



# Policy Updates July 31, 2024

*David Dierksen*

*Assistant Director for Policies and  
Procedures*

*and*

*Rachel Baierlein*

*Senior Policy Analyst*



TEXAS DEPARTMENT OF AGRICULTURE  
**COMMISSIONER SID MILLER**

Fraud Hotline: 1-866-5-FRAUD-4 or 1-866-537-2834 | P.O. Box 12847 | Austin, TX 78711  
Toll Free: (877) TEX-MEAL | For the hearing impaired: (800) 735-2989 (TTY)

This product was funded by USDA.  
This institution is an equal opportunity provider.



Food and Nutrition Division  
Nutrition Assistance Programs



Updated 7/31/2024  
[www.SquareMeals.org](http://www.SquareMeals.org)

# Unanticipated School Closures



# Three Options for Serving Students during an Unanticipated School Closure

## Option 1 – SFSP or SSO

- **Now available throughout entire school year (through June 30)!**
- All area eligibility requirements are in effect for SY 2024-2025.
- Non-congregate service, parent pick-up, and meal service time flexibilities available.
- Service can be at the closed school site, if available.
- Flexibilities available up to a maximum of 10 days unless an approved extension is granted.
- No instruction happening.



# Three Options for Serving Students during an Unanticipated School Closure

## Option 2 – CACFP At-Risk

- Available throughout entire school year (through June 30).
- Non-congregate flexibilities.
- One meal and one snack.
- Enrichment is waived.



# Three Options for Serving Students during an Unanticipated School Closure

## Option 3 – NSLP/SBP

- Anytime in the school year up until June 30.
- Non-congregate flexibilities available.
- Virtual instruction must be provided.
- Contact your ESC if this an option you would plan to utilize.



# USC Resources!

- Notification form available on NSLP Administration/Forms page
- ARM Section 24, Disaster Situations



# Excess Net Cash Resources



# Excess Net Cash Resource Threshold Expansion

- Food service account cannot exceed six months' average expenditures (expanded from three months).
- Begins in School Year 2024-2025 – applies to SNP operators
- This change is not retroactive
  - SFAs with an already submitted spend-down plan for an excess of 3 months must adhere to that plan.
- New spend-down plan template has been released on the NSLP Administration/Forms page (<https://squaremeals.org/Programs/National-School-Lunch-Program/Administration-Forms>)
- ARM Section 16 update coming soon!



CHILD NUTRITION

NATIONAL SCHOOL LUNCH PROGRAM

# Miscellaneous Updates!



# Miscellaneous Updates!

- NSLP/SBP Reimbursement Rates Published - <https://squaremeals.org/Programs/National-School-Lunch-Program/Reimbursement-Rates>
- NEW LOOK ARM – Section 5, Special Provisions – Coming soon!



CHILD NUTRITION

NATIONAL SCHOOL LUNCH PROGRAM

# USDA Final Rule

Flexibilities in Effect  
July 1, 2024



# #1 Nutrition Requirements



# Milk

## Nutrition Requirements

### Previously

Schools may offer fat-free and low-fat (1% fat) milk, flavored and unflavored, in NSLP and SBP, and for sale as a competitive beverage.

- Unflavored milk must be offered at each school meal service.



### Effective July 1, 2024

No changes to fat content or flavored or unflavored options



### Effective July 1, 2025

#### Added Sugars Apply

Flavored milk must meet the new added sugar limits

# Whole Grains

## Nutrition Requirements

### Previously

At least 80% of the weekly grains offered must be whole grain-rich. The remaining grain items offered must be enriched.

- *Whole grain-rich products must contain at least 50% whole grains; any grain ingredients that are not whole grain must be enriched, bran, or germ.*



### Effective July 1, 2024

No changes current requirements

# Added Sugars Nutrition Requirements

## Previously

No limits to added sugars for SBP and NSLP



**Effective July 1, 2025**

## Product-Based Limits

Limits to the following:

- **Breakfast cereals:** 6 grams added sugars per dry ounce.
- **Yogurts:** 12 grams added sugars per 6 ounces.
- **Flavored milks:**
  - SBP and NSLP
    - 10 g of added sugars per 8 fl oz
  - Competitive Foods (Smart Snacks)
    - Middle & High Schools, 15 g of added sugars per 12 fl oz



**Effective July 1, 2027**

## Weekly Dietary Limits

Limit added sugars to less than 10% of total calories per week.

