
PROPOSED UPDATES TO THE SCHOOL NUTRITION STANDARDS

SOME OF THIS ALSO APPLIES TO CACFP AND SFSP



This PowerPoint contains information about the U.S. Department of Agriculture (USDA) Food and Nutrition Services (FNS) proposed updates to the school nutrition standards. Please note this contains changes that will also apply to Child and Adult Care Food Program (CACFP) and Summer Food Service Program (SFSP). These are mentioned specifically with each proposed rule and will be quickly summarized at the end.

This is proposed rules. The final rule should be issued for implementation in SY2024-2025.

Why you need to know this information and care enough to share with your school administration and school board. You should know what the rules changes will be. Until May 10, you have the opportunity to submit comments to the USDA to help guide them to rules that work for our small rural state and for our children. You should also be working towards any of the rules that require a change, for example the sodium requirements are best implemented slowly so your children can get used to the changes. Making all the changes all in one school year will result in a lot of complaints and discontent from your food service staff, the children eating the meals, school staff, parents, and probably the community. We strongly encourage you not to “rip the bandage” so to speak and make gradual changes that will help your school meet the requirements ahead of the final implementation date.

WHAT ARE THESE PROPOSED RULES FOR?

- Proposed rules mean the feds are planning to make regulatory updates.
- Proposed rules allow time for stakeholders and the public to provide comments on the proposed changes.
- Based on the latest nutrition science and extensive feedback to the USDA from school meal partners.
- Updates reflect the most current *Dietary Guidelines* for Americans and build in time for planning and implementation to ensure the school meals community and the kids they serve have the best chance for long-term success.
- These are not final rules and are not going into effect next school year.

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Proposed rules means the U.S. Department of Agriculture (USDA) Food and Nutrition Service (FNS) is planning to make regulatory updates. Proposed rules provide time for people to submit comments on the changes.

These proposals are based on the latest nutrition science and extensive feedback to the USDA from school meal partners. Updates are proposed in areas to give kids the right balance of nutrients for healthy and appealing meals.

The proposed updates reflect the most recent Dietary Guidelines and build in time for planning and implementation to ensure the school meals community and the kids they serve have the best chance for long-term success.

These are not final rules and are not going into effect next school year. These should be final by SY 2024-2025, unless there is a longer implementation calendar noted in several of the proposed change areas.

FOR MORE INFORMATION

- USDA Website for Proposed Updates to SNP: <https://www.fns.usda.gov/cn/proposed-updates-school-nutrition-standards>
 - [Comparison Chart: Current Standards vs. Proposed Standards](#)
 - [Full Description of Proposed Provisions](#)
 - Infographic: [Proposed Rule for School Meal Standards](#)
 - Infographic: [Proposed Timeline for Implementation](#)
 - Infographic: [The Road Ahead - Building Back Better with School Meals](#)
 - [Media Toolkit](#)
 - Recording of [Stakeholder Briefing \(02/06/23\)](#)
 - Recording of the Proposed Rule [Webinar \(02/23/23\)](#)
 - [Submit Comments](#) extended to May 10, 2023

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Links to share in the Zoom chat:

USDA website with proposed rules and all the listed resources:

<https://www.fns.usda.gov/cn/proposed-updates-school-nutrition-standards>

Simple Comparison chart: <https://www.fns.usda.gov/cn/school-meal-standards-comparison-chart>

Full Description of Proposed Rules: <https://www.fns.usda.gov/sites/default/files/resource-files/cn-highlights-proposed-rule-nutrition-standards-020323.docx>

Submit Comments: <https://www.fns.usda.gov/cn/fr-020723>

PROPOSED RULE PROCESS



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Explanation for the proposed rule process. Read arrows left to right.

ADDED SUGARS

Provision	Current Standard	Proposed Standard ¹
Added Sugars	<ul style="list-style-type: none"> • None 	<ul style="list-style-type: none"> • Product-based limits for grain-based desserts, breakfast cereals, yogurts, and flavored milks, effective in school year (SY) 2025-26. • Weekly added sugars limit that must average less than 10% of calories per meal, effective SY 2027-28.

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Currently, there is no added sugars limit in the school meal programs. Under the current regulations, schools may choose to serve some menu items and meals that are high in added sugars, provided they meet weekly calorie limits

This rule proposes two approaches that will work together to limit added sugars in the school lunch and breakfast programs. The rule proposes to phase in these limits over time:

Beginning in school year (SY) 2025-2026, this rule proposes to implement limits for leading sources of added sugars in school meals, including grain-based desserts, breakfast cereals, yogurts, and flavored milks.

