**Authority:** 42 U.S.C. 1773, 1779, unless otherwise noted.

- 2. In § 220.2:
- a. paragraph (b) is amended by adding the words "or § 220.8a, whichever is applicable," after the reference to "§ 220.8:"
- b. paragraph (m), previously reserved, is added;
  - c. a new paragraph (p-1) is added;
- d. paragraph (t) is amended by adding the words "or § 220.8a, whichever is applicable," after the reference to "§ 220.8"; and
  - e. a new paragraph (w-1) is added. The additions read as follows:

## § 220.2 Definitions.

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\* \* \* \* \*

- (m) Menu item means, under Nutrient Standard Menu Planning or Assisted Nutrient Standard Menu Planning, any single food or combination of foods. All menu items or foods offered as part of the reimbursable meal may be considered as contributing towards meeting the nutrition standards provided in § 220.8, except for those foods that are considered as foods of minimal nutritional value as provided for in § 220.2(i-1) which are not offered as part of a menu item in a reimbursable meal. For the purposes of a reimbursable breakfast, a minimum of three menu items must be offered, one of which shall be fluid milk served as a beverage or on cereal or both; under the offer versus serve, a student may decline only one menu item.
- (p-1) Nutrient Standard Menu Planning/Assisted Nutrient Standard Menu Planning mean ways to develop menus based on the analysis of nutrients in the menu items and foods offered over a school week to determine if specific levels for a set of key nutrients and calories were met. Such analysis is based on averages weighted in accordance with the criteria in § 220.8(e)(5). Such analysis is normally done by a school or a school food authority. However, for the purposes of Assisted Nutrient Standard Menu Planning, menu planning and analysis are completed by other entities and shall incorporate the production quantities needed to accommodate the specific service requirements of a particular school or school food authority.

(w-1) *School week* means the period of time used to determine compliance with the nutrition standards and the appropriate calorie and nutrient levels

in § 220.8. Further, if applicable, school week is the basis for conducting Nutrient Standard Menu Planning or Assisted Nutrient Standard Menu Planning for breakfasts as provided in § 220.8(e) and § 220.8(f). The period shall be a normal school week of five consecutive days; however, to accommodate shortened weeks resulting from holidays and other scheduling needs, the period shall be a minimum of three consecutive days and a maximum of seven consecutive days. Weeks in which school breakfasts are offered less than three times shall be combined with either the previous or the coming week.

\* \* \* \* \*

## § 220.7 [Amended]

- 3. In § 220.7, paragraph (e)(2) is amended by adding the words "or § 220.8a, whichever is applicable," after the reference to "§ 220.8".
- 4. Section 220.8 is redesignated as 220.8a and a new section 220.8 is added to read as follows:

## § 220.8 Nutrition standards for breakfast and menu planning alternatives.

- (a) Nutrition standards for breakfasts for children age 2 and over. School food authorities shall ensure that participating schools provide nutritious and well-balanced breakfasts. For children age 2 and over, breakfasts shall be offered based on the nutrition standards provided in this section when averaged over a school week. For the purposes of this section, the nutrition standards are:
- (1) Provision of one-fourth of the Recommended Dietary Allowances (RDA) of protein, calcium, iron, vitamin A and vitamin C to the applicable age or grade groups in accordance with the appropriate levels provided in paragraphs (b), (c), or (e)(1) of this section, whichever is applicable;
- (2) Provision of the breakfast energy allowances for children based on the age or grade groups in accordance with the appropriate levels provided in paragraphs (b), (c) or (e)(1) of this section, whichever is applicable;
- (3) The applicable recommendations of the 1990 Dietary Guidelines for Americans which are:
  - (i) Eat a variety of foods;
- (ii) Limit total fat to 30 percent of calories;
- (iii) Limit saturated fat to less than 10 percent of calories;
  - (iv) Choose a diet low in cholesterol;
- (v) Choose a diet with plenty of vegetables, fruits, and grain products; and

- (vi) Use salt and sodium in moderation.
- (4) The following measures of compliance with the applicable recommendations of the 1990 Dietary Guidelines for Americans:
- (i) A limit on the percent of calories from total fat to 30 percent based on the actual number of calories offered;
- (ii) A limit on the percent of calories from saturated fat to less than 10 percent based on the actual number of calories offered;
- (iii) A reduction of the levels of sodium and cholesterol; and
- (iv) An increase in the level of dietary fiber.
- (5) School food authorities have three alternatives for menu planning in order to meet the requirements of this paragraph and the appropriate nutrient and calorie levels in paragraphs (b), (c) or (e)(1) of this section, whichever is applicable: nutrient standard menu planning as provided in paragraph (e) of this section, assisted nutrient standard menu planning as provided for in paragraph (f) of this section, or foodbased menu planning as provided for in paragraph (g) of this section. The actual minimum calorie and nutrient levels vary depending upon the alternative followed due to the differences in age/ grade groupings of each alternative.
- (6) Production and menu records shall include sufficient information to evaluate the menu's contribution to the requirements on nutrition standards in paragraph (a) of this section and the appropriate levels of nutrient and calorie levels in paragraphs (b), (c) or (e)(1) of this section, whichever is applicable. If applicable, schools or school food authorities shall maintain nutritional analysis records to demonstrate that breakfasts meet, when averaged over each school week, the nutrition standards provided in paragraph (a) of this section and the nutrient and calorie levels for children for each age or grade group in accordance with paragraphs (b) or (e)(1) of this section.
- (b) Nutrient levels/nutrient analysis.
  (1) For the purposes of nutrient standard and assisted nutrient standard menu planning, as provided for in paragraphs (e) and (f), respectively, of this section, schools shall, at a minimum, provide the calorie and nutrient levels for school breakfasts (offered over a school week) for required grade groups specified in the following chart: