

**Ohio Department of Education
Office for Safety, Health and Nutrition
Nutrition Program Policy Memo
25 South Front St. ML 303
Columbus, Ohio 43215
1-800-808-6325**

POLICY STATEMENT

Milk Substitution for Children with Medical or Special Dietary Needs (Non-Disability): Q&A's

Source: USDA Memo SP-02 2009 and USDA Memo SP-35 2009.
Code: NSLP 12-09
Audience: All School Food Authorities
Effective Date: **09/01/2009**
Replaces: **None**
Program: NSLP

INTRODUCTION

This memorandum serves to inform school food authorities (SFAs) about the option to offer a nondairy milk substitute to a student with a medical or special dietary need other than a disability. The preceding Q&A document serves to further clarify various issues concerning the substitution of fluid milk in non-disability cases.

STATEMENT OF POLICY

A. OVERVIEW OF FLUID MILK SUBSTITUTION FINAL RULE

1. On September 12, 2008, The United States Department of Agriculture (USDA) published a Final Rule *Fluid Milk Substitutions in the School Nutrition Program* (73 FR 52903).
2. In summary, the Final Rule:
 - a. Continues the current requirements on meal variations for students with disabilities in the National School Lunch Program and School Breakfast Program;
 1. For a student with a recognized disability who cannot consume cow's milk, the school must omit or substitute fluid milk based on the written statement from a licensed physician.
 - b. Allows school food authorities (SFAs) discretion to offer fluid milk substitutes to students whose non-disabling allergies, culture, religion, or ethical beliefs preclude the consumption of cow's milk;
 - c. Requires that nondairy beverages offered as fluid milk substitutes be nutritionally equivalent to fluid milk and provide specific levels of calcium, protein, vitamins A and D, magnesium, phosphorus, potassium, riboflavin, and vitamin B-12; and
 - d. Allows SFAs to accept a written statement from a parent/guardian or from a recognized medical authority.
 - e. The supporting statement must identify the student's medical or other special dietary need that precludes cow's milk.
3. This final rule seeks to ensure that individual students who are provided a substitute for cow's milk for cultural, ethnic, religious or ethical reasons receive the important nutrients found in milk.

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B. MILK SUBSTITUTION NUTRITION STANDARDS

1. As published in the Final Rule, a product must, at minimum, contain the following nutrient levels per Cup to qualify as an acceptable milk substitution for students with medical or special dietary needs:

- a. Calcium 276 mg
- b. Protein 8 g
- c. Vitamin A 500 IU
- d. Vitamin D 100 IU
- e. Magnesium 24 mg
- f. Phosphorus 222 mg
- g. Potassium 349 mg
- h. Riboflavin .44 mg
- i. Vitamin B-12 1.1 mcg

C. ACCEPTABLE MILK SUBSTITUTIONS FOR STUDENTS WITH MEDICAL OR SPECIAL DIETARY NEEDS (NON-DISABILITY)

1. The Final Rule recognizes the valuable contributions of milk to a child's diet and, therefore, does not allow a school to offer other beverages, such as juice or water, as milk substitutes.

2. The only milk substitutes allowed under this rule for students without disabilities are the following:

- a. Nondairy beverages that meet the established nutrient standards.
- b. Lactose Free Milk

D. PROCEDURE FOR GRANTING MILK SUBSTITUTION REQUESTS FOR STUDENTS WITH MEDICAL OR SPECIAL DIETARY NEEDS (NON-DISABILITY)

1. It is the decision of the School Food Authority (SFA) to elect to offer milk substitutes for students without disabilities.

2. If a SFA elects to offer milk substitutes for students without disabilities, the SFA can now accept a statement from a parent/legal guardian or from a medical authority identifying the student's need.

- a. Prior to this rule, schools were only able to accept a statement signed by a recognized medical authority.
- b. A statement from a medical authority is still required for any meal variations, other than milk substitution, for a student with medical or other special dietary needs.

3. The supporting statement provided by the parent or medical authority must identify the student's medical or other special dietary need that preclude's the consumption of cow's milk.

4. SFAs are encouraged to seek alternate funding sources if financial barriers are an impediment in offering milk substitutes.

- a. Potential funding sources are listed in the USDA guidance *Accommodating Children with Special Dietary Needs in the School Nutrition Programs*.

Please keep this memo on file for reference. A copy of the memo is available for downloading from the Ohio Department of Education (ODE) website at: <http://www.education.ohio.gov/>. If you have any questions regarding this memo, please contact your ODE School Meal Programs Regional Consultant at 1-800-808-6325. The School Meal Programs are administered by the Ohio Department of Education, Office for Safety, Health, and Nutrition. The Office is located at 25 S. Front St, Mail Stop 303, Columbus, OH 43215.

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