Beginning in SY 2027-2028, this rule proposes to implement a weekly limit on sugar. It requires that the Weekly added sugars must average less than 10% of calories per meal.

ADDED SUGARS, *CONTINUED*

Added Sugars Proposed Standards:

- **Grain-based desserts**, which include cereal bars, doughnuts, sweet rolls, toaster pastries, coffee cakes, and fruit turnovers, would be limited to no more than 2 ounce equivalents per week in school breakfast, consistent with the current limit for school lunch.
 - **Breakfast cereals** would be limited to no more than 6 grams of **added sugars** per dry ounce.
 - **Yogurts** would be limited to no more than 12 grams of **added sugars** per 6 ounces.
 - **Flavored milks** would be limited to no more than 10 grams of added sugars per 8 fluid ounces or, for flavored milk sold as a competitive food for middle and high schools, 15 grams of added sugars per 12 fluid ounces.
- Replaces Child and Adult Care Food Program (CACFP) total sugar limits for breakfast cereals and yogurts with added sugar limits
 - Applies product-based limitations for flavored milk to NSLP, SBP, and Smart Snacks

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For consistency, this rule would apply the product-based added sugars limits for cereals and yogurts to the Child and Adult Care Food Program (CACFP); the proposed added sugars limit would replace the current total sugar limits for these products in CACFP.

Under the proposed rule:

- **Grain-based desserts** would be limited to no more than 2 ounce equivalents per week in school breakfast, consistent with the current limit for school lunch. This would include cereal bars, doughnuts, sweet rolls, toaster pastries, coffee cakes, and fruit turnovers,
- **Breakfast cereals** would be limited to no more than 6 grams of added sugars per dry ounce.
- **Yogurts** would be limited to no more than 12 grams of added sugars per 6 ounces.
- **Flavored milks** would be limited to no more than 10 grams of added sugars per 8 fluid ounces or, for flavored milk sold as a competitive food for middle and high schools, 15 grams of added sugars per 12 fluid ounces.

MILK

Provision Current Standard

Proposed Standard ¹

Milk

- Allows flavored and unflavored for all grades K-12 (only fat-free and low-fat milks are allowed).
- Requires unflavored milk to be offered at each school meal service.
- Regulations affected: [7 CFR 210.10\(d\)\(1\)\(i\)](#) and [220.8\(d\)](#)

Options offered: all include **added sugars limit for flavored milk** and maintain the requirement that unflavored milk is offered:

- **Option 1a:** Allow only unflavored milk for grades K-8 and allow flavored and unflavored for grades 9-12. Effective SY 2025-26.
- **Option 1b:** Allow only unflavored milk for grades K-5 and allow flavored and unflavored for grades 6-12. Effective SY 2025-26.
- **Option 2:** Continue to allow flavored and unflavored milks for all grades (K-12).

MILK, *CONTINUED*

- Final rule may apply to Special Milk Program (SMP) and CACFP
- No guidance about how the rule applies to Smart Snack rules

GRAINS

Provision	Current Standard	Proposed Standard ¹
Grains	<ul style="list-style-type: none">Requires at least 80% of the weekly grains offered to be whole grain-rich; remaining grain items offered must be enriched.Regulations affected: 7 CFR 210.10(c)(2)(iv) and 220.8(c)(2)(iv)	<p>Add definition of “whole grain-rich” to reg’s: <i>Whole grain-rich (WGR) indicates the grain content of a product is between 50 and 100 percent whole grain with any remaining grains being enriched.</i> Previously, in guidance only.</p> <p>Options:</p> <ul style="list-style-type: none">Option 1: Keep the current standard.Option 2: Require all grains to meet the whole grain-rich requirement, except enriched grains may be offered one day each school week.

GRAINS, *CONTINUED*

- In the second option, no guidance is provided for how one day serving enriched grains will impact schools that offer multiple reimbursable meal lines. Will it apply to all grains on the menu or reimbursable line by line?

SODIUM

Provision	Current Standard	Proposed Standard ¹
Sodium	<ul style="list-style-type: none">• Meet Sodium Target 1 for school breakfast and lunch (and Target 1A for school lunch-only by school year 2023-24).• Regulations affected: <u>7 CFR 210.10(c)</u> and <u>(f)(3)</u>; <u>220.8(c)</u> and <u>(f)(3)</u>	<ul style="list-style-type: none">• School breakfast – two reductions (10% each) in SY 2025-26 and 2027-28.• School lunch – three reductions (10% each) in SY 2025-26, 2027-28, and 2029-30.

