* The State Board of Education has illustrated changes to the original text in the following manner: text originally proposed to be added is underlined; text proposed to be deleted is displayed in ~~strikeout~~.

#  Title 5. EDUCATIONDivision 1. California Department of Education

## Chapter 5.1. Uniform Complaint ProceduresSubchapter 1. Complaint Procedures

### Article 2. Purpose and Scope

#### § 4610. Purpose and Scope.

(a) This chapter applies to the filing, investigation and resolution of a complaint regarding an alleged violation by a local agency of federal or state law or regulations governing educational programs and other specified subject matter, as described in subsection (b) below.

(b) The Uniform Complaint Procedures in this chapter shall apply to complaints relating to all of the matters addressed in Education Code section 33315(a)(1) and any other applicable matters identified by the Legislature in the future.

(c) These procedures do not apply to complaints regarding child nutrition programs established pursuant to Education Code sections 49490 to 49590, inclusive.

(1) The federal provisions governing complaints relative to child nutrition programs are 7 Code of Federal Regulations sections 210.19(a)(4), ~~215.1(a)~~215.11(e), 220.13(c), 225.11(b) ~~226.6(n),~~ and 250.15(d).

(2) Other provisions governing complaints relative to child nutrition programs are found in sections 15580 through 15584 of this title.

(d) These procedures do not apply to complaints regarding special education programs established pursuant to Education Code sections 56000 to 56865, and 59000 to 59300, inclusive.

(1) The federal provisions governing complaints relative to special education programs are 34 Code of Federal Regulations sections 300.151 through 300.153.

(2) Other provisions governing complaints relative to special education are found in sections 3200 through 3205 of this title.

(e) Nothing in these regulations shall prevent an LEA from using its local uniform complaint procedure to address complaints not described in subsection (b). LEA Investigation Reports on complaints not described in subsection (b) may not be appealed to the CDE.

(f) These procedures do not apply to complaints regarding instructional materials, emergency or urgent facilities conditions that pose a threat to the health or safety of pupils or staff, and teacher vacancies and misassignments, except as otherwise indicated. Such complaints are addressed in and governed by sections 4680 through 4687. LEA Investigation Reports on facilities complaints may be appealed to the CDE pursuant to section 4687.

(g) These procedures do not apply to complaints regarding state preschool health and safety issues in LEAs exempt from licensing, except as otherwise indicated. Such complaints are addressed in and governed by sections 4690 through 4694. LEA Investigation Reports on state preschool health and safety issues in LEAs exempt from licensing may be appealed to the CDE pursuant to section 4694.

(h) The CDE will develop a pamphlet for parents that will explain the Uniform Complaint Procedures in a user-friendly manner and post this pamphlet on the CDE's website.

NOTE: Authority cited: Sections 221.1, 222, 8235.5, 8261, 32289, 33031, 33315, 46015, 48645.7, 48853, 48853.5, 49069.5, 49531, 49551, 51223, 51225.1, 51225.2, 51228.3, 52075, 54445, 52355, 52451, and 56100~~(~~, Education Code. Reference: Sections 200, 220, 234.1, 260, 8235.5, 33315, 35186, 49013 and 49556, Education Code; Section 11135, Government Code; and 34 C.F.R. Sections 106.1-106.8 and 299.10-299.11.

## Chapter 15. Child Nutrition ProgramsSubchapter 1. Food Sales, Food Service, and Nutrition Education

### Article 2. Mandatory Meals for Needy Pupils

#### ****§ 15510. Definitions.****

~~The following definitions mean~~As used in this article:

1. A nutritionally adequate meal is a breakfast or lunch which meets the requirements of ~~Section 49553~~section 49531 of the Education Code and the federal National School Lunch Act and the Child Nutrition Act.

(b) A pupil is determined to meet the definition of a “needy pupil” when:

(1) They are eligible for free meals because their household is at or below 130 percent of the federal poverty guidelines prescribed by the Office of Management and Budget for such family size, or

(2) They are eligible for reduced-price meals because their household is above 130 percent and at or below 185 percent of the federal poverty guidelines prescribed by the Office of Management and Budget for such family size.

