



**Georgia Dept
of Early Care
and Learning**

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Area Memo: Meals/
Food Service
Programs CACFP, SFSP

Initial Implementation Memorandum: Child Nutrition Programs: Meal Patterns Consistent With the 2020-2025 Dietary Guidelines for Americans

Purpose

The purpose of this memorandum is to provide guidance to CACFP and SFSP operators on the implementation of the final rule, *Child Nutrition Programs: Meal Patterns Consistent With the 2020-2025 Dietary Guidelines for Americans*.

Legal Authority

CACFP 07-2024, SFSP 12-2024

Background

On April 25, 2024, FNS published the final rule, *Child Nutrition Programs: Meal Patterns Consistent With the 2020-2025 Dietary Guidelines for Americans* ([89 FR 31962](#), April 25, 2024). This rule finalizes practical, science-based, long-term school nutrition requirements based on the goals of the *Dietary Guidelines for Americans, 2020-2025 (Dietary Guidelines)*, extensive stakeholder input, and lessons learned from prior rulemakings. This rule also includes minor updates to the Child and Adult Care Food Program (CACFP) and Summer Food Service Program (SFSP) to better align Child Nutrition Program (CNP) requirements. These updates represent continued progress toward supporting the nutrition quality of school meals, strengthening the Child Nutrition Programs (CNPs), and advancing USDA's commitment to nutrition security.

Program Requirements

Summary of Major Changes

The rule finalizes gradual updates to the school nutrition requirements in a few key areas to support realistic, sustainable improvements in child nutrition which FNS and the broader school meals community have been partnering on for over a decade. Notably, these updated nutrition requirements include the first ever limit on added sugars in the school meal programs, which will be phased in gradually. In response to stakeholder feedback underscoring the need for durable and achievable nutrition requirements, the final rule implements a single achievable reduction in sodium levels at school lunch and breakfast. To set up schools and students for long-term success, this rulemaking maintains the current whole grain and fluid milk requirements and continues to allow schools to offer fat-free and low-fat flavored milk to all K-12 students.

While many of the changes outlined in the rule apply to the school meal programs, including the National School Lunch Program (NSLP) and School Breakfast Program (SBP), some aspects of the rule also make changes to the Child and Adult Care Food Program (CACFP), Summer Food Service Program (SFSP), and the Special Milk Program for Children (SMP). Notably, in the CACFP, the final rule replaces total sugars limits for breakfast cereals and yogurt with added sugars limits which align with the added sugars limits for breakfast cereals and yogurt in the school meal programs. USDA recognizes that in order to successfully make improvements to the CNP meal patterns, similar improvements must be made to the broader food environment. To that end, the 2024 WIC final rule, [Special Supplemental Nutrition Program for Women, Infants and Children \(WIC\): Revisions in the WIC Food Packages](#), established limits on added sugars in breakfast cereals and yogurt that are consistent with the limits in this final rule.

It is important to note that FNS did not finalize the proposed change to the current limit for grain-based desserts at school breakfast. Public comments raised concerns about potential negative impacts the proposed change would have to the SBP, especially to alternative breakfast service models that often include grab-and-go friendly items. As a reminder, cookies, dessert pies, cobbler, brownies, and all cake varieties except coffee cake are prohibited from contributing to the grains requirement for school breakfast.

Additionally, the final rule strengthens the Buy American requirement by requiring schools to include Buy American provisions in procurement procedures, providing clarity regarding the limited exceptions to domestic purchases, and by gradually phasing in a cap on non-domestic food purchases.

This final rule is designed to make incremental changes based on critical input from school nutrition professionals, Program operators, State agencies, public health experts, food industry, and families. FNS understands that all our child nutrition partners need time to prepare for changes. Therefore, while the rule is effective July 1, 2024, Program operators will not be required to make any changes to menus until July 1, 2025, at the earliest. Standards that may require menu changes, such as added sugars limits and sodium reduction, will be gradually phased in starting in school year (SY) 2025-2026.

Initial Implementation Resources

The attached initial implementation chart (Attachment A: Overview of Provisions in Final Rule) describes

current Program requirements, provides an overview of the provisions finalized in the rule, outlines which CNPs are impacted, and provides the implementation date for each provision. The implementation dates are when State agencies and local Program operators must implement the provisions. Provisions that require menu changes must be implemented by the implementation dates; however, Program operators are encouraged to work toward reducing sodium and added sugars in their menus in advance of these dates. With State agency approval, CACFP operators may choose to implement the added sugars limits for breakfast cereals and yogurt early. When viewing the chart, please note that each section corresponds to a specific section of the final rule (for example, section 2 outlines added sugars requirements in both the final rule and the attached chart).

As mentioned, these implementation dates were developed based on stakeholder feedback and provide State agencies and Program operators time to prepare for required changes. FNS is committed to providing State agencies with additional training and technical assistance on all final rule provisions.

The chart in Attachment B (Attachment B: Table of Changes by Program) provides a streamlined overview of the changes by Program to help CNP operators successfully implement the changes from this rulemaking.

Comments

For questions concerning this memorandum, please contact the Policy Administrator at (404) 651-8193.

Initial Implementation Memo Attachments

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Attachment A: Overview of Final Rule Provisions

Section 2: Added Sugars

Current Requirements	Final Rule	Programs Impacted	Implementation Date
<p>NSLP and SBP: There are no added sugars limits in the school meal programs.</p> <p>CACFP: Breakfast cereals must contain no more than 6 grams of total sugars per dry ounce and yogurt must contain no more than 23 grams of total sugars per 6 ounces (7 CFR 226.20(a)(4)(ii) and 226.20(a)(5)(iii)(B)).</p>	<p>NSLP and SBP: Product-based limits: Establishes product-based added sugars limits for the following items:</p> <ul style="list-style-type: none">• <i>Breakfast cereals</i> must contain no more than 6 grams of added sugars per dry ounce (7 CFR 210.10(b)(2)(iii)(B) and 220.8(b)(2)(iii)(B).• <i>Yogurt</i> must contain no more than 12 grams of added sugars per 6 ounces (2 grams of added sugars per ounce) (7 CFR 210.10(b)(2)(iv)(C) and	<p>NSLP, SBP, and CACFP*</p> <p><i>*CACFP is only impacted by the change from total sugars limits to added sugars limits for breakfast cereals and yogurts</i></p>	<p>NSLP and SBP product-based limits: July 1, 2025 NSLP and SBP weekly limit: July 1, 2027 CACFP product-based limits: October 1, 2025. Note: CACFP total sugars limits remain in place until October 1, 2025, when the added sugar limits must be implemented. With State Agency approval, CACFP operators may choose to implement the added sugars limits for breakfast cereals and yogurt early.</p>

