



USDA Updates

*U.S. Department of Agriculture
Food and Nutrition Service
March 2013*



Overview of Topics & Initiatives

- **Nutrition Standards for All Foods Sold in School**
- **Grains and Meat/Meat Alternate Flexibility**
- **Breakfast Meal Pattern Implementation**
- **Community Eligibility Provision**
- **Direct Certification**
- **SMARTT**
- **Local Meal Charges**
- **Other NSLP Updates**



Nutrition Standards for All Foods Sold in Schools

- **Apply to all food and beverage items available for sale on the school campus throughout the school day**
- **Status: Proposed Rule published Feb 8th, 2013**



Nutrition Standards for All Foods Sold in Schools

- In developing standards, USDA considered:
 - Scientific recommendations for standards
 - Existing voluntary standards for beverages and snack foods
 - Existing State and local standards
 - Practical application of the standards
 - Exemptions for infrequent school-sponsored fundraisers



Definitions

Nutrition standards for competitive foods apply to all foods and beverages sold:

- outside the school meals programs;
- on the school campus; and
- at any time during the school day.



General Standard

To be allowable, a competitive food item **MUST** meet all of the proposed competitive food nutrient standards **AND** include one of the following:

- Be either a fruit, a vegetable, a dairy product, a protein food or a whole-grain rich product

OR

- Contain 10% of the Daily Value of a naturally occurring nutrient of public health concern (i.e., calcium, potassium, vitamin D or dietary fiber)

OR

- Be a combination food that contains $\frac{1}{4}$ cup of fruit or vegetable.



Calories

- **Snack items/Side dishes (Non-NSLP/SBP):**
 - ≤ 200 calories per portion as sold (*including any added accompaniments*)
- **Entrée items sold a la carte (Non-NSLP/SBP):**
 - ≤ 350 calories for non NSLP/SBP entrée items

Sodium

- **Sodium per portion as packaged for non NSLP/SBP items:**
 - **Snack and side items:** ≤ 200 mg
 - **Entrée items:** ≤ 480 mg



Fat Content

- $\leq 35\%$ of total calories from fat per portion as packaged.
 - Several food category exemptions
- $< 10\%$ of total calories from saturated fat per portion as packaged.
 - Exemption for reduced fat cheese
- Zero grams of trans fat per portion as packaged



Total Sugars

- **First Alternative**
 - $\leq 35\%$ of calories from total sugars in foods
- **Second Alternative**
 - $\leq 35\%$ of weight from total sugars in foods
- **Exemptions**
 - Fresh, frozen and canned fruits/vegetables with no added sweeteners
 - Dried whole fruits/vegetables or pieces with no added nutritive sweeteners;
 - Low fat/nonfat yogurt with <30 grams of sugar per 8 ounces.



Accompaniments

- Must be pre-portioned and included in nutrient profile as a part of item served and meet all proposed standards
- Examples include:
 - Dressings with salads
 - Butter or jelly on muffins
 - Cream cheese on bagels
 - Garnishes, etc.



Caffeine

- **Elementary and Middle School**
 - Foods and beverages must be **caffeine-free**, with the exception of trace amounts of naturally- occurring caffeine substances.
- **High School**
 - No caffeine restrictions



Fruit and Vegetable Exemption

- Fresh, frozen and canned vegetables with no added ingredients except water **and**
- Fresh, frozen and canned fruit packed in 100 percent juice or extra light syrup

Would be exempt from all the nutrient standards



NSLP/SBP A La Carte Exemption

- **First Alternative:** NSLP/SBP items sold a la carte are exempt from all standards except:
 - Fat AND sugar standards AND may be served on any day.
- **Second Alternative:** NSLP/SBP entrees and side dishes (*except sweet grain products*) sold a la carte exempt from all standards but limited in terms of days of service.
 - Sold on the same day the items served in the NSLP/SBP
 - OR
 - Sold within four operating days of service in the NSLP/SBP



Specific Nutrition Standards for Beverages



Beverages (Any Time)

BEVERAGE TYPES

- Plain water
- Low fat milk, plain
- Non fat milk, plain or flavored, including nutritionally equivalent milk alternatives; and
- 100% fruit/vegetable juice (≤ 8 oz).

