

Allowable Fluid Milk Substitutes for Non-disability Reasons in the School Nutrition Programs

This document summarizes the requirements for fluid milk substitutes for children who do not consume regular cow’s milk due to non-disability reasons. These requirements apply to all public schools, private schools, and residential child care institutions (RCCIs) that participate in the U.S. Department of Agriculture’s (USDA) school nutrition programs. The 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.

The requirements in this document do not apply to fluid milk substitutes for children whose disability restricts their diet. For detailed guidance on the meal modification requirements for disability reasons, refer to the Connecticut State Department of Education’s (CSDE) [Guide to Meal Modifications in the School Nutrition Programs](#).

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Allowable Substitutions for Regular Cow's Milk

The USDA allows two types of substitutions for children who do not consume regular cow's milk due to non-disability reasons.

1. Lactose-free/reduced milk

Lactose-free/reduced milk are fluid milk and credit the same as regular milk in the milk component for the school nutrition programs. These types of milk are processed by adding lactase enzymes to reduce or eliminate the lactose (naturally occurring milk sugar) found in regular milk. Children who cannot digest the lactose found in regular milk may be able to drink lactose-free/reduced milk. The USDA recommends these types of milk as the first choice for children with lactose intolerance.

Lactose-free/reduced milk must meet the following meal pattern requirements for each age or grade group: unflavored whole milk for age 1; unflavored low-fat or fat-free milk for ages 2-5; and low-fat or fat-free milk (either unflavored or flavored) for grades K-12. Public schools must also meet the additional state beverage requirements for milk under Connecticut General Statutes (C.G.S.) [Section 10-221q](#) (refer to "[Additional State Beverage Requirements for Public Schools](#)" in this document).

2. Fluid milk substitutes that meet the USDA's nutrition standards for fluid milk substitutes

Section [7 CFR 210.10\(d\)\(2\)](#) of the NSLP regulations allows SFAs to choose to offer one or more fluid milk substitutes for non-disability reasons. Fluid milk substitutes are plant-based beverages designed to replace cow's milk, such as soy milk, almond milk, rice milk, and oat milk. Fluid milk substitutes for non-disability reasons must meet the USDA's nutrition standards for fluid milk substitutes (refer to [table 2](#)). Only certain brands of fluid milk substitutes meet these standards.

Fluid milk substitutes in public schools must also meet the additional state beverage requirements for nondairy milk substitutes under [C.G.S. Section 10-221q](#) (refer to "[Additional State Beverage Requirements for Public Schools](#)" in this document).

Section [7 CFR 210.10\(d\)\(2\)\(i\)](#) of the NSLP regulations requires that SFAs must inform the CSDE if any schools choose to offer fluid milk substitutes for non-disability reasons.

Table 1 summarizes these requirements.

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Table 1. Summary of federal and state requirements

Requirements	Lactose-free/reduced milk	Fluid milk substitutes
Federal nutrition standards (USDA)	<p>Must meet the appropriate meal pattern requirements for each age or grade group.</p> <ul style="list-style-type: none"> • Preschool age 1: whole milk, unflavored • Preschool ages 2-5: low-fat or fat-free milk, unflavored • Grades K-12: low-fat or fat-free milk, unflavored or flavored 	<p>Must meet the USDA's nutrition standards for fluid milk substitutes (refer to table 2).</p>
State nutrition standards (C.G.S. Section 10-221q: beverages)	<p>Public schools only: No artificial sweeteners and cannot exceed 4 grams of sugar per ounce (refer to "Additional State Beverage Requirements for Public Schools" in this document).</p>	<p>Public schools only: No 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 (refer to "Additional State Beverage Requirements for Public Schools" in this document).</p>
Documentation	<p>None: Lactose-free/reduced milk are fluid milk and credit as the milk component in the school nutrition programs.</p>	<p>Written request from the parent/guardian, a state licensed healthcare professional, or a registered dietitian that identifies the reason for the fluid milk substitute (refer to "Required Documentation for Fluid Milk Substitutes" in this document). Maintain on file with the student's medical records.</p>

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USDA’s Nutrition Standards for Fluid Milk Substitutes

SFAs that choose to offer one or more fluid milk substitutes for non-disability reasons must use commercial products that meet the USDA’s nutrition standards for fluid milk substitutes. These nutrition standards ensure that children who require a fluid milk substitute receive the important nutrients found in milk.

Fluid milk substitutes must meet each nutrient standard (nutrients per cup) or the percent daily value (% DV). The manufacturer’s nutrition information might list the nutrient values, the unrounded or rounded percent Daily Value (% DV), or both. If any nutrient values are missing, SFAs must obtain this information from the manufacturer.

Table 2. USDA’s nutrition standards for fluid milk substitutes

Nutrients per cup (8 fluid ounces)	Unrounded % DV ¹	Rounded % DV ²
Calcium: 276 milligrams (mg)	21.23%	20%
Protein: 8 grams (g)	16%	16%
Vitamin A: 150 micrograms (mcg) retinol activity equivalent (RAE)	16.67%	20%
Vitamin D: 2.5 micrograms (mcg)	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 divided by the current daily value for each nutrient (refer to the Food and Drug Administration’s (FDA) [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](#)).

