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USDA's Latest Update to Nutrition Standards for School Meals

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SUMMARY

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USDA's Latest Update to Nutrition Standards for School Meals

On April 25, 2024, the U.S. Department of Agriculture (USDA) finalized a rule ("Child Nutrition Programs: Meal Patterns Consistent With the 2020-2025 Dietary Guidelines for Americans") updating the nutrition standards (also known as *meal patterns*) for reimbursable school meals served through the National School Lunch Program (NSLP) and School Breakfast Program (SBP). The rule implements most—but not all—of the changes included in a February 2023 proposed rule under a similar name. USDA's stated goals in updating the nutrition standards include "help[ing] children lead healthier lives" and aligning the standards with the most recent Dietary Guidelines for Americans as required by law. The update is the latest in a series of changes to school nutrition standards that started with the implementation of the Healthy, Hunger-Free Kids Act of 2010 (P.L. 111-296) and continued under subsequent Administrations and Congresses.

The April 2024 rule finalizes changes to added sugars, sodium, whole grains, and milk rules for reimbursable school meals:

- It places a new limit on added sugars in school meals (less than 10% of weekly calories) to take effect in school year (SY) 2027-2028, and establishes product-specific limits on added sugars for breakfast cereals, yogurt, and flavored milk to take effect in SY2025-2026;
- It requires a 15% reduction in sodium in school lunches and a 10% reduction in sodium in school breakfasts, both taking effect in SY2027-2028;
- It continues a current requirement allowing both flavored and unflavored low-fat (1%) and fat-free milk in school meals.
- It continues a current requirement that at least 80% of weekly grains in school meals must be *whole grain-rich* (defined as consisting of at least 50% whole grains, with any remaining grains being enriched).

It also requires stricter enforcement of Buy American rules for school meals—establishing a cap of 10% on nondomestic food purchases in SY2025-2026, 8% in SY2028-2029, and 5% in SY2031-2032. The rule also makes several changes geared toward accommodating cultural, religious, and ethical dietary needs and preferences, loosening certain program requirements (such as hiring standards for school nutrition program directors and medical notes for disability-related meal requests), and expanding local foods in school meals. Some of these changes apply to foods sold in schools (*competitive foods*) and served through the Child and Adult Care Food Program (CACFP) and the Summer Food Service Program (SFSP).

While the rule takes effect on July 1, 2024, most changes take effect in SY2025-2026 or later.

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Introduction

The federal government has prescribed nutritional requirements for school meals since the authorization of the National School Lunch Program (NSLP) in 1946. Such requirements have changed throughout the course of history. Current law requires the Secretary of Agriculture to prescribe "minimum nutritional requirements" based on "tested nutritional research."[1] In addition, school meal nutrition standards must be "consistent with the goals of the most recent Dietary Guidelines [for Americans]" (DGAs).[2] Under these parameters, USDA has established detailed nutritional requirements in regulations.[3]

This report discusses the latest revision of nutritional requirements for school meals, as promulgated by the U.S. Department of Agriculture (USDA) in a final rule on April 25, 2024.[4] According to USDA, the rule was informed by the DGAs and feedback from stakeholders on a proposed rule.[5] In addition to summarizing the contents of the final rule, this report provides a recent history of changes to the nutrition standards and discusses reactions to and potential implications of the rule. While the report covers most of the finalized changes, it does not detail every requirement included in the final rule.

Recent History

The April 2024 rule can be viewed in the context of changes to school nutrition rules since the enactment of the Healthy, Hunger-Free Kids Act of 2010 (P.L. 111-296). That act required USDA to update nutrition standards for school meals served through NSLP and SBP and establish nutrition standards for foods sold in schools (*competitive foods*) based on recommendations from the National Academies of Sciences, Engineering, and Medicine and the DGAs.[6] USDA finalized a school meals rule in 2012 and a competitive foods rule in 2016.[7] The 2012 rule altered and

[1] Section 9(a)(1)(A) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(a)(1)(A)).

[2] Section 9(f) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(f)). For more information on the DGAs, see CRS Report R47488, *The Dietary Guidelines for Americans: Development, Implementation, and Considerations for Congress*.

[3] The current nutrition standards for school meals are located at 7 C.F.R. §210.10 (lunches) and 7 C.F.R. §220.8 (breakfasts).

