

For Parents/Guardians and Students: Your Right to Request a Substitute for Cow's Milk at School



Parents and guardians have a right to request a substitute for cow's milk for their child as part of school meals. In the case of a disability, a school **MUST** grant your request. For other reasons, such as taste preference, religious, ethical, cultural, or non-disability medical/health reasons, schools are encouraged to grant your request but they don't have to.

Here are the two options for requesting a substitute for cow's milk:

Option 1: Medical Note Describing Disability (including Lactose Intolerance)- Schools **MUST** Provide a Cow's Milk Substitute

A school **must** provide a cow's milk substitute on receipt of a medical note describing a disability that necessitates an alternative.

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 it must be 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."¹

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,² oat milk, juice); and
- Comes from a 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 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: Parent/Guardian or Health Professional Note Describing “Special Dietary Need”- Schools MAY Provide a Cow’s Milk Substitute

A school *may* provide a cow’s milk substitute on receipt of a note from a parent/guardian or medical authority stating a “special dietary need,” and recent guidance from USDA encourages schools to do so.³ A special dietary need request may be based on a student’s vegan diet, or religious, cultural, or ethical beliefs. Unlike the disability-based request, which legally entitles a student to a substitute, the decision to grant a request based on a special dietary need is discretionary, so the school may deny the request for virtually any reason, including cost. However, many schools choose to honor these requests to the extent possible.

- The note must identify the medical or other special dietary need that restricts the student’s diet.
- The substitute requested must be nutritionally equivalent to cow’s milk, which usually limits a student’s options to 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 forms for each type of substitution [here](#).

If you are having trouble making requests to your or your child’s school for a cow’s milk substitute, please reach out to climatefriendlyfood@foe.org.

Please reach out to climatefriendlyfood@foe.org with any questions.