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Effective July 1, 2024, the USDA final rule, [Child Nutrition Programs: Meal Patterns Consistent with the 2020-2025 Dietary Guidelines for Americans](#), updated the units for the vitamin A and vitamin D requirements for fluid milk substitutes to align with the FDA labeling requirements (FDA final rule 81 FR 33742, [Food Labeling: Revision of the Nutrition and Supplement Facts Labels](#)). The unit requirement for vitamin A is now 150 mcg RAE per 8 fluid ounces, instead of 500 IUs. The unit requirement for vitamin D is now 2.5 mcg per 8 fluid ounces, instead of 100 IUs. The amount of vitamin A and vitamin D required in fluid milk substitutes does not change; only the unit of measurement has changed to conform to FDA labeling requirements.

Identifying Acceptable Fluid 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 commercial 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 be offered as fluid milk substitutes for non-disability reasons in the school nutrition programs.

Before purchasing any type of fluid milk substitute, SFAs must ensure it complies with the USDA's nutrition standards for fluid milk substitutes (refer to [table 2](#)).

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 needed to identify if a product complies with the USDA's nutrition standards for fluid milk substitutes. If any nutrient information is missing, SFAs must contact the manufacturer to obtain documentation that 1 cup provides the minimum amount of each nutrient.

Screening products using the USDA's protein standard

SFAs may use the USDA's protein standard to screen commercial products and determine if they might meet the USDA's nutrition standards for fluid milk substitutes. These standards require at least 8 grams of protein per cup (8 fluid ounces).

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- If the product's Nutrition Facts label lists less than 8 grams of protein per cup, the product does not meet the USDA's nutrition standards for fluid milk substitutes.
- If the product's Nutrition Facts label lists at least 8 grams of protein per cup, the product might meet the USDA's nutrition standards for fluid milk substitutes. 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. SFAs are encouraged to submit this information to the CSDE so that new acceptable fluid milk substitutes 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 fluid milk substitutes, refer to the CSDE's resource, [Identifying Products that Meet the USDA's Nutrition Standards for Fluid Milk Substitutes in the School Nutrition Programs](#).

Additional State Beverage Requirements for Public Schools

In addition to meeting the USDA's requirements for fluid milk substitutes, public schools must comply with the state beverage requirements of [C.G.S. Section 10-221q](#). These requirements apply to all types of fluid milk (including lactose-free/reduced milk) and fluid milk substitutes available for sale to students in public schools, including reimbursable meals, afterschool snacks, and a la carte sales.

- Lactose-free/reduced milk cannot contain artificial sweeteners and cannot exceed 4 grams of sugar per ounce.
- Fluid 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.

The state beverage statute does not apply to private schools or RCCIs.

Required Documentation for Fluid Milk Substitutes

SFAs must have documentation on file to claim reimbursement for meals and afterschool snacks that contain fluid milk substitutes. Prior to providing a fluid milk substitute for a non-disability reason, SFAs must obtain a written request from the parent/guardian, a state licensed healthcare professional (i.e., physician, physician assistant, certified physician assistant, doctor of osteopathy, and advanced practice registered nurse), or a registered dietitian or registered dietitian nutritionist that identifies the reason for the fluid milk substitute.

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For example, a parent may submit a written request for an allowable brand of soy milk because her child is a vegetarian. Schools and institutions must maintain all requests for fluid milk substitutes on file with children's other medical records.

The provision allowing parents or guardians to submit a written request applies only to fluid milk substitutes for non-disability reasons. The USDA does not allow written parent/guardian requests for any other substitutions of foods or beverages in reimbursable meals and afterschool snacks for children with or without a disability.

Documentation is not required for lactose-free/reduced milk. These products are fluid milk and credit as the milk component in the school nutrition programs.

Considerations for Fluid Milk Substitutes

The considerations below apply to SFAs that choose to offer allowable fluid milk substitutes for students who do not consume regular cow's milk due to non-disability reasons.

Variety of choices

Since fluid milk substitutes are optional, SFAs may decide how many types to offer. SFAs that offer more than one allowable milk substitute must inform all parents/guardians of the options and allow all parents/guardians to choose one. SFAs may choose to offer only one fluid milk substitute. If students decide not to take this option, the SFA is not obligated to offer any other fluid milk substitutes.

Availability

If SFAs choose to offer allowable fluid milk substitutes, they must be available for all students when requested by their parents/guardians. If the SFA grants a request for any fluid milk substitute, all requests for that substitute must be granted.

- **Example:** The SFA chooses to provide an allowable brand of soy milk at a parent's request. That allowable brand of soy milk must be available to all students whose parents/guardians make any request for fluid milk substitutes.

The student's fluid milk substitute approval must remain in effect until the student's parent/guardian, state licensed healthcare professional, or registered dietitian revokes the request in writing, or until the SFA changes its fluid milk substitute policy.

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Pricing of reimbursable meals

SFAs cannot charge more for reimbursable meals that contain fluid milk substitutes.

