POLICY ALERT

Date: November 14, 2008

Reference: # NSLP/SBP 2009-04

To: National School Lunch Program/School Breakfast Program (NSLP/SBP) Contractors

Subject: Fluid Milk Substitutions in the NSLP/SBP

Effective Date: October 14, 2008

Purpose

REVISES item 4127.2, Children with Special Dietary Need in the NSLP/SBP Handbook for Private Schools and RCCIs.

NOTIFIES school food authorities (SFAs) of the substitution of fluid milk with non-dairy beverages for non-disabled students.

Implementation

October 14, 2008

Background

Students with Disabilities

Schools must make substitutions in breakfasts, lunches and afterschool snacks for students who are considered to have a disability and whose disability restricts their diet. Substitutions must be made on a case-by-case basis only when a written statement of the need for the substitution that includes recommendations for alternate foods is provided and signed by a licensed physician.

Non-disabled Students

Schools may make substitutions for a student without a disability (non-disabled student) who cannot consume a regular breakfast, lunch or afterschool snack because of a medical or other special dietary need. Substitutions must be made on a case-by-case basis only when a written statement of the need for the substitution, that includes recommendations for alternate foods (with the exception of substitutions for fluid milk) is provided and signed by a recognized medical authority.

Procedure

Beginning October 14, 2008, schools may make substitutions for fluid milk for non-disabled students who cannot drink fluid milk due to medical or special dietary need. Medical or special dietary need may include, but is not limited to, lactose intolerance, dairy allergies and/or cultural dietary restrictions.

Add the following to Item 4127.2:

A medical authority or the student’s parent or legal guardian must provide a written request for the fluid milk substitution. The request must identify the medical or other special dietary need that restricts the student’s diet.

continued

This Policy Remains in Effect Until Further Notice
Procedure continued

Note: Any expenses incurred when providing substitutions for fluid milk that exceeds NSLP/SBP reimbursement must be paid by the SFA.

Informing the Texas Department of Agriculture (TDA)

An SFA must inform TDA if any of its schools choose to offer fluid milk substitutions for non-disabled students. SFAs must submit written notification to their Food and Nutrition Field Operations Office via postal service, fax or email of their decision to offer a fluid milk substitution prior to the purchase of the fluid milk substitute.

Substitution Approval

If the school chooses to provide a substitution to fluid milk for non-disabled students, the offer must remain in effect until the:

- Medical authority or the student’s parent/legal guardian revokes the request in writing; or
- School changes its fluid milk substitution policy for non-disabled students (i.e., school chooses to no longer provide fluid milk substitutions for non-disabled students).

Nutrition Standards

The nutrients found in milk are very important to the development and growth of students. A school that chooses to provide substitutions for fluid milk must ensure that the substitution meets specific nutritional standards (unless otherwise stated in an authorized medical authority’s written substitution). The non-dairy beverages must provide the nutrients listed in the table below.

<table>
<thead>
<tr>
<th>Nutrient</th>
<th>Per Cup</th>
</tr>
</thead>
<tbody>
<tr>
<td>Calcium</td>
<td>276 mg</td>
</tr>
<tr>
<td>Protein</td>
<td>8 g</td>
</tr>
<tr>
<td>Vitamin A</td>
<td>500 IU</td>
</tr>
<tr>
<td>Vitamin D</td>
<td>100 IU</td>
</tr>
<tr>
<td>Magnesium</td>
<td>24 mg</td>
</tr>
<tr>
<td>Phosphorus</td>
<td>222 mg</td>
</tr>
<tr>
<td>Potassium</td>
<td>349 mg</td>
</tr>
<tr>
<td>Riboflavin</td>
<td>0.44 mg</td>
</tr>
<tr>
<td>Vitamin B-12</td>
<td>1.1 mcg</td>
</tr>
</tbody>
</table>

TDA is aware that no products are currently formulated to meet these nutritional requirements, therefore, schools may continue to provide accommodations they have already agreed to prior to this Policy Alert for students with medical or special dietary needs. However, all new accommodations made beginning on the date of this Policy Alert and after, must be made under the requirements of this Policy Alert. It is anticipated that products meeting the above nutrition standards will be available in the near future.

continued
### Procedure

**Note:** Schools can still offer lactose-free milk to a student with a medical or special dietary need, such as lactose intolerance. Lactose-free milk is still allowed as part of a reimbursable meal.

### Authority

USDA Correspondence, Final Rule: Fluid Milk Substitutions in the School Nutrition Programs and 2009-SP-04.

### Contact

If you have any questions please contact your Food and Nutrition Field Operations Office.