

A Guide for Food and Nutrition Services to Navigate Requests for Cow's Milk Substitutes



School food operators may receive two types of requests for a cow's milk substitute: Disability-based requests must be accommodated by operators. Requests based on "special dietary needs" are discretionary, but USDA encourages operators to provide cow's milk substitutes in these cases.

Mandatory Disability-Based Requests

A school **must** provide a cow's milk substitute in response to a medical note describing a disability.

- While the word "disability" may sound like it must be a serious health issue, it includes common conditions like **lactose intolerance**. USDA has repeatedly stated 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
- On receipt of a written statement from a State licensed healthcare professional or registered dietitian stating the disabling condition, the major life activity impaired, and the foods to be omitted and substituted,² the school must accommodate the disability.
- Disability-based substitutes do not need to be nutritionally equivalent to cow's milk. USDA guidance states that disability-based "meal modifications do not have to meet the Program meal pattern requirements in order to be claimed for reimbursement if they are supported by a medical statement."³ Any type of non-dairy milk, juice, or water are appropriate substitutes if specified in the medical statement.⁴
- School food authorities must ensure that parents, guardians, and children have notice of the procedure for requesting meal modifications for disabilities. This can be done by making request forms available to students and parents online and as a part of registration materials.

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

2 42 U.S.C. § 1758(a)(2)(A)(iii); see also 7 C.F.R. § 210.10(m)(1).

3 USDA Memo SP 59-2016 at 7; USDA Memo CACFP 14-2017 at 8.

4 See Food & Nutrition Serv., USDA, Accommodating Children with Disabilities in the School Meal Programs Guidance for School Food Services Professionals 30 (2017), <https://www.fns.usda.gov/school-meals/2017-edition-accommodating-children-disabilities-school-meal-programs>.

Discretionary Requests Based on “Special Dietary Needs”

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.⁵ A special dietary need request may be based on a student’s vegan diet, religious, cultural, or ethical beliefs, taste preference, or a health need that falls short of a disability.

- You must obtain from the student’s parent or guardian, a State licensed healthcare professional, or a registered dietitian a written request that identifies the reason for the substitute.⁶
- If you choose to accommodate the request, the substitute must be nutritionally equivalent to cow’s milk.⁷ The most common nutritionally equivalent substitution is fortified soy milk, but Ripple’s Pea Milk also meets USDA’s standards for substitution.⁸
- A school food authority must inform the State agency if any schools choose to offer fluid milk substitutes for non-disability reasons.⁹
- Expenses for discretionary substitutes that exceed program reimbursements must be paid by the school food authority; costs may be paid from the nonprofit school food service account.¹⁰

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

Best Practices for Offering Cow’s Milk Substitutes

- Ensure parents/guardians and students are aware of their right to request substitutes to cow’s milk by providing information about disability and discretionary substitutions on your department’s website, in the cafeteria line where cow’s milk is offered, and in any paper documentation provided to families.
- Create a streamlined process for parents/guardians to request cow’s milk substitutes (both for disability and discretionary substitutions), such as an easy-to-access online form on your department’s website and a paper form sent to families along with forms related to accessing free- and reduced-price meals.
- Provide information in all languages spoken by the school community.

Example Forms from DC Public Schools:

- [Discretionary Substitution Form](#)
- [Medical Dietary Accommodation Form](#)



5 USDA Memo SP 01-2025 at 4
6 7 C.F.R. § 210.10(d)(2)(i).
7 7 C.F.R. § 210.10(d)(2)(ii).
8 <https://schoolnutrition.org/resource/ripple-foods/>
9 7 C.F.R. § 210.10(d)(2)(i).
10 7 C.F.R. § 210.10(d)(2)(iii).