires the SFA to provide details of the alleged hardship(s) as well as efforts made to find products that meet the whole grain-rich requirement and are accepted by students. When an exemption is granted, the SFA must ensure menus comply with the SY 2013-2014 Whole Grain-Rich requirement to offer at least half of the grains as whole grain-rich products.

Under Section 747(b) of the Appropriations Act for SY 2017-2018, schools must continue to meet Sodium Target 1 (as defined in 7 CFR 210.10(f)(3) and 220.9(f)(3)). HNS will continue to support program operators in sodium reduction efforts with resources, technical assistance, and information through FNS.

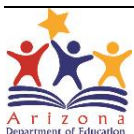
Under Section 747(c) of the Appropriations Act through SY 2017-2018, HNS will grant an exemption allowing the serving of low-fat (1-percent milk fat), flavored milk through the NSLP, the SBP and as a competitive food available for sale on campus during the school day. In order to qualify for the exemption, schools must demonstrate hardship by documenting a reduction in student milk consumption and/or an increase in school milk waste since the implementation of the current meal patterns.

HNS will review new specific product exemption requests of low-fat, flavored milk submitted by SFAs using the attached form titled “*Whole Grain-Rich and Fat-Free, Flavored Milk Exemption Request Form*”.

When evaluating an exemption request, HNS will consider the written justification or other documented evidence (e.g., photos, meal count records) submitted by an SFA. Hardships that may be considered by HNS include, but are not limited to: financial hardship, limited product availability, unacceptable product quality, and poor student acceptability. The exemption request form is also available on the HNS webpage at <http://www.azed.gov/health-nutrition/meal-pattern/>. All completed exemption request forms should be submitted to the SFA’s assigned School Nutrition Programs Specialist.

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## Whole Grain-Rich and Fat-Free, Flavored Milk Exemption Request Form

LEA Name: \_\_\_\_\_

School Food Authority Contact: \_\_\_\_\_

Product for which the exemption is requested: \_\_\_\_\_

### Whole Grain-Rich Products

Hardship(s) experienced in procuring acceptable whole grain-rich product (Check all that apply)

- Financial hardship (Attach documentation showing increased cost)
- Limited availability (Include documentation from vendors, with specific product names)
- Unacceptable quality (Include photos and specific product name)
- Poor student acceptability (Include meal counts/production records documenting at least 5 percent decrease in participation when whole grain-rich product is offered).

Describe in detail the hardship(s) you indicated above.

Describe the efforts you have taken to find products that meet the whole grain-rich requirement and are accepted by students.

Describe the efforts you will make to meet the whole grain-rich requirement for all grains by School Year 2018-2019.

Check here if you are requesting an exemption for more than 2 products.

I understand that this exemption request only applies to the product identified above. I also agree that approval of this exemption does not exempt the entire menu from meeting the 50 percent whole grain-rich requirement.



**Fat-free Flavored Milk**

Hardship(s) experienced in procuring acceptable fat-free, flavored milk (Check all that apply)

- Reduction in student milk consumption (Include production records documenting at least 5 percent decrease in participation when fat-free, flavored milk is offered)
- Increase in school milk waste (Include documentation to include but not limited to: a food waste study indicating significant waste of fluid milk; significant negative feedback from parents or students regarding lack of availability of low-fat, flavored milk)

Describe in detail the hardship(s) you indicated above.

Describe the efforts you have taken to find alternative products and brands that are accepted by students.

I understand that approval of this exemption does not exempt the entire menu from meeting the requirement for two varieties of milk.

Authorized Signature: \_\_\_\_\_ Date: \_\_\_\_\_

For Office Use Only:  
Date Received: \_\_\_\_\_ Approved: Yes No Specialist Signature: \_\_\_\_\_

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