	<p>220.8(b)(2)(iv)(C).</p> <ul style="list-style-type: none"> • <i>Flavored milk</i> must contain 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 (7 CFR 210.10(d)(1)(iii), and 220.8(d). <p>Weekly limits: Phases in a weekly dietary limit for added sugars of less than 10 percent of calories per week; this weekly limit is in addition to the product-based limits described above (7 CFR 210.10(f)(3), and 220.8(f)(3)).</p> <p>CACFP: Changes product-based limits for breakfast cereals and yogurt from total sugars to added sugars, consistent with the NSLP and SBP product-based added sugars limits:</p> <ul style="list-style-type: none"> • <i>Breakfast cereals</i> must contain no more than 6 grams of added sugars per dry ounce (7 CFR 226.20(a)(4)(ii)) • <i>Yogurt</i> must contain no more than 12 grams of added sugars per 6 ounces (2 grams of added sugars per ounce) (7 CFR 		
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	226.20(a)(5)(iii)(B)).		
	To support cross-program alignment, CACFP operators may use any State's WIC list to identify breakfast cereals and yogurts that may be offered in CACFP.		

Section 3A: Milk – Flavored Milk

Current Requirements	Final Rule	Programs Impacted	Implementation Date
<p>NSLP, SBP (including competitive food service/ Smart Snacks in School standards): Schools may offer fat-free and low-fat (1 percent fat) milk, flavored and unflavored, in reimbursable school lunches and breakfasts, and for sale à la carte. The current regulations also require that unflavored milk be offered at each school meal service (7 CFR 210.10(d), 210.11(m), and 220.8(d)).</p> <p>SMP and CACFP: Fat-free and low-fat milk, flavored and unflavored, may be offered to participants ages 6 and older (7 CFR 215.7a(a) and 226.20(a)(1)(iii)).</p>	<p>NSLP, SBP (including competitive food service/Smart Snacks in School standards): Continues to allow schools to offer fat-free and low-fat milk, flavored and unflavored, to K-12 students, and to sell fat-free and low-fat milk, flavored and unflavored, à la carte. Continues to require that unflavored milk be offered at each school breakfast and lunch meal service. Flavored milk must meet the added sugars limit described in Section 2 for SY 2025-2026 (7 CFR 210.10(d), 210.11(l), and 220.8(d)).</p> <p>SMP and CACFP: Continues to allow SMP and CACFP operators to offer fat-free and low-fat milk, flavored and unflavored, to participants ages 6 and older (7 CFR 215.7a(b) and 226.20(a)(1)(iii)).</p>	<p>NSLP, SBP (including competitive food service/Smart Snacks in School standards), SMP, and CACFP</p>	<p>July 1, 2024</p> <p><i>Note: CNP operators are not required to change menus or operations as a result of this provision, beyond those changes described in Section 2: Added Sugars for NSLP and SBP.</i></p>

Section 3B: Milk – Fluid Milk Substitutes: Responses to Request for Input

Current Requirements	Final Rule	Program Impacted	Implementation Date
<p>NSLP: Current regulations outline the requirements to provide a fluid milk substitute for non-disability reasons in two locations: 7 CFR 210.10(d)(3) details the nutrition requirements for fluid milk substitutes for non-disability reasons. 7 CFR 210.10(m)(2) outlines additional requirements for fluid milk substitutes for non-disability reasons, such as the process for requesting a fluid milk substitute on behalf of a student.</p>	<p>NSLP: This final rule reorganizes the NSLP regulatory text related to fluid milk substitutes for non-disability reasons: Moves the regulatory text explaining the non-disability fluid milk substitute requirements from paragraph (m) of 7 CFR 210.10—which discusses exceptions and variations allowed in reimbursable meals—to paragraph (d) of 7 CFR 210.10—which discusses the fluid milk requirements. <i>This rule makes no substantive changes to the non-disability fluid milk substitute request process.</i> <i>This section of the rule provides an overview of responses to USDA's request for public input on the fluid milk substitutes process.</i></p>	NSLP	<p>July 1, 2024 <i>Note: schools are not required to change menus or operations as a result of this provision.</i></p>

Section 3C: Milk – Fluid Milk Substitutes: Nutrient Requirements

Current Requirements	Final Rule	Programs Impacted	Implementation Date
<p>NSLP, SMP, and CACFP: Fluid milk substitutes must be nutritionally equivalent to fluid milk and meet nutritional standards established in regulation. Vitamin A and vitamin D requirements are currently specified in International Units (IUs) (7 CFR 210.10(d)(3), 215.7a(b)(2), and 226.20(g)(3)).</p>	<p>NSLP, SMP, and CACFP: Updates the units for vitamin A and vitamin D requirements for fluid milk substitutes to align with the Food and Drug Administration (FDA) labeling requirements (7 CFR 210.10(d)(2)(ii), 215.7a(b)(2), and 226.20(g)(3)(ii): For vitamin A, instead of 500 IUs, the unit requirement is now 150 mcg retinol activity equivalents (RAE) per 8 fl oz.</p>	NSLP, SMP, and CACFP	<p>July 1, 2024 <i>Note: CNP operators are not required to change menus or operations as a result of this provision.</i></p>

	<p>For vitamin D, instead of 100 IUs, the unit requirement is now 2.5 mcg per 8 fl oz.</p> <p><i>The amount of vitamin A and vitamin D required in fluid milk substitutes does not change; only the unit of measurement has changed to conform to FDA labeling requirements.</i></p>		
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Section 4: Whole Grains

