

Commissioner's Memo
2/16/2018

Milk Substitutions in Child Nutrition Programs

Memo Information

Memo Number **CNU-18-036**

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Memo Type Regulatory

Unit Child Nutrition

Regulatory Authority 7 CFR 210.10(7) and 7 CFR 220.8(d)

Response Required NO

Attention Superintendents; Principals

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Memo Text

ATTENTION CHILD NUTRITION DIRECTORS

The purpose of this memo is a reminder to School Food Authorities (SFAs) regarding the regulations regarding voluntary fluid milk substitutions in the National School Lunch Program (NSLP) and School Breakfast Program (SBP). In response to the requirements of the Child Nutrition and WIC Reauthorization Act of 2004, which amended the Richard B. Russell National School Lunch Act, the National School Lunch Program regulations are revised to require that schools offer, with meals, fluid milk in a variety of fat contents. For more information regarding this requirement please see the United States Department of Agriculture website at: <https://www.fns.usda.gov/school-meals/fr-120804a>

Fluid milk requirement—

Types of fluid milk. Schools must offer students a variety (at least two different options) of fluid milk. All milk must be fat-free or low-fat (1%). Milk with higher fat content is not allowed. Fat-free fluid milk may be flavored or unflavored, and low-fat fluid milk (1%) must be unflavored. Low fat or fat-free lactose-free and reduced-lactose fluid milk may also be offered.

All fluid milk served in the Program must be pasteurized fluid milk which meets State and local standards for such milk. All fluid milk must have vitamins A and D at levels specified by the Food and Drug Administration and must be consistent with State and local standards for such milk.

Inadequate fluid milk supply. If a school cannot get a supply of fluid milk, it can still participate in NSLP and SBP under the following conditions:

If emergency conditions temporarily prevent a school that normally has a supply of fluid milk from obtaining delivery of such milk, the State agency may allow the school to serve meals during the emergency period with an alternate form of fluid milk or without fluid milk.

If a school is unable to obtain a supply of any type of fluid milk on a continuing basis, the State agency may approve the service of meals without fluid milk if the school uses an equivalent amount of canned milk or dry milk in the preparation of the meals.

Overview of the Final Rule

Fluid milk substitutes. If a school chooses to offer one or more substitutes for fluid milk for non-disabled students with medical or special dietary needs, the nondairy beverage(s) must provide the nutrients listed in the following table. Fluid milk substitutes must be fortified in accordance with fortification guidelines issued by the Food and Drug Administration. A school need only offer the nondairy beverage(s) that it has identified as allowable fluid milk substitutes according to the following chart.

Nutrient	Per cup (8 fl oz)
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.

Fluid milk substitutions for non-disability reasons. Schools may make substitutions for fluid milk for non-disabled students who cannot consume fluid milk due to medical or special dietary needs. A school that selects this option may offer the nondairy beverage(s) of its choice, provided the beverage(s) meets the nutritional standards established in the above chart. Expenses incurred when providing substitutions for fluid milk that exceed program reimbursements must be paid by the school food authority.

Requisites for fluid milk substitutions. A school food authority must inform the State agency if any of its schools choose to offer fluid milk substitutes other than for students with disabilities; and a medical authority or the student's parent or legal guardian must submit a written request for a fluid milk substitute identifying the medical or other special dietary need that restricts the student's diet.

Substitution approval. The approval for fluid milk substitution must remain in effect until the medical authority or the student's parent or legal guardian revokes such request in writing, or until such time as the school changes its substitution policy for non-disabled students.

Meal requirements for breakfasts

Fluid milk requirement. A serving of fluid milk as a beverage or on cereal or used in part for each purpose must be offered for breakfasts. Schools must offer students a variety (at least two different options) of fluid milk. All milk must be fat-free or low-fat. Milk with higher fat content is not allowed. Fat-free fluid milk may be flavored or unflavored, and low-fat fluid milk must be unflavored. Low fat or fat-free lactose-free and reduced-lactose fluid milk may also be offered. Schools must also comply with other applicable fluid milk requirements as outlined in the above chart. Please see Commissioner's Memo CNU-17-054 Menu Planning Flexibility: Exemption Options for Whole Grain Rich and Fat Free (Skim) Milk for SY 2017-18

For any questions regarding this rule, please call the district's CNU Area Specialist at 501-324-9502.

For fluid milk requirements for pre-school students, please see Commissioner's Memo CNU-17-044 Updated Child and Adult Care Food Program (CACFP) Meal Pattern Changes.

Attachments:

USDA Required Nutrient Standards for Milk Substitutions

Accommodating Children with Disabilities in the School Meal Program

Attachments

- [CNU-18-036--Accommodating_Children_with_Disabilities_in_the_School_Meal_Programs__Guidance.pdf](#)
- [CNU-18-036--USDA_Required_Nutrient_Standards_for_Milk_Substitutions.pdf](#)