# Sodium Nutrition Requirements

## Now

Breakfast, Target 1

Lunch, Target 1A

### BREAKFAST



AGE/GRADE GROUP	CURRENT LIMIT (TARGET 1)	SODIUM LIMIT 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



## Effective July 1, 2027

### Sodium Reduction

10% at Breakfast

15% at Lunch

### LUNCH



AGE/GRADE GROUP	CURRENT LIMIT (TARGET 1A)	SODIUM LIMIT 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

# #2 Menu Planning



# Grains and Meats/Meat Alternates

## School Breakfast Program

### Previously

#### Daily Requirement

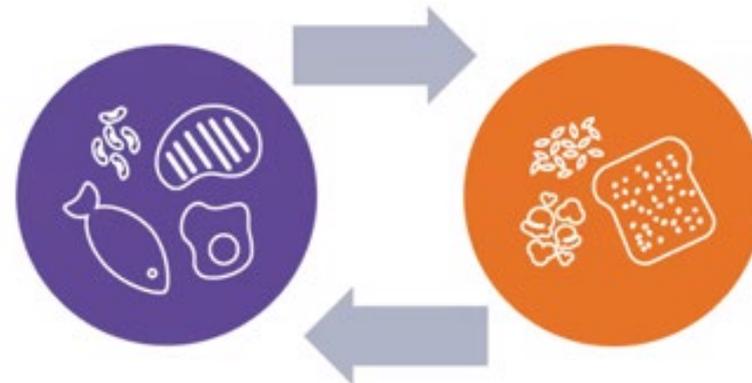
1.0 oz eq grain must be offered first, and then schools may offer a meat/meat alternate (M/MA) as a substitution for the grain component at breakfast.



### Effective July 1, 2024

#### Daily Requirement

Allows schools to offer 1.0 oz eq of grains, M/MA, or a combination of both to meet the meal pattern



# Substituting Vegetables for Fruit

## School Breakfast Program

### Previously

Substitute vegetables for fruit, but first two cups per week are from all the subgroups except starchy

### Congressional Flexibility

Removal of the vegetable subgroup requirement



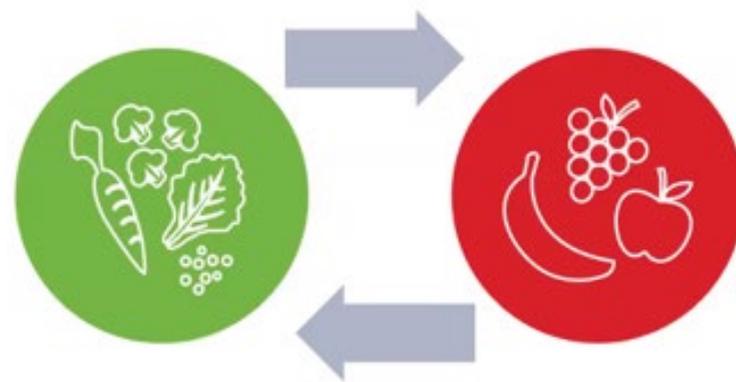
**Effective July 1, 2024**

**Congressional Flexibility**

### Possible Future Changes

Substituting vegetables for fruit

- Once per week: any subgroup
- More than once per week: two different subgroups



# Beans, Peas, and Lentils Terminology Change

**Previously**

**Old Terminology**

Legumes (Beans and Peas)



**Effective July 1, 2024**

**New Terminology**

Beans, Peas, and Lentils



# Beans, Peas, and Lentils

## National School Lunch Program

### Previously

#### Old Regulations

Beans and peas may count as a M/MA *or* vegetable in NSLP.



### SY 2024 – 2025

#### New Regulations

- For NSLP, beans, peas, and lentils offered as a M/MA at lunch may also count towards the weekly beans, peas, and lentils subgroup requirement.
- However, beans, peas, and lentils only count towards one overall daily and weekly component: the vegetable component *or* the M/MA component.

