* 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~~.
* The second 45-day public comment period proposed text changes are illustrated in the following manner: text proposed to be added is **bold underlined**; text proposed to be deleted is displayed in **~~bold strikeout~~**.
* After the second 45-day public comment period, nonsubstantive changes were made. These nonsubstantive changes are illustrated in the following manner: text proposed to be added is double underlined; text proposed to be deleted is displayed in double strikeout.

# Title 5. EDUCATIONDivision 1. California Department of Education

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

### Article 4. School Lunch and Breakfast Programs

#### § 15551. Definitions.

As used in this article:

 (a)~~(i)~~ “Agreement” means the School Lunch Program Application-Agreement or the School Breakfast Program Application-Agreement between the child nutrition entity and the ~~CDE~~California Department of Education for operation of a school lunch and/or breakfast program.

 (b) “Breakfast ~~P~~program” means a program operated by a child nutrition entity to provide pupils with ~~any of the following: nutritionally adequate breakfast,~~ a ~~basic~~ nutritionally adequate breakfast~~, special breakfast~~.

 (c)~~(g)~~ “Child ~~N~~nutrition ~~E~~entity” means any school district, county superintendent of schools, ~~private school, parochial school, local agency,~~ or child development program operated pursuant to ~~C~~chapter 2 (commencing with section 8200) or chapter 2.5 (commencing with section 8400) of ~~P~~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.~~eligible to participate in child nutrition programs authorized by the National School Lunch Act and/or the Child Nutrition Act of 1966, as amended.~~

 (d)~~(j)~~ “Child ~~N~~nutrition ~~P~~program” means any program authorized by state law, the National School Lunch Act or the Child Nutrition Act of 1966.

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

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

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

 (h)~~(c)~~ “Nutritionally ~~A~~adequate ~~Ll~~unch ~~or Nutritionally Adequate Breakfast~~” means a lunch ~~or breakfast which~~ that meets or exceeds minimum food and nutrition requirements pursuant to section 15558.

 ~~(e)~~ “~~Special Breakfast” means a breakfast~~ ~~which meets or exceeds minimum food and nutrition requirements pursuant to section 15560 and~~ ~~which provides eligibility to the child nutrition entity for increased reimbursement when offered in especially needy~~ ~~schools~~.

 ~~(f)~~ “~~Especially Needy School” means a school which meets eligibility criteria established by the California Department of Education (CDE) and which may receive increased reimbursement for special breakfasts.~~

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

#### § 15558. Requirements for Nutritionally Adequate Lunch ~~or Breakfast~~

1. A nutritionally adequate lunch shall contain components that meet the U.S. Department of Agriculture (USDA) National School Lunch Program requirements for a five-day school week that is contained in 7 Code of Federal Regulations section 210.10(c) as amended by 83 FR 63775, December 12, 2018, which is hereby incorporated by reference, as set forth in the following tables:

[Note to Publisher: Adopt this table to amend section 15558]

Amount of Fooda per Week (Minimum per Day)

| Food | Grades K–5 | Grades 6–8 | Grades 9–12 |
| --- | --- | --- | --- |
| Fruits (cups)b | 2 ½ (½) | 2 ½ (½) | 5(1) |
| Vegetables (cups)b | 3 ¾ (¾) | 3 ¾ (¾) | 5(1) |
|  Dark Greenc | ½ | ½ | ½ |
|  Red/Orangec | ¾ | ¾ | 1 ¼  |
|  Beans/Peas (Legumes)c | ½ | ½ | ½ |
|  Starchyc | ½ | ½ | ½ |
|  Other Vegetablesc,d | ½ | ½ | ¾ |
| Additional Vegetables to Reach Totale | 1 | 1 | 1 ½  |
| Grains (ounce equivalents)f | 8-9 (1)\* | 8-10 (1)\* | 10-12 (2)\* |
| Meats/Meat Alternatives (ounce equivalents)f | 8-10 (1)\* | 9-10 (1) \* | 10-12 (2)\* |
| Fluid milk (cups)g | 5 (1) | 5 (1) | 5 (1) |

