



DEPARTMENT OF EDUCATION


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May 30, 2024

MEMORANDUM

TO: Directors of Residential Child Care Institutions
Other Appropriate Personnel

FROM: Aimee F. Beam, MS, RD 
Education Associate, Nutrition Programs

RE: **SY 2023-2024 Operational Memo #24**
Consolidated Appropriations Act, 2024: Effect on Child Nutrition Programs

On May 14, 2024, the United States Department of Agriculture (USDA) released SP 18-2024, CACFP 06-2024, SFSP 11-2024, *Consolidated Appropriations Act, 2024: Effect on Child Nutrition Programs*.

This memorandum provides notice to Child Nutrition Program (CNP) operators regarding Sections 739, 747, 748, 769, and 770 of Division B of the Consolidated Appropriations Act, 2024 (Public Law 118-42) (the Appropriations Act), enacted on March 9, 2024. This memorandum applies to State agencies administering, and local organizations operating, the Federal CNPs.

The memo is attached for your review. Please contact our office with any questions.

Attachment: SP 18-2024, CACFP 06-2024, SFSP 11-2024 - Consolidated Appropriations Act, 2024: Effect on Child Nutrition Programs

cc: Nutrition Team



Food and Nutrition Service

U.S. DEPARTMENT OF AGRICULTURE

Date: May 14, 2024

Memo code: SP 18-2024, CACFP 06-2024, SFSP 11-2024

Subject: Consolidated Appropriations Act, 2024: Effect on Child Nutrition Programs

To: Regional Directors, Child Nutrition Programs, All Regions
State Directors, Child Nutrition Programs, All States

This memorandum provides notice to Child Nutrition Program (CNP) operators regarding Sections 739, 747, 748, 769, and 770 of Division B of the Consolidated Appropriations Act, 2024 (Public Law 118-42) (the Appropriations Act), enacted on March 9, 2024. This memorandum applies to State agencies administering, and local organizations operating, the Federal CNPs discussed below.

Crediting of Vegetables at Breakfast

In Section 739 of Division B of the Appropriations Act, Congress provides that school food authorities (SFAs) participating in the School Breakfast Program (SBP) may credit any vegetable offered in place of fruit without including vegetables from other subgroups in the weekly menus. This general provision is effective for school years (SYs) 2023-2024 and 2024-2025 and restricts USDA from enforcing vegetable variety requirements at breakfast when this flexibility is used. However, SFAs are not required to make any breakfast menu changes.

The final rule, *Child Nutrition Programs: Meal Patterns Consistent With the 2020-2025 Dietary Guidelines for Americans*, includes a “vegetables at breakfast” provision that is not fully consistent with this Appropriations Act. Under the final rule, 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 vegetable subgroups. Based on the Appropriations Act, through SY 2024-2025, schools may offer any vegetable in place of fruit at breakfast. USDA continues to encourage Program operators to include a variety of vegetables at breakfast

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when using this optional menu planning flexibility in order to expose children to the nutrients that come from a variety of vegetables. Starting in SY 2025-2026, schools that used this Congressional flexibility in SY 2024-2025 will be required to offer at least two vegetable subgroups at breakfast per week, if offering vegetables in place of fruit at breakfast more than once per week.

Prohibition on the Use of Chicken and Seafood from China

In Section 747, of Division B of the Appropriations Act, Congress provides that funds made available by the Appropriations Act may not be used to procure raw or processed poultry or seafood products imported into the United States from the People's Republic of China for use in any CNP. Consistent with the terms of the Appropriations Act, this memorandum provides notice to CNP operators that Program funds may not be used to procure raw or processed poultry or seafood products from the People's Republic of China. This legislation extends the existing prohibition outlined in the Consolidated Appropriations Act of 2023 on using Program funds to procure raw or processed poultry products from the People's Republic of China through September 30, 2024.

Compliance with Paid Lunch Equity (PLE) Requirements

Under Section 748, of Division B of the Appropriations Act, for SY 2024-2025, only SFAs that had a negative balance in the nonprofit school food service account as of June 30, 2023, shall be required to establish a price for paid lunches according to the PLE provisions in Section 12(p) of the Richard B. Russell National School Lunch Act (NSLA) (42 U.S.C. 1760(p) and implemented in the National School Lunch Program (NSLP) regulations at 7 CFR 210.14(e). Consistent with the terms of the Appropriations Act, SP 14-2024, [Paid Lunch Equity: Guidance for School Year 2024-2025](#), provides notice that any SFA with a positive or zero balance in its nonprofit school food service account as of June 30, 2023, is exempt from paid lunch equity pricing requirements found at 7 CFR 210.14(e) for SY 2024-2025.

Required Inclusion of Low-fat or Fat-free Flavored Milk in CNP Meal Patterns

Under Section 769, of Division B of the Appropriations Act, Congress provides that USDA must allow the service and reimbursement of low-fat (1% fat) or fat-free flavored milk for participants in grades K-12 in the NSLP and SBP, and for participants over the age of 6 in the Child and Adult Care Food Program (CACFP).

The [milk updates](#) made by the final rule, *Child Nutrition Programs: Meal Patterns Consistent With the 2020-2025 Dietary Guidelines for Americans*, are consistent with this provision of the Appropriations Act. All K-12 schools may continue to offer fat-free and low-fat milk, both flavored and unflavored. Limits on added sugar in flavored milk included in the final rule must be implemented by SY 2025-2026. In CACFP, both flavored and unflavored milk that is low-fat or fat-free may continue to be served to participants ages 6 and older.

Maintaining of SY 2023-2024 Sodium Limits in School Meal Patterns through SY 2026-2027

Under Section 770, of Division B of the Appropriations Act, sodium limits in effect for SY 2023-2024 in school lunch and breakfast are effective through SY 2026-2027. After SY 2026-2027, the sodium limit for school lunch and breakfast cannot be more restrictive than the Target 2 sodium levels published in the 2012 final rule “*Nutrition Standards in the National School Lunch and School Breakfast Programs*” (77 Fed. Reg 4087).

The sodium requirements under the Appropriations Act are consistent with the [updated sodium requirements](#) for school meals in the final rule, *Child Nutrition Programs: Meal Patterns Consistent With the 2020-2025 Dietary Guidelines for Americans*, which include a single sodium reduction of approximately 10% at breakfast and 15% at lunch, set to begin in SY 2027-2028. These updates bring sodium limits down to the exact limits that were previously referred to as the Target 2 limits, issued in 2012.

The Food and Nutrition Service (FNS) appreciates the exceptional effort of State agencies and local Program operators working to meet the nutritional needs of children. State agencies are reminded to distribute this information to Program operators immediately. Program operators should direct any questions regarding this memorandum to the appropriate State agency. State agencies should direct questions to the appropriate FNS Regional Office.

**ANDREA
FARMER** Digitally signed by
ANDREA FARMER
Date: 2024.05.14
14:00:42 -04'00'

Andrea Farmer
Director
School Meals Policy Division
Child Nutrition Programs

**J
MASKORNICK** Digitally signed by J
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Date: 2024.05.14
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J. Kevin Maskornick
Director
Community Meals Policy Division
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