CURRENT SODIUM LIMITS

National School Lunch Program Transitional Sodium Limits:

Age/Grade Group	Target 1: Effective July 1, 2022	Interim Target 1A: Effective July 1, 2023
Grades K-5	≤ 1,230 mg	≤ 1,110 mg
Grades 6-8	≤ 1,360 mg	≤ 1,225 mg
Grades 9-12	≤ 1,420 mg	≤ 1,280 mg

School Breakfast Program Transitional Sodium Limits:

Age/Grade Group	Target 1: Effective July 1, 2022
Grades K-5	≤ 540 mg
Grades 6-8	≤ 600 mg
Grades 9-12	≤ 640 mg

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These are the current requirements. Remember that Target 1A goes into effect in SY 2023-24. That tightens up lunch sodium limits by 10%. **This is current rule not proposed**, so you should already be working towards meeting this requirement at lunch.

The symbol in the sodium targets means, less than or equal to.

PROPOSED SODIUM LIMITS

Proposed National School Lunch Program Sodium Limits:

Age/Grade Group	Sodium Limit: Effective July 1, 2025	Sodium Limit: Effective July 1, 2027	Sodium Limit: Effective July 1, 2029
Grades K-5	≤ 1000 mg	≤ 900 mg	≤ 810 mg
Grades 6-8	≤ 1105 mg	≤ 990 mg	≤ 895 mg
Grades 9-12	≤ 1150 mg	≤ 1035 mg	≤ 935 mg

Proposed School Breakfast Program Sodium Limits:

Age/Grade Group	Sodium Limit: Effective July 1, 2025	Sodium Limit: Effective July 1, 2027
Grades K-5	≤ 485 mg	≤ 435 mg
Grades 6-8	≤ 540 mg	≤ 485 mg
Grades 9-12	≤ 575 mg	≤ 520 mg

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Here are the proposed sodium limits at breakfast and lunch.

PROFESSIONAL STANDARDS

Provision	Current Standard	Proposed Standard ¹
Professional Standards	<ul style="list-style-type: none"> • Directors must meet USDA hiring standards, including education requirements. Standards differ based on the size of the LEA. • Currently, directors in medium LEAs (enrollment of 2,500-9,999) are required to have an associate's or bachelor's degree, and directors in large LEAs (enrollment of 10,000 or more) are required to have a bachelor's degree. • Regulation affected: 7 CFR 210.30(b)(1) 	<ul style="list-style-type: none"> • State agencies could allow medium or large LEAs to hire an individual without a bachelor's or associate's degree as a school nutrition program director, if they have at least 10 years of school nutrition program experience.

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Current professional standards that differ based on the size of the LEA are that directors must meet the USDA hiring standards, including education requirements. Current standards are that directors of medium sized LEAs must have either an associate's or bachelor's degree, and directors of large LEAs must have a bachelor's degree. The new proposed standards would be that the State Agency could allow medium or large LEAs to hire nutrition program directors without an associate's or bachelor's degree if they have at least 10 years of school nutrition program experience.

MENU PLANNING OPTIONS FOR AMERICAN INDIAN AND ALASKA NATIVE STUDENTS

Provision	Current Standard	Proposed Standard ¹
Menu Planning Options for American Indian and Alaska Native Students	<ul style="list-style-type: none"> Schools in American Samoa, Puerto Rico, and the U.S. Virgin Islands may substitute vegetables to meet the grains component. This option is intended to accommodate cultural food preferences, product availability, and cost concerns in these areas. Regulations affected: 7 CFR 225.16(f)(3), 226.20(f), 210.10(c)(3), and 220.8(c)(3) 	<ul style="list-style-type: none"> Allows tribally operated schools, schools operated by the Bureau of Indian Education, and schools serving primarily American Indian or Alaska Native children to serve vegetables to meet the grains requirement. Requests public input on additional menu planning options that would improve the child nutrition programs for American Indian and Alaska Native children.

TRADITIONAL FOODS

Provision	Current Standard	Proposed Standard ¹
Traditional Foods	<ul style="list-style-type: none"> Traditional foods may be served in reimbursable meals in accordance with USDA guidance. 	<ul style="list-style-type: none"> Explicitly state in regulation that traditional foods may be served as part of a reimbursable school meal. Defines traditional food as “food that has traditionally been prepared and consumed by an [American] Indian Tribe,” per the Agriculture Improvement Act of 2014.