[4] U.S. Department of Agriculture (USDA), Food and Nutrition Service (FNS), "Child Nutrition Programs: Meal Patterns Consistent With the 2020-2025 Dietary Guidelines for Americans," 89 *Federal Register* 31962, April 25, 2024, https://www.federalregister.gov/documents/2024/04/25/2024-08098/child-nutrition-programs-meal-patterns-consistent-with-the-2020-2025-dietary-guidelines-for.

[5] USDA, FNS, "Child Nutrition Programs: Revisions to Meal Patterns Consistent With the 2020 Dietary Guidelines for Americans," 88 *Federal Register* 8050, February 7, 2023, https://www.federalregister.gov/documents/2023/02/07/2023-02102/child-nutrition-programs-revisions-to-meal-patterns-consistent-with-the-2020-dietary-guidelines-for. USDA also took into account feedback it received on USDA, FNS, "Child Nutrition Programs: Transitional Standards for Milk, Whole Grains, and Sodium," 87 *Federal Register* 6984, February 7, 2022, https://www.federalregister.gov/documents/2022/02/07/2022-02327/child-nutrition-programs-transitional-standards-for-milk-whole-grains-and-sodium when developing the aforementioned proposed rule. In addition, USDA finalized selected provisions from the proposed rule, USDA, FNS, "Simplifying Meal Service and Monitoring Requirements in the National School Lunch and School Breakfast Programs," 85 *Federal Register* 4094, January 23, 2020, https://www.federalregister.gov/documents/2020/01/23/2020-00926/simplifying-meal-service-and-monitoring-requirements-in-the-national-school-lunch-and-school.

[6] For more information on the DGAs, see CRS Report R47488, *The Dietary Guidelines for Americans: Development, Implementation, and Considerations for Congress*.

[7] USDA, FNS, "Nutrition Standards in the National School Lunch and School Breakfast Programs," 77 *Federal Register* 17, January 26, 2012, https://www.federalregister.gov/documents/2012/01/26/2012-1010/nutrition-standards-

(continued...)

added nutritional requirements for school meals, including increasing the amount of fruits, vegetables, and whole grains and limiting flavored milk, sodium, and calories.

Some schools reported difficulty implementing the standards, including challenges with obtaining whole grain and low-sodium products and student acceptance of foods.[8] Over time, Congress and USDA responded by changing aspects of the milk, whole grain, and sodium requirements. Appropriations acts from FY2015 to FY2017 delayed reductions in sodium and provided exemptions from the whole grain and/or milk requirements.[9] In December 2018, USDA during the Trump Administration issued a final rule making changes to milk, whole grain, and sodium requirements in SY2019-2020 forward.[10] In April 2020, this rule was vacated by a U.S. District Court due to a procedural error, reverting the programs to the milk, sodium, and whole grain policies established in the 2012 final rule.[11] However, at that time, nutrition standards had already been eased by the Biden Administration in response to the COVID-19 pandemic, and such flexibilities continued through SY2021-2022.[12] In addition, the FY2021 appropriations act (P.L. 116-260; enacted in December 2020) ensured the allowance of 1% flavored milk in the programs.

In February 2022, USDA during the Biden Administration issued a final *transitional* rule making changes to the milk, whole grain, and sodium requirements starting in SY2022-2023 and stating its intentions to issue further rulemaking for subsequent school years.[13] In February 2023, the agency published a proposed rule to make permanent changes to milk, whole grain, sodium, and other school meal requirements, such as Buy American rules.[14] In March 2024, the Consolidated Appropriations Act, 2024 (P.L. 118-42) included two provisions requiring specific milk and sodium standards in the final rulemaking (specifically, allowing 1% flavored milk and capping sodium limits; discussed further in this report).[15] In April 2024, USDA published the final rule.

in-the-national-school-lunch-and-school-breakfast-programs; and USDA, FNS, "National School Lunch Program and School Breakfast Program: Nutrition Standards for All Foods Sold in School as Required by the Healthy, Hunger-Free Kids Act of 2010; Final Rule," 81 *Federal Register* 50131, July 29, 2016, https://www.federalregister.gov/documents/2016/07/29/2016-17227/national-school-lunch-program-and-school-breakfast-program-nutrition-standards-for-all-foods-sold-in.

[8] For example, see School Nutrition Association, "Stories from the Frontlines: School Cafeteria Professionals Discuss Challenges with New Standards," May 28, 2014, https://schoolnutrition.org/sna-news/stories-from-the-frontlines-school-cafeteria-professionals-discuss-challenges-with-new-standards.

