

Allowable Milk Substitutes for Children without Disabilities in School Nutrition Programs

The guidance in this document applies to reimbursable meals and snacks served in public schools, private schools, and residential child care institutions (RCCIs) that participate in the U.S. Department of Agriculture’s (USDA) school nutrition programs. 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.

This document summarizes the requirements for meal modifications for children without a disability who cannot drink milk. The requirements for meal modifications for children with a disability that restricts their diet are different and must comply with the federal nondiscrimination laws and regulations. For detailed guidance on meal modifications in the school nutrition programs, refer to the Connecticut State Department of Education’s (CSDE) [Guide to Meal Modifications in School Nutrition Programs](#).



School food authorities (SFAs) have the option to offer one or more allowable fluid milk substitutes for children whose special dietary needs do not constitute a disability. 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

The USDA allows two types of milk substitutes for children whose special dietary needs do not constitute a disability: 1) low-fat or fat-free lactose-free or lactose-reduced milk; and 2) nondairy milk substitutes that meet the USDA’s nutrition standards for fluid milk substitutes. All milk substitutes in public schools must also meet the state beverage requirements of [Section 10-221q](#) of the Connecticut General Statutes (C.G.S.) (refer to “[Additional State Requirements for Milk Substitutes in Public Schools](#)” in this document).

Nondairy milk substitutes (such as soy milk) require a written request from the parent or guardian that identifies the medical or other special dietary need that restricts the child’s diet. Lactose-free milk and lactose-reduced milk are fluid milk and credit as the milk component in the school nutrition programs; they do not require a written statement from a parent or guardian.

Table 1 summarizes the requirements for each type of allowable milk substitute. SFAs may choose to offer only one milk substitute. If children decide not to take this option, the SFA is not obligated to offer any other milk substitutes.

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Table 1. Requirements for fluid milk substitutes in the school nutrition programs

Allowable substitution	Nutrition requirements	Required documentation
<p>Nondairy milk substitutes, e.g., soy milk</p>	<ul style="list-style-type: none"> • Must meet the USDA’s nutrition standards for fluid milk substitutes (refer to table 2). • Additional requirements for public schools only: Must meet the nondairy milk substitute requirements of C.G.S. Section 10-221q (refer to “Additional State Requirements for Milk Substitutes in Public Schools” in this document). 	<p>Written request from the parent or guardian that identifies the medical or other special dietary need that restricts the child’s diet. Maintain on file with child’s medical records.</p>
<p>Lactose-free or lactose-reduced milk</p>	<ul style="list-style-type: none"> • Must meet the appropriate fat content and flavor restrictions for each grade group of the meal patterns for the school nutrition programs. <ul style="list-style-type: none"> ○ Grades K-12: low-fat or fat-free milk, unflavored or flavored ○ Preschoolers age 1: whole milk, unflavored ○ Preschoolers ages 2-4: low-fat or fat-free milk, unflavored • Additional requirements for public schools only: Must meet the milk requirements of C.G.S. Section 10-221q (refer to “Additional State Requirements for Milk Substitutes in Public Schools” in this document). <p>These types of milk are regular fluid milk modified by the addition of lactase enzymes to reduce or eliminate lactose (milk sugar). Lactose-reduced milk has part of the lactose removed, while lactose-free milk has all lactose removed. Like other types of fluid milk, lactose-reduced milk and lactose-free milk come in a variety of flavors and fat contents, such as fat free (skim), low fat, and whole. The USDA recommends that lactose-free or lactose-reduced milk is the first choice for children with lactose intolerance.</p>	<p>None. Lactose-reduced milk and lactose-free milk credit as the milk component in the school nutrition programs.</p>

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USDA’s Nutrition Standards for Milk Substitutes

SFAs that choose to offer a nondairy milk substitute for children without a disability must use products that meet the USDA’s nutrition standards for fluid milk substitutes (refer to table 2 below). Products might list nutrient values, percent Daily Value (% DV) (either unrounded or rounded), or both. If any nutrient values are missing, this information must be obtained from the manufacturer.