\* U.S. Department of Agriculture has lifted the weekly maximums for grain and meat/meat alternates. The daily and weekly minimums for grains and meat/meat alternates still apply. The maximum are used as a guide for menu planning purposes only.

a Food items included in each group and subgroup and amount equivalents as outlined in the most current U.S. Department of Agriculture’s Food Buying Guide.

b One quarter cup of dried fruit counts as one half cup of fruit; one cup of leafy greens counts as one half cup of vegetables. No more than half of the fruit or vegetable offerings may be in the form of juice. All juice must be 100 percent full-strength. The minimum creditable serving for a fruit or vegetable is at least one eighth cup.

c Larger amounts of these vegetables may be served.

d This category consists of “Other Vegetables” as defined in 7 Code of Federal Regulations section 210.10(c)(2)(iii)(E) as amended by 83 FR 63775, December 12, 2018, which is hereby incorporated by reference. For the purposes of the National School Lunch Program, the “Other Vegetables” requirement may be met with any additional amounts from the dark green, red/orange, and beans/peas (legumes) vegetable subgroups as defined in 7 Code of Federal Regulations section 210.10(c)(2)(iii) as amended by 83 FR 63775, December 12, 2018, which is hereby incorporated by reference.

e Any vegetable subgroup may be offered to meet the total weekly vegetable requirement.

~~f~~**~~All grains must be whole grain-rich.~~At least half of the grains offered weekly must be whole grain rich** and the remaining grains items must be enriched**.** The minimum creditable serving for a grain, a meat, or a meat alternate is at least one quarter ounce equivalent.

g All fluid milk must be low-fat (one percent fat or less) or fat-free (skim). **Milk may be unflavored or flavored, provided that unflavored milk is offered at each meal service.**

[Note to Publisher: Adopt this table to amend section 15558]

Other Specifications: Daily Amount Based on the Average for a 5-Day Week that is contained in 7 Code of Federal Regulations section 210.10(c) as amended by 83 FR 63775, December 12, 2018, which is hereby incorporated by reference.

| Dietary Specifications | Grades K–5 | Grades 6–8 | Grades 9–12 |
| --- | --- | --- | --- |
| Min-Max Calories (kcal)h | 550-650 | 600-700 | 750-850 |
| Saturated Fat (percent of total calories)h | Less than 10 percent | Less than 10 percent | Less than 10 percent |
| **Target 1** Sodium (milligrams)h**, i****Target 2 Sodium (milligrams)** | Less than **or equal to** 1,230 mg**Less than or equal to 935 mg** | Less than **or equal to** 1,360 mg**Less than or equal to 1,035 mg** | Less than **or equal to** 1,420 mg**Less than or equal to 1,080 mg** |
| Trans Fath | Nutrition label of manufacturer specifications must indicate zero grams of trans fat per serving | Nutrition label of manufacturer specifications must indicate zero grams of trans fat per serving | Nutrition label of manufacturer specifications must indicate zero grams of trans fat per serving |

h Discretionary sources of calories (solid fats and added sugars) may be added to the meal pattern if within the specifications for calories, saturated fat, trans fat, and sodium. Food products and ingredients must contain zero grams of trans fat (less than 0.5 grams) per serving. Fluid milk with fat content greater than one percent milk fat is not allowed.

**i Sodium Target 1 is effective from July 1, 2014 through June 30, 2024. Sodium Target 2 is effective July 1, 2024** and is contained in 7 Code of Federal Regulations section 210.10(f)(3) as amended by 83 FR 63775, December 12, 2018, which is hereby incorporated by reference**.**

 **~~(b) Guidelines for total fat and cholesterol are as follows:~~**

**~~(1) In order to control overall intake of total fat and cholesterol, schools:~~**

**~~(i) shall not serve foods or beverages containing 0.5 grams or more of trans fat per serving;~~**

**~~(ii) shall stay within the calorie ranges as an average over the week;~~**

**~~(iii) shall avoid solid fats when possible; and~~**

**~~(iv) shall choose lean meats, substitute meats for beans, peas, and lentils, and choose low-fat or nonfat dairy products when possible.~~**

