# SCNP Memo #2024-2025-28

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**COMMONWEALTH of VIRGINIA   
Department of Education**

DATE: September 26, 2024

TO: Directors, Supervisors, and Contact Persons Addressed

FROM: Sandra C. Curwood, PhD, RDN, ***Sandy***

## SUBJECT: Child Nutrition Programs Final Rule: Meal Patterns Consistent with the 2020-2025 Dietary Guidelines for Americans

On April 25, 2024, the U.S. Department of Agriculture, Food and Nutrition Services (USDA-FNS) published the final rule, [*Child Nutrition Programs: Meal Patterns Consistent with the 2020-2025 Dietary Guidelines for Americans*](https://www.federalregister.gov/documents/2024/04/25/2024-08098/child-nutrition-programs-meal-patterns-consistent-with-the-2020-2025-dietary-guidelines-for) which finalizes long-term school nutrition requirements based on the goals of the [*Dietary Guidelines for Americans 2020-2025*](https://www.dietaryguidelines.gov/sites/default/files/2021-03/Dietary_Guidelines_for_Americans-2020-2025.pdf)*.* The final rule includes updates to the National School Lunch Program (NSLP), School Breakfast Program (SBP), Child and Adult Care Food Program (CACFP), Summer Food Service Program (SFSP), and the Special Milk Program (SMP). Updated regulations also strengthen the School Meal Programs Buy American provision.

While the final rule is effective July 1, 2024, program operators are not required to make any changes to menus because of this rulemaking until school year (SY) 2025–2026. The Virginia Department of Education, Office of School and Community Nutrition Programs (VDOE-SCNP) will be providing additional guidance and information at the 2024 Virginia Farm to School and Directors’ Conference and through upcoming Director’s memos, trainings, and webinars.

### Recommended Action

Review the following USDA and Team Nutrition resources and memos on the upcoming changes to child nutrition programs.

* [Overview of Provisions in the Final Rule](https://www.fns.usda.gov/sites/default/files/resource-files/SP19_CACFP07_SFSP12-2024os.pdf#page=6)
* [Webinar on Final Rule](https://www.fns.usda.gov/cn/school-nutrition-standards-updates/webinar)
* [Implementation Timeline for Updated Nutrition Requirements in School Meals](https://www.fns.usda.gov/cn/school-nutrition-standards-updates/implementation-timeline-school-meals)
* [Team Nutrition Back-to-School webpage](https://www.fns.usda.gov/tn/back-school-social-media-shareables) has ready-to-go menu planning, nutrition education, [crediting tip sheets](https://www.fns.usda.gov/tn/cn/crediting-tipsheets), and school meal promotion resources that support the final rule. The back to school resources also include [social media graphics](https://www.fns.usda.gov/tn/back-school-social-media-shareables), a [training guide](https://www.fns.usda.gov/tn/sbp/reducing-added-sugars) for the new added sugar limits, and [school breakfast posters](https://www.fns.usda.gov/tn/school-breakfast-posters).
* [SP 19-2024, CACFP 07-2024, SFSP 12-2024](https://www.fns.usda.gov/cn/initial-implementation-meal-patterns-dga), Initial Implementation Memorandum: *Child Nutrition Programs: Meal Patterns Consistent with the 2020–2025 Dietary Guidelines for Americans*. This memo provides an overview chart of the final rule that details the current requirements, the new final rule, programs impacted, and the implementation date.
* [SP 23-2024](https://www.fns.usda.gov/cn/buy-american-provisions), Buy American Provisions Related to the Final Rule Titled, *Child Nutrition Programs: Meal Patterns Consistent with the 2020–2025 Dietary Guidelines for Americans.*

### Background

The final rule, [*Child Nutrition Programs: Meal Patterns Consistent with the 2020-2025 Dietary Guidelines for Americans*](https://www.federalregister.gov/documents/2024/04/25/2024-08098/child-nutrition-programs-meal-patterns-consistent-with-the-2020-2025-dietary-guidelines-for)*,* finalizes science-based requirements based on the goal of the Dietary Guidelines for Americans 2020–2025, extensive stakeholder input, and lessons learns from previous rulemakings. These updates represent continued growth towards supplying nutritious, quality school meals and continuing the advancement of child nutrition programs.