ELEMENTARY

Any size

≤ 8 oz

≤ 8 oz

≤ 8 oz

MIDDLE & HIGH

Any size

≤ 12 oz

≤ 12 oz

≤ 12 oz



Beverages: High School (outside meal service)

- Calorie-free, flavored and/or unflavored, caffeinated or non-caffeinated carbonated water (≤ 20 fl. oz);
- Other calorie free caffeinated or non-caffeinated beverages that comply with the FDA standard of less than 5 calories/serving. (≤ 20 fl. oz.); and
- **12 oz servings of other caffeinated or non-caffeinated “lower calorie” beverages that include two alternatives:**
 - ≤ 40 calories/8 oz serving (≤ 60 calories /12 oz
 - or**
 - ≤ 50 calories/8 oz serving (≤ 75 calories/ 12 oz)



Fundraisers

- All foods that meet the proposed standards may be sold at fundraisers during school hours.
- The proposed standards would not apply to items sold during non-school hours, weekends, or off-campus fundraising events.



Fundraisers Exemption

- The HHFKA allows the Secretary discretion to exempt a limited number of school-sponsored fundraisers.
- **First Alternative**
 - Allows State agencies the discretion to establish limitations on the number of exempt fundraisers that may be held during the school year.
- **Second Alternative**
 - Allows State agencies to set exempt fundraising frequency standards, subject to USDA approval.



State Agency Monitoring

- Records must be maintained by those designated as responsible for any competitive food service in the school.
- State agencies will monitor compliance with the standards through a review of local educational agency records as part of the State agency administrative review.
- If violations have occurred, corrective action plans would be required to be submitted to the State agency.



Implementation and Support

- Schools will have at least one school year from date of publication of the final rule to implement these standards.
- FNS will provide technical assistance upon publication of final rule.
- FNS will provide guidance to State agencies and local educational agencies.



Public Comment Period

- **When to comment: 60-day comment period from date of publication**

- **Where to comment:**
 - **Online:**
 - <http://www.regulations.gov>
 - **By mail:**

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Grains and Meat/Meat Alternate Flexibility



Flexibility

- NSLP meal pattern remains in effect- including calories
- Flexibility in measuring compliance with weekly grains and meat/meat alternates for SY 2012-2013 **AND SY 2013-2014**
- Meals considered to be in compliance if daily and weekly minimums met



Flexibility

- No impact on:
 - Daily and weekly minimums for grains and meat/meat alternates for lunches
 - Daily and weekly minimums for grains for breakfast
 - Weekly calorie ranges and other dietary specifications



Impact on Certification

- State agencies will assess compliance with only the weekly minimums for grains and meat/meat alternates in SY 2012-13 & SY 2013-2014



Breakfast Implementation



SBP Changes Effective SY 2012-2013

- Offer *only* fat-free (flavored or unflavored) and lowfat (unflavored) milk
- Saturated fat limit <10% calories



SBP Changes Effective SY 2013-2014

- Half of weekly grains must be whole grain-rich
- Minimum weekly grain requirement*
 - *Maximum not assessed for SY 2013-14, per memo SP 26-2013
- Calorie ranges
- Zero grams of *trans* fat per portion
- A single Food-Based Menu Planning approach
- Establish age/grade groups: K-5, 6-8 and 9-12
 - All three grade group requirements overlap at breakfast
 - A single menu can be used for all groups
- 3-year administrative review cycle includes SBP
- States conduct weighted nutrient analysis on one week of menus



Fruits Component

- Must offer at least $\frac{1}{2}$ cup of fruit and/or vegetables daily
- No maximum limit on fruit/vegetable quantities
- Fresh, frozen, canned, and dried forms allowed
 - No fruit juice limit in SY 2013-14
 - No starchy vegetable substitution limits
- No OVS requirement to take fruit or vegetable
 - Student may decline any one item
- Temporary allowance for frozen fruit with added sugar
 - SY 12/13 and SY 13/14