 **~~(c) Where comparable food products of equal nutritional value are available, the food product lower in fat, or saturated fat, or cholesterol shall be used.~~**

~~or a nutritionally adequate breakfast shall contain, as a minimum, each of the following food components in the amount indicated as modified for age level pursuant to Section 15561:~~

~~(a) One-half pint of fresh, fluid milk as a beverage or on cereal or used in part for each purpose.~~

~~(b) Two ounces of lean meat, poultry, fish, or cheese; or one egg; or one-half cup of cooked dry beans or peas, or 4 tablespoons of peanut butter; or any equivalent quantity of any combination of the above listed foods or acceptable alternates. To be counted in meeting this requirement, such foods shall be served as a main dish or as part of a main dish plus one other menu item.~~

~~(c) Three-fourths cup of two or more vegetables or fruits, or both. Full-strength vegetable or fruit juice may be counted to meet not more than one-fourth cup of this requirement.~~

~~(d) One slice of whole grain or enriched bread; or an equivalent serving of cornbread, biscuits, rolls, tortillas, or acceptable alternates, made of whole grain or enriched flour or meal; or three-fourths cup or one-ounce serving of whole grain cereal or enriched or fortified cereal; or any equivalent quantity of any combination of these foods.~~

~~(e) One teaspoon of butter or fortified margarine.~~

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

#### § 15559. Requirements for ~~Basic~~ Nutritionally Adequate Breakfast.

1. A ~~basic~~ nutritionally adequate breakfast shall contain components that meet the USDA School Breakfast Program requirement for a five-day school week contained in 7 Code of Federal Regulations section 220.8 as amended by 83 FR 63775, December 12, 2018, which is hereby incorporated by reference, as set forth in the following tables:

~~as a minimum, each of the following food components in the amount indicated as modified for age level pursuant to Section 15561:~~

 [Note to Publisher: Adopt this table to amend section 15559]

Amount of Fooda per Week (Minimum per Day)

| Food | Grades K–5 | Grades 6–8 | Grades 9–12 |
| --- | --- | --- | --- |
| Fruits (cups)b,c | 5 (1) | 5 (1) | 5 (1) |
| Vegetables (cups)b,c | 0 | 0 | 0 |
| Grains (ounce equivalents)d | 7-10 (1)\* | 8-10 (1)\* | 9-10 (2)\* |
| Meats/Meat Alternatives (ounce equivalents)**~~d~~e** | 0 | 0 | 0 |
| Fluid milk (cups)**~~g~~f** | 5 (1) | 5 (1) | 5 (1) |

\* U.S. Department of Agriculture has lifted the weekly maximums for grains. The daily and weekly minimums for grains and the weekly calorie ranges still apply. The maximums are used as a guide for menu planning purposes only.

a Food items included in each group and subgroup and amount equivalents as outlined in the U.S. Department of Agriculture’s Food Buying Guide.

b One quarter cup of dried fruit counts as one half cup of fruit; one cup of leafy greens counts as one half cup of vegetables. All juice must be 100 percent full-strength. Frozen 100 percent juice without added sugar can be used. The minimum creditable serving for a fruit or vegetable is at least one eighth cup.

c Vegetables may be substituted for fruits, but the first two cups per week of any such substitution must be from the dark green, red/orange, beans and peas (legumes) or “Other Vegetables” subgroups, as defined in 7 Code of Federal Regulations section 210.10(c)(2)(iii) as amended by 83 FR 63775, December 12, 2018, which is hereby incorporated by reference.

d **~~All grains must be whole grain-rich.~~At least half of the grains offered weekly must be whole grain rich** and all remaining grain items must be enriched**.** Schools may substitute one ounce equivalent of meat/meat alternate for one ounce equivalent of grains after the minimum daily grains requirement is met. Meat/meat alternates may be offered as extra food items that do not count toward the grain component or as food items for Offer Versus Serve. These extra food items need to be included in the weekly calories, sodium, and saturated fat. The minimum creditable serving for a grain, a meat, or a meat alternate is at least one quarter ounce equivalent.

e There is no meat/meat alternate requirement.

