

CRITERIA AND PROCEDURE	
BROAD SUBJECT: MEAL SERVICE	NO: MS-03-01
TITLE: Fluid Milk Substitutions	EFFECTIVE DATE: June 12, 2009

PURPOSE OF THIS CRITERIA/PROCEDURE –

To provide technical assistance and procedures to School Food Authorities (SFAs) that decide to offer acceptable fluid milk substitutes to students with medical or other special dietary needs that are not considered a disability.

Schools participating in the National School Lunch and School Breakfast Programs have the flexibility to offer a variety of foods to meet the medical or special dietary needs of students without disabilities. For example, meal patterns allow the use of many different meat/meat alternates such as cheese, dry beans, nuts and alternate protein products. Fluid milk has been the only required component or food item which SFAs have not been able to substitute without a supporting statement from a physician for students with a disability or a supporting statement from a recognized medical authority for students with special needs without a disability.

KEY TERMS AND DEFINITIONS -

Acceptable Milk Substitutions: Any nondairy beverages that are nutritionally equivalent to fluid milk and provide specific levels of calcium, protein, vitamins A and D, magnesium, phosphorus, potassium, riboflavin and vitamin B-12 are considered acceptable milk substitutions.

Fluid Milk: Milk must be served as a beverage under all menu planning approaches for students. Schools must offer a variety of fat contents. The milk must be pasteurized and meet State and local standards for such milk. All milk must have vitamins A and D at levels specified by the Food and Drug Administration and must be consistent with State and local standards for such milk. Canned and dried milk that has been reconstituted does not meet this definition of fluid milk.

Other Dietary Needs: Medical conditions or special diets that preclude the consumption of cow's milk, because of a non-life threatening allergy, intolerance or other physiological, but non-disabling, need are considered other dietary needs. SFAs may decide to provide acceptable fluid milk substitutes to accommodate students with a wide range of other dietary needs if a valid written request is submitted.

CRITERIA AND/OR PROCEDURES -

1. Continue adhering to the current requirements for meal variations for students with disabilities with physicians' written orders and for students with medical or other special dietary needs with a written statement from a recognized medical authority.
2. Decide if the SFA will offer acceptable fluid milk substitutes to students with medical or other special dietary needs that are not considered a disability. Base this decision on the level of need and interest in your community.
3. Determine products available that meet the nutritional standards established by U.S. Department of Agriculture (USDA). Involve potential customers in product evaluation to determine level of acceptance.
4. Establish additional nutritional specifications for the fluid milk substitutes that are consistent with your local wellness policy. Consider purchasing products that do not exceed the total fat, saturated fat and sugar levels found in chocolate-flavored whole milk. Select nondairy beverages without added trans-fats or with only minimal trans-fats if unavoidable. Contact your school nutrition area consultant if you have difficulty determining the nutritional adequacy of any products.
5. Procure nondairy beverages to offer as fluid milk substitutes that are nutritionally equivalent to fluid milk and provide the minimum levels of calcium, protein, vitamins A and D, magnesium, phosphorus, potassium, riboflavin and vitamin B-12 that USDA requires. Specific minimum levels are listed in Table 1.
6. Require any suppliers or food manufacturers to provide product Nutrition Facts Label or other adequate nutrition data to evaluate before selecting products to be purchased. Use Table 2 to evaluate Nutrition Facts Labels displaying nutrient levels as % Daily Values (%DV).
7. Ask manufacturers for any special instructions or other important product information, such as storage instructions, expiration dates and handling instructions (e.g., shake vigorously before using to distribute added nutrients).
8. Consider offering a variety of types and flavors if available, affordable and if they meet all nutritional requirements. Monitor the market for alternatives such as fortified soy beverages, fortified rice beverages, fortified almond beverages and other nut beverages, and fortified oat drinks.
9. Accept written statements from parents or guardians in lieu of a statement from a recognized medical authority. The supporting statement must identify the student's medical or other special dietary need that precludes fluid milk.
10. Written statements from parents remain in effect until the parent or legal guardian revokes such statement or until the school discontinues the milk substitution option.
11. Contact the State Agency to inform them that the SFA is offering fluid milk substitutes for students with conditions other than disabilities with written requests from parents or guardians. An email should be sent to the SMI coordinator and copied to the assigned school nutrition area consultant.
12. Train staff in receiving these products to ensure that they meet the nutritional specifications needed. Note that if products do not meet the minimum nutrient levels established by USDA, a review or audit finding could result in a reclaim of the reimbursement for those meals not meeting the requirements.

