Minnesota Department of Education

Clarification on the Use of Milk, Juice and Other Beverages in U.S. Department of Agriculture School Nutrition Programs

Juice (fruit or vegetable), soy- or rice-based beverages that are not nutritionally equivalent to cow's milk cannot replace milk for a child without a disability according to the U.S. Department of Agriculture (USDA) rule, *Fluid Milk Substitutions in the School Nutrition Programs*. This document defines the Fluid Milk Substitution rule and explores different options schools have when they offer beverages that do not qualify as a fluid milk substitute in a school nutrition program.

Fluid Milk Substitutions for a Child *Without* a Disability

Schools that participate in the National School Lunch Program, School Breakfast Program, Afterschool Care Program, Special Milk Program and Minnesota Kindergarten Milk Program **cannot** substitute milk with another beverage like juice (fruit or vegetable) or soy- or rice-based beverages that are not nutritionally equivalent to cow's milk for a child *without a disability* even if the school has a special dietary request that is signed by a recognized medical authority or licensed physician.

The final rule, *Fluid Milk Substitutions in the School Nutrition Programs*, issued by USDA on September 12, 2008, allows schools to provide a milk substitute for a child without a disability and count it as the milk component *if the substitute is nutritionally equivalent to cow's milk*. A written request for a fluid milk substitute may be made by a medical authority, a parent or guardian. The decision to offer a fluid milk substitute to a child *without a disability* under this ruling is at the discretion of the school. If offered, the school must notify the Minnesota Department of Education, Food and Nutrition Service of their decision to provide a fluid milk substitute and must acknowledge that the school, and not the child, will pay for substitution expenses that exceed federal reimbursements. Acceptable fluid milk substitutes must contain the following nutrients in the quantities specified in order to be considered nutritionally equivalent to cow's milk:

Milk Substitute Nutrition Standards

Nutrient	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	.44 mg
Vitamin B-12	1.1 mcg

Lactose-Reduced Milk: Schools in Minnesota must provide lactose-reduced or lactose-free milk to students who are lactose intolerant and who participate in the National School Lunch Program, School Breakfast Program and Afterschool Care Program*. Since lactose-reduced or lactose-free milk is cow's milk, it can be credited as the milk component in a meal or snack without documentation.

***Minnesota Statutes section 124D.114** requires a sponsoring authority of school meal programs to provide one of these alternatives for a student with lactose intolerance if the parent has requested, in writing, an alternative:

- Lactose-reduced or lactose-free milk.
- Milk fortified with lactase in liquid, tablet, granular, or other form.
- Milk to which lactobacillus acidophilus has been added.

It is recommended that schools inform parents annually that lactose-reduced or lactose-free milk will be made available upon a parent's request.

Substitutions for a Child with a Disability
Substitutions or modifications *must be made* in school meals for a child who has a disability that restricts their diet per USDA regulations (7 CFR Part 15b). A child with a disability must be provided substitutions in foods when that need is supported by a special diet statement that is signed by a licensed physician. The statement *must* identify: (1) the child's disability; (2) the explanation of why the disability restricts the child's diet; (3) the major life activity affected by the disability; (4) the food(s) to be omitted from the child's diet; and, (5) the food(s) to be substituted. The special diet statement, when signed by a licensed physician for a disabled student, takes precedence over all meal pattern requirements. This means that a reimbursable meal can be claimed based on what the physician has included in the diet statement, rather than following the USDA meal pattern, whether or not the school has implemented the Offer versus Serve provision.

Clarification on the use of juice or soy- or rice-based beverages that are not nutritionally equivalent to cow's milk in School Nutrition Programs with or without the Offer versus Serve provision.

For example, lunch in a school *with* the Offer versus Serve provision: a serving of milk, meat/meat alternate, bread/grain and two servings of fruit/vegetable must be offered to all students for lunch and each student must select a minimum of three of the five food items in order for the school to claim the meal for reimbursement.

- If the school chooses to offer juice to **all** students, the juice can be counted as one serving from the fruit/vegetable component. Students who are lactose-intolerant, dislike milk, or are unable to consume milk for other reasons, may select the juice as a beverage but it must be counted as a food item from the fruit/vegetable component and not the milk component.
- If the school chooses to offer juice only to students who are lactose intolerant, dislike milk, or are unable to consume milk for other reasons, they may offer the juice to those **select** students if they do not count the juice as a food component of the planned menu. Students would still need to select a minimum of three of the five food items offered, excluding the juice, in order to have a reimbursable meal.
- If the school chooses to offer a soy- or rice-based beverage that is not nutritionally equivalent to cow's milk to students who are lactose-intolerant, dislike milk, or are unable to consume milk for other reasons, they may offer the soy- or rice-based beverage that is not nutritionally equivalent to cow's milk as an **extra** food item that would not be considered a part of the planned menu. Students would still need to select a minimum of three of the five food items, excluding the soy- or rice-based beverage that is not nutritionally equivalent to cow's milk, in order to have a reimbursable meal.

For example, lunch in a school *without* the Offer versus Serve provision: the student must take milk, meat/meat alternate, bread/grain and two servings of fruit/vegetable for lunch in order for the school to claim the meal for reimbursement.

- If the school chooses to provide juice to **all** students as part of the planned menu, the juice must be counted as one serving from the fruit/vegetable component and not the milk component. **All** students must still take milk in addition to the juice.
- If the school chooses to provide juice only to students who are lactose-intolerant, dislike milk, or are unable to consume milk for other reasons, they may offer the juice to those **select** students but the juice must be viewed as an **extra** food item and not a part of the planned menu. Students would still need to take milk.
- If the school chooses to offer a soy- or rice-based beverage that is not nutritionally equivalent to cow's milk to students who are lactose-intolerant, dislike milk, or are unable to consume milk for other reasons, they may offer the soy- or rice-based beverage that is not nutritionally equivalent to cow's milk as an **extra** food item that would not be considered a part of the planned menu. Students would still need to take the entire meal, including the milk, in order to have a reimbursable meal.