 ~~A needy pupil eligible to receive a free meal is one whose family income is not more than twenty-five percent above the income poverty guidelines prescribed by the United States Secretary of Agriculture for such family size.~~

~~(c) A needy pupil eligible to receive a reduced price meal is one whose family income is more than twenty-five percent and is equal to or less than ninety-five percent above the income poverty guidelines prescribed by the United States Secretary of Agriculture for such family size.~~

 ~~(d) For the purposes of this article, a school day is defined as enrollment for a minimum of 180 minutes daily in preschool and kindergarten; 180 minutes in continuation and opportunity schools or classes; 180 minutes in Regional Occupational Centers and Regional Occupation Programs, except that no mandate exists when a meal is offered at any regular day school of enrollment;~~ ~~230 minutes in grades 1, 2, and 3; and 240 minutes in grades 4 through 8, 9 through 12, summer school and intersession programs in year-around schools. When free or~~ ~~reduced price meals are served to needy pupils enrolled for less than the school day prescribed by this section, such meals served are eligible for reimbursement in the same manner as are meals served to pupils enrolled for the school day prescribed by this section.~~

NOTE: Authority cited ~~for Article 2~~: Sections 33031, 49492 and 49551, Education Code. Reference: 42 U.S.C. Section 1758.

### ~~Article 3. Nutrition Education~~

#### ****~~§ 15530. Scope of Article~~****

~~The provisions of this Article apply to nutrition education programs established pursuant to Section 49534 of the Education Code.~~

~~NOTE: Authority cited for Article 3: Sections 33031 and 49534, Education Code.~~

#### ****~~§ 15531. Eligibility.~~****

~~Each “child nutrition entity” defined in section 49530.5 of the Education Code may submit a nutrition education application for funding to the California Department of Education.~~

#### ****~~§ 15532. Procedure for Filing an~~**** ****~~Application.~~****

~~The State Superintendent of Public Instruction (SSPI) shall determine the date for submission of each application. Each applicant shall:~~

~~(a) Prior to the submission of an application file a letter of intent at a time prescribed by the SSPI.~~

~~(b)~~ ~~Submit an application on forms and at times prescribed by the SSPI to the Office of Curriculum Services, California Department of Education, 1430 N Street, Sacramento, California 95814.~~

#### ****~~§ 15533. Criteria for Approving Applications.~~****

~~Each application shall be reviewed by a team appointed by the Superintendent of Public Instruction or his designee and shall be composed of three persons who are knowledgeable in either nutrition, education curriculum or evaluation and who reside outside of the county of the applicant child nutrition entity, which team shall review an application based on the following minimum criteria:~~

~~(a) The nutritional needs of the children;~~

~~(b) Trained nutritionists to provide direction and/or leadership;~~

~~(c) A comprehensive nutrition curriculum to be correlated with other school programs including the school food service program;~~

~~(d) Current, scientifically accurate instructional materials;~~

~~(e) An economically sound project; and~~

~~(f) A comprehensive evaluation~~ ~~plan.~~

#### ****~~§ 15534. Procedure for Funding.~~****

~~(a) Each application recommended by the California Department of Education may be approved for funding by the State Board of Education on or before June 15.~~

~~(b) Payment of expenses incurred by a child nutrition entity shall only be based on actual cost in accordance with the approved project budget.~~

#### ****~~§ 15535. Procedure for Project Management.~~****

~~Each child nutrition entity approved for funding shall establish a management procedure which shall include, but need not be limited to, the following:~~

~~(a) Any amendment or revision in the project program shall be approved by the California Department of Education (CDE). Requests shall be submitted to the Office of Curriculum Services, CDE, 1430 N Street, Sacramento, California 95814.~~

~~(b) Budget adjustments of 20 percent or more shall be approved in advance by the CDE. Requests for budget revisions shall be submitted to the Office of Curriculum Services, CDE, 1430 N Street, Sacramento, California 95814.~~

~~(c) Separate accounting records shall be maintained for each project which shall be in accordance with generally accepted accounting standards and the project budget. Files of supporting documentation shall include, but not be limited to, purchase orders, work orders, contracts, itemized invoices, and correspondence shall be maintained separately or otherwise identified for audit purposes.~~