To be an allowable nondairy milk substitute, the product must meet each nutrient standard (nutrients per cup) in column 1 or the unrounded or rounded % DV in column 2). Public schools must also check that products meets the additional requirements for public schools (refer to “[Additional State Requirements for Milk Substitutes in Public Schools](#)” in this document).

Table 2. USDA’s nutrition standards for fluid milk substitutes		
Column 1	Column 2	
Nutrients per cup (8 fluid ounces)	% DV Unrounded ¹	% DV Rounded ²
Calcium: 276 milligrams (mg)	21.23%	20%
Protein: 8 grams (g)	16%	16%
Vitamin A: 500 international units (IU) or 150 micrograms (mcg) retinol activity equivalent (RAE) ³	16.67%	20%
Vitamin D: 100 IU or 2.5 micrograms (mcg) ³	12.5%	15%
Magnesium: 24 mg	5.71%	6%
Phosphorus: 222 mg	17.76%	20%
Potassium: 349 mg	7.43%	10%
Riboflavin: 0.44 mg	33.85%	35%
Vitamin B12: 1.1 mcg	45.83%	45%
¹ The unrounded % DV is the minimum nutrients per cup (column 1) divided by the current daily value for each nutrient (refer to the FDA’s Reference Guide: Daily Values for Nutrients). ² The rounded % DV is based on the FDA labeling laws and is listed on the Nutrition Facts label (refer to Appendix H of the FDA’s A Food Labeling Guide: Guidance for Industry). ³ The 2016 FDA final rule, <i>Food Labeling: Revision of the Nutrition and Supplement Facts Labels</i> , updated the Nutrition Facts label to change IUs to mcg for vitamins A and D.		

Nondairy milk substitutes for grades K-12 may be unflavored or flavored. Nondairy milk substitutes for preschoolers (ages 1-4) must be unflavored. For public schools, nondairy milk substitutes must

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also meet the state beverage requirements of [C.G.S. Section 10-221q](#) (refer to “[Additional State Requirements for Milk Substitutes in Public Schools](#)” in this document).

For children without a disability, reimbursable meals and ASP snacks cannot contain nondairy beverages that do not comply with the USDA’s nutrition standards for fluid milk substitutes and the state beverage requirements, even with a medical statement signed by a recognized medical authority. A noncompliant nondairy beverage cannot replace milk unless the child has a medically documented disability that specifically requires this substitution. For guidance on noncompliant beverages, refer to “[Noncompliant Substitutions](#)” in this document.

Additional State Requirements for Milk Substitutes in Public Schools

In addition to meeting the USDA’s nutrition standards for fluid milk substitutes in table 2, all nondairy milk substitutes available for sale to students in public schools, either as part of school meals or a la carte sales, must meet the state beverage requirements of [C.G.S. Section 10-221q](#). The state beverage statute requires that nondairy milk substitutes cannot contain artificial sweeteners and cannot exceed 4 grams of sugar per ounce, 35 percent of calories from fat, and 10 percent of calories from saturated fat.

In addition to meeting the requirements for fluid milk in the USDA’s meal pattern for the school nutrition programs, all lactose-free or lactose-reduced milk available for sale to students in public schools, either as part of school meals or a la carte sales, must meet the state beverage requirements of [C.G.S. Section 10-221q](#). The state beverage statute requires that milk cannot contain artificial sweeteners and cannot exceed 4 grams of sugar per ounce. The state beverage statute does not apply to private schools or RCCIs.

Acceptable Nondairy Milk Substitute Products

List 17 of the CSDE’s [List of Acceptable Foods and Beverages](#) webpage identifies commercial products that meet the USDA’s nutrition standards for fluid milk substitutes and the requirements of the state beverage statute. Certain brands of soy milk and oat milk are the only currently available nondairy milk products that meet these requirements. Almond milk, cashew milk, rice milk, some brands of soy milk, most brands of oat milk, and other nondairy milk products do not meet these requirements and cannot substitute for milk in the school nutrition programs.

Not all brands of soy milk or oat milk meet the USDA’s requirements. Before purchasing any type of nondairy milk substitute, SFAs must ensure that the product complies with the USDA’s nutrition standards for fluid milk substitutes (refer to [table 2](#)).

