# Final Statement of Reasons

School Nutrition Programs

## Update of Initial Statement of Reasons

The original proposed text was made available for public comment for at least 45 days from April 12, 2024 through May 28, 2024. No comments were received during the 45-day comment period.

A public hearing was held via videoconference on May 28, 2024 at 9:00 A.M. Sixteen individuals attended the public hearing, and no oral comments were received.

## Summary And Response to Comments Received During the Initial Notice Period of April 12, 2024 Through May 28, 2024.

No written comments were received during the initial notice period of April 12, 2024 through May 28, 2024.

After the 45-day comment period, the following changes were made to the proposed text of the regulations and sent out for a 15-Day comment period:

**Section 15560. Fluid Milk Substitutions.**

**Section 15560(a)** is amended to change the units of measure for Vitamin A and Vitamin D requirements for fluid milk substitutes provided as a part of all Child Nutrition Programs. Instead of 500 International Units (IU), the unit for the vitamin A requirement is now 150 micrograms (mcg) retinol activity equivalents (RAE) per 8 fluid ounces and instead of 100 IUs, the unit for Vitamin D is now 2.5 mcg per 8 fluid ounces.

**Section 15560(b)** is amended to add registered dietitians to the list of health care professionals that can provide documentation of the need for a fluid milk substitution on behalf of child with disabilities for service in the school lunch and breakfast programs. The section is also amended to reduce the specificity of the documentation provided by removing the form title, providing greater operational flexibility.

**Section 15562. Meals Eligible for Reimbursement.**

**Section 15562(b)** is amended to specify that federal and state reimbursement may be claimed for meals containing substituted food components made, due to medical reasons, as a result of a written recommendation by a registered dietitian.

**Section 15575. Definitions for Foods.**

**Section 15575(h)** is amended to update terminology to align with the language used in the Child Nutrition Programs and to clarify the requirement that for whole grain rich grain or bread products prepared by schools, the grains not considered whole grains must be enriched.

**Section 15576. Definitions for Beverages.**

**Sections 15576(e)(2) and (e)(3)** are amended to incorporate the limits for added sugar into the definition of milk sold as a competitive food which, in July 2025, will replace the previous limit of total sugars.

**Sections 15576(f)(2) and (f)(3)** are amended to align the limits for sugar in fluid milk alternatives sold as a competitive food with that for fluid milk sold as a competitive food.

Comments Received During the Period the 15-Day Notice and Proposed Regulation Text Was Available to the Public

The modified text was made available to the public from November 19, 2024, through December 3, 2024. The State Board did not receive any comments on the modified text.

## Alternatives Determination

The State Board of Education has determined that no alternative would be more effective in carrying out the purpose for which the regulation is proposed or would be as effective and less burdensome to affected private persons than the proposed regulation or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law.

The nonadoption of these changes is not a suitable alternative because existing regulations are not representative of current practices, programs, and policies of the School Nutrition Programs administered by the California Department of Education.

## Local Mandate Determination

The proposed regulations do not impose any mandate on local agencies or school districts.

2024-12-03 [California Department of Education]