



OREGON DEPARTMENT OF EDUCATION
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August 3, 2011

TO: Sponsors of the Child and Adult Care Food Program

RE: Fluid Milk and Fluid Milk Substitutions, Medical Statements for Disabilities
Effective Immediately, Full Compliance no later than October 1, 2011

The Oregon Department of Education Child Nutrition Programs (ODE CNP) received guidance from USDA concerning modified Child and Adult Care Food Program (CACFP) requirements for fluid milk and fluid milk substitutions. All new requirements in this memo are effective immediately. However, to provide adequate time for training and technical assistance, full compliance should occur no later than October 1, 2011.

Background

The Healthy, Hunger-Free Kids Act of 2010 (the Act), Public Law 111-296, Section 221, amends section 17(g) of the Richard B. Russell National School Lunch Act [42 U.S.C. 1766(g)] by requiring that fluid milk served in the CACFP be consistent with the most recent version of the Dietary Guidelines for Americans; likewise, in cases of special dietary needs, by allowing the substitution of non-dairy beverages that are nutritionally equivalent to fluid milk. The 2010 Dietary Guidelines recommend that persons over two years of age consume fat-free (skim) or low-fat (1%) fluid milk.

New Fluid Milk Requirements

Ages 2 Years and Older

Fluid milk served in the CACFP to participants, ages 2 years and older must be:

- fat-free or low-fat (1%) milk
- fat-free or low-fat (1%) lactose reduced milk
- fat-free or low-fat (1%) lactose free milk
- fat-free or low-fat (1%) buttermilk, or
- fat-free or low-fat (1%) acidified milk

This requirement begins on the day the child turns 2 years old.

Ages 12 Months to 23 Months

The Dietary Guidelines for Americans do not address milk served to children under the age of two. The requirements relating to children in this age group are unchanged at this time.

- Fat-free, 1%, 2% or whole milk may be served to children ages 12 months to 23 months.

The Sponsor may not serve whole milk and reduced fat (2%) milk to a child on the day he/she turns 2 years old.

All Age Groups

- Milk served must be pasteurized fluid milk that meets State and local standards
- Milk served may be flavored or unflavored

Non-dairy Beverages (Children ages 12 months and older)

In the case of children who cannot consume fluid milk due to medical or other special dietary needs, *but does not have a disability*, non-dairy beverages may be served in lieu of fluid milk.

Non-dairy beverages must be nutritionally equivalent to milk and meet the nutritional standards for fortification of calcium, protein, vitamin A, vitamin D, and other nutrients to levels found in cow's milk, as outlined in the National School Lunch Program (NSLP) regulations at 7CFR 210.10(m)(3). *This new policy about non-dairy beverages affects the procedure regarding Medical Statements for Food Substitution.*

The enclosed table and nutrition label exercise may be used to help sponsors identify non-dairy beverages that meet the above standards. Currently, two brands of soy milk meet nutritional standards for fortification of calcium, protein, vitamin A, vitamin D and other nutrients. These are Pacific Soy Ultra (plain and vanilla) and 8th Continent Soy Milk (plain and vanilla).

Parent/Guardian Written Requests (*please read carefully as this substantially changes past practices*)

Parents or guardians may now request in writing non-dairy milk substitutions *that are nutritionally equivalent to milk* without providing a medical statement.

- The written request must identify the medical or other special dietary need (except a disability) that restricts the diet of the child.
- Non-dairy beverages that are not nutritionally equivalent to milk and meet the nutritional standards for fortification of calcium, protein, vitamin A, vitamin D, and other nutrients to levels found in cow's milk will not be allowed. Juice and water are not nutritionally equivalent to milk, so they would not be a reimbursable substitution.

Example: If a parent has a child who follows a vegan diet, the parent can submit a written request to the child's caretaker asking that soy milk be served in lieu of cow's milk. The written request must identify that Vegan Diet is the special dietary need that restricts the diet of the child. The non-dairy milk substitution must be nutritionally equivalent to milk and meet the nutritional standards for fortification of calcium, protein, vitamin A, vitamin D, and other nutrients to levels found in cow's milk, as outlined in the National School Lunch Program (NSLP) regulations at 7CFR 210.10(m)(3). Such substitutions are at the option and the expense of the facility.

Medical Statement for Food Substitution in the Case of a Disability

The requirements related to milk or food substitutions for a participant who has a medical disability and who submits a Medical Statement for Food Substitutions signed by a licensed physician remain unchanged. The food substitution for the disability may or may not meet CACFP requirements. Meals containing non-dairy beverages that are not nutritionally equivalent to milk or meet fortification standards may be reimbursable **only for disabled** children, who have a medical statement for food substitutions on file. The medical statement for the disabled child must be signed by a licensed physician and clearly states the disability.

Example: A Medical Statement for Food Substitution requesting to substitute juice or water for milk would be acceptable only if the medical statement is signed by a licensed physician and documents the child's disability. If a parent or guardian submits a medical statement for food substitutions to substitute a non-dairy beverage that is not nutritionally equivalent to milk, the meal would not be reimbursable unless the child has a documented disability signed by a licensed physician.

Recommendations for Children Ages 12-23 Months

ODE CNP recommends that whole milk be served to children who are ages 12-23 months. The American Academy of Pediatrics makes this recommendation: *"Whole milk is acceptable at 1 year of age. Reduced-fat, low-fat, and fat-free milk are not recommended during the first 2 years of life."* (Bright Futures in Practice, pg 162) A child younger than 2 years of age should not be placed on a diet or given low-fat or skim milk. The early months and years of a child's life are critical for the normal development of the brain and body. Specifically, children need calories from dietary fat for the brain to grow and mature normally.

Summary

All new requirements in this memo are effective immediately. However, to provide adequate time for training and technical assistance, full compliance should occur no later than October 1, 2011.

Effective October 1, 2011, Sponsors cannot claim meals with 2% or whole milk served to children ages 2 and older, since these meals would not meet meal pattern requirements.

Sponsors who continue to serve 2% or whole milk to children ages 2 and older for meals and as a component for snacks after October 1, 2011, will not be serving all required components of the meal pattern. If during a review ODE CNP finds that meals served after October 1, 2011, to children ages 2 and older included 2% or whole milk, these meals will be disallowed.

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If you have questions regarding this memo, please contact your assigned Child Nutrition Specialist. ODE CNP will issue a Question and Answer memo at a later date.

Sincerely,

A handwritten signature in black ink that reads "Lynne Reinoso". The signature is written in a cursive, flowing style.

Lynne Reinoso
Manager, Community Nutrition
Child Nutrition Programs
Office of the Superintendent

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Enclosures: Non-dairy Beverage Meets USDA Nutrient Requirements
Written Request for Non-dairy Beverage Substitution