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If a commercial product is not included on the CSDE's List 17, the SFA must determine if it meets the USDA's nutrition standards for fluid milk substitutes. The Nutrition Facts label does not usually include all 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 (refer to [table 2](#)).

SFAs may 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 must 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 (refer to [table 2](#)). 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.

For guidance on how to determine if nondairy beverages credit as milk substitutes, refer to the CSDE's resource, [Determining if Nondairy Beverages Meet the USDA's Nutrition Standards for Fluid Milk Substitutes in School Nutrition Programs](#). For public schools, nondairy milk substitutes that meet the USDA's nutrition standards must also meet the state beverage requirements of [C.G.S. Section 10-221q](#) (refer to "[Additional State Requirements for Milk Substitutes in Public Schools](#)" in this document).

Required Documentation

Milk substitutes for children without a disability do not require a medical statement from a recognized medical authority. However, nondairy milk substitutes (such as soy milk) require a written request from the parent or guardian that identifies the medical or other special dietary need that restricts the child's diet and requires the nondairy milk substitute. Schools and institutions must maintain requests for nondairy milk substitutes on file with children's medical records.

The USDA's provision allowing a written request from parents or guardians instead of a medical statement applies only to milk substitutes for children without a disability. It does not apply to any other substitutions of foods or beverages in reimbursable meals and ASP snacks for children without a disability. Any other optional modifications for children without a disability must meet the

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meal patterns for the school nutrition programs. For more information on the requirements for meal modifications for children without a disability, refer to section 3 of the CSDE's *Guide to Meal Modifications in School Nutrition Programs*.

Lactose-free milk and lactose-reduced milk are fluid milk and credit as the milk component in the school nutrition programs; they do not require a written statement from a parent or guardian.

Noncompliant Substitutions

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 (e.g., almond milk, rice milk, cashew milk, some brands of soy milk, and most brands of oat milk);
- nutrition supplement beverages (e.g., Abbott's Pediasure); and
- powdered milk beverages (e.g., Nestle's NIDO).

Meals and ASP snacks for children without a disability 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. These are the only two options allowed for milk substitutes for children without a disability.

Resources

A Food Labeling Guide: Guidance for Industry (FDA):

<https://www.fda.gov/media/81606/download>

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>

Determining if Nondairy Beverages Meet the USDA's Nutrition Standards for Fluid Milk Substitutes in School Nutrition Programs (CSDE):

https://portal.ct.gov/-/media/SDE/Nutrition/NSLP/SpecDiet/Determining_Allowable_Nondairy_Milk_Substitutes_SNP.pdf

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Final Rule 73 FR 52903: Fluid Milk Substitutions in the School Nutrition Programs:

<https://www.fns.usda.gov/school-meals/fr-091208>

Final Rule 81 FR 33742: Food Labeling: Revision of the Nutrition and Supplement Facts Labels:

<https://www.federalregister.gov/documents/2016/05/27/2016-11867/food-labeling-revision-of-the-nutrition-and-supplement-facts-labels>

Guide to Meal Modifications in School Nutrition Programs (CSDE):

https://portal.ct.gov/-/media/SDE/Nutrition/NSLP/SpecDiet/Guide_Meal_Modifications_SNP.pdf

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>

Milk Substitutes in School Nutrition Programs (CSDE's Special Diets in School Nutrition Programs webpage):

<https://portal.ct.gov/SDE/Nutrition/Special-Diets-in-School-Nutrition-Programs/Documents#MilkSubstitutes>

Reference Guide: Daily Values for Nutrients (FDA):

<https://www.fda.gov/food/nutrition-facts-label/daily-value-nutrition-and-supplement-facts-labels>

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

https://portal.ct.gov/-/media/SDE/Nutrition/NSLP/SpecDiet/Meal_Modifications_SNP_Presentation.pdf

Special Diets in School Nutrition Programs (CSDE webpage):

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

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>

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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](#) at the Connecticut State Department of Education, Bureau of Child Nutrition Programs, 450 Columbus Boulevard, Suite 504, Hartford, CT 06103-1841.

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

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2. fax: (833) 256-1665 or (202) 690-7442; or
3. email: program.intake@usda.gov

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