[9] The FY2015-FY2017 appropriations acts and the December 2018 final rule are discussed in CRS Insight IN11009, *USDA's Final Rule on Milk, Whole Grains, and Sodium in School Meals* and CRS Report R45486, *Child Nutrition Programs: Issues in the 115th Congress*.

[10] Ibid.

[11] USDA, FNS, "Child Nutrition Programs: Rescission of Milk, Whole Grains, and Sodium Flexibilities: Notice of Vacatur," 85 *Federal Register* 74847, November 24, 2020.

[12] USDA, FNS, "COVID-19 Nationwide Waiver to Allow Meal Pattern Flexibility in the Child Nutrition Programs," March 25, 2020, https://www.fns.usda.gov/cn/covid-19-child-nutrition-response-4; and USDA, FNS, "Nationwide Waiver to Allow Specific School Meal Pattern Flexibility for SY 2021-22," August 27, 2021, https://www.fns.usda.gov/cn/covid-19-child-nutrition-response-90.

[13] USDA, FNS, "Child Nutrition Programs: Transitional Standards for Milk, Whole Grains, and Sodium," 87 *Federal Register* 6984, February 7, 2022.

[14] USDA, FNS, "Child Nutrition Programs: Revisions to Meal Patterns Consistent With the 2020 Dietary Guidelines for Americans," 88 *Federal Register* 8050, February 7, 2023, https://www.federalregister.gov/documents/2023/02/07/2023-02102/child-nutrition-programs-revisions-to-meal-patterns-consistent-with-the-2020-dietary-guidelines-for.

[15] Division B, Title VII, §§769, 770.

Regulatory Changes

Sodium

Over the course of a school week, the average reimbursable lunch and breakfast must fall within certain sodium limits. Schools are currently operating under limits—Target 1 for breakfasts and Target 1A for lunches—that were established in the transitional rule (lunch targets are displayed in **Table 1**).[16]

The final rule maintains the Target 1 standard for breakfasts and Target 1A standard for lunches for the next three school years (SY2024-2025 through SY2026-2027), after which point meals must meet the Target 2 standard (displayed in **Table 1** for lunches), which will equate to a 10% sodium reduction for breakfasts and a 15% reduction for lunches. This aligns with a FY2024 appropriations act provision requiring current sodium limits to remain in effect through SY2026-2027, and eventual targets established through the rulemaking not to fall below Target 2 limits.[17] The proposed rule would have reduced sodium levels further (by 20% for breakfasts and 30% for lunches)—a level that would have fallen between Target 2 and Target 3.

Table 1 compares the sodium limits established in the final rule with sodium limits established in prior rulemaking.

Table 1. NSLP Sodium Limits in the April 2024 Final Rule and Prior Rulemaking

Sodium Limit for an Average Lunch

Age/Grade Group	Target 1[a]	Interim Target 1A[b]	Target 2[c]	Target 3[d]
Grades K-5	≤ 1,230 mg	≤ 1,110 mg	≤ 935 mg	≤ 640 mg
Grades 6-8	≤ 1,360 mg	≤ 1,225 mg	≤ 1,035 mg	≤ 710 mg
Grades 9-12	≤ 1,420 mg	≤ 1,280 mg	≤ 1,080 mg	≤ 740 mg

Source: Adapted from USDA, FNS, "Nutrition Standards in the National School Lunch and School Breakfast Programs," 77 *Federal Register* 4087, January 26, 2012 (Final Rule); USDA, FNS, "Child Nutrition Programs: Flexibilities for Milk, Whole Grains, and Sodium Requirements," 83 *Federal Register* 63775, December 12, 2018 (Final Rule); USDA, FNS, "Child Nutrition Programs: Transitional Standards for Milk, Whole Grains, and Sodium," 87 *Federal Register* 6984, February 7, 2022 (Final Rule); and USDA, FNS, "Child Nutrition Programs: Meal Patterns Consistent With the 2020-2025 Dietary Guidelines for Americans," 89 *Federal Register* 31962, April 25, 2024 (Final Rule).

