

Allowable Milk Substitutes for Children Without Disabilities in School Nutrition Programs

The requirements in this document apply only to milk substitutes for children whose dietary needs do not constitute a disability. Meal modifications for children whose disability restricts their diet must follow the federal nondiscrimination laws and regulations. For more information, see the Connecticut State Department of Education's (CSDE) guide, *Accommodating Special Diets in School Nutrition Programs*.



Public schools, private schools, and residential child care institutions (RCCIs) that participate in the U.S. Department of Agriculture's (USDA) school nutrition programs must follow the USDA's requirements for milk substitutes for children without disabilities. School nutrition programs include the National School Lunch Program (NSLP), School Breakfast Program (SBP), Afterschool Snack Program (ASP) of the NSLP, Seamless Summer Option (SSO) of the NSLP, Special Milk Program (SMP), and Child and Adult Care Food Program (CACFP) At-risk Supper Program implemented in schools.

School food authorities (SFAs) have the option to offer one or more allowable fluid milk substitutes for children without disabilities. If the SFA chooses to make allowable milk substitutes available, they must be available for all children when requested by a parent or guardian. The USDA does not provide additional reimbursement for these substitutions.

Allowable Milk Substitutes

SFAs may choose to offer one or more allowable milk substitutes for children whose dietary needs do not constitute a disability. The two types of allowable substitutes include:

- lactose-reduced or lactose-free milk with the appropriate fat content for each grade group, i.e., low-fat milk (unflavored or flavored) and fat-free milk (unflavored or flavored) for grades K-12; whole unflavored milk for age 1; and unflavored low-fat or fat-free milk for ages 2-4; and
- nondairy milk substitutes that meet the USDA's nutrition standards for fluid milk substitutes (see table 1) and the state beverage requirements of C.G.S. Section 10-221q, such as certain brands of soy milk.

The USDA recommends that lactose-free or lactose-reduced milk is the first choice for children with lactose intolerance.

SFAs may choose to offer only one milk substitute, such as lactose-free low-fat unflavored milk. If children decide not to take this option, the SFA is not obligated to offer any other



Allowable Milk Substitutes for Children Without Disabilities

milk substitutes. SFAs may also choose, but are not required, to offer a second option of a nondairy beverage that meets the USDA's nutrition standards for milk substitutes.

USDA's Nutrition Standards for Milk Substitutes

SFAs that choose to offer a nondairy milk substitute for children without disabilities must use products that meet the USDA's nutrition standards for fluid milk substitutes (see table 1). Nondairy milk substitutes for grades K-12 may be flavored or unflavored. Nondairy milk substitutes for preschoolers (ages 1-4) must be unflavored.

For children without disabilities, reimbursable meals and ASP snacks cannot contain nondairy beverages that do not comply with the USDA's nutrition standards for fluid milk substitutes, even with a medical statement signed by a recognized medical authority. A noncompliant nondairy beverage cannot replace milk unless the child's medically documented disability specifically requires it.

Table 1. Nutrition standards for fluid milk substitutes

Minimum nutrients per cup (8 fluid ounces)	
Calcium	276 milligrams (mg) or 30% Daily Value (DV) ¹
Protein	8 grams (g)
Vitamin A	500 international units (IU) or 10% DV
Vitamin D	100 IU or 25% DV
Magnesium	24 mg or 6% DV
Phosphorus	222 mg or 20% DV ¹
Potassium	349 mg or 10% DV ¹
Riboflavin	0.44 mg or 25% DV ¹
Vitamin B12	1.1 micrograms (mcg) or 20% DV ¹
¹ The Food and Drug Administration (FDA) labeling laws require manufacturers to round nutrition values to the nearest 5 percent. The unrounded minimum DV is 27.6% for calcium, 22.2% for phosphorus, 9.97% for potassium, 25.88% for riboflavin, and 18.33% for vitamin B12. Source: How to Determine if a Soy-Based Beverage Meets the Nutrient Requirements to Qualify as an Authorized Milk Substitute in WIC , USDA Food and Nutrition Services (FNS) Office of Research, Nutrition, and Analysis (ORNA), 2006.	