### Updates Effective July 1, 2024

While all menu updates to school nutrition requirements start phasing in gradually in SY 2025–2026, there are some updates included in the final rule with an effective date of July 1, 2024. The VDOE-SCNP would like to highlight the following:

* *Milk – Fluid Milk Substitutes: Nutrient Requirements* (Impacts the NSLP, SBP, SMP, and CACFP)
  + **Final Rule**: 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 the Food and Drug Administration (FDA) labeling requirements.
* *Whole Grains* (Impacts the NSLP, SBP, CACFP and SFSP)
  + **Final Rule**: Defines “whole grain-rich” to indicate that the grain content of a product is between 50–100 percent whole grain with any remaining grains being enriched. This definition does not change the meaning of whole grain-rich, and program operators can continue to identify whole grain-rich products as described in [current guidance](https://www.fns.usda.gov/tn/whole-grain-resource).
* *Meats/Meat Alternates at Breakfast* (Impacts the SBP)
  + **Final Rule**: Establishes a combined grains and meats/meat alternates meal component in the SBP and removes the requirement for schools to offer a one-ounce equivalent of grains each day at breakfast (7 CFR 220.8(c)). Schools may offer grains, meats/meat alternates, or a combination of both, to meet the minimum ounce equivalent in this combined meal component requirement.
* *Substituting Vegetables for Fruits at Breakfast* (Impacts the SBP)
  + **Final Rule**: Simplifies the vegetable variety requirement (7 CFR 220.8(c)(2)(i) and (ii)) and allows schools to continue to substitute vegetables for fruits at breakfast and updates the vegetable variety requirement.
  + Schools choosing to offer vegetables at breakfast one 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.
  + For SY 2024–2025 only, Congress has provided schools the option to offer any vegetables in place of fruits at breakfast with no vegetable subgroup requirements.
* *Nuts and Seeds* (Impacts the NSLP, SBP, CACFP, and SFSP)
  + **Final Rule**: Allows nuts and seeds to credit for the full meats/meat alternates component in all child nutrition program meals and snacks, removing the 50 percent crediting limit for nuts and seeds at breakfast, lunch, and supper.
* *Beans, Peas, and Lentils at Lunch* (Impacts the NSLP)
  + **Final Rule**: Changes the name of the “legumes (beans and peas)” vegetable subgroup to beans, peas, and lentils. 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 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)).
* *Competitive Foods: Bean Dip Exemption* (Impacts Smart Snacks in School)
  + **Final Rule:** Adds “bean dip” to the list of foods exempt from the total fat standard in the Smart Snacks in School Regulation. “Bean dip” includes hummus and other dips made with beans, peas, and/or lentils.
* *Buy American* (Impacts the NSLP and SBP)
  + **Final Rule:** Changes the current limited exceptions for the Buy American provision by providing an exemptions list and codifies the two limited circumstances when SFAs purchase non-domestic foods. The two circumstances are:
    - The product is listed on the Federal Acquisitions Regulations FAR 25.104 [non-available articles list](https://www.ecfr.gov/current/title-48/chapter-1/part-25/subpart-25.1/section-25.104) and/or 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.
  + SFAs are required to:
    - Maintain documentation to demonstrate use of the two limited exceptions (7 CFR 210.21(d)(5)(iii) and 220.16(d)(5)(iii)).
    - 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)).
  + 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 commodities that were grown domestically (7 CFR 210.21(d)(1)(ii) and 220.16(d)(1)(ii)).
    - 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:
      * Farmed fish must be harvested within the U.S. or any territory or possession of the U.S.
      * Wild caught fish must be harvested within the Exclusive Economic Zone of the U.S. or by a U.S. flagged vessel.
* *Geographic Preference* (Impacts the NSLP, SBP, SMP, CACFP, and SFSP)
  + **Final Rule**: The terms “locally grown,” “locally raised,” or “locally caught” can be used as a procurement specification. Review [SCNP Director’s Memo 2024-2025-03](https://www.doe.virginia.gov/home/showpublisheddocument/55862/638569170163800000), *Geographic Preference Expansion Provision Related to the Final Rule, Child Nutrition Programs: Meal Patterns Consistent With the 2020-2025 Dietary Guidelines for Americans*.
* *Clarification on Potable Water Requirements* (Impacts the NSLP and SBP)
  + **Final Rule**: Clarifies the existing requirement that schools must make “plain” potable water available during the meal service (7 CFR 210.10(a)(i) and 7 CFR220.8(a)(1)). While water must be made available, schools must not directly or indirectly restrict the sale or marketing of fluid milk (7CFR 210.10(d)(4)).

### For more Information

For more information, please contact your assigned School Nutrition Programs regional specialist or the SNP policy mailbox via email at [SNPpolicy@doe.virginia.gov](mailto:SNPpolicy@doe.virginia.gov).

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