# Nuts & Seeds

## Previously

### Old Regulations

Credit limited to 50% of the M/MA component.



## Effective July 1, 2024

### New Regulations

May credit for 100% of the M/MA component.



# Bean Dip

## Previously

### Old Regulations

Smart Snack total fat limits apply.



## SY 2024 – 2025

### New Regulations

Adds bean dip to the list of foods exempt from the total fat standard for Smart Snacks.

# #3 Program Operation



# Buy American

## Previously

### Exceptions Allowed

Buy American exceptions allowed for non-domestic products not produced in sufficient quantity or satisfactory quality in the U.S.

.



## Effective July 1, 2024

### Exceptions Allowed: Clarification

- When competitive bids reveal the costs of a U.S. product are significantly higher.
- For products listed on the Federal Acquisitions Regulations (FAR) Nonavailable articles list.

# Buy American

## Federal Acquisitions Regulations (FAR) Nonavailable Articles List

### 25.104 Nonavailable articles.

(a) The following articles have been determined to be nonavailable in accordance with 25.103(b)(1)(i):

Acetylene, black.  
Agar, bulk.  
Anise.  
Antimony, as metal or oxide.  
Asbestos, amosite, chrysotile, and crocidolite.  
Bamboo shoots.  
Bananas.  
Bauxite.  
Beef, corned, canned.  
Beef extract.



<https://www.ecfr.gov/current/title-48/chapter-1/subchapter-D/part-25/subpart-25.1/section-25.104>

# Buy American

## Now

### Exceptions Allowed: No Limits

Buy American exceptions allowed for non-domestic products not produced in sufficient quantity or satisfactory quality in the U.S.



## Effective July 1, 2025

### Exceptions Allowed: Limits

Gradually phases in a 5% cap on non-domestic food purchases:

- 10% cap beginning July 1, 2025
- 8% cap beginning July 1, 2028
- 5% cap beginning July 1, 2031

# Meal Modifications

## Previously

### Medical Statements

Medical statements for disabilities must be written by a medical authority licensed to write prescriptions by the State.



## Effective July 1, 2024

### Medical Statements: Clarification

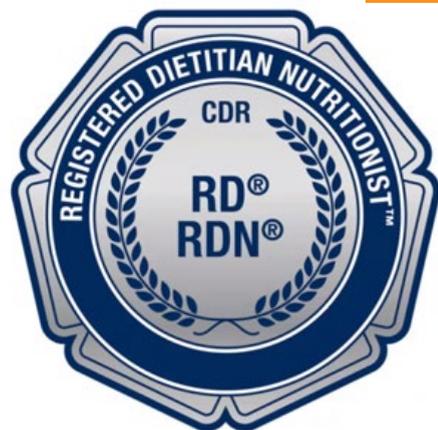
“State licensed healthcare professionals” may write medical statements to request modifications on behalf of students with disabilities.



## Effective July 1, 2025

### Medical Statements: Registered Dietitians

Expands the authority to write medical statements to registered dietitians.



# Additional Changes

## Effective July 1, 2024

### Potable Water

Adds the word  
“plain”  
to potable water  
requirements.

### Synthetic *Trans* Fat

Removes dietary  
specification for  
*trans* fat.

### Fluid Milk Substitutes

Updates unit of  
measurement for  
Vitamin A and  
Vitamin D from IUs to  
micrograms (mcg).

# **ARM Updates – Coming Soon!**

- **Section 7, Breakfast**
- **Section 8, Lunch**
- **Section 17, Procurement**
- **Section 17b, Buy American**
- **Section 22, Competitive Foods**
- **Section 25, Meal Accommodations**

# Resources

- **USDA – Food & Nutrition Service**
  - [Updates to the School Nutrition Standards](#)
  - [Best Practices for Reducing Added Sugars at School Breakfast](#)
- **TDA – Food & Nutrition Division**
  - [www.squaremeals.org](http://www.squaremeals.org)
  - Administrators Reference Manual (ARM): Sections 7, 8, and 9
- **ICN – Institute of Child Nutrition**
  - [Shaking It Up! \(Sodium Training\)](#)
  - [Whole Grain-Rich Foods \(Part 1 and Part 2\)](#)