Current Requirements	Final Rule	Programs Impacted	Implementation Date
<p>NSLP and SBP: At least 80 percent of the weekly grains offered in the school lunch and breakfast programs must be whole grain-rich. The remaining grain items offered must be enriched (7 CFR 210.10(c)(2)(iv) and 220.8(c)(2)(iv)).</p> <p>NSLP, SBP, and CACFP: According to USDA guidance, to meet the whole grain-rich criteria, a product must contain 50 to 100 percent whole grains; any grain ingredients that are not whole grain must be enriched, bran, or germ.</p> <p>NSLP (competitive food service/Smart Snacks in School standards): The current definition of "entrée item" in the competitive food service and standards regulations specifies that grain entrées must be whole grain-rich. Entrée items offered as part of a reimbursable school meal are exempt</p>	<p>NSLP and SBP: Maintains the current requirement that at least 80 percent of the weekly grains offered in the school lunch and breakfast programs must be whole grain-rich, based on ounce equivalents (7 CFR 210.10(c)(2)(iii) and 220.8(c)(2)(iii)).</p> <p>NSLP, SBP, and CACFP: Adds the following definition for "whole grain-rich" in NSLP, SBP, and CACFP regulations (7 CFR 210.2, 210.10(c)(2)(iii), 210.11(a)(3), 220.2, 220.8(c)(2)(iv), and 226.2).</p> <p><i>Whole grain-rich is the term designated by FNS to indicate that the grain content of a product is between 50 and 100 percent whole grain with any remaining grains being enriched.</i></p> <p>This definition does not change the meaning of whole grain-rich, and program operators can</p>	<p>NSLP, SBP, and CACFP*</p> <p><i>*CACFP is only impacted by the addition of the whole grain-rich definition to regulations; weekly grain requirements for NSLP and SBP do not apply to CACFP. CACFP operators must continue to offer at least one whole grain-rich serving of grains per day.</i></p>	<p>July 1, 2024</p> <p><i>Note: CNP operators are not required to change menus or operations as a result of this provision.</i></p>

<p>from all Smart Snacks in School standards if it is sold à la carte on the day of, or the school day after, it is offered on a school lunch or breakfast menu (7 CFR 210.11(a)(3) and (c)(3)).</p>	<p>continue to identify whole grain-rich products as described in current guidance. NSLP (competitive food service/Smart Snacks in School standards): Updates the definition of "entrée item" to clarify that entrées offered in a reimbursable school meal that include whole-grain rich and/or enriched grains may qualify as an "entrée item" when sold à la carte as a "Smart Snack." (7 CFR 210.11(c)(3)). This updated definition of "entrée item" only applies to entrées in reimbursable school lunches or breakfasts which contain grains. All other grain items sold à la carte must comply with regulations at 7 CFR 210.11, which require that grain items sold à la carte must meet USDA's whole grain-rich criteria.</p>		
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Section 5: Sodium

Current Requirements	Final Rule	Programs Impacted	Implementation Date
<p>NSLP: Schools were required to meet Sodium Target 1A for school lunch, effective SY 2023-2024 through June 30, 2027 (7 CFR 210.10(f)(3)). SBP: Schools were required to meet Sodium Target 1 for school breakfast, effective SY 2022-2023 through June</p>	<p>NSLP and SBP: Maintains current sodium limits for school lunch and breakfast through the end of SY 2026-2027 and codifies a single sodium reduction for both programs. NSLP: By SY 2027-2028, schools must implement a reduction of about 15</p>	<p>NSLP and SBP</p>	<p>July 1, 2027 <i>Note: this rule maintains the current sodium limits for the first three years of implementation; schools are not required to implement further sodium reductions until July 1, 2027.</i></p>

30, 2027 (7 CFR 220.8(f)).	percent from current sodium levels (7 CFR 210.10(c) and (f)(4)). SBP: By SY 2027-2028, schools must implement a reduction of about 10 percent from current sodium levels (7 CFR 220.8(c) and (f)(4)).		
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Section 6: Meats/Meat Alternates at Breakfast

Current Requirements	Final Rule	Program Impacted	Implementation Date
SBP: Currently, there are three meal components for the SBP: fruits, grains, and fluid milk. Under current regulations, schools may substitute a 1.0 ounce equivalent of meat/meat alternate for a 1.0 ounce equivalent of grains, after meeting the daily minimum grains requirement (7 CFR 220.8(c)(2)).	SBP: Establishes a combined grains and meats/meat alternates meal component in the SBP and removes the requirement for schools to offer 1.0 ounce equivalent of grains each day at breakfast (7 CFR 220.8(c) introductory text and (c)(2)). Schools may offer grains, meats/meat alternates, or a combination of both, to meet the minimum ounce equivalent in this combined meal component requirement.	SBP	July 1, 2024 <i>Note: this rule provides a menu planning flexibility; schools are not required to change menus or operations as a result of this provision.</i>

Section 7: Substituting Vegetables for Grains in Tribal Communities

Current Requirements	Final Rule	Programs Impacted	Implementation Date
NSLP and SBP: Schools in American Samoa, Puerto Rico, and the U.S. Virgin Islands may serve vegetables such as yams, plantains, or sweet potatoes to meet the grains component (7 CFR 210.10(c)(3) and 220.8(c)(3)). SFSP: Sponsors in American Samoa, Puerto	NSLP and SBP: Allows school food authorities and schools that are tribally operated, operated by the Bureau of Indian Education, and that serve primarily American Indian or Alaska Native children to serve vegetables to meet the grains requirement (7 CFR 210.10(c)(3) and 220.8(c)(3)).	NSLP, SBP, SFSP, CACFP	July 1, 2024 <i>Note: this rule provides a menu planning flexibility; CNP operators are not required to change menus or operations as a result of this provision.</i>

