# Addendum to Final Statement of Reasons

School Nutrition Programs

## **Non Substantive Amendments Made to Regulations After the 15-Day Public Comment Period**

Upon review, the State Board of Education (SBE) determined that further explanation regarding the following non substantive amendments to the regulations was indicated. These changes do not impact existing law.

**Proposed Section 15560(c)** is added to include the requirements of when a student may receive a fluid milk substitute for a non-disability reason. The required Parental Request for a Fluid Milk Substitution for School-Age Children (SNP 26 Rev. 12/24) form is incorporated by reference. This new section is needed to align Title 5 California Code of Regulations (CCR) with Title 7 Code of Federal Regulations (C.F.R.) section 210.10(d)(2) to maintain consistency between state and federal regulations. The citation has been updated as a result of a revision to the C.F.R. made by Child Nutrition Programs: Meal Patterns Consistent with the 2020-2025 Dietary Guidelines for Americans (89 FR 31962), effective July 1, 2025.

**Proposed Section 15560(d)** is added to include the requirement that a child nutrition entity must inform the California Department of Education (CDE) if the child nutrition entity chooses to offer fluid milk substitutes for non-disabled students. This new section is needed to align 5 CCR with 7 C.F.R. section 210.10(d)(2)(i) to maintain consistency between state and federal regulations. The citation has been updated as a result of a revision to the C.F.R. made by 89 FR 31962, effective July 1, 2025.

**Section 15564(c)** is amended to comply with 7 C.F.R. section 210.8(c). This change does not materially alter any requirement, right, responsibility, condition, prescription or regulatory element of any California Code of Regulations provision because it is a restatement of existing law and has the same substantive effect as the originally proposed text.

**Section 15575(e)** incorporates by reference the U.S. Department of Agriculture’s (USDA) Food Buying Guide for Child Nutrition Programs (FBG). Sections 1, 2, 3, as updated on February 20, 2020, and section 4 as updated on May 31, 2022. These changes are necessary to reflect the changes to the FBG since 2001, as the FBG is the basis for the definition of meat/meat alternates, grains/breads, vegetables, and fruits. The USDA’s FBG sections 1, 2, 3, and 4 are too lengthy and cumbersome to publish in the California Code of Regulations.

**Section 15576(f), formerly Section 15576(d)** is amended to add almond milk as another example of a non-dairy milk alternative. This is necessary to align with EC sections 49431.5(a)(1)(D) and (a)(3)(D). This section is also amended to align the minimum amount of calcium contained in a non-dairy milk alternative with the requirements for calcium in a fluid milk substitute, as stated in 7 C.F.R. section 210.10(d)(2)(ii).