

# Your Right to Request a Substitute for Cow's Milk at School



Parents and guardians have the right to request a substitute for cow's milk as part of school meals.

- **If your child has a disability**, schools must provide a substitute.
- **For other reasons**—such as religious, ethical, cultural, or non-disability medical needs—schools **may** provide a substitute and are encouraged by USDA to do so, but are not legally required.
- **New flexibility**: Schools may now choose to offer soy milk to *all students* on the lunch line—**no note required**.

Below are the three ways families can access a cow's milk substitute.

## **Option 1: Disability-Based Request, including Lactose Intolerance (Schools MUST Provide a Substitute)**

A school **must** provide a cow's milk substitute when it receives a written statement from a parent, guardian, or licensed medical professional describing a disability that restricts a student's diet and specifying the requested substitute.

This option is available to any student who has a disability, **including lactose intolerance**, that restricts their diet. While the word "disability" may sound like a serious health issue, when it comes to school food rules, "disability" includes common conditions like lactose intolerance, which affects 65-70% of all people. USDA has stated repeatedly that "a child whose digestion is impaired due to lactose intolerance may be considered a person with a disability who requires a substitution for cow's milk."<sup>1</sup>

Your child's school must provide a substitute for cow's milk upon receipt of a written statement that:

- Identifies the disability that restricts the student's diet (for example, lactose intolerance);
- Specifies the substitute for fluid milk (for example, soy milk, water, oat milk, or juice); and
- Comes from a parent, guardian, or State licensed healthcare professional (for example, a doctor, nurse practitioner, or physician's assistant) or registered dietitian.

Substitutes requested for disability reasons do not need to be nutritionally equivalent to milk, so any type of plant-based milk, juice, or water<sup>2</sup> are appropriate substitutes if specified in the medical statement.

1 89 Fed. Reg. 31,962, 31,985 (Apr. 25, 2024).

2 Note that schools are already required to make water available to all students.

## Option 2: Medical or Special Dietary Need (Schools MAY Provide a Substitute)

Schools **may** provide a cow's milk substitute when a parent/guardian or healthcare professional submits a written request describing a **medical or other special dietary need**.

This option may be used for requests based on:

- Vegan or vegetarian diets
- Religious, ethical, or cultural beliefs
- Health needs that do not rise to the level of a disability

Unlike disability-based requests, these substitutions are **discretionary**, meaning schools may deny them for operational or cost reasons. However, USDA guidance encourages schools to honor these requests whenever possible.<sup>3</sup>

For this option:

- The written request must describe the medical or other special dietary need; and
- The substitute must be **nutritionally equivalent to cow's milk**, which typically limits options to fortified soy milk.

Many school districts provide a request form for students and parents seeking a substitution based either on disability or special dietary need. Search online for the name of your school district and "special dietary request form" or similar terms or ask your school nurse or school nutrition director. Completed forms or notes are typically submitted to the school food director and/or the school nurse.

If you cannot find a form or template letter on your school's website, we have created template written requests for each type of substitution [here](#).

## Option 3: Soy Milk on the Lunch Line (No Note Required!)

**As of January 2026**, schools may choose to offer soy milk to **all students** on the lunch line.

- No parent or medical note required
- No disability determination required

Families can encourage their school food service director to take advantage of this flexibility to ensure all students have access to a beverage they can drink.

## Additional Tips for Families

- Many school districts have request forms for milk substitutions or dietary accommodations. Search online for your district's name plus "milk substitution" or "dietary accommodation," or ask your school nurse or food service director.
- If you cannot find a form, we have created [template request letters](#) for both disability-based and discretionary requests.
- Advocate for your school district to proactively offer soy milk on the lunch line, eliminating the need for discretionary non-dairy milk requests using the [template letter](#).
- If your school is unsure about the rules, you can share [our guidance](#) for school food operators.

If you continue to have difficulty requesting a cow's milk substitute, please contact [climatefriendlyfood@foe.org](mailto:climatefriendlyfood@foe.org)