<p>Rico, Guam, and the U.S. Virgin Islands may serve vegetables such as yams, plantains, or sweet potatoes to meet the bread requirement (7 CFR 225.16(f)(3)).</p> <p>CACFP: Institutions and facilities in American Samoa, Puerto Rico, Guam, and the U.S. Virgin Islands may serve vegetables such as yams, plantains, or sweet potatoes to meet the grains component (7 CFR 226.20(f)).</p> <p>The option to allow program operators to substitute vegetables for grains or breads was instituted to accommodate cultural food preferences and to address product availability and cost concerns in these outlying areas.</p>	<p>SFSP: Allows sponsors that serve primarily American Indian or Alaska Native children to substitute vegetables for breads (7 CFR 225.16(f)(3)).</p> <p>CACFP: Allows institutions and facilities that serve primarily American Indian or Alaska Native participants to substitute vegetables for grains (7 CFR 226.20(f)).</p> <p>NSLP, SBP, SFSP, and CACFP: Allows all schools, sponsors, institutions, and facilities in Guam and Hawaii to serve vegetables to meet the grains or breads requirement. All programs in American Samoa, Puerto Rico, and the U.S. Virgin Islands may continue to implement this option (7 CFR 210.10(c)(3), 220.8(c)(3), 225.16(f)(3), and 226.20(f)).</p>		
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Section 8: Traditional Indigenous Foods

Current Requirements	Final Rule	Programs Impacted	Implementation Date
<p>NSLP and SBP: Traditional Indigenous foods are not explicitly mentioned in the school meal program regulations, however, they may be served in reimbursable meals in accordance with USDA guidance.</p>	<p>NSLP and SBP: Explicitly includes in regulation that traditional Indigenous foods may be served in reimbursable school meals (7 CFR 210.10(c)(7) and 220.8(c)(4)). This change is intended to support local efforts to incorporate traditional Indigenous foods into school meals.</p>	<p>NSLP and SBP</p>	<p>July 1, 2024 <i>Note: this rule provides a menu planning flexibility; schools are not required to change menus or operations as a result of this provision.</i></p>

Section 9: NSLP Afterschool Snacks

Current Requirements	Final Rule	Program Impacted	Implementation Date
<p>NSLP: According to the National</p>	<p>NSLP:</p>	<p>NSLP</p>	<p>Meal pattern</p>

<p>School Lunch Act (NSLA, 42 U.S.C. 1766a(d)), the nutrition requirements for CACFP snacks also apply to NSLP snacks. However, the nutrition requirements in the regulations for NSLP snacks served to K-12 children are outdated and do not reflect current statutory requirements (7 CFR 210.10(o)(2)).</p> <p>NSLP: According to the National School Lunch Act (NSLA, 42 U.S.C. 1766a(b)), children who are age 18 and under may receive reimbursable NSLP snacks. However, the age limitation for NSLP snacks in the current regulatory definition of <i>Child</i> is outdated and does not reflect statutory requirements (7 CFR 210.2).</p>	<p>Afterschool snack meal pattern requirements: Aligns NSLP afterschool snack meal pattern requirements for K-12 children with the CACFP snack meal pattern requirements, as required by the National School Lunch Act (NSLA, 42 U.S.C. 1766a(d) and 7 CFR 210.10(o)(2)). However, this final rule applies the school meal program weekly juice limit (no more than half of the weekly fruit or vegetable offerings at NSLP snacks may be in the form of juice) and the weekly whole grain-rich requirement (at least 80 percent of the grains offered weekly in NSLP snacks must be whole grain-rich, based on ounce equivalents of grains offered) to NSLP snacks.</p> <p>Definition of Child: Revises the definition of Child to clarify that children who are age 18 and under at the start of the school year may receive reimbursable NSLP snacks, consistent with the statute (NSLA, 42 U.S.C. 1766a(b) and 7 CFR 210.2).</p> <p>Terminology: Changes all regulatory references in 7 CFR Part 210 from "meal supplements" to "afterschool snacks."</p>	<p>Afterschool Snacks</p>	<p>requirements: July 1, 2025 All other changes: July 1, 2024</p>
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Section 10: Substituting Vegetables for Fruits at Breakfast

Current Requirements	Final Rule	Program Impacted	Implementation Date
<p>SBP: Schools may substitute vegetables for fruits at breakfast, provided that at least two cups per week are from specific vegetable subgroups: dark green, red/orange, beans, peas, and lentils, or "other" vegetable subgroups (7 CFR</p>	<p>SBP: Continues to allow schools to substitute vegetables for fruits in the SBP and simplifies the vegetable variety requirement (7 CFR 220.8(c)(2)(i) and (ii)): Schools choosing to offer vegetables at breakfast one</p>	<p>SBP</p>	<p>July 1, 2024 <i>Note: this rule provides a menu planning flexibility; schools following the current regulatory requirement are not required to change menus or operations as a result of this provision.</i>¹</p>

<p>220.8(c) and (c)(2)(ii). In recent years, through Federal appropriations, Congress has provided schools the option to substitute any vegetable—including starchy vegetables—for fruits at breakfast, with no vegetable subgroup requirements.</p>	<p>day per school week have the option to offer any vegetable, including a starchy vegetable. Schools choosing to substitute vegetables for fruits at breakfast on two or more days per school week are required to offer vegetables from at least two different subgroups.</p>		
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Section 11: Nuts and Seeds

Current Requirements	Final Rule	Programs Impacted	Implementation Date
<p>NSLP, SBP, SFSP, and CACFP: Current regulations limit the crediting of whole nuts and seeds (or nut and seed pieces) in some CNPs. For programs where nut and seed crediting is limited to 50 percent of the meats/meat alternates component, program operators choosing to serve nuts and seeds must serve them alongside another meat/meat alternate to fully meet the component requirement (7 CFR 210.10(c)(2)(i)(B), 220.8(c)(2)(i)(B), 225.16(d)(2), 225.16(e)(5), 226.20(a)(5)(ii), and 226.20(c)(2)).</p>	<p>NSLP, SBP, SFSP, and CACFP: Allows nuts and seeds to credit for the full meats/meat alternates component in all CNP meals and snacks, removing the 50 percent crediting limit for nuts and seeds at breakfast, lunch, and supper. This provision streamlines CNP requirements by aligning nut and seed crediting across all CNP meals and snacks (7 CFR 210.10(c)(2)(iv)(B), 220.8(c)(2)(iv)(B), 225.16(d)(2), 225.16(e)(5), and 226.20(a)(5)(ii).</p>	<p>NSLP, SBP, SFSP, CACFP</p>	<p>July 1, 2024 <i>Note: this rule provides a menu planning flexibility; CNP operators are not required to change menus or operations as a result of this provision.</i></p>

