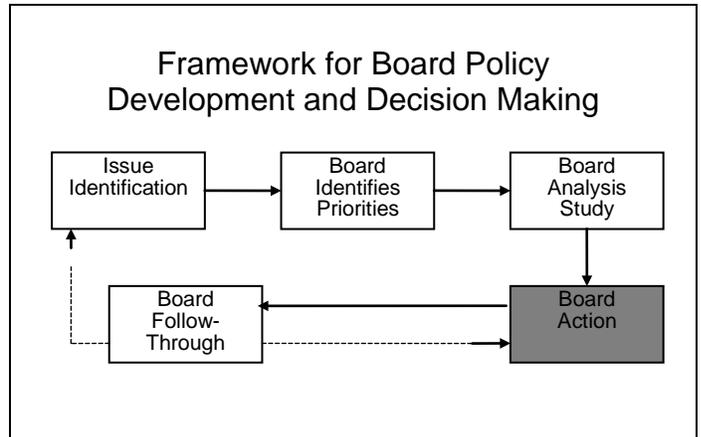


# Iowa State Board of Education

## Executive Summary

March 31, 2014



**Agenda Item:** Rules: Chapter 58 – School Breakfast and Lunch Program, Nutritional Content Standards for Other Foods and Beverages (Adopt)

**Iowa Goal:** All PK-12 students will achieve at a high level.

**State Board Role/ Authority:** Iowa Code section 256.7(5) gives the State Board of Education the statutory authority to adopt rules under chapter 17A.

**Presenter:** None (consent agenda)

**Attachments:** 1

**Recommendation:** It is recommended that the State Board adopt the changes to Chapter 58.

**Background:** This change to the rules replaces the current nutritional chart and explanation in the administrative code. The replacement is a simple statement of agreement to national food standards as established by the United States Department of Agriculture to comply with their student nutrition program standards.

While the rules remain unchanged in content, instead of noting that they come from the federal register and that site should be viewed for them, they will simply be spelled out without any federal reference. There were three people in attendance at the public hearing but there were no comments received on these rules.

EDUCATION DEPARTMENT [281]

**Adopted and Filed**

Pursuant to the authority of Iowa Code section 256.7(5), the State Board of Education hereby amends Chapter 58, “Chapter 58 School Breakfast and Lunch Program, Nutritional Content Standards For Other Foods and Beverages,” Iowa Administrative Code.

This is a basic change in administrative code that replaces the current chart and explanation concerning how Iowa schools sell food and beverage items in ala carte, vending machines and school stores, excluding lunch and concession stands.. After a five year review of the current rules under the Healthy Iowa Kids Act, revisions are being made to offerings based on input from a group gathered to study the topic. This group was made up of representatives of both Iowa education officials and Iowa business groups. Their resulting revisions are shown in the new chart located in these amended changes.

An agency-wide waiver provision is provided in 281—chapter 4.

Notice of Intended Action was published in the February 19, 2014, Iowa Administrative Bulletin as ARC 1341C. Public comments were allowed until 4:30 p.m. on March 11, 2014. A public hearing was held on that date with three in attendance. They did not state any opinions on the rules but just came to monitor as well as have a few questions answered. No written comments were received. There were concerns shared at the Administrative Rules Review Committee meeting and the amended format is intended to address those concerns.

The amendment is identical in content but is formatted with the specific rules presented in chart form as opposed to referenced at a particular site. These Iowa produced rules are presented in a format more comfortable to committee members and the Department of Education is glad to make these changes so that the emphasis on these rules concern the content of the material being presented, not the format that they are in.

After analysis and review of this rule making, no impact on jobs has been found.

This amendment shall become effective June 4, 2014.

This amendment is intended to implement Iowa code chapter 283A and sections 256.7(29), 256.9(59) and 256.9(60).

The following amendment is adopted.

**Item 1.** Rescind rule **58.11(281)** and adopt the following **new** rule in lieu thereof:

**281---58.11(256) Nutritional Content Standards.**

<b>Foods Table</b>		
<b>Nutrient</b>	<b>Allowable A la Carte, Vending, and Regulated Fundraising Items</b>	<b>Exemptions</b>
General Standards for Competitive Food.	<p>To be allowable, a competitive FOOD item must meet all of the proposed competitive food nutrient standards <u>and</u>:</p> <ol style="list-style-type: none"> <li>1. Be a grain product that contains 50% or more whole grains by weight or have whole grain as the first ingredient*; OR</li> <li>2. Have as the first ingredient* one of the non-grain main food groups: fruits, vegetables, dairy, or protein foods (meat, beans, poultry, seafood, eggs, nuts, seeds, etc.); OR</li> <li>3. Be a combination food that contains at least ¼ cup fruit and /or vegetable; OR</li> <li>4. Only through July 1, 2016 the food may qualify by containing 10% of the Daily Value (DV) of a nutrient of public health concern (i.e., calcium, potassium, Vitamin D, or dietary fiber).</li> </ol> <p>*If water is the first ingredient, the second ingredient must be one of the items 1, 2, or 3 above.</p>	<p><i>Any entrée item offered as part of the lunch program or the breakfast program is exempt from all competitive food standards if it is sold as a competitive food on the day of service or the day after service.</i></p> <p>Fresh fruits and vegetables with no added ingredients except water are exempt from all nutrient standards.</p> <p>Canned and frozen fruits with no added ingredients except water, or are packed in 100% juice, extra light syrup, or light syrup are exempt from all nutrient standards.</p> <p>Canned vegetables with no added ingredients except water or that contain a small amount of sugar for processing purposes to maintain the quality and structure of the vegetable are exempt from all nutrient standards.</p>
Calories	<p>Snack items and side dishes sold a la carte: ≤200 calories per item as served, including any added accompaniments.</p> <p>Entrée items sold a la carte: ≤350 calories per item as served, including any added accompaniments.</p>	<p><i>Entrée items served are exempt on the day of or day after service in the program meal.</i></p>
Sodium	<p>Snack items and side dishes sold a la carte: ≤ 230 mg sodium per item as served.</p>	