Notes: Individual lunches can go over these limits, but the average lunch over the school week must meet the limits.

a. Per the 2012 rule, the Target 1 standard for lunches was effective from SY2014-2015 through SY2018-2019 and, per the 2018 final rule, in the first half of the 2019-2020 school year (until vacated by a U.S. district court). The 2022 transitional rule reinstituted Target 1 for lunches in SY2022-2023.

b. The 2022 transitional rule made Target 1A effective for lunches in SY2023-2024, extended by the April 2024 final rule through SY2026-2027.

c. Target 2 limits were in effect during the latter half of SY2019-2020 through SY2021-2022 under the 2012 rule; however, sodium limits were not fully enforced during this timeframe due to waivers provided during

[16] USDA, FNS, "Child Nutrition Programs: Transitional Standards for Milk, Whole Grains, and Sodium," 87 *Federal Register* 6984, February 7, 2022.

[17] P.L. 118-42, Division B, Title VII, §770.

the COVID-19 pandemic. The April 2024 final rule sets Target 2 as the final standard for lunches, taking effect in SY2027-2028.

d. The 2012 rule originally scheduled Target 3 implementation for SY2022-2023 but it was never implemented.

USDA explained in the final rule that it took into account feedback from stakeholders including school nutrition professionals and industry representatives in developing the final sodium limits. It maintained that its approach was consistent with the Food and Drug Administration's (FDA's) gradual approach to reducing sodium in the U.S. food supply. USDA acknowledged that the final sodium limits exceed sodium recommendations for children in the DGAs, and that it may pursue future sodium reduction efforts in the school meals programs.[18]

Added Sugars

There is currently no limit on sugar in reimbursable school meals. Since the 2015-2020 iteration, the DGAs have recommended limiting *added sugars*[19] to less than 10% of daily calories. Likewise, the final rule enacts an added sugars limit of less than 10% of calories across the week in the school lunch and breakfast programs starting in SY2027-2028.

Additionally, the rule adopts product-based limits on added sugars. Starting in SY2025-2026, breakfast cereals are to be limited to no more than 6 grams of added sugars per dry ounce, yogurts are to be limited to no more than 12 grams of added sugars per 6 ounces, and flavored milk is to be limited to no more than 10 grams of added sugars per 8 fluid ounces (for flavored milk sold as a competitive food in middle and high schools, the limit will be 15 grams per 12 fluid ounces). The rule also applies the same standard to Child and Adult Care Food Program (CACFP) yogurt and breakfast cereals and eliminates CACFP's cap on *total* sugars for such items.

The final rule does not implement a policy from the proposed rule that would have limited added sugars in grain-based desserts (e.g., cereal bars, toaster pastries) in school breakfasts.

Whole Grains

Currently, at least 80% of the weekly grains in school meals must be *whole grain-rich* (defined in regulations to mean that at least 50% of the grains are whole grains, and any remaining grains are enriched). The final rule retains this requirement, with USDA maintaining that the 80% requirement encourages whole grains while also providing exceptions for local and cultural preferences, such as white rice or white flour tortillas. The proposed rule had offered two alternatives: (1) retaining the 80% requirement, or (2) requiring 100% of grains to be whole grain-rich (like the 2012 rule), except that enriched grains could be offered one day per week.

Table 2 compares the final rule whole grain standard with previous policies.

[18] FDA, "Sodium Reduction," http://www.fda.gov/SodiumReduction; USDA and U.S. Department of Health and Human Services (HHS), *Dietary Guidelines for Americans, 2020-2025*, 9th edition, December 2020, p. 46.

[19] According to the U.S. Food and Drug Administration (FDA), "Added sugars include sugars that are added during the processing of foods (such as sucrose or dextrose), foods packaged as sweeteners (such as table sugar), sugars from syrups and honey, and sugars from concentrated fruit or vegetable juices. They do not include naturally occurring sugars that are found in milk, fruits, and vegetables." FDA, "Added Sugars on the New Nutrition Facts Label," https://www.fda.gov/food/new-nutrition-facts-label/added-sugars-new-nutrition-facts-label.

Table 2. Changes to the Whole Grain Standard for School Meals, 2012-Present

Law, Regulation, or Policy	Summary
2012 rule	Required 50% of grains to be whole grain-rich, scaling up to 100% by SY2014-2015
FY2015-FY2017 appropriations acts	Allowed certain exemptions from the 100% whole grain-rich requirement for schools demonstrating hardship[a]
2018 rule	Required 50% of grains to be whole grain-rich starting in SY2019-2020; allowed certain exemptions
2020 court vacatur and policy rescission[b]	Reverted to 2012 standard
2022 transitional rule	Required 80% of grains to be whole grain-rich starting in SY2022-2023
2024 final rule	Retains 80% requirement going forward

Source: CRS, based on specified laws and regulations.