Section 12: Beans, Peas, and Lentils at Lunch

Current Requirements	Final Rule	Program Impacted	Implementation Date
<p>NSLP: School food authorities must offer vegetables from all five subgroups each school week consistent with the <i>Dietary Guidelines</i>. For the beans and peas (legumes)</p>	<p>NSLP: Allows schools to count beans, peas, and lentils offered as a meat alternate at lunch to also count them toward the weekly beans, peas, and lentils vegetable subgroup</p>	<p>NSLP</p>	<p>July 1, 2024 <i>Note: this rule provides a menu planning flexibility; schools are not required to change menus or operations as a result of this provision.</i></p>

<p>vegetable subgroup, schools must offer ½ cup over the course of the week at lunch to meet the vegetable subgroup requirement. Legumes offered at lunch may count toward either the vegetables meal component or meats/meat alternates meal component, but not both components in the same meal (7 CFR 210.10(c)(2)(iii)).</p>	<p>requirement. As with the current requirement, under this option, menu planners determine which overall meal component beans, peas, and lentils offered would count toward (either the vegetables meal component, or the meats/meat alternates meal component). Beans, peas, and lentils offered as either vegetables or meat alternates can count toward the weekly vegetable subgroup requirement to offer ½ cup of beans, peas, and lentils (7 CFR 210.10(c)(2)(ii)(C) and 210.10(c)(2)(iv)(E)).</p>		
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Section 13: Competitive Foods: Bean Dip Exemption

Current Requirements	Final Rule	Program Impacted	Implementation Date
<p>NSLP, SBP (specifically competitive food service/ Smart Snacks in School standards): Schools must comply with requirements for all foods sold in schools outside of the school meal programs, known as competitive food standards, or "Smart Snacks in School" standards. To comply with the Smart Snacks in School standards, foods must meet nutrition standards, including the total fat standard (7 CFR 210.11(f)).</p>	<p>NSLP, SBP (specifically competitive food service/ Smart Snacks in School standards): Adds bean dip to the list of foods exempt from the total fat standard in the Smart Snacks in School regulations. This exemption applies to products marketed as hummus, as well as bean dips made from any variety of beans, peas, or lentils (7 CFR 210.11(a)(7) and 210.11(f)(2)(ii)). Bean dip will continue to be subject to the saturated fat standard for Smart Snacks in School, as well as all other Smart Snacks in School requirements. This change provides schools the option to sell</p>	<p>NSLP, SBP (specifically competitive food service/Smart Snacks in School standards)</p>	<p>July 1, 2024 <i>Note: schools are not required to change menus or operations as a result of this provision.</i></p>

	bean dip, including hummus, as a Smart Snack in School.		
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Section 14: Meal Modifications

Current Requirements	Final Rule	Programs Impacted	Implementation Date
<p>NSLP, SBP, and CACFP: Current regulations require schools, institutions, and facilities to make meal modifications to ensure participants with disabilities have an equal opportunity to participate in, and benefit from, the NSLP, SBP, and CACFP (7 CFR 210.10(m)(1), 220.8(m), and 226.20(g)(1)).</p> <p>NSLP and SBP: Under current NSLP and SBP regulations, substitutions for disability reasons must be supported by a written statement signed by a licensed physician (7 CFR 210.10(m) and 220.8(m)). Through policy guidance, USDA has permitted State licensed healthcare professionals to submit a medical statement on behalf of a student with a disability.</p> <p>CACFP: Under current regulations, substitutions for disability reasons must be supported by a written statement signed by a licensed physician or licensed healthcare professional who is authorized by State law to write medical prescriptions (7 CFR 226.20(g)(1)(i)).</p>	<p>NSLP, SBP, and CACFP: Outlines in regulation that State licensed healthcare professionals and registered dietitians may write medical statements to request meal modifications on behalf of participants with disabilities in the school meal programs and CACFP. Defines a State licensed healthcare professional as an individual authorized to write medical prescriptions under State law (7 CFR 210.2, 210.10(m), 220.8(m) 226.2, and 226.20(g)).</p> <p>Also updates and reorganizes the regulatory text to distinguish between disability and non-disability requests more clearly, and encourages schools, institutions, and facilities to meet participants' non-disability dietary preferences when planning and preparing school and CACFP meals (7 CFR 210.10(m), 220.8(m), and 226.20(g)).</p>	NSLP, SBP, and CACFP	<p>The requirement to accept medical statements from registered dietitians must be implemented by:</p> <p>NSLP and SBP: July 1, 2025 CACFP: October 1, 2025 Meal Modifications: All Other Changes: July 1, 2024</p>

Section 15: Clarification on Potable Water Requirements

Current Requirements	Final Rule	Programs	Implementation Date
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NSLP and SBP: Schools must make potable water available and accessible without restriction to children at no charge in the places where lunches are served during the meal service (7 CFR 210.10(a)(1)(i)). When breakfast is served in the cafeteria, schools must make potable water available and accessible without restriction to children at no charge (7 CFR 220.8(a)(1)). USDA issued policy guidance to support implementation of this provision in July 2011, which specified that schools must serve plain water to meet the potable water requirement.	NSLP and SBP: Maintains the requirement that schools must make potable water available and accessible without restriction to children at no charge in the places where lunches are served during the meal service and when breakfast is served in the cafeteria. Adds the word "plain" to the potable water regulations to clarify this requirement (7 CFR 210.10(a)(1)(i) and 220.8(a)(1)).	NSLP and SBP	July 1, 2024 <i>Note: schools are not required to change menus or operations as a result of this provision.</i>