Allowable Milk Substitutes for Children Without Disabilities

State requirements for nondairy milk substitutes in public schools

In addition to meeting the USDA's nutrition standards for fluid milk substitutes, all nondairy milk substitutes sold as part of and separately from reimbursable meals (i.e., a la carte sales) in public schools must meet the state beverage requirements of [Section 10-221q](#) of the Connecticut General Statutes. Nondairy milk substitutes cannot contain artificial sweeteners, and cannot contain more than 4 grams of sugar per ounce, more than 35 percent of calories from fat, and more than 10 percent of calories from saturated fat.

List 17 on the CSDE's [List of Acceptable Foods and Beverages](#) webpage includes products that meet the USDA and state requirements. The state beverage statute does not apply to private schools or RCCIs.

Identifying acceptable nondairy beverages

The Nutrition Facts label does not usually include all of the nutrients required to identify a product's compliance with the USDA's nutrition standards for fluid milk substitutes. If the Nutrition Facts label is missing any of the required nutrient information, SFAs must contact the manufacturer to obtain a product specification sheet that documents the product's compliance with each of the nine nutrients (see table 1).

SFAs can use the USDA's protein standard to screen nondairy products and determine if they might meet the USDA's 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 per 1-cup serving, the product does not meet the USDA's nutrition standards.

If the product's Nutrition Facts label lists at least 8 grams of protein per 1-cup serving, the product might meet the USDA's nutrition standards. The SFA must obtain additional information from the manufacturer to determine if the product also meets the standards for calcium, vitamin A, vitamin D, magnesium, phosphorus, potassium, riboflavin, and vitamin B12 (see table 1). SFAs are encouraged to submit this information to the CSDE so that new acceptable products can be added to the CSDE's [List of Acceptable Foods and Beverages](#) webpage

Certain brands of soy milk are the only nondairy milk products that meet the USDA's nutrition standards for fluid milk substitutes. Almond milk, rice milk, and other nondairy milk products do not currently meet these standards.

Allowable Milk Substitutes for Children Without Disabilities

Other Beverages

If a child's dietary restriction is not related to a disability, SFAs cannot substitute any other beverages for milk, even with a medical statement signed by a recognized medical authority. Examples of beverages that cannot be substituted for milk include:

- juice;
- water;
- milk substitutes that do not comply with the USDA's nutrition standards for fluid milk substitutes (see table 1), such as almond milk, rice milk, and cashew milk;
- nutrition supplement beverages, such as Abbott's Pediasure; and
- powdered milk beverages, such as Nestle's NIDO.



Meals and ASP snacks for children without disabilities are not reimbursable if they contain any of these beverages in place of milk. If the SFA chooses to make milk substitutes available, they must include at least one choice of either lactose-reduced or lactose-free milk, or an allowable nondairy beverage that meets the USDA's nutrition standards for milk substitutes (see table 4). These are the only two options allowed for milk substitutes for children without disabilities.

Required Documentation

Milk substitutions for children without disabilities do not require a medical statement from a recognized medical authority. Parents or guardians may request a nondairy milk substitute in writing. The written request must identify the medical or other special dietary need that restricts the child's diet and requires the substitution. Requests for milk substitutes must be maintained on file with children's medical records.

The provision allowing a written request from parents or guardians applies only to milk substitutions for children without disabilities. It does not apply to any other substitutions of foods or beverages in school meals and ASP snacks for children without disabilities. For information on meal accommodations for children without disabilities, see section 3 of the CSDE's guide, *Accommodating Special Diets in School Nutrition Programs*.

Allowable Milk Substitutes for Children Without Disabilities

Resources

Accommodating Special Diets in School Nutrition Programs (CSDE):

<https://portal.ct.gov/-/media/SDE/Nutrition/NSLP/SpecDiet/SpecialDietsGuide.pdf>

CSDE Operational Memorandum No. 13-17: Requirements for Meal Modifications in the School Nutrition Programs:

<https://portal.ct.gov/-/media/SDE/Nutrition/NSLP/Memos/OM2017/OM13-17.pdf>

CSDE Operational Memo No. 09-11: USDA Requirements for Milk Substitutes for Nondisabled Children:

<https://portal.ct.gov/-/media/SDE/Nutrition/NSLP/Memos/OMEarlierYears/OM09-11.pdf>

Final Rule: Fluid Milk Substitutions in the School Nutrition Programs (73 FR 52903), September 12, 2008. <https://www.fns.usda.gov/school-meals/fr-091208>

Meal Patterns for Grades K-12 in School Nutrition Programs (CSDE webpage):

<https://portal.ct.gov/SDE/Nutrition/Meal-Patterns-School-Nutrition-Programs>

Meal Patterns for Preschoolers in School Nutrition Programs (CSDE webpage):

<https://portal.ct.gov/SDE/Nutrition/Meal-Patterns-Preschoolers-in-School-Nutrition-Programs>

Requirements for Meal Modifications in School Nutrition Programs (CSDE Presentation):

<https://portal.ct.gov/-/media/SDE/Nutrition/NSLP/SpecDiet/SpecialDietsPresentation.pdf>

Special Diets in School Nutrition Programs (CSDE webpage):

<http://portal.ct.gov/SDE/Nutrition/Special-Diets-in-School-Nutrition-Programs>

Summary of Requirements for Accommodating Special Diets in School Nutrition Programs (CSDE):

<https://portal.ct.gov/-/media/SDE/Nutrition/NSLP/SpecDiet/SpecialDietsChart.pdf>

USDA Memo SP 02-2009: Final Fluid Milk Substitution Rule:

<https://www.fns.usda.gov/final-fluid-milk-substitution-rule>

USDA Memo SP 07-2010, CACFP 04-2010, and SFSP 05-2010: Questions and Answers: Fluid Milk Substitutions:

<https://www.fns.usda.gov/qas-milk-substitution-children-medical-or-special-dietary-needs-non-disability>

USDA Memo SP 26-2017: Accommodating Disabilities in the School Meal Programs: Guidance and Questions and Answers (Q&As):

<https://www.fns.usda.gov/school-meals/accommodating-disabilities-school-meal-programs-guidance-and-qas>

USDA Memo SP 59-2016: Policy Memorandum on Modifications to Accommodate Disabilities in the School Meal Programs:

<https://www.fns.usda.gov/policy-memorandum-modifications-accommodate-disabilities-school-meal-programs>

Allowable Milk Substitutes for Children Without Disabilities



For more information, visit the Connecticut State Department of Education's (CSDE) [Special Diets in School Nutrition Programs](#) webpage or contact the [school nutrition programs staff](#) in the CSDE's Bureau of Health/Nutrition, Family Services and Adult Education, 450 Columbus Boulevard, Suite 504, Hartford, CT 06103-1841.

This document is available at <https://portal.ct.gov/-/media/SDE/Nutrition/NSLP/SpecDiet/MilkSubstitutesSchools.pdf>.

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, sex, disability, age, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA.

Persons with disabilities who require alternative means of communication for program information (e.g. Braille, large print, audiotape, American Sign Language, etc.), should contact the Agency (State or local) where they applied for benefits. Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program complaint of discrimination, complete the [USDA Program Discrimination Complaint Form](#), (AD-3027) found online at: [How to File a Complaint](#), and at any USDA office, or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by:

- (1) mail: U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410;
- (2) fax: (202) 690-7442; or
- (3) email: program.intake@usda.gov.

This institution is an equal opportunity provider.

The Connecticut State Department of Education is committed to a policy of equal opportunity/affirmative action for all qualified persons. The Connecticut Department of Education does not discriminate in any employment practice, education program, or educational activity on the basis of age, ancestry, color, criminal record (in state employment and licensing), gender identity or expression, genetic information, intellectual disability, learning disability, marital status, mental disability (past or present), national origin, physical disability (including blindness), race, religious creed, retaliation for previously opposed discrimination or coercion, sex (pregnancy or sexual harassment), sexual orientation, veteran status or workplace hazards to reproductive systems, unless there is a bona fide occupational qualification excluding persons in any of the aforementioned protected classes.

Inquiries regarding the Connecticut State Department of Education's nondiscrimination policies should be directed to: Levy Gillespie, Equal Employment Opportunity Director/Americans with Disabilities Coordinator (ADA), Connecticut State Department of Education, 450 Columbus Boulevard, Suite 607, Hartford, CT 06103, 860-807-2071, levy.gillespie@ct.gov.