Note: Whole grain standards were not fully enforced from March 2020 through SY2021-2022 due to waivers provided during the COVID-19 pandemic.

a. The laws required USDA to allow states to grant exemptions to school districts that could "demonstrate hardship, including financial hardship, in procuring specific whole grain products which are acceptable to the students and compliant with the whole grain-rich requirements." Schools that received exemptions still had to meet a 50% whole grain-rich requirement. USDA, FNS, "Child Nutrition Programs' Flexibilities for School Year 2018-2019," June 1, 2018, https://www.fns.usda.gov/cn/child-nutrition-program-flexibilities-school-year-2018-2019.

b. The 2018 rule was vacated by a U.S. District Court (see USDA-FNS, "Child Nutrition Programs: Rescission of Milk, Whole Grains, and Sodium Flexibilities: Notice of Vacatur," 85 *Federal Register* 74847, November 24, 2020), reverting the programs to the whole grain policies established in the 2012 rule.

Milk

The final rule maintains current policy allowing both flavored and unflavored 1% and fat-free milks in the school meals programs and for children over the age of six in CACFP (children under the age of six in CACFP may only have unflavored milk). This is consistent with a provision in the FY2024 appropriations act that required the final rulemaking to allow flavored 1% milk in the programs.[20] As discussed earlier in this report, flavored milks must meet product-specific added sugar limits.

The proposed rule had considered whether to adopt a more restrictive policy that would have only allowed flavored milk for middle and/or high school students, or retain current policy.

Table 3 compares the finalized milk policy with previous changes to the milk standards .

Table 3. Changes to the Milk Options in School Meals, 2012-Present

Law, Regulation, or Policy	Summary
2012 rule	Allowed 1% unflavored milk and fat-free flavored milk starting in SY2012-2013
FY2017 appropriations act	Allowed certain exemptions, allowing schools demonstrating hardship[a] to serve 1% flavored milk
2018 rule	Allowed 1% flavored milk

[20] P.L. 118-42, Division B, Title VII, §769.

Law, Regulation, or Policy	Summary
2020 court vacatur and policy rescission	Reverted to 2012 standard
FY2021 appropriations act	Allowed 1% flavored milk
2022 transitional rule	Allowed 1% flavored milk
2024 final rule	Allows 1% flavored milk going forward

Source: CRS, based on specified laws and regulations.

Note: Milk requirements were not fully enforced from March 2020 through SY2021-2022 due to waivers provided during the COVID-19 pandemic.

a. The law required USDA to allow states to grant exemptions "to schools which demonstrate a reduction in student milk consumption or an increase in school milk waste."

b. The 2018 rule was vacated (struck down) by a U.S. District Court (see USDA-FNS, "Child Nutrition Programs: Rescission of Milk, Whole Grains, and Sodium Flexibilities: Notice of Vacatur," 85 *Federal Register* 74847, November 24, 2020), reverting the programs to the whole grain policies established in the 2012 rule.

Buy American

Section 12(n) of the Richard B. Russell National School Lunch Act requires *school food authorities*[21] to purchase domestic commodities or products "to the maximum extent practicable."[22] The U.S. territories, Alaska, and Hawaii are exempt from this rule except that school food authorities in Hawaii and Puerto Rico must prioritize commodities or products from their jurisdictions when they are produced "in sufficient quantities to meet the needs of [school] meals." USDA has not specified a limit on nondomestic purchases in regulations or guidance. Its current guidance permits school food authorities to make exceptions to the Buy American requirements on a limited basis when

- a product "is not produced or manufactured in the U.S. in sufficient and reasonably available quantities of a satisfactory quality," or
- "competitive bids reveal the costs of a U.S. product are significantly higher than the non-domestic product."[23]

School food authorities must interpret when this is the case and document any exceptions they make.[24]

The final rule institutes new limits on nondomestic purchases: 10% of school food authorities' annual commercial food purchases beginning in SY2025-2026, 8% beginning in SY2028-2029,

[21] Federal regulations designate school food authorities as the local authorities in charge of operating the school meal programs; typically, these are foodservice departments within school districts.

[22] Statute defines *domestic commodities or products* as those that are both produced and processed substantially in the United States. Accompanying conference report language elaborated that *processed substantially* means that the product is processed in the United States and contains over 51% domestically grown ingredients. U.S. Congress, Conference Committee, William F. Goodling Child Nutrition Reauthorization Act of 1998, conference report to accompany H.R. 3874, 105th Cong., 2nd sess., H.Rept. 105-786 (Washington, DC: GPO, 1998), p. 38.