	<p>Effective July 1, 2016 snack items and side dishes sold a la carte must be <math>\leq 200</math> mg sodium per item as served, including any added accompaniments.</p> <p>Entrée items sold a la carte: <math>\leq 480</math> mg sodium per item as served, including any added accompaniments/condiments.</p>	<p><i>Entrée items served are exempt on the day of or day after service in the program meal.</i></p>
Saturated Fats	<p><math>&lt; 10\%</math> calories from saturated fat as served</p>	<p><i>Entrée items served are exempt on the day of or day after service in the program meal.</i></p> <p>Reduced fat cheese (including part-skim mozzarella).</p> <p>Nuts and seeds and nut/seed butters.</p> <p>Products consisting of only dried fruit with nuts and/or seeds with no added nutritive sweeteners or fats.</p> <p>Combination products when sold beyond day of service or day after service are not exempt and must meet all the nutrient standards.</p>
Trans Fat	<p><math>\leq 0.5</math> g per portion</p>	
Total Fats	<p><math>\leq 35\%</math> calories from total fat as served</p>	<p><i>Entrée items served are exempt on the day of or day after service in the program meal.</i></p> <p>Reduced fat cheese (including part-skim mozzarella).</p> <p>Nuts and seeds and nut/seed butters.</p> <p>Products consisting of only dried fruit with nuts and/or seeds with no added nutritive sweeteners or fats.</p> <p>Seafood with no added fat.</p> <p>Combination products when sold beyond day of service or day after service are not exempt and must meet all the nutrient standards.</p>
Sugar	<p><math>\leq 35\%</math> of weight from total sugar as served</p>	<p><i>Entrée items served are exempt on the day of or day after service in the program meal.</i></p> <p>Dried whole fruits or vegetables; dried whole fruit or vegetable pieces; and dehydrated fruits or</p>

		<p>vegetables with no added nutritive sweeteners.</p> <p>Dried whole fruits, or pieces, with nutritive sweeteners that are required for processing and/or palatability purposes) i.e., cranberries, tart cherries or blueberries).</p> <p>Products consisting of only exempt dried fruit with nuts and/or seeds with no added nutritive sweeteners or fats.</p>
Dietary Fiber/Whole Grain	≥50% whole grains by weight or have whole grains as the first ingredient.	
Sugar-Free Chewing Gum		Sugar Free chewing gum is exempt from all competitive food standards.
Accompaniments/Condiments	Must be included in the nutrient profile as part of the food item served and meet all proposed standards.	

### Beverages Table

<b>Beverages Table</b>		
Milk	<p>Low fat milk, unflavored or non fat milk, flavored or unflavored, including nutritionally equivalent milk alternatives as permitted by NSLP:</p> <ul style="list-style-type: none"> <li>• Elementary School ≤ 8 fl oz</li> <li>• Middle and High School ≤ 12 fl oz</li> </ul>	
Fruit/Vegetable Juice	<p>100% fruit/vegetable juice, or 100% fruit/vegetable juice diluted with water (with or without carbonation) and no added sweeteners:</p> <ul style="list-style-type: none"> <li>• Elementary School ≤ 8 fl oz</li> <li>• Middle and High School ≤ 12 fl oz</li> </ul>	
Water	Plain or carbonated water in any size.	
Caffeine	<ul style="list-style-type: none"> <li>• Elementary and Middle School: foods and beverages must be caffeine-free with the exception of trace amounts of naturally occurring caffeine substances.</li> <li>• High School: foods and beverages may contain caffeine.</li> </ul>	

Other Flavored and/or Carbonated Beverages	<ul style="list-style-type: none"><li>• Elementary or Middle School: None allowed.</li><li>• High School: Contain <math>\leq 5</math> calories per 8 fl oz, or <math>\leq 10</math> calories per 20 fl oz in sizes <math>\leq 20</math> fl oz.  Contain <math>\leq 40</math> calories per 8 fl oz, or <math>\leq 60</math> calories per 12 fl oz in sizes <math>\leq 12</math> fl oz.</li></ul>	
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