Section 16: Synthetic Trans Fat

Current Requirements	Final Rule	Programs Impacted	Implementation Date
NSLP, SBP, and Competitive food service/ Smart Snacks in School: Synthetic <i>trans</i> fats are prohibited in the school lunch and breakfast programs, and in foods sold to children on campus during the school day (7 CFR 210.10(f)(4), 220.8(f)(4), and 210.11(g)).	NSLP, SBP, and Smart Snacks in School: Removes the dietary specification prohibiting synthetic <i>trans</i> fat in the school lunch and breakfast programs, and in foods sold to children on campus during the school day. This change reduces burden by eliminating a requirement that USDA determined is no longer necessary due to the FDA's actions to eliminate synthetic <i>trans</i> fat from the U.S. food supply.	NSLP and SBP (including competitive food service/Smart Snacks in School standards)	July 1, 2024 <i>Note: schools are not required to change menus or operations as a result of this provision.</i>

Section 17: Professional Standards: Hiring Exception for Medium and Large Local Educational Agencies

Current Requirements	Final Rule	Programs Impacted	Implementation Date
<p>NSLP: Currently, school nutrition program directors in medium (2,500 to 9,999 students) and large (10,000 or more students) local educational agencies must have a bachelor's or an associate's degree. (7 CFR 210.30(b)(1)(ii)).</p>	<p>NSLP: Allows State agencies the discretion to approve the hiring of an individual to serve as a school nutrition program director in a medium or large local educational agency, for individuals who have 10 years or more of school nutrition program experience but who do not hold a bachelor's or an associate's degree. Directors hired under this exception must have a high school diploma or GED (7 CFR 210.30(b)(1)).</p>	NSLP	<p>July 1, 2024</p> <p><i>Note: schools are not required to change operations as a result of this provision.</i></p>

Section 18: Buy American

Current Requirements	Final Rule	Programs Impacted	Implementation Date
<p>Section 18A</p> <p>NSLP and SBP: Requires school food authorities to purchase domestic commodities or products "to the maximum extent practicable." (NSLA, 42 U.S.C. 1760(n)) and (7 CFR 210.21(d)(2) and 220.16(d)(2)). Through policy guidance, USDA has detailed limited exceptions to the Buy American requirements. These limited exceptions apply when the purchase of domestic foods is not practicable and include the following:</p> <ul style="list-style-type: none"> The product is not produced or manufactured in the U.S. in sufficient and 	<p>NSLP and SBP: Changes the current limited exceptions for the Buy American provision by providing an exemptions list and codifies the two limited circumstances when school food authorities may purchase non-domestic foods, which are:</p> <ul style="list-style-type: none"> The product is listed on the Federal Acquisitions Regulations FAR 25.104 Non-available articles list and/or is not produced or manufactured in the U.S. in sufficient and reasonably available quantities of a satisfactory quality; or 	NSLP and SBP	<p>July 1, 2024</p> <p>The phased-in approach for the non-domestic food cost cap:</p> <p>SY 2025-2026: the non-domestic food cost cap will be 10 percent.</p> <p>SY 2028-2029: the non-domestic food cost cap will be 8 percent.</p> <p>SY 2031-2032: the non-domestic food cost cap will be 5 percent.</p>

<p>reasonably available quantities of a satisfactory quality; or</p> <ul style="list-style-type: none"> Competitive bids reveal the costs of a U.S. product are significantly higher than the non-domestic product. <p>Currently, no regulations establish a definition of "significantly higher" when using an exception to the Buy American provision. The school food authority is responsible for determining the dollar amount or percentage which constitutes a significantly higher cost for a domestic product, thus permitting the use of an exception.</p>	<ul style="list-style-type: none"> Competitive bids reveal the costs of a U.S. product are significantly higher than the non-domestic product. <p>This final rule does not define "significantly higher" for the definition exception and instead USDA maintains that the definition of "significantly higher" is at the discretion of school food authorities. Allowing school food authority discretion acknowledges that school food authorities of various sizes have different resources, and reflects the appropriate flexibility needed for purchases given the diverse needs of school food authorities.</p> <p>USDA will use a phased-in approach to gradually reach the proposed 5 percent cap on non-domestic food purchases a school food authority may make annually. Through a phased-in implementation, USDA intends to help schools, State agencies, and other stakeholders adjust to the new requirement and achieve compliance with the Buy American provision. This phased-in approach will allow schools to gradually adjust to the new requirement and will allow USDA to continue to collect data on use of the Buy American exceptions. The phased-in approach will be the following:</p>		
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	<ul style="list-style-type: none"> • Beginning in SY 2025-2026, the non-domestic food cost cap will be 10 percent. • Beginning in SY 2028-2029, the non-domestic food cost cap will be 8 percent. • Beginning in SY 2031-2032, the non-domestic food cost cap will be 5 percent. <p>School food authorities may use the Federal Acquisitions Regulations FAR 25.104 Non-available articles list to deem a product as not domestically available without further documentation. Food products that are found on the FAR Nonavailable articles list will be included in the non-domestic expenditure cap. For school food authorities unable to meet the phased-in cap, an accommodation for temporary relief from the requirement will be available as the State agency works with the school food authority to increase domestic purchases.</p>		
<p>Section 18B NSLP and SBP: Currently, the primary mechanism for collecting information on the Buy American provision is via the Child Nutrition Operations (CN-OPS) study. The CN-OPS study is a multi-year study that provides USDA with current information on various aspects of school meals programs operations. USDA uses results</p>	<p>NSLP and SBP: Requires school food authorities to maintain documentation to demonstrate use of the two limited exceptions (7 CFR 210.21(d)(5)(iii) and 220.16(d)(5)(iii)). USDA is exempting products found on the Federal Acquisition Regulations 25.104 Nonavailable articles list from the documentation requirement.</p>	<p>NSLP and SBP</p>	<p>July 1, 2024</p>

