

Fluid Milk Substitutions in the School Meal Programs **USDA Final Rule as of 9/12/2008**

Regulation Overview:

The U.S. Department of Agriculture (USDA) Food and Nutrition Service (FNS) issued new regulations on beverages that can be substituted, under limited circumstances, for milk in the National School Meal Programs for children who are unable to consume cow's milk because of medical or special dietary needs.

Revised Requirements:

- New regulations require that beverages served as a substitute for fluid milk must provide specific levels of calcium, protein, vitamins A and D, magnesium, phosphorus, potassium, riboflavin and vitamin B-12 to ensure that substitutes better match the unique nutrient package of cow's milk.
- A parent's or guardian's note specifying the medical or special dietary need for substitution will be sufficient instead of the previously required note from a medical professional.

What this Means for Schools:

- This final rule does not change the milk requirement in the National School Lunch and Breakfast Programs, which currently allows for a variety of fat contents, plain or flavored milk and lactose-reduced or lactose-free milk.
- Milk will still be offered (by law) with all school meals because of its unique nutrient package and importance to children's health.
- Substitute beverages can be offered in lieu of milk for non-disabled students who cannot consume fluid milk due to medical or special dietary needs. USDA emphasizes that this final rule is not intended to accommodate students who do not drink cow's milk due to taste preferences.
- Since lactose-free milk is currently allowed as part of the reimbursable school meal program, the USDA says there is no need to offer a fortified milk substitute to a student whose medical or special dietary need is lactose intolerance; furthermore, documentation is not required for a student to receive lactose-free milk.
 - A 2006 report from the American Academy of Pediatrics recommends that children with lactose intolerance still consume dairy foods in order to get enough calcium, vitamin D, protein and other nutrients essential for bone health and overall growth. The report cautions that lactose intolerance should not require avoidance of dairy foods.¹
 - The 2005 Dietary Guidelines for Americans states that milk alternatives within the milk food group, such lactose-free milk and yogurt, are the most reliable and easiest way for those who are lactose-intolerant to derive the health benefits associated with milk and milk products.²
 - For sources of lactose-free milk, contact your local milk supplier.
- Except in cases of disability, the decision to provide substitute beverages is completely voluntary and schools determine which beverages will be substituted and are accountable for any additional costs.

¹ American Academy of Pediatrics, Lactose intolerance in infants, children and adolescents. *Pediatrics*. 2006; 118(3):1279-1286.

² U.S. Department of Health and Human Services and U.S. Department of Agriculture. *Dietary Guidelines for Americans*. 2005. 6th Edition, Washington, DC: U.S. Government Printing Office, January 2005.