~~(d) Project records shall be kept for at least three years after the close of the fiscal year in which the funds were expended or until the grantee is notified that such records are not needed for administrative review, whichever occurs first. On request, records shall be made available for inspection and verification.~~

~~(e) Any application for copyright of material developed under a project shall first be approved by the CDE.~~

~~(f) A child nutrition entity shall provide to the CDE a quarterly report on the progress of the project on forms prescribed by the State Superintendent of Public Instruction. Such reports shall be due on the 15th day of October, January, April, and July.~~

~~(g) An annual report shall be submitted within 90 days after the close of the state fiscal year. A final report for projects which extend for more than one fiscal year shall be due within 90 days after the project is completed. Such reports shall contain as a minimum a narrative summary of the project, statistical analysis, evaluation, and financial summary.~~

~~(h) On-site visits may be conducted at the discretion of the CDE which shall include, but not be limited to, fiscal audit, status of the project objectives, financial status, and summary of the evaluation data.~~

### Article 4. School Lunch and Breakfast Programs

#### ****§ 15551. Definitions.****

As used in this article:

(a) “Agreement” means the School Lunch Program Application-Agreement or the School Breakfast Program Application-Agreement between the child nutrition entity and the California Department of Education (CDE) for operation of a school lunch and/or breakfast program, also referred to as the Permanent Single Agreement.

(b) “Breakfast program” means a program operated by a child nutrition entity to provide pupils with a nutritionally adequate breakfast.

(c) “Child nutrition entity” means ~~any school district, county superintendent of schools, or child development program operated pursuant to chapter 2 (commencing with section 8200) or chapter 2.5 (commencing with section 8400) of part 6 of division 1 of title 1 of the Education Code and local agency, private school, or parochial school, or any other agency which qualifies for federal aid under the federal school lunch program or the federal child nutrition program prescribed, respectively, by chapter 13 (commencing with section 1751) and chapter 13A (commencing with section 1771) of title 41 of the United States Code.~~a school food authority, which is defined in 7 Code of Federal Regulations sections 210.2, 215.2, 220.2, 225.2, and 250.2, that is a public or private nonprofit organization’s legal governing body that:

(1) Is responsible for the administration of one or more schools;

(2) Has legal authority to operate and has been approved to operate a child nutrition program as defined in 7 Code of Federal Regulations parts 210, 215, 220, 225 and 250; and

(3) Has legal authority to enter into an agreement with the CDE.

(d) “Child nutrition program” means any ~~program authorized by state law, the National School Lunch Act or the Child Nutrition Act of 1966.~~federally-funded nutrition programs administered by the United States Department of Agriculture and CDE according to the National School Lunch Act of 1946 (Public Law [P.L.] 79-396), as amended, and the Child Nutrition Act of 1966 (P.L. 89-642), as amended, and Education Code sections 49490 through 49536, 49547 through 49564.5, and 49570 through 49571 as applicable, and section 48931. Specifically, child nutrition programs include the National School Lunch Program, NSLP Afterschool Meal Supplements Program, NSLP Seamless Summer Option, School Breakfast Program, Special Milk Program, Food Distribution Program, and Summer Food Service Program.

(e) “Department” means the California Department of Education.

(f) “Lunch program” means a program operated by a child nutrition entity to provide pupils with a nutritionally adequate lunch.

(g) “Nutritionally adequate breakfast” means a breakfast that meets or exceeds minimum food and nutrition requirements pursuant to section 15559.

(h) “Nutritionally adequate lunch” means a lunch that meets or exceeds minimum food and nutrition requirements pursuant to section 15558.

NOTE: Authority cited: Sections 33031 and 49531, Education Code. Reference: 7 C.F.R. ~~s~~Sections 210.2, 210.10, 220.2 and 220.8.

#### ****§ 15556. Payment of Claims.****

(a) Each child nutrition entity shall submit a claim for reimbursement to the Department within ~~10~~60 days after the close of each ~~calendar~~claim month.

