



Small Entity Compliance Guide

Final Rule: *Child Nutrition Programs: Meal Patterns Consistent With the 2020-2025 Dietary Guidelines for Americans*

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Introduction

On April 25, 2024, the U.S. Department of Agriculture (USDA), Food and Nutrition Service (FNS), published a final rule, [*Child Nutrition Programs: Meal Patterns Consistent With the 2020-2025 Dietary Guidelines for Americans*](#). This rule finalizes 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. The major provisions in this final rule include reducing added sugar and sodium content of school meals. Many other requirements are addressed in this rule including milk, whole grains, Buy American, and a variety of menu planning flexibilities.

While the final rule is effective July 1, 2024, the gradually phased-in implementation dates for required changes detailed in the rule begin on July 1, 2025.

Purpose of this Compliance Guide

This guide was developed to inform small entities participating in the Child Nutrition Programs about the final rule and how to comply with it. USDA prepared this Small Entity Compliance Guide in accordance with section 212 of the Small Business Regulatory Enforcement Fairness Act (Pub. Law 104-121). Child Nutrition Programs include the National School Lunch Program (NSLP) and School Breakfast Program (SBP), collectively known as the school meal programs, as well as the Child and Adult Care Food Program (CACFP) and Summer Food Service Program (SFSP).

Overview of the Final Rule: *Child Nutrition Programs: Meal Patterns Consistent With the 2020–2025 Dietary Guidelines for Americans*

Added Sugar

The final rule establishes the following added sugars limits in the school lunch and breakfast programs.

- Product-based limits to be implemented by school year 2025-2026 (beginning July 1, 2025):
 - Breakfast cereals may have no more than 6 grams of added sugars per dry ounce.
 - Yogurt may have no more than 12 grams of added sugars per 6 ounces (2 grams of added sugars per ounce).
 - Flavored milk may have 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.
- Weekly dietary limits to be implemented by school year 2027-2028 (beginning July 1, 2027):
 - In addition to product-based limits described above, the final rule also establishes a dietary specification limiting added sugars to less than 10 percent of calories across the week in the school lunch and breakfast programs.

For consistency across Child Nutrition Programs, the final rule also replaces total sugars limits for breakfast cereals and yogurts in CACFP with added sugars limits.

- Added sugars limits to be implemented by October 1, 2025, in CACFP:
 - Breakfast cereals may have no more than 6 grams of added sugars per dry ounce.
 - Yogurt may have no more than 12 grams of added sugars per 6 ounces (2 grams of added sugars per ounce).

- With State agency approval, CACFP operators may choose to implement the added sugars limits for breakfast cereals and yogurt prior to October 1, 2025.

Milk

USDA is maintaining the current requirement for milk in school meals. All schools continue to have the option 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 (including as Smart Snacks in Schools and competitive food service). Consistent with current requirements, unflavored milk must be offered at each school lunch and breakfast meal service. SMP and CACFP operators may continue to offer fat-free and low-fat milk, flavored and unflavored, to participants ages 6 and older.

Flavored milk offered to K-12 students in school lunch and breakfast and sold to students à la carte during the school day must comply with the product-based added sugars limit in this rule, to be implemented by school year 2025-2026 (beginning July 1, 2025). Flavored milk must contain no more than 10 grams of added sugars per 8 fluid ounces, or for flavored milk sold à la carte in middle and high schools, 15 grams of added sugars per 12 fluid ounces.

Whole Grains

The final rule maintains the current whole grains requirement that at least 80 percent of the weekly grains offered in the school lunch and breakfast programs are whole grain-rich.

USDA also added a definition of “whole grain-rich” in Federal regulations to clarify that:

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. This definition aligns with the current definition and meaning of whole grain-rich in school meals, which was previously included only in USDA policy guidance.

