

TITLE XII  
PROGRAMS ADMINISTRATION

## CHAPTER 58

SCHOOL BREAKFAST AND LUNCH PROGRAM; NUTRITIONAL CONTENT STANDARDS  
FOR OTHER FOODS AND BEVERAGES

[Prior to 9/7/88, see Public Instruction Department[670] Ch 10]

**281—58.1(283A,256) Authority.** Iowa Code chapter 283A authorizes the department of education to administer the school breakfast and lunch programs in the public and nonpublic schools of the state. Iowa Code sections 256.7(29), 256.9(59), and 256.9(60) authorize the state board of education to establish nutritional content standards for foods and beverages sold or provided on school grounds during the school day.

[ARC 7782B, IAB 5/20/09, effective 7/1/10]

DIVISION I  
SCHOOL BREAKFAST AND LUNCH PROGRAM

**281—58.2(283A) Definitions.** For the purposes of this division, the following definitions apply:

“*Attendance center*” means a public school of high school grade or under.

“*Department*” means the Iowa department of education.

“*Nutritionally adequate meal*” means a breakfast or lunch which meets the minimum criteria for eligibility for federal reimbursement under the federal National School Lunch Act of 1946 and the federal Child Nutrition Act of 1966.

“*Other eligible provider*” means an institution or organization other than a school district and a nonpublic school that is authorized to provide school breakfast and school lunch programs under the federal National School Lunch Act of 1946 and the federal Child Nutrition Act of 1966.

“*School*” means a school of high school grade or under.

“*School board*” means the board of directors regularly elected by the registered voters of a school corporation or district of the state of Iowa.

“*School breakfast program or school lunch program*” means a program under which breakfasts and lunches or lunches are served by any school in the state of Iowa on a nonprofit basis to children in attendance, including any such program under which a school receives assistance out of funds appropriated by the Congress of the United States.

[ARC 7782B, IAB 5/20/09, effective 7/1/10]

**281—58.3(283A) Agreement required.** All programs operated and approved for federal assistance must operate according to the terms of an agreement or contract executed between the department and the individual school district, the authorities in charge of the nonpublic school or other eligible provider. This agreement or contract is continuous and remains in effect until terminated or canceled by either party. The agreement may be terminated upon ten days’ written notice on the part of either party, provided, however, that the department of education may cancel the agreement immediately upon receipt of evidence that the terms and conditions of the agreement or contract have not been met.

**281—58.4(283A) State plan.** The state plan for the National School Lunch Act of 1946 and the Child Nutrition Act of 1966 shall be reviewed annually according to federal regulations. A copy of such regulations may be obtained at no more than actual cost of reproduction by contacting the department.

Advisory committees shall be established by the director when appropriate. Members shall be appointed by the director. Persons interested in participating in such advisory committees may contact the director. Any advisory committee at the state level shall be established according to federal regulations. Actual costs for lodging and meals for the state level advisory committee shall be paid by the department at current state rates.

Public meetings shall be arranged by the director as desired to assist in reviewing the state plan.

**281—58.5(283A) Service area defined.** The geographical service area for the National School Lunch Act of 1946 and the Child Nutrition Act of 1966 is the entire state of Iowa. When a service as defined in these two Acts is available in a school or institution, it shall be available to all children in the school or institution.

**281—58.6(283A) School breakfast program.** A school district, the authorities in charge of a nonpublic school or other eligible provider may operate or provide for the operation of a school breakfast program at all schools in the district or may provide access to a school breakfast program at an alternative site.

**281—58.7(283A) School lunch program.** A school district shall operate or provide for the operation of lunch programs in all attendance centers in the district. The program shall be provided for all students in each district who attend public school four or more hours each school day and wish to participate.

**281—58.8(283A) Procurement.** A school board, the authorities in charge of a nonpublic school and each other eligible provider participating in the program shall adopt a policy on the procurement of goods and services used in the administration of the program. If an issue is not covered in the policy, the school district, the authorities in charge of the nonpublic school and each other eligible provider shall follow the appropriate federal regulation.

DIVISION II  
NUTRITIONAL CONTENT STANDARDS FOR OTHER FOODS AND BEVERAGES

**281—58.9(256) Definitions.** For the purposes of this division, the following definitions apply:

*“À la carte food sales”* means foods or beverages offered for sale by the school as part of the school’s food service program during the time the reimbursable school breakfast or lunch is served and that are not part of the reimbursable breakfast or lunch.

*“Regulated fundraising”* means the sale of foods or beverages on school property targeted primarily to PK-12 students by or through other PK-12 students, student groups, school organizations, or on-campus school stores.

*“School”* means a school district or accredited nonpublic school.