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USDA proposes to add tribally operated schools, schools operated by the Bureau of Indian Education, and schools serving primarily American Indian or Alaska Native children to the list of schools ⁽⁷⁴⁾ that may serve vegetables to meet the grains requirement, and requests public input on additional menu planning options that would improve the child nutrition programs for American Indian and Alaska Native children.

USDA also proposes to revise the current regulatory text at 7 CFR 210.10(c)(3) and 220.8(c)(3) to clarify that this provision also allows the substitution of traditional vegetables such as prairie turnips.

For the NSLP and SBP, the school food authority would be responsible for maintaining documentation to demonstrate that the schools using this option are tribally operated, are operated by the Bureau of Indian Education, or serve primarily American Indian or Alaska Native students. This documentation would be maintained for program reviews.

- For example, this documentation could be a certifying statement indicating that the school is tribally operated or operated by the Bureau of Indian Education.

NSLP AFTERSCHOOL SNACKS

Provision	Current Standard	Proposed Standard ¹
NSLP Afterschool Snacks	<ul style="list-style-type: none">• NSLP afterschool snacks must contain two of the following four components: milk, meat/meat alternate, vegetable or fruit, or a serving of bread or equivalent.• Regulations affected: 7 CFR 210.10(o)	<ul style="list-style-type: none">• Aligns NSLP afterschool snack standards with the Child and Adult Care Food Program (CACFP) snack standards, which require snacks to include two of the following five components: milk, vegetables, fruits, grains, or meat/meat alternate.• Makes fruit and vegetables two separate components, rather than being combined as one.• Applies other CACFP snack nutrition requirements to NSLP snacks to align with statute.

SUBSTITUTING VEGETABLES FOR FRUIT AT BREAKFAST

Provision	Current Standard	Proposed Standard ¹
Substituting Vegetables for Fruits at Breakfast	<ul style="list-style-type: none"> Schools can substitute vegetables for fruits at breakfast, provided that there are at least two cups per week from the dark green, red/orange, beans and peas, or other vegetable subgroups on the menu that week. However, schools are currently allowed by law to substitute any vegetable for fruits at breakfast. 	<ul style="list-style-type: none"> Schools that substitute vegetables for fruits at breakfast more than one day per school week are required to offer different vegetable subgroups throughout the week.
	<ul style="list-style-type: none"> Regulations affected: 7 CFR 220.8(c) 	

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Current regulations allow schools to substitute vegetables for fruits at breakfast, provided that the first two cups per week are from the dark green, red/orange, beans and peas (legumes), or other vegetable subgroups. However, in recent years, through Federal appropriations, Congress has provided school food authorities the option to substitute any vegetable—including starchy vegetables—for fruits at breakfast, with no vegetable subgroup requirements.

This rule proposes to continue to allow schools to substitute vegetables for fruits at breakfast but changes the vegetable variety requirement. Under this proposal, schools that substitute vegetables for fruits at breakfast more than one day per school week would be required to offer a variety of vegetable subgroups. In other words, schools that substitute vegetables more than one day per school week would be required to offer vegetables from at least two subgroups.

NUTS & SEEDS

Provision	Current Standard	Proposed Standard ¹
Nuts and Seeds	<ul style="list-style-type: none">• Nuts and seeds can be served as a meat/meat alternate, but only credit towards 50% of the component at breakfast, lunch, and supper, and must be served alongside another meat/meat alternate.• Regulations affected: <u>7 CFR 210.10(c)(2)(iii)(C), 220.8(c)(2)(i)(B), 25.16(e)(5), 226.20(a)(5)(ii), and 226.20(c)(2)</u>	<ul style="list-style-type: none">• Allows nuts and seeds to credit for 100% of the meat/meat alternate component in all child nutrition programs and meals.

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COMPETITIVE FOODS (SMART SNACKS) - HUMMUS EXCEPTION

Provision	Current Standard	Proposed Standard ¹
Competitive Foods (Smart Snacks) – Hummus Exemption	<ul style="list-style-type: none">• Competitive foods must meet nutrient standards for calories, sodium, fats, and total sugars at CFR 210.11(f).• Total fat content of a competitive food must not exceed 35% and saturated fat must be less than 10% of total calories, though there are some exceptions.	<ul style="list-style-type: none">• Keeps the current competitive food nutrient standards for calories, sodium, fats, and total sugars.• Adds hummus to the list of foods exempt from the total fat standard in the regulations, allowing hummus to be sold as a Smart Snack.

