



**United States
Department of
Agriculture**

Food and
Nutrition
Service

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Alexandria, VA
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DATE: October 30, 2009

MEMO CODE: SP 04-2010

SUBJECT: Extension of Weighted Averages Waiver FY 2010

TO: Regional Directors
Special Nutrition Programs
All Regions

State Agencies
Child Nutrition Programs
All States

Section 749(b) of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010 (Public Law 111-80) amended section 9(f)(5) of the Richard B. Russell National School Lunch Act to extend the waiver of the requirement for weighted averages for nutrient analyses of school lunches and breakfasts. The waiver is extended until September 30, 2010. No other changes were made.

This waiver extends to all schools using nutrient analysis, as well as to State Agencies (SAs) conducting independent analysis as part of their ongoing review of schools' compliance with the nutrition standards. It should be noted that the statute applies only to requirements imposed by USDA. The provision does not prohibit SAs from requiring schools to use weighted averages when doing nutrient analysis, nor does it prohibit SAs from using weighted averages when doing nutrient analyses as a part of nutrition reviews of schools using food-based menu planning systems.

We believe weighted analysis to be a more accurate and useful method for doing nutrient analysis since it is based on student selection and, therefore, allows schools, States and federal policy makers to assess whether students are actually making more informed, healthier choices. Once a school or State knows what kind of choices students are making, they are in a better position to modify menus and design nutrition education programs to address any issues revealed by the nutrient analysis.

State agencies should contact the Regional Offices if they have questions about this memorandum. Regional offices may contact the Child Nutrition Division, School Programs Section, for additional information.

Original Signed

Cynthia Long
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