

United States  
Department of  
Agriculture

Food and  
Nutrition  
Service

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DATE: September 30, 2014

MEMO CODE: SP 47-2014 (v.2)

SUBJECT: Flexibility for Whole Grain-Rich Pasta in  
School Years 2014-2015 and 2015-2016  
Questions and Answers attached – REVISED

TO: Regional Directors  
Special Nutrition Programs  
All Regions

State Directors  
Child Nutrition Programs  
All States

This memorandum, first issued on May 20, 2014, has been updated to include Questions and Answers (Q&As) as an attachment to this document. It provides additional guidance to State agencies and school food authorities (SFAs) regarding whole grain-rich pasta flexibilities for School Years (SYs) 2014-2015 and 2015-2016.

### **Whole Grain-Rich Requirements**

Beginning July 1, 2014, federal regulations require that all grains offered in the National School Lunch Program and School Breakfast Program must be whole grain-rich. Foods that meet the whole grain-rich criteria for the school meal programs contain at least 50 percent whole-grain meal and/or flour. The remaining 50 percent or less of grains, if any, must be enriched. Foods that are 100 percent whole grain meet the whole grain-rich criteria; however, foods are not required to be 100 percent whole grain. Foods containing between 50 and 100 percent whole grains are allowable. For additional information on whole grain-rich requirements, including how to evaluate if a grain product meets the whole grain-rich criteria, see the *Whole Grain Resource for the National School Lunch and Breakfast Programs: A Guide to Meeting the Whole Grain-Rich Criteria*, available at: <http://www.fns.usda.gov/sites/default/files/WholeGrainResource.pdf>.

### **Availability and Acceptability of Whole Grain-Rich Pasta**

The updated standards, which meet the requirement of the Healthy, Hunger-Free Kids Act of 2010 (HHFKA) to reflect the Dietary Guidelines for Americans, are designed to ensure that school children receive nutritious meals while retaining flexibility for SFAs to offer meals that are appealing to children.

Pasta is a commonly served menu item popular with students. As such, it is particularly important that the updated standards maintain acceptability with students. Many types of whole grain-rich pasta, including those available through USDA Foods, are 100 percent whole grain. However, Program operators have indicated and our consultation with the pasta industry supports, that some of the available products degrade easily (e.g. lasagna and elbow noodles) during preparation and storage, and as a result are not accepted by students.

Whole grain-rich pastas made from blends of whole grain and enriched flours may maintain better consistency and be more acceptable to students, but these products are still emerging in the marketplace. Therefore, FNS recognizes that USDA Foods and industry may need additional time to develop a more expansive range of whole grain-rich pastas that are widely accepted by students.

### **Flexibility to Use Enriched Pasta During School Years (SY) 2014-2015 and 2015-2016**

FNS appreciates that the progression to all whole grain-rich grains in school meals represents a significant transition for industry, Program operators, and students. FNS understands that during SYs 2014-2015 and 2015-2016, some SFAs may continue to struggle to secure a variety of whole grain-rich pasta products to incorporate into preferred menu items customarily served in previous SYs. As such, FNS is prepared to offer continued flexibility in this area for those SFAs that removed previously popular pasta menu items that, when produced with whole grain-rich pasta, did not hold well or were not accepted by students (meaning students no longer consumed or selected the popular item), and the SFA has demonstrated hardship in obtaining acceptable whole grain-rich pasta for that item. Accordingly, if acceptable products for previously offered items are not available or accepted by students, the State agency may approve the SFAs' request to continue to serve enriched pasta during SY 2014-2015 and SY 2015-2016, if needed. However, this flexibility is available only until acceptable products are available and identified and while the SFA can demonstrate a continued negative impact.

