



OCT 28 2015

Reply to
Attn of: SP 2016-02

Subject: Milk Substitution for Children with Medical or Special Dietary Needs

To: STATE AGENCY DIRECTORS - Colorado ED, Iowa ED, Kansas ED, Missouri ED
(Special Nutrition Programs) Montana OPI, Nebraska ED, North Dakota,
South Dakota, Utah ED, Wyoming ED

This policy memo clarifies requirements regarding acceptable milk substitutions and implementation of Offer vs Serve (OVS) to accommodate special dietary requests. The National School Lunch Program (NSLP) and School Breakfast Program (SBP) seek to safeguard the well-being of all children, including those with special needs.

All schools, including Tribal schools, participating in the NSLP and SBP have the option to offer a nondairy milk substitute to a student with a medical or special dietary need other than a disability. The final rule *Fluid Milk Substitutions in the School Nutrition Programs* (73 FR 52903, September 12, 2008 - <http://www.gpo.gov/fdsys/pkg/FR-2008-09-12/pdf/E8-21293.pdf>) addresses the substitution of fluid milk for children whose non-disabling allergies, culture, religion, or ethical beliefs preclude the consumption of cow's milk. The final rule sets nutrition standards for the nondairy milk substitutes that may be offered as part of the reimbursable meal.

For practical reasons, lactose-free milk should be the first choice for a student who has lactose intolerance. Lactose-free milk provides the same key nutrients found in regular cow's milk and is readily available nationwide. Furthermore, FNS allows lactose-free milk to be provided as part of the reimbursable meal without documentation.

*Note: Schools may also choose to provide goat's milk as a substitute for cow's milk.

For a student with a recognized disability who cannot consume cow's milk, the school must omit and substitute fluid milk based on the written statement and recommended substitutions from a licensed physician or recognized medical authority.

For a child without a disability who is requesting a fluid milk substitution from the meal pattern requirement, the SFA may accommodate the request when the following requirements are met:

- A signed statement from a medical authority, parent or guardian which includes the medical or other special dietary reason for the need for substitution. Any reasonable request could be accepted (e.g. milk allergy, vegan diet, and religious, cultural or ethical reasons).

- The SFA may choose the nondairy beverage provided the substituted beverage includes the following nutrients:

Nutrient	Per Cup
Calcium	276 mg
Protein	8 g
Vitamin A	500 IU
Vitamin D	100 IU
Magnesium	24 mg
Phosphorus	222 mg
Potassium	349 mg
Riboflavin	0.44 mg
Vitamin B-12	1.1 mcg

- The Nutrition Facts Label on food products does not list all the required nutrients listed above, therefore the food service operation must request documentation from the product manufacturer to confirm the presence of all required nutrients at the proper level.
 - Soy milk products that currently meet the nutritional composition of milk include: 8th Continent Original Soy Milk, Pacific Natural Ultra Soy Milk - Plain, Pacific Natural Ultra Soy Milk - Vanilla, Kikkomon Pearl Organic Soymilk - Creamy Vanilla, Kikkomon Pearl Organic Soymilk - Chocolate
- Expenses that exceed program reimbursements must be paid by the SFA for fluid milk substitutions.
- The substitution request must remain in effect until the request is revoked or the school changes its fluid milk substitution policy for non-disabled students.

Additionally, schools can receive reimbursement for meals without milk if they operate OVS, under which milk or other meal component(s) could be declined by a student. If a school does not operate OVS, a non-disabled child with a medical or special dietary need must take the regular fluid milk or an acceptable milk substitute provided by the school in order for the school to claim the meal for reimbursement.

STATE AGENCY DIRECTORS
(Special Nutrition Programs)

3

For additional information, refer to SP 07-2010 - *Q&As: Milk Substitution for Children with Medical or Special Dietary Needs (Non-Disability)* - http://www.fns.usda.gov/sites/default/files/SP_07_CACFP_04_SFSP_05-2010_os.pdf.



DARLENE SANCHEZ
Regional Division Director
Special Nutrition Programs