<p>from this study to help inform program management practices and policy development. School food authorities document each use of an exception to the Buy American requirements. There is no requirement for school food authorities to request a waiver from the State agency or USDA in order to purchase a non-domestic food product.</p>			
<p>Section 18C NSLP and SBP: School lunch and breakfast program regulations do not currently require school food authorities to include any Buy American provisions in required documented procurement procedures, solicitations, or contracts. However, USDA guidance has strongly advised school food authorities to include safeguards in solicitation and contract language to ensure Buy American requirements are followed. Additionally, school food authorities are required to monitor solicitation and contract language to ensure that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders (2 CFR 200.318(b)).</p>	<p>NSLP and SBP: Requires school food authorities to include the Buy American requirements in documented procurement procedures, solicitations, and contracts for foods and food products procured for school breakfast and school lunch programs using informal and formal procurement methods, and in awarded contracts (7 CFR 210.21(d)(3) and 220.16(d)(3)). State agencies are required to verify the inclusion of this language when conducting oversight and reviews.</p>	<p>NSLP and SBP</p>	<p>July 1, 2024</p>
<p>Section 18D NSLP and SBP: Regulations and statute defines a domestic product as "[a] food product that is processed in the United States substantially using agricultural commodities that are produced in the United States." (NSLA, 42 U.S.C.</p>	<p>NSLP and SBP: Codifies the proposed definition of "substantially" in the Buy American provision: Substantially using agriculture commodities that are produced in the United States means over 51 percent of a food product must consist of agricultural</p>	<p>NSLP and SBP</p>	<p>July 1, 2024</p>

<p>1760(n)(1)(B) and (7 CFR 210.21(d)(1) and 220.16(d)(1)). But does not define the term substantially.</p> <p>To satisfy the statutory and regulatory requirements, food products purchased for the school lunch and breakfast programs must be processed in the United States. However, USDA understands that the meaning of the term "substantially" is not clearly defined.</p>	<p>commodities that were grown domestically (7 CFR 210.21(d)(1)(ii) and 220.16(d)(1)(ii).</p>		
<p>Section 18E NSLP and SBP: Current regulations do not include language specific to the applicability of the Buy American requirements to fish or fish products. However, in 2019, Section 4207 of the Agriculture Improvement Act of 2018 (P.L. 115-334) clarified the Buy American provision applies to fish harvested "within the Exclusive Economic Zone of the United States, as described in Presidential Proclamation 5030 (48 Fed. Reg. 10605; March 10, 1983), or...by a United States flagged vessel." USDA published Buy American and the Agricultural Improvement Act of 2018 and explained how to treat harvested fish under the Buy American requirement. The guidance stated that, "in order to be compliant: Farmed fish must be harvested within the United States or any territory or possession of the United States. Wild caught fish must be harvested within the Exclusive Economic Zone of the United States or by a United States</p>	<p>NSLP and SBP: Codifies language in regulations regarding how the Buy American requirements apply to fish and fish products offered in the school lunch and breakfast programs (7 CFR 210.21(d)(6) and 220.16(d)(6)). To be compliant with Buy American requirements, under this final rule:</p> <ul style="list-style-type: none"> • Farmed fish must be harvested within the United States or any territory or possession of the United States. • Wild caught fish must be harvested within the Exclusive Economic Zone of the United States or by a United States flagged vessel. <p>This change is consistent with current statutory requirements and existing USDA policy guidance.</p>	<p>NSLP and SBP</p>	<p>July 1, 2024</p>

flagged vessel."			
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Section 19: Geographic Preference

Current Requirements	Final Rule	Programs Impacted	Implementation Date
<p>NSLP, SMP, SBP, SFSP, and CACFP: Currently, Federal regulations do not prescribe the way that geographic preference should be applied or how much preference can be given to local products. Federal regulations also do not define "local" for the purpose of procuring local foods for use in CNPs (7 CFR 210.21(g)(1), 215.14a(e), 220.16(f)(1), 225.17(e)(1), and 226.22(c)(1)). However, CNPs and State agencies purchasing on their behalf can prescribe a specified preference (e.g., additional points or credit) for unprocessed agricultural products that originate within a defined geographic area when evaluating proposals or bids received in response to a solicitation.</p>	<p>NSLP, SMP, SBP, SFSP, and CACFP: Expands the geographic preference option by allowing "locally grown," "locally raised," or "locally caught" as procurement specifications (a written description of the product or service that the vendor must meet to be considered responsive and responsible) for unprocessed or minimally processed food items in the CNPs (7 CFR 210.21(g)(1), 215.14a(e), 220.16(f)(1), 225.17(e)(1), and 226.22(c)(1)). Continues to allow CNP operators and State agencies purchasing on their behalf to adopt their own definition of "local" and does not prescribe a Federal definition of "local" for the purpose of procuring local foods for CNPs. The definition of unprocessed, and the minimal food handling and processing techniques allowed within that definition, remains unchanged in this final rule.</p>	<p>NSLP, SMP, SBP, SFSP, and CACFP</p>	<p>July 1, 2024 <i>Note: CNP operators are not required to change menus or operations as a result of this provision.</i></p>

Section 20: Miscellaneous Changes

Current Requirements	Final Rule	Programs Impacted	Implementation Date
<p>NSLP, SBP, SFSP, and CACFP: Current program regulations use the term "legumes (beans and peas)"</p>	<p>NSLP, SBP, SFSP, and CACFP: Updates terminology to "beans, peas, and lentils," consistent with the</p>	<p>NSLP, SBP, SFSP, and CACFP</p>	<p>July 1, 2024 <i>Note: CNP operators are not required to change menus or operations as a</i></p>

<p>and "beans and peas" for the vegetable subgroup that includes beans (kidney beans, pinto beans, white beans, black beans, lima beans, fava beans, soybeans), dried peas (chickpeas, black-eyed peas, pigeon peas, split peas), and lentils (7 CFR 210, 220, 225, and 226).</p> <p>NSLP, SBP, SFSP, and CACFP: Current program regulations use the term "food components" (7 CFR 210.10, 220.8, 225.16, 226.20).</p> <p>CACFP: Currently, in the lunch and supper and snack meal pattern tables for children ages 1 through 18 and adult participants, the meats/meat alternates row lists specific foods within the category (7 CFR 226.20(c)). In the footnotes to all the CACFP meal pattern tables, the term "grains" is used (7 CFR 226.20).</p>	<p>terminology used in the <i>Dietary Guidelines</i> and to implement consistent terminology across CNPs (7 CFR 210, 220, 225, and 226).</p> <p>NSLP, SBP, SFSP, CACFP: Changes all "food component" references to "meal components" (7 CFR 210.10, 220.8, 225.16, 226.20).</p> <p>CACFP: Revises the meal pattern charts by updating the meats/meat alternates rows at 7 CFR 226.20(c), in meal pattern tables for children ages 1 through 18 and adult participants, to use ounce equivalents and refer to meats/meat alternates sources generally. Revises certain footnotes in the meal pattern tables for clarity, combines related footnotes to improve readability and changes "grain" references to "grain items" in the footnotes. (7 CFR 226.20).</p>		<p><i>result of these provisions.</i></p>
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Attachment B: Table of Changes by Program

The chart below details each provision of the rule, the section of the rule that covers the provision, the programs impacted, and the implementation date.

Provision	Rule Section	Programs Impacted	Implementation Date
<p>Added Sugars: Product-based Limits for Breakfast Cereals</p>	<p>Section 2</p>	<p>NSLP, SBP, CACFP</p>	<p>NSLP/SBP: July 1, 2025 CACFP: October 1, 2025 <i>Note: CACFP total sugars limits remain in place until October 1, 2025, when the added sugar limits must be implemented. With State Agency approval, CACFP operators may choose to implement the added sugars limits for breakfast cereals and yogurt early.</i></p>

Added Sugars: Product-based Limits for Yogurt	Section 2	NSLP, SBP, CACFP	NSLP/SBP: July 1, 2025 CACFP: October 1, 2025 <i>Note: CACFP total sugars limits remain in place until October 1, 2025, when the added sugar limits must be implemented. With State Agency approval, CACFP operators may choose to implement the added sugars limits for breakfast cereals and yogurt early.</i>
Added Sugars: Product-based Limits for Flavored Milks	Section 2	NSLP, SMP, SBP, Smart Snacks in School	July 1, 2025
Added Sugars: Weekly Limit	Section 2	NSLP, SBP	July 1, 2027
Milk: Flavored Milk	Section 3A	NSLP, SMP, SBP, Smart Snacks in School, CACFP	July 1, 2024 <i>Note: this rule finalizes the current flavored milk requirements; CNP operators do not need to make changes to comply with this requirement, beyond those changes described in Section 2: Added Sugars – Product based Limits for Flavored Milks</i>
Milk: Fluid Milk Substitutes: Responses to Request for Input	Section 3B	NSLP, SBP	July 1, 2024*
Milk: Fluid Milk Substitutes: Nutrient Requirements	Section 3C	NSLP, SMP, SBP, CACFP	July 1, 2024*
Whole Grains: Whole Grain-rich Requirement	Section 4	NSLP, SBP	July 1, 2024 <i>Note: this rule maintains the current whole grain-rich requirements; CNP operators do not need to make changes to comply with this requirement</i>
Whole Grains: Whole Grain-rich Definition	Section 4	NSLP, SBP, CACFP	July 1, 2024 <i>Note: this rule finalizes the existing whole grain-rich definition; CNP operators do not need to make changes to comply with this requirement</i>
Sodium	Section 5	NSLP, SBP	July 1, 2024 <i>Note: this rule maintains the current sodium limits for the first three years of implementation; schools</i>

			<i>are not required to implement further sodium reductions until July 1, 2027</i>
Meats/Meat Alternates at Breakfast	Section 6	SBP	July 1, 2024*
Substituting Vegetables for Grains in Tribal Communities	Section 7	NSLP, SBP, SFSP, CACFP	July 1, 2024*
Traditional Indigenous Foods	Section 8	NSLP, SBP	July 1, 2024*
Afterschool Snacks: NSLP Snacks Meal Pattern Requirements	Section 9	NSLP Afterschool Snacks	July 1, 2025
Afterschool Snacks: All Other Changes	Section 9	NSLP Afterschool Snacks	July 1, 2024
Substituting Vegetables for Fruits at Breakfast	Section 10	SBP	July 1, 2024*
Nuts and Seeds	Section 11	NSLP, SBP, SFSP, CACFP	July 1, 2024*
Beans, Peas, and Lentils at Lunch	Section 12	NSLP	July 1, 2024*
Competitive Foods: Bean Dip Exemption	Section 13	NSLP, SBP (Specifically Smart Snacks in Schools)	July 1, 2024*
Meal Modifications: Requirement to Accept Medical Statements from Registered Dietitians/ Registered Dietitian Nutritionists	Section 14	NSLP, SBP, CACFP	NSLP/SBP: July 1, 2025 CACFP: October 1, 2025
Meal Modifications: All Other Changes	Section 14	NSLP, SBP, CACFP	July 1, 2024*
Clarification on Potable Water Requirements	Section 15	NSLP, SBP	July 1, 2024*
Synthetic Trans Fat	Section 16	NSLP, SBP, Smart Snacks in School	July 1, 2024*
Professional Standards: Hiring Exemption for Medium and Large Local Educational Agencies	Section 17	NSLP	July 1, 2024*
Buy American	Section 18A-18E	NSLP, SBP	July 1, 2024, with phased in implementation for the non-domestic cap requirements.

Geographic Preference	Section 19	NSLP, SMP, SBP, SFSP, CACFP	July 1, 2024*
Miscellaneous Changes: Beans, Peas, and Lentils	Section 20	NSLP, SBP, SFSP, CACFP	July 1, 2024*
Miscellaneous Changes: Meal Components	Section 20	NSLP, SBP, SFSP, CACFP	July 1, 2024*
Miscellaneous Changes: Meal Pattern Table Changes	Section 20	CACFP	July 1, 2024*

*** CNP operators are not required to change menus or operations as a result of these provisions.**

- A. [^] Note: For SY 2024-2025, Congress provided schools the option to offer any vegetables in place of fruits at breakfast (no subgroup requirements) based on Section 739 of the 2024 Appropriations Act.