In reviewing the SFAs' request, State agencies should consider several factors. An SFA must provide evidence that they attempted to use the product in a previously popular menu item and that the SFA experienced significant challenges in achieving positive results. For example, an approvable request may state that the use of the new whole grain-rich pasta or the degradation of the new whole grain-rich pasta during the typical holding time negatively impacted the taste and texture of the product, and that the SFA received increased negative student or parent feedback as a result of this change. Based upon this information, the State agency should also work with the SFA to identify the challenge and provide technical assistance as needed. This explanation is particularly helpful as it will enable FNS to better identify any specific trends or patterns and tailor technical assistance or targeted solutions to mitigate challenges.

FNS anticipates that State agencies and SFAs will actively collaborate to identify, evaluate, and incorporate acceptable whole grain-rich pasta products into school menu(s). While working with State agencies, SFAs that have been approved to offer non-whole grain-rich pastas should be considered compliant with the whole grain-rich requirements during an Administrative Review or a performance-based certification review.

FNS expects State agencies to continue to work closely with SFAs and provide technical assistance to support their efforts to comply with whole grain-rich requirements as they apply to pasta and other food items. At the national level, FNS will continue to support States and SFAs and collaborate with industry partners to expand the selection of whole grain-rich pastas available to schools, and develop technical resources to assist Program operators with preparation methods for whole grain-rich pasta. FNS will continue to communicate this information through PartnerWeb and on the FNS public website.

The *Whole Grain Resource for the National School Lunch and Breakfast Programs*, referenced earlier, provides information to help Program operators identify foods that meet the whole grain-rich criteria and offers suggestions for incorporating whole grain-rich foods into school menus. In addition, for a current list of available whole grain-rich pasta products, SFAs may search the USDA Foods available at:

[http://www.fns.usda.gov/sites/default/files/SY15\\_Foods\\_Available\\_List\\_3\\_27\\_14.pdf](http://www.fns.usda.gov/sites/default/files/SY15_Foods_Available_List_3_27_14.pdf) , CN

Labeling authorized list available at:

<http://www.fns.usda.gov/cnlabeling/authorized-manufacturers-and-labels> and the Alliance for A Healthier Generation website available at:

[https://schools.healthiergeneration.org/resources\\_\\_tools/](https://schools.healthiergeneration.org/resources__tools/)

FNS is committed to working in partnership with State agencies and SFAs as they make these important changes in their communities. State agencies are reminded to distribute this memo to Program operators immediately. SFAs should contact their State agencies for additional information. State agencies may direct any questions concerning this guidance to the appropriate FNS Regional Office.

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  
Deputy Administrator  
Child Nutrition Programs

Attachement

**Questions and Answers:****1. Who may submit a pasta flexibility request?**

An SFA may submit a pasta flexibility request to the State agency if it can demonstrate challenges in preparing and serving whole grain-rich pasta products for previously offered enriched pasta menu items. The request should include which previously offered enriched pasta menu items they would like to offer temporarily.

**2. Does this pasta flexibility exempt an SFA from offering other whole grain-rich foods?**

No. SFAs remain responsible for incorporating whole grain-rich products into school menus to meet meal pattern requirements. Examples of whole grain-rich foods that a school authorized to use this flexibility may continue to offer include: whole-wheat bread products, whole-wheat tortillas, and brown rice.

**3. How would the enriched pasta offered under this flexibility count toward the meal pattern requirements?**

The servings of enriched pasta would count toward the required grains component (e.g., 8-9 oz eq per week for grades K-5) in the NSLP, but the whole grain-rich requirement would continue to apply for other grains. Other grain items contributing to meal pattern requirements (such as rice, pizza crust, breads and rolls, and hamburger buns) need to contain at least 50 percent whole-grain with remaining grain ingredients being enriched.

**4. What documentation must an SFA submit to the State agency to request the pasta flexibility?**

SFA may submit any menu planning, production/preparation records, and pictures with additional information as documentation that may assist in the determination of the flexibility request. Documentation must demonstrate that when cooking or offering a whole grain-rich version of a previously popular pasta item, the whole grain-rich pasta did not hold well on the serving line or was not accepted by students.

