



Office for Prekindergarten through Grade 12 Education
School Operations and Management
Child Nutrition Program Administration
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To: School Food Service Directors/Managers

From: Paula Tyner-Doyle, Coordinator

Date: October 22, 2013

Subject: Fluid Milk

The Healthy, Hunger-Free Kids Act of 2010 (the Act), Public Law 111-296, modifies requirements for fluid milk in the National School Lunch Program and School Breakfast Program. The purpose of this memorandum is to provide guidance on the implementation of these modifications. Section 202 of the Act amends section 9(a)(2)(A) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(a)(2)(A)) by requiring that a variety of fluid milk be served consistent with the most recent Dietary Guidelines for Americans. The 2010 Dietary Guidelines recommend that persons over two years of age consume fat-free or low-fat (1%) fluid milk. To offer milk variety consistent with this recommendation, school food authorities must offer at least two choices from the following: fat-free milk (flavored or unflavored), low-fat (1%) milk, fat-free or low-fat lactose reduced milk, fat-free or low-fat lactose-free milk, fat-free or low-fat buttermilk, and fat-free or low-fat acidified milk. Such products must be pasteurized fluid milk that meets State and local standards, as currently required in 7 CFR 210.10(m)(1)(ii). If offered, flavored milk must be fat-free.

We are still encountering schools that provide students, especially in the middle and high schools, with milk or juice on the menus as a beverage choice. Schools further promote this "beverage choice" when juice and other drink items are placed near the milk. Since milk is a required component, any intent or encouragement of other beverages as part of the reimbursable meal must be eliminated. Juice can be counted as part of the fruit component and should be placed with the fruit options and displayed on the menu as such. Other beverage items should be kept separately from the milk, and labeled and marketed as a la carte items only. You may menu milk and juice as long as each student knows he/she can take both beverages at each meal. Keep in mind this is a costly policy to implement. If you select this option, signage and menus must clearly stipulate this. Do not tell us students "know" they can have both beverages.

If you have questions regarding this memo, please contact your Child Nutrition Representative at 518-473-8781.

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