(b) As a courtesy, ~~I~~if a child nutrition entity has not filed a claim within ~~30~~50 days following the close of any ~~calendar~~claim month, the department ~~shall~~may notify the entity of the approaching deadline to file such claim.

(c) Each child nutrition entity failing to submit a claim within ~~90~~60 days after the close of any calendar month shall forfeit reimbursement for such month, unless otherwise authorized by the United States Department of Agriculture.

NOTE: Authority cited: Sections 33031, 49531 and 49551, Education Code. Reference: 7 C.F.R. Sections 210.8 and 220.11.

#### ****§ 15560. Fluid Milk Substitutions****

**(a) For the purposes of this article, a fluid milk substitute is defined as a nondairy beverage that provides the nutrients as listed in the table below and is fortified in accordance with the fortification guidelines issued by the U.S. Food and Drug Administration:**

|  |  |
| --- | --- |
| **Nutrient** | **Per Cup (8 Fluid Ounces)** |
| **Calcium** | **276 milligrams (mg)** |
| **Protein** | **8 grams** |
| **Vitamin A** | **500 International Units (IU) (150 micrograms)** |
| **Vitamin D** | **100 IU (2.5 micrograms)** |
| **Magnesium** | **24 mg** |
| **Phosphorus** | **222 mg** |
| **Potassium** | **349 mg** |
| **Riboflavin** | **0.44 mg** |
| **Vitamin B-12** | **1.1 micrograms** |

**(b) A child nutrition entity must offer fluid milk substitutions to a student for disability reasons or medical needs when it receives a** California Department of Education Medical Statement to Request Special Meals and/or Accommodations form for that student, which has been completed and signed by **a State of California licensed** physician, physician assistant or nurse practitioner licensed to practice in the State of California.

**(c) A child nutrition entity may offer fluid milk substitutes for non-disability reasons to a student who cannot consume fluid milk due to medical and special dietary needs, religious or moral convictions, or personal preference, when the student’s parent or guardian completes, signs, and returns the Parental Request for Fluid Milk Substitution for School-Age Children form.**

**(d) A child nutrition entity must inform the CDE if any of its schools choose to offer fluid milk substitutes other than for students with disabilities.**

NOTE: Authority cited: Sections 33031, 49531 and 49531.1, Education Code. Reference: 7 C.F.R. Sections 210.10 and 220.8.

#### ****§ 15562. Meals Eligible for Reimbursement.****

For purpose of meal reimbursement:

(a) Federal and/or state reimbursement may be claimed for:

(1) Lunches ~~and/or breakfasts~~ which meet requirements of ~~S~~section 15558.

(2) Breakfasts which meet requirements of ~~S~~section 15559 ~~and Section 15560~~.

~~(b) State reimbursement may be claimed for:~~

~~(1) Lunches and/or breakfasts which meet~~ ~~requirements of Section 15558.~~

~~(2) Breakfasts served under the provisions of Education Code Section 41350(a) and which meet the requirements of Section 15559 or Section 15560.~~

~~(3) Breakfasts served under the provisions of Education Code Section 41350(b) are reimbursable when both a nutritionally adequate lunch and a basic breakfast are offered, or when a nutritionally adequate lunch and a special breakfast are offered. In either case they shall, together, provide at least one-half to two-thirds of the daily dietary allowance as determined by the Department.~~

(~~c~~b) Federal and state reimbursements may be claimed for substitutions made, due to medical reasons, for any food components required by ~~S~~sections 15558~~,~~ and 15559, ~~and 15560,~~ provided that such substitutions are authorized by a State of California licensed physician, physician assistant, or nurse practitioner, in writing, and such authorizations are on file at the school.

NOTE: Authority cited: Sections 33031, 49531 and 49551, Education Code. Reference: 7 C.F.R. Sections 210.10, 220.8, 220.23, and 225.16.

#### ~~§ 15563. Meal Requirement for Needy Students.~~

~~For purposes of Sections 49550 and 49553 of the Education Code, a nutritionally adequate meal shall meet requirements for a nutritionally adequate lunch or breakfast pursuant to Section 15558.~~

#### ****§ 15564. Reimbursement Procedure.****

(a) Eligible child nutrition entities may submit claims to the Department for reimbursement of each lunch and breakfast served to pupils provided such lunch and/or breakfast qualifies for reimbursement pursuant to ~~S~~section 15562. Claims are to be submitted in accordance with the provisions of ~~S~~section 15556.