Example: An SFA may supply production records that show significant decreases in students selecting whole grain-rich pasta versus enriched pasta. For example, lasagna made with enriched noodles was a popular menu item selected by about 50% of students. When lasagna with whole grain-rich noodles was introduced, students complained and lasagna selection decreased, fewer than 10% of students selected the lasagna. Such records would be an acceptable form of documentation.

**5. Does approval of the temporary pasta flexibility 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 pasta products into the school menu as soon as possible. The State agency must provide technical assistance to the SFA to help overcome temporary challenges.

**6. Will FNS issue a sample flexibility request form or establish a recommended approval process?**

FNS does not intend to issue a flexibility request form or require State agencies to follow a specific template. However, all flexibility requests must be clearly documented and maintained on file in a way that allows a reviewer to understand why enriched pasta is counted toward the grains component in a reimbursable meal.

**7. Do State agencies need to approve flexibility requests within a specified time frame?**

State agencies are strongly encouraged to review the SFA documentation and notify the SFA of the flexibility determination as soon as possible. States must also ensure that all necessary documentation is available in the event of an administrative review.

**8. Are State agencies able to issue a blanket flexibility approval for all SFAs?**

No. State agencies may not issue a blanket flexibility approval for all SFAs. Flexibility requests are expected to be approved on a case-by-case basis according to the needs of each SFA.

**9. May State agencies include the pasta flexibility as an option in their annual renewal agreement with an SFA?**

No; flexibility requests must be approved on a case-by-case basis according to the needs of each SFA.

**10. Should State agencies issue all flexibility approvals for a two year period?**

State agencies may approve an SFA's flexibility request for up to two years (not to exceed school year 2015-2016, as established in memorandum SP 47-2014) and during this time the State agency is expected to communicate periodically with the SFA to identify, evaluate, and incorporate other acceptable whole grain-rich pasta products and/or preparation methods. For example, States may help SFAs share information about new or existing whole grain-rich pasta products that are popular with students, or disseminate best practices or the successful experience of a particular SFA/school.

**11. Will SFAs that have been approved to offer enriched pasta be considered compliant with the whole grain-rich requirement during the administrative review or a performance-based certification review?**

SFAs must offer the amount of grains specified in the meal pattern. If the SFA receives approval to serve enriched pasta, such food items would count toward the grains requirement and the SFA would not have to make up for the portion of enriched grains. State agencies would consider the SFA compliant with the whole grain-rich requirement if the FNS-developed or FNS-approved Certification Tool, and the menu planning and production records indicate that other grains offered in the school menu meet the whole grain-rich criteria.

**12. May a State agency require an SFA to sign a statement certifying that it has documentation to support to flexibility request and review such documentation later during an administrative review?**

No. The State agency must examine the supporting documentation prior to approving a flexibility request. This is necessary because only a portion of SFAs are scheduled to be

reviewed in school years 2014-2015 and 2015-2016. Furthermore, the SFA must maintain the flexibility request approval and supporting documentation on file.

**13. Is approval of a temporary pasta flexibility request a reason to renegotiate a procurement contract?**

The creation of a material change to a contract depends on the SFA's initial solicitation document and the resulting contract during the procurement process. State agencies and/or SFAs must review existing contracts to make a determination as to whether a material change has occurred. State agencies and SFAs should ask the following questions to help determine if the change constitutes a material change to the contract:

- If there will be an increase or decrease in the cost of the contract, will the change in cost cause bidders to respond differently if the prospective change had existed at the time of the solicitation and evaluation phase of the procurement process?
- Will the prospective change materially affect the scope of services, type and volume of products, etc., in both the solicitation document and resulting contract? For example, will the change in the planned menu require the SFA to change product specifications, eliminate products to add new products to the existing solicitation and contract, or increase the volume of existing whole grain-rich products?