[23] USDA, FNS, "Compliance with and Enforcement of the Buy American Provision in the National School Lunch Program," June 30, 2017, https://www.fns.usda.gov/nslp/compliance-enforcement-buy-american.

[24] A recent U.S. Government Accountability Office (GAO) report recommended that USDA standardize this process. GAO, "School Meal Programs: USDA Could Enhance Implementation of the Buy American Provision," GAO-23-105884, April 13, 2023, https://www.gao.gov/products/gao-23-105884.

and 5% beginning in SY2031-2032.[25] School food authorities will be required to document compliance with this threshold. The rule also maintains the requirement that nondomestic purchases meet one of the two reasons for exception listed above (related to product availability and cost)—though it changes the product availability criterion.[26] The rule also codifies current guidance regarding the application of the Buy American rules to fish and fish products.

Other Changes

Sourcing Local Foods

Under current law, child nutrition program operators are allowed to apply a preference for local products (referred to as *geographic preference*) when reviewing proposals and bids from vendors (e.g., they may award additional points for local products when scoring proposals).[27] The final rule expands local procurement options for program operators by additionally allowing "locally grown, raised, or caught" to be used as a procurement specification (i.e., a requirement) in soliciting unprocessed or minimally processed food items, effective SY2024-2025. The final rule does not specify a definition of *local* for such purposes; rather, it allows state agencies and program operators to adopt their own definitions.

Changes for Schools Serving American Indian and Alaska Native Students

In addition to certain U.S. territories, the final rule allows tribally operated schools, Bureau of Indian Education schools, schools serving primarily American Indian or Alaska Native children,[28] and schools in Hawaii and Guam to serve vegetables to meet minimum daily and weekly grains requirements (e.g., students in grades K-5 must be provided at least 1 ounce equivalent of grains daily and 8-9 ounce equivalents weekly) starting in SY2024-2025. USDA's stated intent is to make it easier to serve traditional foods such as breadfruit, prairie turnips, plantains, sweet potatoes, and yams. This change is also to be made to nutrition standards in CACFP and SFSP. The rule also codifies a definition of *traditional Indigenous foods* and current agency policy allowing such foods to be served as part of reimbursable school meals.

Educational Requirements for School Nutrition Program Directors

Under current regulations, school nutrition program director hires in mid-sized districts (2,500 to less than 10,000 students) are required to have at least an associate's degree, and hires in large districts (10,000 or more students) are required to have a bachelor's degree.[29] The proposed rule would allow state agencies to approve hires that do not meet these education requirements if they have at least 10 years of school nutrition program experience starting in SY2024-2025.

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[25] In the rule, USDA cites a forthcoming study showing that 26% of school food authorities reported using Buy American exceptions, and such exceptions made up 8.5% of these school food authorities' purchases in SY2017-2018.

[26] Specifically, it allows exceptions when "the product is listed on the Federal Acquisitions Regulations (FAR) 25.104 Nonavailable articles list and/or is not produced or manufactured in the U.S. in sufficient and reasonably available quantities of a satisfactory quality" (p. 32027). If a product is on the FAR list, no further documentation is required.

[27] Section 9(j) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(j)); and USDA, FNS, "Procurement Geographic Preference Q&As," February 1, 2011, https://www.fns.usda.gov/procurement-geographic-preference-qas.

[28] Defined as "schools where American Indian or Alaska Native children represent the largest demographic group of enrolled children."

[29] For further information about federal requirements for the school nutrition workforce, see CRS Report R47199, *The School Foodservice Workforce: Characteristics and Labor Market Outcomes*.

Afterschool Snack Nutrition Standards

The final rule updates nutrition standards for the NSLP Afterschool Snack Program to reflect current statutory requirements. Specifically, statute requires that nutritional requirements for afterschool snacks served through the CACFP At-Risk Afterschool Meal and Snack Program also apply to the NSLP Afterschool Snack Program.[30] This will generally result in stricter requirements related to fruits and vegetables, low-fat milk, whole grains, and grain-based desserts in the NSLP Afterschool Snack Program. NSLP Afterschool Snack Program operators must implement these changes by SY2025-2026.

