Key Points on 2020 Proposed Rule

Overview

The 2020 proposed rule (Simplifying Meal Service and Monitoring Requirements in the National School Lunch and School Breakfast Programs, 85 Fed. Reg. 4094 proposed rule [Jan. 23, 2020]) is another attempt by the Trump Administration to weaken school nutrition.

This isn’t the Trump Administration’s first attack on school meals. USDA implemented a final rule in 2018 that locked in unsafe sodium levels in school meals, required fewer whole grains, and allowed flavored 1 percent milk. This came after 99 percent of public comments submitted, by USDA’s own estimate, were in opposition to the proposed rollbacks.

These rollbacks threaten the progress we have made on school foods. USDA’s own study, the School Nutrition and Meal Cost Study, found that thanks to the updated standards, the nutritional quality of school meals has significantly increased. Researchers from the Harvard University T.H. Chan School of Public Health estimated that the updated standards could prevent up to two million cases of childhood obesity and save nearly $800 million in healthcare costs over ten years, concluding these changes to be “one of the most important national obesity prevention policy achievements in recent decades.”

Specifics

The 2020 proposed rule:

Meals and competitive foods

- Allows kids to eat pizza, burgers, chicken nuggets, cookies, and French fries for lunch every day.
  - Widens a loophole by allowing meal items to be served a la carte without meeting the competitive foods standards by an additional day. Currently entrées that are part of the school meal can be served a la carte and exempt from the competitive food standards the day the meal is served and day after. The proposed rule widens this loophole by extending the exemption by an additional day and seeks comment on exempting side dishes. USDA says this will cut down on waste by allowing more time to serve leftovers, but in practice, schools will buy more entrées like pizza and burgers to offer on the a la carte line.
- Decreases vegetables likes carrots and cucumbers and increases the amount of French fries at lunch.
  - Decreases the required amount of red/orange and “other” vegetables served.
  - This is counter to recommendations in the Dietary Guidelines for Americans, which were the basis of the vegetable subgroups created in the school lunch requirements in 2012.
- Halves the amount of fruit offered in breakfast in the classroom.
  - Reduces the amount of fruit offered from 1 cup to ½ cup.
  - USDA reasons that this aligns with what kids must take under offer-versus-serve requirements in the cafeteria, but in practice, this means that kids who want to take a cup of fruit in the classroom (as opposed to a half cup) could lose that option.
  - It is likely that schools may serve more 100 percent juice in place of whole fruit to meet this requirement. It is recommended that kids consume whole fruit rather than 100 percent juice because it lacks dietary fiber and when consumed in excess can contribute extra calories.
- Reduces the amount of grains in breakfast.
This ideally could pave the way for less healthy options (e.g., sugary waffles, pancakes, muffins, cinnamon rolls, cereals, granolas) and more healthy options (e.g., eggs or plain yogurt) for breakfast but could also mean processed meats like sausage and bacon will be served daily.

- Allows schools to offer more water: naturally flavored potable water with meals and calorie-free, naturally flavored, noncarbonated and carbonated water.
  - Schools that offer water in pitchers or dispensers can add fruit to the water. This is a great way to make water more enticing to kids.

### Meal patterns

- Allows schools with SFAs serving fewer than 2,500 students to use one or two meal patterns to plan meals for students in all grades. For example, a school district with K-12 could use the same meal plan for grades 6-8 for all students.
  - This means that kindergarteners in a K-12 school could be served the same meal as 12th graders.
  - This could lead to younger students being overfed, meaning they could be served too many calories, fat, sodium, etc. for their age. Kids already don’t have enough time to eat; more food on their plates may also lead to more waste.
  - Another problematic scenario is that older students may be underfed if given meals suitable for younger grades, raising concerns about hunger and malnutrition.
  - This could impact about 23 percent of total schools.
- Allows schools with certain grade configurations like 7-9 that don’t align with meal pattern grade groups (6-8, 9-12) the same meal pattern to all students.

### Administrative Review

- Changes the 3-year Administrative Review cycle to 5-year cycle with follow-up reviews of high-risk SFAs.
  - This could result in students going through their entire middle school or high school career without a review cycle taking place.

### USDA has also requested comments on:

- Removing the whole grain-rich requirement for entrées for competitive foods and expanding this to side dishes.
  - USDA has already weakened the whole grain-rich requirement (from 100 to 50 percent whole grain-rich) and now wants to further weaken it for entrées served in the a la carte line. USDA also wants to widen the loophole that exempts menu items served a la carte from competitive food standards by exempting side dishes.
- Making permanent the potato appropriations rider that allows schools to substitute vegetables for fruit in breakfast.
  - This change will lead to less fruit and less variety of vegetables (e.g., leafy greens such as spinach in an omelet or black beans in a breakfast burrito). Instead, more white (and often fried) potatoes (e.g., tater tots, hash browns, home fries) could now be served every day for breakfast.
  - Current requirements allow schools the option to offer vegetables in place of all or part of the required fruit component for breakfast. However, the first two cups per week of any
such substitution must be from the dark green, red/orange, beans and peas (legumes) or other vegetable subgroups. These vegetable subgroups have been identified as being under-consumed by school children. Starchy vegetables may also be offered in substitution of fruits, once the first two cups offering of non-starchy vegetables have been met. Instead, the appropriations rider and the proposed rule remove this requirement.

- Allowing grain-based desserts into CACFP.