Pricing of a la carte sales

SFAs may allow students to purchase allowable fluid milk substitutes a la carte (separately from reimbursable meals and afterschool snacks). SFAs may charge a higher la carte price for fluid milk substitutes than regular milk. However, as with all a la carte items, the price charged to students should reflect the actual cost of the item plus an amount determined by the SFA's formula for a la carte pricing. For more information, refer to the CSDE's [Pricing Worksheet for A La Carte Sales in the School Nutrition Programs](#).

Selling location

SFAs must consider the selling location of allowable fluid milk substitutes to ensure that meals and afterschool snacks are reimbursable. If fluid milk substitutes are available in the milk cooler, SFAs must have a process in place to determine if the students who select them have a written request on file. Without this request, fluid milk substitutes do not credit as the milk component in reimbursable meals and afterschool snacks.

Allowable fluid milk substitutes cannot substitute for regular milk in reimbursable meals and afterschool snacks without a written request from the parent/guardian, a state licensed healthcare professional, or a registered dietitian.

Meeting the dietary specifications for grades K-12 in the NSLP and SBP

Fluid milk substitutes offered as part of reimbursable meals for grades K-12 in the NSLP and SBP must fit within the weekly dietary specifications. They cannot cause the lunch or breakfast menu to exceed the weekly limits for calories, saturated fat, and sodium. For information on the dietary specifications, refer to the CSDE's [Guide to the Dietary Specifications for the National School Lunch Program and School Breakfast Program Meal Patterns for Grades K-12](#).

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Beverages Not Allowed for Non-disability Reasons

Except for lactose-free/reduced milk and allowable fluid milk substitutes, SFAs cannot substitute any other beverages for non-disability reasons. Some examples of beverages that are not allowed include:

- juice;
- water;
- fluid milk substitutes that do not comply with the USDA's nutrition standards for fluid milk substitutes, such as almond milk, rice milk, cashew milk, some brands of soy milk, and most brands of oat milk;
- nutrition supplement beverages, such as Abbott's Pediasure; and
- powdered milk beverages, such as Nestle's NIDO.

SFAs can never substitute water and juice for milk for non-disability reasons in reimbursable meals and afterschool snacks.

Meals and afterschool snacks that offer these types of beverages in place of milk are not reimbursable unless the child has a medically documented disability that specifically requires this substitution. For information on the requirements for meal modifications for disability reasons, refer to the CSDE's [Guide to Meal Modifications in the School Nutrition Programs](#).



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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>

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

https://portal.ct.gov/-/media/sde/nutrition/nslp/specdiet/guide_meal_modifications_snp.pdf

Guide to the Dietary Specifications for the National School Lunch Program and School Breakfast Program Meal Patterns for Grades K-12 (CSDE):

https://portal.ct.gov/-/media/sde/nutrition/mpg/guide_dietary_specifications_nslp_sbp_k12.pdf

Identifying Products that Meet the USDA's Nutrition Standards for Fluid Milk Substitutes in the School Nutrition Programs (CSDE):

https://portal.ct.gov/-/media/sde/nutrition/nslp/specdiet/identify_allowable_nondairy_milk_substitutes_snp.pdf

List 17 Beverages – Dairy Alternatives (CSDE's List of Acceptable Foods and Beverages webpage):

<https://portal.ct.gov/-/media/sde/nutrition/hfc/fblast/acceptablefoodslist17.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 ("Documents/Forms" section of CSDE's Special Diets in School Nutrition Programs webpage):

<https://portal.ct.gov/sde/nutrition/special-diets-in-school-nutrition-programs/documents#MilkSubstitutes>

Module 7: Milk Component (CSDE's training program, What's in a Meal: National School Lunch Program and School Breakfast Program Meal Patterns for Grades K-12):

<https://portal.ct.gov/sde/nutrition/meal-pattern-training-materials>

NSLP regulations 7 CFR 210.10(d)(2): Fluid milk substitutes for non-disability reasons (USDA):

[https://www.ecfr.gov/current/title-7/part-210#p-210.10\(d\)\(2\)](https://www.ecfr.gov/current/title-7/part-210#p-210.10(d)(2))

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Reference Guide: Daily Values for Nutrients (FDA):

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

Special Diets in School Nutrition Programs (CSDE webpage):

<http://portal.ct.gov/sde/nutrition/special-diets-in-school-nutrition-programs>

Summary Charts of the Requirements for Meal Modifications in the School Nutrition Programs (CSDE):

https://portal.ct.gov/-/media/sde/nutrition/nslp/specdiet/summary_chart_meal_modifications_snp.pdf

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

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

USDA 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>

USDA Final Rule (89 FR 31962): Child Nutrition Programs: Meal Patterns Consistent with the 2020-2025 Dietary Guidelines for Americans (“Laws/Regulations” section of CSDE’s Meal Patterns for Grades K-12 in School Nutrition Programs):

https://portal.ct.gov/sde/nutrition/meal-patterns-school-nutrition-programs/regulations#Final_Rule_Meal_Patterns_DGA

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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1. mail: U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410; or
2. fax: (833) 256-1665 or (202) 690-7442; or
3. email: program.intake@usda.gov

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