f All fluid milk must be low-fat (one percent fat or less) or fat-free (skim). **Milk may be unflavored or flavored, provided that unflavored milk is offered at each meal service.**

**~~g~~ ~~The average daily calories for a five-day school week must be within the range (at least the minimum and no more than the maximum values).~~**

[Note to Publisher: Adopt this table to amend section 15559]

Other Specifications: Daily Amount Based on the Average for a 5-Day Week contained in 7 Code of Federal Regulations section 220.8 as amended by 83 FR 63775, December 12, 2018, which is hereby incorporated by reference.

| Dietary Specifications | Grades K–5 | Grades 6–8 | Grades 9–12 |
| --- | --- | --- | --- |
| Min-Max Calories (kcal)**g,**h | 350-500 | 400-550 | 450-600 |
| Saturated Fat (percent of total calories)h | Less than 10 percent | Less than 10 percent | Less than 10 percent |
| **Target 1** Sodium (milligrams)h**, i****Target 2 Sodium (milligrams)** | Less than **or equal to** 540 mg**Less than or equal to 485 mg** | Less than **or equal to** 600 mg**Less than or equal to 535 mg** | Less than **or equal to** 640 mg**Less than or equal to 570 mg** |
| Trans Fath **i** | Nutrition label of manufacturer specifications must indicate zero grams of trans fat per serving | Nutrition label of manufacturer specifications must indicate zero grams of trans fat per serving | Nutrition label of manufacturer specifications must indicate zero grams of trans fat per serving |

**g The average daily calories for a five-day school week must be within the range (at least the minimum and no more than the maximum values).**

h Discretionary sources of calories (solid fats and added sugars) may be added to the meal pattern if within the specifications for calories, saturated fat, trans fat, and sodium. Food products and ingredients must contain zero grams of trans fat (less than 0.5 grams) per serving. Fluid milk with fat content greater than one percent milk fat is not allowed.

**i Sodium Target 1 is effective from July 1, 2014 through June 30, 2024. Sodium Target 2 is effective July 1, 2024** and is contained in 7 Code of Federal Regulations section 220.8(f)(3) as amended by 83 FR 63775, December 12, 2018, which is hereby incorporated by reference**.**

 **~~(b) Guidelines for total fat and cholesterol are as follows:~~**

**~~(1) In order to control overall intake of total fat and cholesterol, schools:~~**

**~~(i) shall not serve foods or beverages containing 0.5 grams or more of trans fat per serving;~~**

**~~(ii) shall stay within the calorie ranges as an average over the week;~~**

**~~(iii) shall avoid solid fats when possible; and~~**

**~~(iv) shall choose lean meats, substitute meats for beans, peas, and lentils, and choose low-fat or nonfat dairy products when possible.~~**

 **~~(c) Where comparable food products of equal nutritional value are available, the food product lower in fat, or saturated fat, or cholesterol shall be used.~~**

 ~~(1) One-half pint of fresh, fluid milk served as a beverage or on cereal or used in part for each purpose.~~

 ~~(2) One-half cup serving of fruit or full strength fruit or vegetable juice, or combination thereof.~~

 ~~(3) One slice of whole grain or enriched bread; or an acceptable alternate, made of whole grain or enriched meal or flour; or three-fourths cup or one-ounce serving of whole grain cereal or enriched or fortified cereal; or an equivalent quantity of any combination of these foods.~~

 ~~(b) Approved formulated grain fruit products, when served with 1/2 pint milk, constitutes a reimbursable breakfast when the use of regular food components is not possible.~~

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

#### ~~§ 15560. Requirements for Special Breakfast.~~

~~A child nutrition entity providing a special breakfast shall be eligible for increased reimbursement when such breakfast is served in especially needy schools as determined by the Department.~~ ~~The breakfast shall contain, in addition to all components of the basic breakfast as specified in Section 15559: one ounce serving of meat, poultry, fish, cheese, or egg; or two tablespoons of peanut butter; or an equivalent combination of such foods. Each meal shall also contain at least one Vitamin C-rich food. This requirement may be modified for age level pursuant to Section 15561.~~

07-24-19 [California Department of Education]