Grains Component

- Flexibility in menu planning and complying with weekly ranges for grains in SY 2013-14
 - SFAs compliant if meeting weekly minimum; maximum will *not* be assessed
- No impact on:
 - Daily and weekly minimum for grains for breakfast
 - Weekly calorie ranges are in effect
 - Trans fat and saturated fat also apply



Whole Grain-Rich Foods

- In SY 2013-14, half of the grains offered must be whole grain-rich (WGR)
- All grains must be WGR by SY 2014-15
- Increasing availability commercially
 - USDA Foods offers WGR flour, oats, pancakes, tortillas, and rice
 - Traditional grits ok in SY 2013-14 as long as other grains offered are whole grain-rich



Optional Meat/Meat Alternate

- **No Meat/Meat Alternate Requirement**
- **SFAs that wish to offer a meat/meat alternate at breakfast have two options**
 - Offer meat/meat alternate in place of grains as long as 1 oz eq of grains is also offered
 - Offer meat/meat alternate as an extra item
- **Meals must meet all dietary specifications regardless of the option used**



Community Eligibility



Community Eligibility Provision

- Alternative to collecting household applications for free and reduced price meals in high poverty LEAs and schools.
- Eligible LEAs/schools agree to serve all students free lunches and breakfasts for 4 successive school years.
- LEAs may elect the CE provision for the entire district, individual schools, or a group of schools.
- To be eligible, the LEA, individual school, or group of schools must have an *identified student percentage* of at least 40%.
- Identified students are those certified for free meals NOT through individual household applications (example: directly certified through SNAP).



Community Eligibility Provision Availability

- Being phased-in over three years
- FNS selected three states for SY2011-12, four states for SY2012-13, and will select four states for SY2013-14.
- Available nationwide starting in SY2014-2015.
- Illinois, Kentucky, and Michigan implemented in SY2011-2012
- District of Columbia, New York, Ohio, and West Virginia implemented in SY2012-2013



How will the four SY2013-2014 States be selected?

- Request for State interest in December 2012; applications due March 1.
- Similar criteria will be used to select the 4 states eligible to participate.
 - Required by law, states with an adequate number and variety of LEAs and schools that could benefit from the option will be selected.
- Emphasis will be placed on commitment from eligible LEAs prepared to participate for SY2013-2014.



Implementation Issues

- **Absence of individual income information cited as most common barrier to electing the option**
- **Requires communication between Child Nutrition staff and other State and local education staff to assess potential implications**
- **Early implementing States have developed short term solutions but continue to work on a long term solution for the various funding streams**



Preparation for Nationwide Availability

- Read and review provision guidance provided by FNS.
- Establish communication with the appropriate stakeholders to assess the need for student-level poverty data.
- Inform districts of the future availability of the CE provision and encourage local-level implementation discussions.
- Proposed Rule: early 2013



CE Provision: Evaluation

- **Data collection started in Fall 2012**
- **Examines barriers to election through surveying both participating and non-participating LEAs and schools**
- **Looks at the impact on program integrity, nutritional quality of school meals, and school meal program participation**
- **Final report available by December 31, 2013**



Direct Certification



Direct Certification

Annual Report to Congress

- **Direct Certification in the National School Lunch Program: State Implementation Progress School Year 2011-2012 now published**
- **See Summary and Full Report at:**
<http://www.fns.usda.gov/ORA/menu/Published/CNP/cnp.htm>



FY 2012 Performance Awards- 14 States

Outstanding Performance

- ✘ Alaska
- ✘ Delaware
- ✘ Nebraska
- ✘ North Dakota
- ✘ West Virginia
- ✘ Wyoming