(b) Claims shall be computed by ~~utilizing the lesser of the following:~~

~~(1) M~~multiplying the total number of meals served to students in each reimbursement category by the current meal reimbursement rate.~~, or~~

~~(2) Actual cash expenditures for food, labor, and other expenses of the food service program.~~

(c) Reimbursement claims shall be submitted ~~on forms provided~~by the method prescribed by the Department.

NOTE: Authority cited: Sections 33031, 49531 and 49551, Education Code; Reference 7 C.F.R. sections 210.7, 210.8, and 220.11.

#### ****§ 15565. Notification of Changes in Reimbursement Rates.****

Prior to ~~July 15~~August 31, the Department shall notify child nutrition entities regarding federal and state reimbursement rates for the current fiscal year. ~~Prior to January 15 the Department shall notify child nutrition entities as to any changes in the federal reimbursement rates effective for the remainder of the current fiscal year.~~

NOTE: Authority cited: Sections 33031, 49536, 49551 and 49559, Education Code. Reference: 7 C.F.R. sections 210.4, 210.7 and 220.4.

### Article 6. ~~Food and Beverage Requirements Outside of the Federal School Meal Programs~~Competitive Foods

#### § 15575. Definitions for Foods.

As used in this article~~, the term~~:

 (a) “Competitive foods” means all food and beverages other than meals reimbursed under programs authorized by the federal Richard B. Russell National School Lunch Act (Public Law 113-79) and the federal Child Nutrition Act of 1966 (42 U.S.C. section 1771 et seq.) available for sale to pupils on the school campus during the school day.

 (~~a~~b) “Dairy” means a food made from milk with the exception of cheese packaged for individual sale.

 (~~b~~c) “Entree item” means a food generally regarded as the primary food in a meal and ~~contains~~is either:

 (1) ~~Two or more of the following groups: meat/meat alternate, grain/bread, vegetable/fruit that are eaten together (e.g., turkey sandwich, pizza, hamburger on a bun, bean burrito, chef's salad, fruit and cheese platter, baked potato with chili, chicken vegetable stir-fry, veggie sandwich)~~A combination food of meat or meat alternate and whole grain-rich food, or

 (2) ~~A meat/meat alternate alone (e.g., sausage patty, egg, chicken nuggets), excluding nuts, nut butters, seeds, cheese, and yogurt.~~A combination of meat or meat alternate and vegetable or fruit; or

 (3) A meat or meat alternate alone with the exception of nuts, nut or seed butters, seed, low-fat or reduced-fat cheese, yogurt and meat snacks (such as dried beef jerky) or

(4) A grain only, whole-grain rich entree that is served as the main dish of the School Breakfast Program reimbursable meal

 (~~c~~d) “Exempt foods” means nuts, nut butters, seeds, ~~eggs,~~ seed butters, reduced-fat cheese or part-skim mozzarella cheese packaged for individual sale, fruits, vegetables that have not been deep fried, ~~and legumes that do not contain added sugars or fat~~seafood, eggs, a dried fruit and nut and seed combination, ~~and~~ dried fruit containing added sugar only if the added sugar is part of the dehydration process or added as dextrose to prevent caking and maintain flowability, and canned or frozen fruit containing no added sugar other than 100 percent fruit juice.

 ~~(1)~~ ~~Fruit that is dried and contains added sugar is exempt only if the added sugar is part of the dehydration process or added as dextrose to prevent caking and maintain flowability.~~

 ~~(2) Fruit that is canned or frozen is exempt only if it contains no added sugar other than 100 percent fruit juice.~~

 ~~(d) “Full meal” means any combination of food items that meet the United States Department of Agriculture (USDA) approved School Breakfast Program or National School Lunch Program meal pattern requirements found in 7 CFR 210.10 or 220.8.~~

 (e) “Meat/meat alternates,” “grain/breads,” ~~and~~ “vegetables~~/”,~~ and “fruits” mean those described in the *USDA's Food Buying Guide for Child Nutrition Programs* ~~(2001 edition)~~ ~~S~~sections 1, 2, and 3, as updated on February 28, 2020, and section 4, as updated on May 31, 2022, which are incorporated by reference.