Fruits and Vegetables in School Breakfasts

Under program regulations, schools are allowed to substitute vegetables for fruits in school breakfasts, but not all of those vegetables can be starchy vegetables (e.g., breakfast potatoes).[31] Since FY2019 (as of the cover date of this report), appropriations acts have waived this requirement—allowing any amount of starchy vegetables to substitute for fruit in school breakfasts. The final rule continues to restrict the types of vegetables that may be substituted for fruits in school breakfasts, but only when schools make substitutions more than one day per week (the FY2024 appropriations act overrides this requirement for SY2024-2025).

Exemption for Bean Dip as a Food Sold in Schools

Current nutritional requirements for competitive foods include limits on total fat and saturated fat. Several products receive exemptions from the fat limits under current regulations (e.g., reduced fat cheeses, whole eggs, and nut and seed butters). The final rule also exempts bean, pea, and lentil dips (e.g., hummus) from the total fat standard but not from the saturated fat standard starting in SY2024-2025.

Nuts and Seeds

Nut and seed butters (e.g., peanut butter and sunflower butter) can currently fulfill meat/meat alternate requirements in the child nutrition programs. According to USDA, for consistency, the final rule allows nuts and seeds (e.g., peanuts and sunflower seeds) to fulfill the entire meat/meat alternate component as well (currently, nuts and seeds may only count toward half of the requirement) starting in SY2024-2025. This change will also be made to nutrition standards in CACFP and SFSP.

Meal Modifications for Students with Disabilities

Under current school meal regulations, schools may make meal substitutions that do not meet the nutrition standards—including milk substitutions—for students with disabilities who have a written statement signed by a licensed physician.[32] The final rule expands the type of healthcare professionals that can provide medical notes for students making a disability-related meal modification request: allowing both *state licensed healthcare professionals* (individuals who are authorized to write medical prescriptions under state law, which may include nurse practitioners

[30] Section 17A(d) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766a(d)).

[31] Specifically, at least 2 cups per week must be from the dark green, red/orange, beans and peas, or other vegetable subgroups defined in regulations at 7 C.F.R. §220.8(c) and (c)(2)(ii).

[32] Note that meal substitutions that meet nutrition standards can be provided with or without a medical note for students with or without disabilities.

and physician's assistants) (starting immediately) and registered dieticians (starting in SY2025-2026) to provide such statements. The rule makes similar changes to CACFP.

Estimated Cost

The final rule includes a Regulatory Impact Analysis that estimates that the changes would cost school districts an additional 3 cents per meal, on average, and a nationwide total of approximately $206 million annually ($1.645 billion over eight school years).[33] There are no estimated changes in federal costs. The largest costs to schools are related to the added sugars policy ($110 million annually) and the sodium policy ($86 million annually). USDA also estimates a yearly average of $16 million in administrative costs. Most costs are associated with "shifts in purchasing patterns and increased labor costs."[34] Sodium costs, for example, would stem from the price of lower-sodium products and labor costs associated with preparing lower sodium meals. There is currently no federal funding dedicated to implementing the rule, though USDA touted funding available through its Healthy Meals Incentives initiative and the Patrick Leahy Farm to School Grant Program in the final rule.[35]

Stakeholder Reactions and Next Steps

The proposed rule garnered significant attention, receiving 136,000 comments, approximately 5,000 of which were unique. The comments came from a variety of stakeholders, including school nutrition professionals, parents, public health advocates, and food industry representatives, and were mixed in terms of their support.[36] Many stakeholders supported stricter requirements (particularly new added sugar limits) in the vein of improving children's health, while some industry representatives advocated against restrictions on flavored milk and product-based added sugar limits.[37] The School Nutrition Association, a membership organization for school nutrition professionals, argued that programs lacked the capacity to meet stricter standards in the wake of supply chain issues and labor shortages, and worried about the palatability of the changes to children and the impact on participation (and, therefore, revenue).[38]

In contrast, according to one media outlet, the final rule "has been broadly cast as a meaningful compromise, receiving positive reactions from across the spectrum."[39] While calling for additional federal funding to support schools in implementing the changes, the School Nutrition

[33] See the "Regulatory Impact Analysis" section starting on page 32093 and Table 20 on page 32113 of 89 *Federal Register* 31962.

[34] Ibid.

[35] Ibid., p. 31964.

[36] USDA-FNS analyzed and summarized the comments in the final rule and in an accompanying document (USDA, FNS, "Child Nutrition Programs: Revisions to Meal Patterns Consistent With the 2020 Dietary Guidelines for Americans: Revised Final Narrative Summary of Public Comments," Docket FNS-2022-0043, prepared by ICF, July 29, 2023, https://www.regulations.gov/document/FNS-2022-0043-96125).