13. If providing acceptable nondairy beverages to students with written statements increases the cost of reimbursable meals, be sure the budget can absorb these additional costs especially if the cost exceeds federal meal reimbursements. The SFA cannot charge the students for the increased cost if the beverage was selected as part of a reimbursable meal.
14. Determine if any suitable nondairy beverages will also be sold a la carte to all students. If so, price the product to ensure that all costs are covered, including the cost of labor, inventory, etc. If you offer these products a la carte, you must be sure your cashiers know which students have parent notes and are getting the product as part of the reimbursable meal vs. those that are purchasing it at a la carte prices.
15. Determine if your point-of-sale software has features that would allow a student with a valid parent written request to have his or her profile so noted.
16. Follow all relevant procurement rules when purchasing acceptable fluid milk substitutes. Keep in mind there likely will be limited market availability until a demand threshold is met.
17. Address how parents will be notified of the products' availability. Stress that cafeteria staff may not be able to track students' selections carefully.
18. Determine how students will be able to access the product when going through the cafeteria lines.

Table 1

Nutrient	Minimum level per cup
Calcium	276 mg
Protein	8 g
Vitamin A	500 IU
Vitamin D	100 IU
Magnesium	24 mg
Phosphorus	222 mg
Potassium	349 mg
Riboflavin	0.44 mg
Vitamin B-12	1.1 mcg (1.1 µg)

Table 2

Nutrient	Minimum per cup	Expressed as % Daily Value (DV) on nutrition label¹	Basis for %DV on nutrition label (values = 100% DV)
Calcium	276 mg	≥ 28%	1,000 mg
Vitamin A	500 IU	≥ 10%	5,000 IU
Vitamin D	100 IU	≥ 25%	400 IU
Magnesium	24 mg	≥ 6%	400 mg
Phosphorus	222 mg	≥ 23%	1,000 mg
Potassium	349 mg	≥ 10%	3,500 mg
Riboflavin	0.44 mg	≥ 26%	1.7 mg
Vitamin B-12	1.1 mcg (1.1 µg)	≥ 19%	6.0 mcg (6.0 µg)

¹Minimum % Daily Value expressed on nutrition label that will provide the required minimum nutrient level.

Resources and References

U.S. Department of Agriculture, Food and Nutrition Service. 2001. Accommodating Children with Special Dietary Needs in the School Nutrition Programs.
http://www.fns.usda.gov/cnd/Guidance/special_dietary_needs.pdf. Accessed October 2, 2008.

U.S. Department of Health and Human Services, Food and Drug Administration. 2008. A Food Labeling Guide, Appendix F: Calculate the Percent Daily Value for the Appropriate Nutrients.
<http://www.cfsan.fda.gov/~dms/2lg-xf.html>. Accessed October 2, 2008.

Pennington J, Hubbard V. Derivation of daily values used for nutrition labeling. J Am Diet Assoc. 1997;97:1407-1412.

AUTHORITY – FEDERAL

7 CFR Part 210.10(g) and Part 220.8(d)

U.S Department of Agriculture, Food and Nutrition Service. Final Rule - Fluid Milk Substitutions in the School Nutrition Programs. 2008;73(178):52903 – 52908 (FNS-2008-0037-0001). <http://www.regulations.gov/>. Accessed September 15, 2008.