



STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION



TO: Child and Adult Care Food Program (CACFP) Child Care Sponsors

FROM: Cheryl Resha, Education Manager *Cheryl Resha*
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**SUBJECT: Operational Memorandum #11C-11 and #14H-11
Fluid Milk and Milk Substitutions in the Child and Adult Care Food Program**

The Healthy, Hunger-Free Kids Act of 2010 (the Act), Public Law 111-296 modified the requirements for fluid milk and fluid milk substitutions in the CACFP. The purpose of this memorandum is to provide guidance on the implementation of these provisions in child care centers and family day care homes.

Section 221 of the Act amends section 17(g) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(g)) by requiring that fluid milk served in the CACFP be consistent with the most recent version of the Dietary Guidelines for Americans and allowing the substitution of nondairy beverages that are nutritionally equivalent to fluid milk in cases of special dietary needs. These provisions are summarized in two parts: part 1 (this page) addresses fat-free and low-fat milk and part 2 (pages 2-4) addresses fluid milk substitutions for children without disabilities.

PART 1 – FAT-FREE AND LOW-FAT MILK

Milk served in the CACFP must be consistent with the most recent version of the Dietary Guidelines for Americans. The 2010 Dietary Guidelines recommend that people ages 2 and older consume fat-free (skim) or low-fat (1%) fluid milk. Therefore, fluid milk served in the CACFP to children ages 2 and older must be low-fat (1%) or less, including:

- fat-free or low-fat milk;
- fat-free or low-fat lactose-reduced milk;
- fat-free or low-fat lactose-free milk;
- fat-free or low-fat buttermilk; and
- fat-free or low-fat acidified milk.

Lactose-reduced or lactose-free milk continues to be allowed as a substitute for regular milk even without a written statement (see “Required Documentation” on page 2). However, it must now be low-fat (1%) or less. The U.S. Department of Agriculture (USDA) recommends that lactose-free milk is the first choice for a child who has lactose intolerance. The Connecticut State Department of Education (CSDE) encourages CACFP facilities to make lactose-reduced or lactose-free milk available to children as needed.

Whole milk and reduced-fat (2%) milk cannot be served to children ages 2 and older in the CACFP. Milk served must be pasteurized fluid milk that meets state and local standards. The USDA regulations allow milk to be flavored or unflavored. However, to be consistent with the Connecticut Child Care Nutrition Standards (CCCNS), the CSDE strongly recommends that only unflavored milk be served in the CACFP. For more information on the CCCNS, see the CSDE’s *Action Guide for Child Care Nutrition and Physical Activity Policies* at <http://www.sde.ct.gov/sde/cwp/view.asp?a=2678&Q=322562>.

Because the Dietary Guidelines for Americans do not address milk served to children younger than 2, the USDA requirements relating to children in this age group are unchanged at this time. ***Whole milk must be served to children younger than 2.*** Reduced-fat milk (2%), low-fat milk (1%) and fat-free (skim) milk are not appropriate for this age group, as young children need adequate amounts of fat for normal growth and development.

This provision is effective immediately. However, to provide adequate time for training and technical assistance, full compliance should occur no later than October 1, 2011. The CSDE's *Nutrition Policies and Guidance for the Child and Adult Care Food Program: Crediting Foods* will be updated shortly to reflect this information. For more information, see the CSDE's Web page on *Nutrition Policies and Guidance for the Child and Adult Care Food Program* at <http://www.sde.ct.gov/sde/cwp/view.asp?a=2626&q=322326>.

PART 2 – FLUID MILK SUBSTITUTIONS FOR CHILDREN WITHOUT DISABILITIES

The following information on fluid milk substitutions applies only to milk substitutions for children without disabilities. The requirements related to milk or food substitutions for a child who has a medical disability and who submits a medical statement signed by a licensed physician remain unchanged. Dietary accommodations for children with disabilities must still follow the USDA requirements specified in the CSDE's *Nutrition Policies and Guidance for the Child and Adult Care Food Program: Accommodating Special Dietary Needs* at <http://www.sde.ct.gov/sde/cwp/view.asp?a=2626&q=322326>.

Child care centers, family day care homes, emergency shelters and at-risk afterschool care centers participating in the CACFP have the *option* of providing nondairy beverages for children without disabilities who cannot consume fluid milk due to medical or other special dietary needs. ***These substitutions are at the expense of the CACFP facility.***

If the CACFP facility chooses to provide nondairy beverages as fluid milk substitutions, the following criteria must be met.

- **Required Documentation:** Parents or guardians may now request a nondairy milk substitute in writing without providing a medical statement signed by a recognized medical authority. For example, if a parent has a child who follows a vegetarian diet, the parent can submit a written request to the CACFP facility asking that soy milk be served instead of cow's milk. The written request must identify the medical or other special dietary need that restricts the child's diet. The CACFP facility must maintain all parent/guardian requests on file with other CACFP records. Note: All other meal pattern substitutions for vegetarian diets must meet the CACFP requirements for reimbursable meals. For more information, see "Meal Pattern Substitutions for Vegetarians" in *Nutrition Policies and Guidance for the Child and Adult Care Food Program: Accommodating Special Diets* at <http://www.sde.ct.gov/sde/cwp/view.asp?a=2626&q=322326>.
- **Variety of Substitutions:** CACFP facilities may provide as many or as few types of milk substitutions requested by parents or guardians for children without documented medical disabilities. If the facility offers more than one substitution, all parents/guardians must be made aware of the options and be allowed to choose one. For a meal or snack to be claimed for reimbursement, all options provided by the CACFP facility **must** be lactose-reduced or lactose-free milk or a nondairy beverage that meets the USDA nutrition standards for fluid milk substitutions (see "Nutrition Standards" on page 3).
- **Substitution Requirements:** If the CACFP facility chooses to make allowable milk substitutions available, they must be available for all children when requested by their parent or guardian. If the facility grants a parent's/guardian's request for any substitution, then all requests for substitutions must be granted. For example, if a facility chooses to provide soy milk at a parent's request, then soy milk must be available to all participants whose parent/guardian makes any request for fluid milk substitutions. For a meal or snack to be claimed for reimbursement, all options provided by the CACFP facility **must** be lactose-reduced or lactose-free milk or a nondairy beverage that meets the USDA nutrition standards for fluid milk substitutions (see "Nutrition Standards" on page 3).