[37] National Milk Producers Federation, "NMPF Protecting Dairy in Schools," March 2, 2023, https://www.nmpf.org/nmpf-protecting-dairy-in-schools; PBS, "New federal rules would limit sugar in school meals for the 1st time," February 3, 2023, https://www.pbs.org/newshour/health/new-federal-rules-would-limit-sugar-in-school-meals-for-the-first-time; and American Heart Association, "Updated USDA nutrition standards will produce healthier school meals," February 3, 2023, https://newsroom.heart.org/news/updated-usda-nutrition-standards-will-produce-healthier-school-meals.

[38] School Nutrition Association, "SNA Comments on Proposed Nutrition Standards," March 27, 2023, https://schoolnutrition.org/wp-content/uploads/2023/03/2023-SNA-Comments-on-Proposed-Nutrition-Standards.pdf.

[39] Helena Bottemiller Evich, "Is this the end of the school lunch wars?," *Food Fix,* April 26, 2024.

Association "expressed appreciation to USDA for reflecting feedback from school nutrition professionals in its final rule."[40] The Center for Science in the Public Interest, which advocates for healthier school meals, praised the added sugar limits while calling the sodium limits "a missed opportunity," noting that they exceed recommended amounts for children.[41] The National Milk Producers Federation thanked USDA for keeping flavored milk in the programs.[42] The Sugar Association supported the 10% added sugar target but criticized the product-based limits on added sugars, arguing that they "could limit access to nutrient-dense foods that are associated with better overall diet quality and further expose children to massively increased use of artificial sweeteners."[43]

As discussed in this report, the changes in the final rule are to phase in over the upcoming school years—largely starting in SY2025-2026. There are several potential implications of the rule. While some companies have already reformulated products to meet the new limits, food manufacturers may have to further reduce the sodium and added sugar content in foods sold to schools. This could potentially result in fewer available products and/or higher prices, and schools are already coping with some supply chain issues according to recent surveys.[44] If existing federal funds are not enough to cover the difference, school districts may decide to raise funds from other sources, such as student payments or local or state tax revenue. Schools might also struggle with other aspects of the final rule, such as staffing costs and challenges (e.g., if they shift to more scratch cooking) and new administrative burdens (e.g., documentation associated with Buy American rules). There is also the question of whether the meal changes will be appealing to students and whether they will affect participation and revenue. Over the long term, research may shed light on whether the new standards have an effect on children's diets and health outcomes.

There are no further updates to school nutrition standards scheduled for the near future. However, school nutrition standards are required by law to be consistent with the DGAs, which can necessitate updates when the DGAs change. It is also possible that Congress and/or future Administrations will decide to make changes to the standards through laws or rulemaking on their own timelines.

[40] School Nutrition Association, "SNA Reacts to Release of Final School Nutrition Rule," April 24, 2024, https://schoolnutrition.org/sna-news/sna-reacts-to-release-of-final-school-nutrition-rule.

[41] Center for Science in the Public Interest, "USDA sets first added sugars limit on school breakfasts, lunches," April 24, 2024, https://www.cspinet.org/statement/usda-sets-first-added-sugars-limit-school-breakfasts-lunches.

[42] National Milk Producers Federation, "NMPF Thanks USDA for Keeping Low-Fat Flavored Milk in Schools, Culminating 12-Year Effort," April 24, 2024, https://www.nmpf.org/nmpf-thanks-usda-for-keeping-low-fat-flavored-milk-in-schools-culminating-12-year-effort.

[43] The Sugar Association, "USDA school meals rule could decrease diet quality, expose kids to more artificial sweeteners," April 24, 2024, https://www.sugar.org/resources/releases/usda-school-meals-rule-could-decrease-diet-quality-expose-kids-to-more-artificial-sweeteners.

[44] For example, see USDA, FNS, "Results of USDA's Food and Nutrition Service-Administered School Food Authority Survey II on Supply Chain Disruption and Student Participation," July 2023, https://www.fns.usda.gov/research/cn/results-fns-administered-sfa-survey2-supply-chain-disruption; and School Nutrition Association, "Staying Afloat in a Perfect Storm," July 2022, https://schoolnutrition.org/wp-content/uploads/2022/07/Jul22-SupplyChainReport.pdf.

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