The whole grain requirement will help meet local and cultural preferences and allow schools to offer enriched grains, such as white rice or non-whole grain-rich tortillas, while still promoting whole grain-rich foods throughout the school week. This requirement is a

minimum standard, not a maximum, and schools may choose to increase whole grain-rich offerings beyond 80 percent. These changes reflect a practical and feasible way to work toward the Dietary Guidelines for Americans' recommendation to increase whole grain consumption.

Sodium

This final rule provides schools with plenty of time to gradually reduce sodium in school meals by instituting one achievable sodium reduction.

- For the next three school years, through school year 2026-2027 (until June 30, 2027), schools will maintain current sodium limits (Sodium Target 1A for lunch and Sodium Target 1 for breakfast).
- By school year 2027-2028 (beginning July 1, 2027), schools will implement an approximate 15 percent reduction for lunch and an approximate 10 percent reduction for breakfast from current sodium limits.

These limits apply to the average amount of sodium in lunch and breakfast menus offered during a school week. Sodium limits do not apply per day, per meal, or per menu item. USDA encourages schools to gradually reduce sodium at lunch and breakfast prior to the implementation deadline by adjusting food preparation methods and purchasing lower sodium foods. Current sodium limits and the updated limits to be implemented by July 1, 2027, are shown below:

Table 1. National School Lunch Program Sodium Limits

Age/Grade Group	Current Sodium Limit: In place through June 30, 2027	Sodium Limit: Must be implemented by July 1, 2027
Grades K-5	≤ 1,110 mg	≤ 935 mg
Grades 6-8	≤ 1,225 mg	≤ 1,035 mg
Grades 9-12	≤ 1,280 mg	≤ 1,080 mg

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Table 2. School Breakfast Program Sodium Limits

Age/Grade Group	Current Sodium Limit: In place through June 30, 2027	Sodium Limit: Must be implemented by July 1, 2027
Grades K-5	≤ 540 mg	≤ 485 mg
Grades 6-8	≤ 600 mg	≤ 535 mg
Grades 9-12	≤ 640 mg	≤ 570 mg

Buy American

School food authorities are currently required to purchase domestic commodities or products to the maximum extent practicable. School food authorities can use limited exceptions to this provision due to challenges with product availability and/or cost. The final rule requires schools to maintain documentation to demonstrate the use of exceptions and allows schools to utilize an exceptions list when products are not available in sufficient and reasonably available quantities in the U.S. Schools must also include the Buy American requirements when making purchases and entering into contracts for food used in the school lunch and breakfast programs, beginning July 1, 2024.

The rule also implements a cap on the amount of non-domestic food purchases a school may make when utilizing the exceptions, beginning in school year 2025-2026 (July 1, 2025). USDA will use a phased-in approach to gradually reach the 5 percent cap on non-domestic food purchases. The approach includes a 10 percent cap on non-domestic food purchases beginning in school year 2025-2026 (July 1, 2025), an 8 percent cap beginning in school year 2028-2029 (July 1, 2028), and a 5 percent cap beginning in school year 2031-2032 (July 1, 2031). For schools that cannot meet the cap, States may provide an accommodation for temporary relief from the requirement. Items that appear on the exceptions list still count toward the cap.

Professional Standards: Hiring Exception

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This rule allows State agencies the discretion to approve the hiring of a professional with 10 or more years of school nutrition program experience but who does not hold a bachelor's or an associate's degree to serve as a school nutrition program director in a medium or large local educational agency. Directors hired under this exception must have a high school diploma or GED.

Other Provisions

The rule also includes several menu planning flexibilities that do not require Child Nutrition Program operators to make any changes but give them more options to create meals that children enjoy. Other changes in the rule relate to program operations and administration. More information about these flexibilities can be found in the [rule](#) and in the [materials supporting the rule](#).

Small Entity Common Questions

How are small entities defined in this rule?

Per section 212 of the Small Business Regulatory Enforcement Fairness Act, the term “small entity” has the same meaning as “small business”, “small organization”, or “small governmental jurisdiction”.