- **Parent-Provided Substitutions:** If a parent/guardian chooses to provide their own fluid milk substitutions (e.g., soy milk) as part of a CACFP meal or snack for a child without medical needs, these CACFP meals and snacks are **not** reimbursable. For information on parent-provided substitutions for children with medical conditions, see “Parent-Provided Meal Components for Medical Reasons” in *Nutrition Policies and Guidance for the Child and Adult Care Food Program: Accommodating Special Diets* at <http://www.sde.ct.gov/sde/cwp/view.asp?a=2626&q=322326>.

Nutrition Standards

All nondairy beverages served in the CACFP must meet the USDA’s nutrition standards for fluid milk substitutes. These standards specify that nondairy milk substitutes must be fortified with nutrients to levels found in cow’s milk, as outlined in the National School Lunch Program (NSLP) regulations at 7 CFR 210.10 (m)(3). *To be part of a reimbursable meal or snack, all nondairy beverages served as fluid milk substitutes in the CACFP must meet the standards below.*

USDA Nutrition Standards for Fluid Milk Substitutes

Nutrients per Cup (8 fluid ounces)

Calcium: 276 milligrams (mg)
Protein: 8 grams (g)
Vitamin A: 500 international units (IU)
Vitamin D: 100 IU
Magnesium: 24 mg
Phosphorus: 222 mg
Potassium: 349 mg
Riboflavin: 0.44 mg
Vitamin B-12: 1.1 micrograms (mcg)

Evaluating Products for Compliance

It is important to note that the product’s Nutrition Facts label will **not** provide the nutrition information required to identify compliance with the USDA nutrition standards for fluid milk substitutes because it does not include all of the specified nutrients (see “Nutrition Standards” above). ***This information can be determined only by obtaining a product specification sheet from the manufacturer.***

However, CACFP facilities can use the USDA protein standard to screen currently used products and determine whether they *might* meet the USDA nutrition standards. The USDA requires that fluid milk substitutes contain 8 grams of protein per cup (8 fluid ounces). If the product’s Nutrition Facts label lists less than 8 grams of protein, the product does not meet the nutrition standard for protein. Therefore, it is not necessary to obtain information on the other required nutrients.

If the product’s Nutrition Facts label lists at least 8 grams of protein, then additional information must be obtained from the manufacturer to determine whether the other nutrition standards are met. The CSDE will obtain this information for CACFP sponsors (see “CACFP Sponsor Responsibilities” on page 4).

The CSDE has recently reviewed numerous brands of nondairy milk substitute beverages, including soy milk, rice milk, almond milk and other nut milks. ***Currently, only one brand of unflavored soy milk product (Pacific Natural Foods Ultra Soy) meets the USDA nutrition standards.*** This company also manufactures a flavored soy milk that meets the USDA nutrition standards. Another brand (Kikkoman Pearl Soymilk) includes two flavored soy milk products that meet the USDA nutrition standards. However, to be consistent with the CCCNS, the CSDE strongly recommends that only unflavored nondairy milk substitutes be served in the CACFP.

There are no rice milks, almond milks or other nondairy milks that currently meet the USDA nutrition standards. The CSDE will notify CACFP sponsors as additional products are identified. For more information, see the enclosed handout, *Allowable Milk Substitutions for Nondisabled Children in the Child and Adult Care Food Program*. This handout is also available at http://www.sde.ct.gov/sde/lib/sde/pdf/deps/nutrition/cacfp/special_diets/allowable_milk_substitutions_cacfp.pdf.

CACFP Sponsor Responsibilities

To ensure that all CACFP sites meet the October 1, 2011, deadline for compliance with the requirements for fluid milk substitutions, CACFP facilities must immediately:

- review all nondairy beverages currently being used as fluid milk substitutions;
- discontinue using any products containing less than 8 grams of protein;
- provide the CSDE with the manufacturer and product name of any nondairy milk substitutes containing at least 8 grams of protein;
- use only nondairy beverages identified on the enclosed handout, *Allowable Milk Substitutions for Nondisabled Children in the Child and Adult Care Food Program*; and
- follow the procedures for fluid milk substitutions outlined on page 2.

For any products identified by CACFP sponsors as meeting the protein standard, the CSDE will contact the manufacturer to obtain the product specification sheet.

Implementation Deadline

This provision is effective immediately. However, to provide adequate time for training and technical assistance, full compliance should occur no later than October 1, 2011. ***As of October 1, 2011, if a CACFP facility serves a nondairy milk substitute that does not meet the USDA nutrition standards, the meal or snack cannot be claimed for reimbursement.*** This applies even if the nondairy milk substitute is specified on the child's *Medical Statement for Children without Disabilities* signed by a recognized medical authority.

For questions about this information, please contact:

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Enclosure