 (f) “Non-exempt foods” means foods other than nuts, nut butters, seeds, seed butters, ~~eggs,~~ reduced-fat or part-skim mozzarella cheese packaged for individual sale, fruits, vegetables that have not been deep fried, ~~and legumes that do not contain added sugars or fat~~seafood, eggs, a dried fruit and nut and seed combination, dried fruit containing added sugar only if the added sugar is part of the dehydration process or added as dextrose to prevent caking and maintain flowability, and canned or frozen fruit containing no added sugar other than 100 percent fruit juice.

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 (g) “Whole grain” means, but is not limited to, whole wheat flour, graham flour, cracked wheat, crushed wheat, wheat berries, entire wheat flour, whole durum flour, whole oats, oat groats, oatmeal, rolled oats, whole corn, whole grain cornmeal, popcorn, brown rice, brown rice flour, wild rice, whole rye, whole rye flour, dehulled barley, dehulled barley flour, whole grain barley, whole grain barley flour, buckwheat groats, whole buckwheat flour, bulgur (cracked wheat), whole millet, whole millet flour, whole quinoa, whole quinoa flour, whole spelt, whole spelt flour, whole sorghum (milo), whole sorghum flour, whole triticale, whole triticale flour.

 (h) “Whole grain food item” means:

 (1) For purchased grain or bread products:

 (A) A product that contains the following statement: “Diets rich in whole grain foods and other plant foods and low in total fat, saturated fat, and cholesterol, may help reduce the risk of heart disease and certain cancers”, or

 (B) The first listed grain ingredient is a whole grain, or

 (C) If the first listed ingredient is not specifically identified as a whole grain, documentation has been obtained within the previous 12 months from the manufacturer that lists whole grains, which, when combined, shall represent at least ~~51~~50 percent of the weight of the total grains in the product.

 (2) For grain or bread products prepared by schools:

 (A) The weight of the whole grains shall represent at least ~~51~~50 percent of the total grain weight of the product.

NOTE: Authority cited: Section 33031, Education Code~~;~~. Reference: Sections 49430, 49431 and 49431.2, Education Code; and 7 C.F.R. ~~Parts~~Sections ~~210.10~~210.11 and ~~220.8~~220.12.

#### § 15576. Definitions for Beverages.

As used in this article ~~the term~~:

 (a) “Beverage” means any potable liquid.

 (b) “Electrolyte replacement beverage” means a potable liquid that meets all of the following requirements:

 (1) Lists ~~W~~water as the first ingredient~~.~~;

 (2) Contains no more than 2.1 grams of added sweetener per fluid ounce~~.~~;

 (3) Contains at least 10 milligrams but no more than 150 milligrams of sodium per 8 ounces~~.~~;

 (4) Contains at least 10 milligrams but no more than 90 milligrams of potassium per 8 ounces~~.~~;

 (5) Contains no added caffeine~~.~~; and

 (6) Contains no more than 40 calories per 8 fluid ounces in a maximum serving size of 12 fluid ounces or contains less than 5 calories per 8 fluid ounces in a maximum serving size of 20 fluid ounces.

 (c) “Flavored water” means potable water that meets all of the following requirements:

 (1) Contains no added sweetener;

 (2) Contains no caffeine;

 (3) Contains no more than 40 calories per 8 fluid ounces in a maximum serving size of 12 fluid ounces or contains less than 5 calories per 8 fluid ounces in a maximum serving size of 20 fluid ounces; and

(4) Contains non-caloric fruit flavoring or fruit essence, or fruit infused, or natural flavors.