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BUY AMERICAN

Provision	Current Standard
Buy American	<ul style="list-style-type: none">• School food authorities must purchase domestic commodities or products to the maximum extent practicable.• Two limited exceptions, related to product availability and cost, are provided in guidance.• Regulations affected: 7 CFR 210.21(d) and 220.16(d)

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The current Buy American rule is that SFAs must purchase domestic commodities or products to the maximum extent practicable. Some current exceptions provided in guidance are related to product availability and cost.

BUY AMERICAN

Provision Proposed Standard ¹

- Buy American** • Sets a 5% limit on non-domestic food purchases when an SFA utilizes an exception.
- Updates federal regulations to include the exceptions related to product availability and cost that are currently only provided in guidance.
 - SFA needs to maintain documentation showing that no more than 5% of their total annual commercial food costs are for non-domestic foods.
 - SFA required to include the Buy American provision in all applicable procurement procedures, solicitations, and contracts.
 - Updates regulations to clarify that over 51% of a food product must consist of agricultural commodities that were grown domestically.
 - Adds language to the regulations that explain how Buy American applies to fish and fish products.

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Under the new proposed standard, there would be a 5% limit on non-domestic food purchases when an SFA utilizes an exception. When using these exceptions, the SFA will need to maintain documentation showing that no more than 5% of their total annual commercial food costs are for non-domestic foods. Additionally, an SFA will be required to include the Buy American provision in all applicable procurement procedures, solicitations, and contracts.

This new proposed standard will also update regulations to clarify that over 51% of a food product must consist of agricultural commodities that were grown domestically and adds language that explains how Buy American applies to fish and fish products.

GEOGRAPHIC PREFERENCE EXPANSION

Provision	Current Standard	Proposed Standard ¹
Geographic Preference Expansion	<ul style="list-style-type: none">• Since 2011, child nutrition regulations allow geographic preference but do not allow “local” to be used as a bid specification (a written description of the product or service that the vendor must meet to be considered responsive and responsible).• Currently, bidders located in a specified geographic area can be provided additional points or credit calculated during the evaluation of the proposals or bids received in response to a solicitation.• Regulations affected: 7 CFR 210.21(g) and 220.16(f)	<ul style="list-style-type: none">• Allows “locally grown, raised, or caught” to be used as procurement specifications for unprocessed or minimally processed food items, which makes it easier for program operators to purchase local foods for child nutrition programs.

MISCELLANEOUS - TERMINOLOGY CHANGES

Provision	Current Standard	Proposed Standard ¹
Miscellaneous Terminology Changes	<ul style="list-style-type: none">• “Meat/Meat Alternate” component• “Beans, Peas (Legumes)” vegetable subgroup	<ul style="list-style-type: none">• Change “Meat/Meat Alternate” component name to “Protein Sources” in NSLP, SBP, CACFP• Change “Beans, Peas (Legumes)” veg subgroup name to “Beans, Peas, Lentils” in NSLP, SBP, CACFP

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IMPACTS TO CACFP AND SFSP

Child & Adult Care Food Program (CACFP) Only

- Breakfast cereal: Must contain no more than 6 grams of **added sugars** per dry ounce.
- Milk: No changes
- Added to Whole Grain-Rich definition
- Terminology changes
 - “Meat/Meat Alternate” to “Protein Sources”

Both Summer Food Service Program (SFSP) & CACFP

- Menu Planning Options for American Indians and Alaska Native children
- Nuts and Seeds crediting
- Geographic Preference
- Terminology changes
 - “Food Components” to “Meal Components”
- Certain proposals from prior USDA rulemaking

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Here is a summary of the items discussed today, and how they would specifically impact the Child & Adult Care Food Program and the Summer Food Service

COMMENTS DUE MAY 10

- Comments are public, check with your school district to seek permission to submit comments on behalf of your district. Any citizen can submit comments on their own time, but identify that you are representing yourself.
- Comment period extended to May 10, 2023
- Comments related to this proposed rule may be submitted in writing by one of the following methods:
 - Online (preferred): Go to <https://www.regulations.gov> and follow the online instructions for submitting comments.
 - Mail: Send comments to School Meals Policy Division, Food and Nutrition Service, P.O. Box 9233, Reston, Virginia, 20195