16 NCAC 06H .0113 is proposed for adoption as follows:

16 NCAC 06H .0113  NUTRITION STANDARDS FOR ELEMENTARY SCHOOLS

(a) Minimum Standards for school meals are as follows:

(1) Meals served shall be consistent with the current edition of the Dietary Guidelines for Americans, Federal Regulations as approved for North Carolina and State Board of Education Policy on Nutrition Standards for School Meals.

(2) When averaged over the week, reimbursable meals shall contain twenty to thirty-five percent (20-35%) of calories from fat, and less than ten percent (10%) total calories from saturated fat. Trans fat and sodium levels shall be monitored regularly and kept as low as possible.

(A) In addition to the above, the following standards shall apply:

(i) Reimbursable meals shall contain no more than 200 mg cholesterol when averaged over breakfasts and lunches for the week.

(ii) Food preparation methods for all foods shall be limited to baking, roasting, broiling, boiling, and steaming.

(iii) A minimum of one daily serving of whole grain products shall be offered; whole grain foods will be increased gradually to a minimum of eight servings per week as market availability of whole grain products increases to supply menu needs. Efforts to meet the daily target of whole grain foods shall be contingent upon market availability.

(iv) Four fruits and/or vegetables shall be offered daily. Fruits and vegetables may be canned, frozen, fresh, or dried with preparation methods limited to baking, roasting, broiling, boiling, and steaming. Dark green, deep yellow or orange fruits or vegetables shall be offered three or more times per week. Fresh fruits or vegetables shall be offered at least four times weekly at breakfast and/or lunch.

(v) Legumes shall be offered at least one time per week.

(vi) All milk choices shall be one percent (1%) or less milk fat.

(b) Minimum Nutrition Standards for A la Carte Foods and Beverages. If local policy allows A la Carte food and beverage choices, the following options may be offered:

(2) In addition to items offered as a part of the reimbursable meal, A la Carte items shall contain less than thirty-five percent (35%) total calories from fat, excluding seeds and nuts, less than ten percent (10%) total calories from saturated fat, less than one percent (1%) total calories from trans-fat, and less than thirty-five percent (35%) added sugar by weight.

(3) Any item in the same serving size as offered that day as part of the reimbursable meal, with a limit of one additional entrée portion.

(4) Single serving dairy products containing less than 200 calories, less than thirty-five percent (35%) total calories from fat, less than ten percent (10%) total calories from saturated fat, less than one
percent (1%) total calories from trans-fat, and less than thirty-five percent (35%) added sugar by

weight

(5) Nuts and seeds (less than 1 oz portion)

(6) Single serving yogurt or frozen yogurt

(7) Canned, frozen, fresh, or dried fruits and vegetables found in the Food Buying Guide for Child
Nutrition Programs with preparation methods limited to baking, roasting, broiling, boiling, and
steaming water

(8) Milk containing one percent (1%) or less milk fat

(9) Fruit juice containing fifty percent (50%) or more fruit juice with no added sweeteners (less than 8
oz portion)

(10) Frozen fruit products containing 100% fruit with no added sweeteners (less than 8 oz portion)

(c) Minimum Standards for After School Snack Programs

(1) All After School Snack Programs (ASSP) administered by NC DPI shall meet the meal pattern
requirements specified by the US Department of Agriculture.

(2) All foods and beverages available to students enrolled in the ASSP shall meet the same criteria
required for A la Carte foods and beverages.

(d) Local Child Nutrition Programs shall implement these nutrition standards in all elementary schools no later than
the first day of the 2008 school year.

(e) The Child Nutrition Services Section of the Department of Public Instruction shall review the nutrition standards
for elementary schools annually and shall modify the standards as needed based on several criteria, including, but not
limited to, current science, best practices in the food and beverage industry, and the availability and affordability of
new foods and beverages.

(f) The Child Nutrition Services Section of the Department of Public Instruction shall monitor the progress of each
local school administrative unit toward achieving the nutrition standards and shall provide technical assistance and
training as needed to assist local school administrative units in implementing the nutrition standards. Each local Child
Nutrition Program shall submit nutrient analyses of menus planned for the months of October and March annually
which shall be used to assess progress towards achieving the standards.

(g) The Child Nutrition Services Section shall report annually on the progress of each local school administrative unit
to the State Board of Education, and to the Joint Legislative Education Oversight Committee.

(h) Students who have special nutritional needs that are in conflict with the nutrition standards shall be exempt from
the standards. Each student’s special needs shall be addressed through a medically-recognized document provided by
a health care professional. When the child’s documented nutritional need differs from the nutrition standards, the
Child Nutrition Program shall comply with a documented plan or other specific instructions.

History Note: Authority G.S. 115C-12; 115C-264.3;
Interim Rule status conferred Eff. June 27, 2018, pursuant to S.L. 2018-114, sec. 27.(b);