*“School breakfast program or school lunch program”* means a program under which breakfasts and lunches or lunches are served by any school in the state of Iowa on a nonprofit basis to children in attendance, including any such program under which a school receives assistance out of funds appropriated by the Congress of the United States.

[ARC 7782B, IAB 5/20/09, effective 7/1/10]

**281—58.10(256) Scope.** The rules in this division regulate the nutritional content of foods and beverages sold or provided on the school grounds of any school during the school day, including foods and beverages sold via vending machines, foods and beverages sold as à la carte items, and foods and beverages sold as part of regulated fundraising. These rules do not regulate the nutritional content of foods or beverages provided through a school breakfast program or school lunch program; sold as a part of other fundraising events; sold at concession stands; provided by parents, other volunteers, or students for class events; or provided by staff for consumption by staff or students. The board of directors of a public school district or the authorities in charge of an accredited nonpublic school may, but are not required to, prescribe reasonable rules for their staff, volunteers, students, and parents, guardians, or custodians of students to adhere to regarding foods and beverages provided on school grounds by staff, volunteers, students, and parents, guardians, or custodians of students.

[ARC 7782B, IAB 5/20/09, effective 7/1/10]

**281—58.11(256) Nutritional content standards.**

<b>Foods Table</b>		
<b>Nutrient</b>	<b>Allowable à 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 competitive food nutrient standards AND:</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 in 1, 2, or 3 above.</p>	<p>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.</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 that 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 à la carte: ≤200 calories per item as served, including any added accompaniments</p> <p>Entrée items sold à la carte: ≤350 calories per item as served, including any added accompaniments</p>	<p>Entrée items served are exempt on the day of or day after service in the program meal.</p>
Sodium	<p>Snack items and side dishes sold à la carte: ≤230 mg sodium per item as served</p> <p>Effective July 1, 2016, snack items and side dishes sold à la carte must be ≤200 mg sodium per item as served, including any added accompaniments.</p> <p>Entrée items sold à la carte: ≤480 mg sodium per item as served, including any added accompaniments/condiments</p>	<p>Entrée items served are exempt on the day of or day after service in the program meal.</p>

<b>Foods Table</b>		
<b>Nutrient</b>	<b>Allowable à la Carte, Vending, and Regulated Fundraising Items</b>	<b>Exemptions</b>
Saturated Fats	<10% calories from saturated fat as served	<p>Entrée items served are exempt on the day of or day after service in the program meal.</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	≤0.5 g per portion	
Total Fats	≤35% calories from total fat as served	<p>Entrée items served are exempt on the day of or day after service in the program meal.</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	≤35% of weight from total sugar as served	<p>Entrée items served are exempt on the day of or day after service in the program meal.</p> <p>Dried whole fruits or vegetables; dried whole fruit or vegetable pieces; and dehydrated fruits or 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 standards	

<b>Beverages Table</b>		
<b>Beverage</b>	<b>Allowable à la Carte, Vending, and Regulated Fundraising Items</b>	<b>Exemptions</b>
Milk	Lowfat milk, unflavored, or nonfat milk, flavored or unflavored, including nutritionally equivalent milk alternatives as permitted by NSLP*: <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	100% fruit/vegetable juice, or 100% fruit/vegetable juice diluted with water (with or without carbonation) and no added sweeteners: <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 plain 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: <ul style="list-style-type: none"> <li>-Contain ≤5 calories per 8 fl oz, or ≤10 calories per 20 fl oz in sizes ≤20 fl oz</li> <li>-Contain ≤40 calories per 8 fl oz, or ≤60 calories per 12 fl oz in sizes ≤12 fl oz</li> </ul> </li> </ul>	

\*National School Lunch Program

[ARC 7782B, IAB 5/20/09, effective 7/1/10; ARC 1432C, IAB 4/30/14, effective 6/4/14]

These rules are intended to implement Iowa Code chapter 283A and sections 256.7(29), 256.9(59), and 256.9(60).

[Filed prior to 7/4/52]

[Filed 3/27/81, Notice 2/4/81—published 4/15/81, effective 5/20/81]

[Filed 8/19/88, Notice 6/29/88—published 9/7/88, effective 10/12/88]

[Filed 11/19/93, Notice 9/29/93—published 12/8/93, effective 1/12/94]

[Filed 8/2/02, Notice 6/26/02—published 8/21/02, effective 9/25/02]

[Filed ARC 7782B (Notice ARC 7503B, IAB 1/14/09), IAB 5/20/09, effective 7/1/10]

[Filed ARC 1432C (Notice ARC 1341C, IAB 2/19/14), IAB 4/30/14, effective 6/4/14]