USDA defines a “small” school food authority (SFA) as one having less than 999 students enrolled. Sixty percent of SFAs operating Child Nutrition Programs are small or could be referred to as small schools.¹ The U.S. Small Business Administration defines a “small

¹ See appendix A. U.S. Department of Agriculture. Results of USDA's Food and Nutrition Service-Administered School Food Authority Survey II on Supply Chain Disruption and Student Participation. July 2023. Available at: <https://fns-prod.azureedge.us/sites/default/files/resource-files/SFASurvey-II-Supply-Chain-072523.pdf>.

business” as an independent business having fewer than 500 employees.² Many CACFP institutions and facilities would be considered small businesses.

Who must comply with the rule?

All National School Lunch Program (NSLP), School Breakfast Program (SBP), and Child and Adult Care Food Program (CACFP) program operators, including SFAs, institutions, and facilities must comply with the final rule regardless of size. The Summer Food Service Program (SFSP) and Special Milk Program (SMP) are impacted by some flexibilities, but there are no changes in the program requirements. Not all provisions in the final rule are applicable to all programs. Please see the [rule](#) for more details.

How are small entities impacted by the rule?

Small entities were considered in the writing of this rule because small schools and small businesses make up the majority of program operators that will be implementing the changes required. USDA recognizes that smaller schools can have unique challenges. As a group, small school districts may have less flexibility to adjust resources in response to immediate budgetary needs. Public comments to the proposed rule preceding this final rule indicated that small school districts often have limited time and resources compared to large districts, making it difficult to make quick changes to menus to comply with the requirements. In response to these public comments, especially those from smaller districts, the implementation dates were changed to be more gradual and spread out across the multiple provisions.

² U.S. Small Business Administration. Frequently Asked Questions About Small Business. March 2023. Available at: <https://advocacy.sba.gov/wp-content/uploads/2023/03/Frequently-Asked-Questions-About-Small-Business-March-2023-508c.pdf>.

What resources are available for small entities to assist with rule compliance?

This guide is intended to help small entities find what they need to successfully implement the rule, including rule compliance resources and tools. Resources that will help small entities can be found in the section below. These resources are meant to help all schools, institutions, and facilities, regardless of size, comply with the changes required by the final rule.

Resources

- [Updates to the School Nutrition Standards webpage](#): This is the landing page for many resources detailing the final rule and the resulting school nutrition standards. It is a good starting point for exploring the new requirements and menu flexibility options.
- [Initial Implementation Memorandum](#): This memo summarizes the provisions of the final rule and details the menu flexibility options. A table explains current standards and how they are changed by the final rule.
- [Implementation Timeline for School Meals](#) and [Implementation Timeline for CACFP and SFSP](#): These timelines explain when to implement meal pattern requirements and other provision changes. The gradual timeline of the major provisions allows time for entities large and small to implement these shifts.
- [Buy American Memorandum](#): This memo details the Buy American provision, including which changes will be implemented as a result of the final rule and the school years each change will occur.
- Infographics Related to the Updated Nutrition Standards: These are visual resources to explain the final rule provisions in a simple format.
 - [School Meals: Small Changes, Big Difference](#)
 - [Top Things To Know About School Meals](#)

- [Final Rule for School Meal Standards](#)
- [Implementation Timeline](#)
- [How We Got Here](#)
- [Final Rule Webinar and Slides](#): This presentation gives a verbal overview of the major provisions in the final rule and provides a Q&A of commonly asked questions by program operators.
- [Healthy Meals Incentives for Schools](#): This initiative is meant to improve the nutritional quality of school meals through food systems transformation, school food authority recognition and awards, creating and sharing of innovative ideas, technical assistance, and grants for small and rural schools.

Questions?

For questions about this final rule or how this rule impacts your small school, institution, or business, please contact your State agency. Contact information by program can be found here: <https://www.fns.usda.gov/fns-contacts>.