

## USDA Milk Substitution Rules

In September 2008, USDA changed their rules about making substitutions for milk in school meals. The updated regulation gives schools the option of offering beverages other than milk to students upon request of any healthcare provider or parent, as long as the beverage replacing milk meets particular nutrition standards. The new rules are complicated and there have been many questions. Below is information to provide clarification.

<b>Students with Disabilities:</b>	<b>School district and foodservice must provide milk substitute at no cost to family.</b>
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With a physician's statement that documents:

- The child's disability and an explanation why the student's disability restricts their diet;
- The major life activity affected by the disability; and
- The physician can order any food or beverage, and only that substitution can be served.

<b>Non- Disabled Students:</b>	<b>It is a school district's decision whether to provide a milk substitute even when a physician's order is provided. Any health care provider or parent can request a milk substitute for any of the following reasons: non-disabling milk allergy; lactose intolerance; and cultural, religious or ethical beliefs that eliminate milk consumption.</b>
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### **If your district's policy does NOT allow for milk substitutions for non-disabled students:**

- With offer-vs.-serve, students can decline milk, and their meal is reimbursable if the student selects the minimum number of required food items.
- You can elect to offer 100% fruit juice daily as a fruit component or side dish choice for all students which will provide a non-milk beverage for those who do not drink milk. If you choose this option, the juice cannot be offered in the milk cooler, and you should offer at least one other fruit choice daily besides juice.
- You will need to explain the policy to parents, physicians, teachers, etc. why you are not offering a milk substitute. Sample letters to help you are on MyCompass.

### **If your school district policy REQUIRES milk substitutions for non-disabled students:**

- ALL requests for milk substitutions must be honored. A doctor's order is not required.
- Parents and guardians can make requests. They can't be refused because they don't have a doctor's order.
- **Water and juice can NEVER be substituted for milk- even if a doctor orders them.**
- USDA allows only the substitutions below. Districts can choose their offering(s):

#### **Milk Substitution Choices**

1. Lactose free milk, flavored or unflavored, available from many local dairy suppliers. This is cow's milk and can be used as a substitution only if the student's issue is lactose intolerance. If you are unsure, you should not provide this option.
2. Any other non-dairy beverage (soy and rice milk are the most common) that meets USDA nutrition standards. At this time, only a few soy milks meet those standards: 8<sup>th</sup> Continent Original Soy Milk (UPC 0-53859-07066-3) and Pacific Natural Ultra Soy Plain (UPC 52603-08200) and Vanilla (UPC 52603-08225). [Product details](#) are provided on MyCompass.

#### **Pricing and Availability**

All of these approved substitutions cost about \$0.60/8 oz. Students cannot be charged extra for them. Distribution of approved soy milks is very limited. UNFI carries some of them. Products can also be purchased from certain retail stores using a P-card. At this time, none of our broadline distributors carry any of them, and any stock requests will require a minimum usage commitment.

[CLICK HERE](#) for sample letters you can use to communicate with parents in response to requests you may receive to make ANY special meal accommodations, including requests for milk substitution. [CLICK HERE](#) for USDA approved milk substitutions.

If you have questions, please check USDA's [Ruling](#) and [Q & A document](#) and/or contact your Regional Dietitian.