



Department of Public Instruction

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Milk Substitution for Children with A Non-Disabling Medical or Special Dietary Need

Has your school received requests from parents regarding a medical or other special dietary need of their student? Have you been asked to substitute another beverage for milk? This informational page will outline USDA's policy related to fluid milk substitutions made as part of the National School Lunch Program.

Parents/guardians may request a fluid milk substitute for their child without a medical statement. The request must be in writing and include the medical or special dietary need that prevents the student from consuming milk. This allows schools to accommodate non-disabling allergies, cultural, religious, or ethical beliefs of the student without a medical statement from a recognized medical authority. An example of appropriate substitution would be in the case of a lactose intolerant student. The student experiences discomfort when milk is drank, but drinking milk is not life threatening to the student. Therefore, the student's condition is not considered a disability and no medical statement is needed.

Juice and water are not nutritionally equivalent to milk and cannot be used as a substitute

Schools are encouraged but not required to offer a milk substitute as part of the reimbursable meal to students with a medical or special dietary need other than a disability. However, USDA requires that nondairy beverages offered as a fluid milk substitute must be nutritionally equivalent to fluid milk. Juice and water are not acceptable substitutions.

How do you know if the non-dairy substitute is nutritionally equivalent to milk? Lactose-free milk should be the first choice for a student that has lactose intolerance.

Lactose free milk contains the same key nutrients found in regular cow's milk and is readily available. It is not possible to determine if a non-dairy product is nutritionally equivalent to milk by looking at the Nutrition Facts Panel. The Nutrition Facts Panel does not contain all the nutrient information needed to make this determination. The food manufacturer must be contacted in order to determine if the non-dairy product contains equivalent amounts of the key nutrients of cow's milk. Based on information available from manufacturers, ND DPI has identified the products listed in the box as acceptable substitutions for fluid milk.

Nutritionally Equivalent Milk Substitutes

- Pacific Brand Ultra Soymilk
- Plain & Vanilla
8th Continent Original Soymilk
Pearl Organic Soymilk
- Chocolate & Creamy Vanilla

Under Offer versus Serve (OVS), a meal without milk can be reimbursable. If OVS is not available, a reimbursable meal for a student with a medical or special dietary need (non-disability) must include milk or an acceptable milk substitute provided by the school. If the school does not offer an acceptable milk substitute for students without disabilities, the students MUST take milk for the meal to be reimbursable.

Please note that nothing has changed in the case of a student with a disability. Schools are required to provide a substitute for a student with a recognized disability. There must be a Medical Statement signed by a licensed medical authority on file. If the student with a disability cannot consume cow's milk, the school must omit or substitute fluid milk based on

the medical statement from a licensed physician.