(d) “Flavored carbonated water” means flavored water, as defined in this section, with carbonation added

 ~~(c)~~(e) “Milk” means cow's or goat's milk that:

 (1) Contains Vitamin A~~,~~ and Vitamin D~~, and at least 25 percent of the FDA-established Daily Value (DV) for~~ ~~calcium per 8 ounce~~s;

 (2) Contains no added sweeteners exceeding 28 grams of total sugars per 8 ounces~~.~~; and

 (3) Is ~~two-percent fat milk,~~ one-percent fat milk~~,~~ or nonfat milk.

 (~~d~~)(f) “Non-dairy milk” alternative (e.g., rice milk, soy milk, almond milk, oat milk) means a beverage that:

 (1) Contains Vitamin A, Vitamin D and at least ~~25 percent of the DV for~~ 276 mg of calcium per 8 ounces~~,~~;

 (2) Contains no added sweeteners exceeding 28 grams of total sugars per 8 ounces~~,~~; and

 (3) Contains no more than ~~5~~3 grams of fat per 8 ounces.

NOTE: Authority cited: Section 33031, Education Code. Reference: Section 49431.5, Education Code; ~~and~~ Sections 38181, 38191 and 38211, Food and Agricultural Code; and 7 C.F.R. Sections 210.10, 210.11 and 220.12.

#### § 15577. Food and Beverages Restrictions.

As used in this article ~~the term~~:

 (a) “Caloric restriction” means:

 (1) In elementary schools, no more than ~~175~~200 calories per competitive food item.

 (2) In middle, junior, or high schools~~,~~:

 (A) ~~n~~No more than ~~250~~200 calories per ~~item for a~~ competitive food snack item; ~~and~~

 (B) ~~n~~No more than 400 calories per ~~item for an~~ competitive food entrée item sold the day of or the day after it appears on the federally reimbursable meal program menu; and

 (C) No more than 350 calories per competitive food entrée item that is not sold the day of or day after it appears on the federally reimbursable meal program menu.

 (b) “Fat restriction” means no more than 35 percent of calories from fat.

 (c) “Saturated fat restriction” means ~~no more~~less than 10 percent calories from saturated fat.

 (d) “Sodium restriction” means no more than 200 milligrams per snack item or no more than 480 milligrams per entrée item.

 (e) “Sugar” means all free mono- and disaccharides, such as glucose, fructose, lactose, and sucrose.

 (~~d~~)(f) “Sugar restriction” means no more than 35 percent sugar by weight.

(g) “Trans fat restriction” means less than 0.5 grams of trans fat per serving.

NOTE: Authority cited: Section 33031, Education Code. Reference: Sections 49430, 49431 and 49431.2, Education Code; 7 C.F.R. Sections 210.10, 210.11, 220.8 and 220.12; and 21 C.F.R. ~~Part~~Section 101.9~~(c)(6)(ii)~~.

#### § 15578. Sale of Food Items.

 (a) Any food items appearing together on a menu and sold together as if they were a single food item, and typically combined for simultaneous consumption (e.g., pita with hummus, salad with dressing, chicken patty on a bun), shall be considered as one item for compliance. These food items shall meet the definitions set forth in section 15577. ~~(1) with the fat restriction, saturated fat restriction, sugar restriction and caloric restriction for a snack item or (2) with the fat restriction and caloric restriction for an entrée item.~~

 (b) All non-exempt food items for sale shall meet the definitions set forth in section 15577. ~~must meet the fat restriction, saturated fat restriction, sugar restriction and caloric restriction for a snack item or the fat restriction and caloric restriction for an entrée item.~~

 (c) A food item for sale containing non-exempted foods or ingredients combined with ~~fruits, vegetables, nuts, nut butters, seeds, eggs, or legumes~~exempted foods shall meet the ~~restrictions~~definitions for non-exempted foods ~~as described~~set forth in section ~~15578(b)~~15577.

 (d) A food item for sale containing solely a mix of exempted foods is exempt from the definitions for fat ~~restriction,~~ and saturated fat ~~restriction~~, as~~sugar restriction and caloric restriction~~set forth in section 15577.

NOTE: Authority cited: Section 33031, Education Code. Reference: Sections 49430, 49431 and 49431.2, Education Code~~.~~; and 7 C.F.R. Sections 210.10, 210.11, 220.8 and 220.12.

1-22-2024 [California Department of Education]