



Office for Prekindergarten through Grade 12 Education  
School Operations and Management  
Child Nutrition Program Administration  
99 Washington Avenue, Room 1623 OCP, Albany, NY 12234  
(518) 473-8781 Fax (518) 473-0018  
[www.nysed.gov/cn/cnms.htm](http://www.nysed.gov/cn/cnms.htm)

To: School Food Service Directors/Managers

From: Paula Tyner-Doyle, Coordinator

Date: October 4, 2013

Subject: Variations in Meal Requirements for Religious Reasons

Public Law 111-296 known as the Healthy, Hunger-Free Kids Act of 2010 signed by President Obama on December 13, 2010 has required substantial changes to the Child Nutrition Programs. Allowable variations have been made to the food components in order to meet religious needs among Jewish schools, institutions and sponsors. The Food and Nutrition Service (FNS) may approve variations in the food components of meals served in the Child Nutrition Programs on an experimental or on a continuing basis where there is evidence that such variations are necessary to meet ethnic, religious, economic or physical needs. This instruction pertains to meals served in Jewish facilities participating in the National School Lunch Program (NSLP) and the School Breakfast Program (SBP); institutions and their facilities participating in the Child and Adult Care Food Program (CACFP); and sponsors and sites in the Summer Food Service Program (SFSP).

#### Grain Requirement

During the religious observance of Passover, Jewish facilities may be exempted from the enrichment and whole grain portions of the Child Nutrition Program grain requirements. Un-enriched matzo may be substituted for the grain requirement during that period of time only. At all other times of the year, matzo served as the grain component must be whole grain rich, whole grain or enriched in accordance with the specific regulatory meal pattern requirements operated under in the particular program.

#### Milk Requirement

Flexibilities with milk being offered with all meals in Jewish facilities have also been made available. These alternative options apply only when meals contain meat or poultry.

1. Serve an equal amount of full-strength juice in place of milk with lunch or supper. When juice is substituted for milk, it may not contribute to the vegetable/fruit requirement. Entities operating five days per week may substitute juice for milk twice per week for lunches and twice for suppers, but no more than once each day. Those operating seven days per week may make three substitutions per week for lunches, and three for suppers, but no more than one each day.

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2. Serve milk at an appropriate time before or after the meal service period, in accordance with applicable Jewish Dietary Law. Backup documentation for two separate points of service must be maintained if this option is used.

Milk must be offered or served in other lunch meals according to regulations, since Jewish Dietary Laws allow other meat alternatives (e.g., fish, egg, beans and peas, nuts and seeds and their butters) to be consumed with milk at the same meal.

Milk must always be offered with all breakfast meals. Substitutions for fluid milk are not allowed at breakfast.

#### Dark Green Vegetable Requirement

Jewish Dietary law poses challenges to serving the dark green vegetable subgroup as required under the National School Lunch Program. Jewish facilities facing this challenge may be exempt from the requirement to serve the dark green vegetable subgroup, but must serve the same total amount of vegetables. The vegetables served in place of dark green vegetables must come from the red/orange or beans/peas subgroup. These subgroups are underrepresented in the American diet and The Dietary Guidelines for Americans, 2010, gives the following specific recommendation, “Eat a variety of vegetables, especially dark-green and red and orange vegetables and beans and peas.”

School Food Authorities (SFAs) wishing to utilize the meal component variations for religious reasons must notify the Child Nutrition Program by submitting a waiver request on the Child Nutrition Management System (CNMS).

Any questions on this policy should be directed to your respective Child Nutrition Program representative at 518-473-8781.