Substantial Improvement

- ✘ Georgia
- ✘ Idaho
- ✘ Kentucky
- ✘ Maryland
- ✘ Michigan
- ✘ New Jersey
- ✘ Ohio
- ✘ Utah



Benchmarks and Technical Assistance

- **Benchmarks SY 2012-2013 - 90%**
- **Benchmarks SY 2013-2014, and beyond, 95%.**
- **Direct Certification Technical Assistance**
- **Continuous Improvement Plans Guidance**



Direct Certification

Continuous Improvement Plans (CIPs)

- **Proposed rule published 1/31/2012**
- **Final Rule published February 22, 2013**
- **16 States have CIPs due to FNS by March 22**
- **Training on CIP development conducted with these States in January**
- **Panel of FNS staff and technical consultants will review plans in April**



Direct Certification Improvement Grants

- **New Direct Certification Improvement Grant RFA released December 21, 2012**
 - **Tier 1 Grants –**
 - Up to \$150,000 - limited scope projects, up to 1 year
 - Monthly application deadlines through July 1, 2013
 - **Tier 2 Grants –**
 - Up to \$1,000,000 - full scope projects, 1-3 years
 - Application deadlines April 1 and July 1, 2013
 - **Over \$8 million available for grants to States**

See Grants.gov and

<http://www.fns.usda.gov/cnd/grants.htm>



Direct Certification

Demonstrations with Medicaid

- **Direct Certification with Medicaid Demonstrations**
 - 6 States participating in SY 2012-2013 – Alaska, Florida, Illinois, Kentucky, New York, & Pennsylvania
 - New RFA released in November for States wanting to participate in SY 2013-2014
 - Deadline was February 5th and applications are under review now
 - Another RFA to be released in Fall 2013 for States to apply for SY 2014-2015



Direct Certification Improvement Study

- **Direct Certification Improvement Study**
 - Surveys went to all States in September 2012
 - Surveys also went to LEAs if the direct certification matching is done at the school district level
 - In-depth reviews will be done in 7 States
 - Study will help identify successful practices and provide guidance & resources to States



Other Updates



New Administrative Review Process Regulation (SMARRT): Implementation

- **New Administrative Review Training & Guidance**
 - **First trainings for States beginning Spring 2013**

- **School year 2013-14: SAs have options**
 - **New process in its entirety**
 - **Old process (i.e., CRE/SMI) in its entirety**

- **Proposed rule this year (2013)**



Local Meal Charge Policies and Alternate Meals

- **Examine current policies and practices on:**
 - **Extending credit to students to pay for reimbursable meals**
 - **Providing “alternate” meals to students without funds**
- **Report on the feasibility of national standards for meal charges and alternate meals**



Local Meal Charge Policies and Alternate Meals : Current Status

- **Data from School Nutrition Operations Study (Year 1) available soon**
- **Expect to convene workgroup in Spring 2013**
- **Workgroup will include State agencies, LEAs, others**



Professional Standards for School Foodservice Personnel

- **Proposed Rule in 2013:**
 - Criteria for selection of new State agency directors (education)
 - Minimum education, training and certification for school food service directors
 - Periodic training and certification for directors, local foodservice managers and personnel
- **Rule Development**
 - Task force meeting in March 2012
 - Follow-up phone calls for interested stakeholders
 - Discussion sessions at national conferences



Child Nutrition Programs: Nondiscretionary Amendments Related to the HHFKA of 2010

- **Published final rule Feb 28, 2013**
- **Addresses required changes in the law, including:**
 - **Categorical eligibility for foster children,**
 - **Permanent agreements for institutions and sponsors, and**
 - **Privacy protections for using social security numbers**
- **Implemented thru policy guidance in 2011**
- **Codifies these changes into regulation**



At-risk Streamlining for SFAs

- Streamline school participation in CACFP
- Existing flexibilities (CACFP 08-2008)
- Allows additional flexibilities:
 - applications
 - agreements
 - meal patterns
 - procurement and contracting; and
 - Monitoring
- Memo issued on 11/28/2012



Questions?

