



Georgia Department of Early Care and Learning

2 Martin Luther King Jr. Drive, SE, Suite 754, East Tower, Atlanta, GA 30334
(404) 656-5957

Nathan Deal
Governor

Bobby Cagle, MSW
Commissioner

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To: All Child and Adult Food Care Program (CACFP) Participating Institutions

From: Louis Brienza, Division Director
Nutrition Services

Subject: Nutrition Requirements for Fluid Milk and Milk Substitutions in the CACFP, Questions and Answers

Legal Authority: Healthy, Hunger-Free Kids Act of 2010- Public Law 111-296 and United States Department of Agriculture (USDA) CACFP 21-2011-REVISED dated September 15, 2011

The Healthy, Hunger-Free Kids Act of 2010 (the Act), Public Law 111-296, modified requirements for fluid milk and fluid milk substitutions in the Child and Adult Care Food Program (CACFP). The purpose of this memorandum is to provide guidance on the implementation of these provisions.

Section 221 of the Act amends section 17(g) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(g)) by requiring that fluid milk served in the CACFP be consistent with the most recent version of the Dietary Guidelines for Americans and allowing the substitution of non-dairy beverages that are nutritionally equivalent to fluid milk in cases of special dietary needs.

Fat-Free and Low-Fat Milk

Milk served in the CACFP must be consistent with the most recent version of the Dietary Guidelines for Americans. The 2010 Dietary Guidelines recommend that persons two years of age and older consume low-fat (1%) or fat-free (skim) fluid milk. Therefore, fluid milk served in CACFP to participants two years of age and older must be: fat-free or low-fat (1%) milk, fat-free or low-fat (1%) lactose reduced milk, fat-free or low-fat (1%) lactose free milk, fat-free or low-fat (1%) buttermilk, or fat-free or low-fat (1%) acidified milk. Milk served must be pasteurized fluid milk that meets State and local standards, and may be flavored or unflavored. **Whole milk and reduced-fat (2%) milk may not be served to participants two years of age and older.**

Because the Dietary Guidelines for Americans do not address milk served to children under the age of two, our requirements relating to children in this age group are unchanged at this time, in which between the child's first and second birthday whole milk is recommended to be served. Lower fat milk must then be introduced to children two years of age and older.

Non-dairy Beverages

In the case of children who cannot consume fluid milk due to medical or other special dietary needs, other than a disability, non-dairy beverages may be served in lieu of fluid milk. Non-dairy beverages must be nutritionally equivalent to milk and meet the nutritional standards for fortification of calcium, protein, vitamin A, vitamin D, and other nutrients to levels found in cow's milk, as outlined in the National School Lunch Program (NSLP) regulations at 7 CFR 210.10 (m)(3).

Nutrient	Per cup
Calcium	276 mg.
Protein	8 g.
Vitamin A	500 IU.
Vitamin D	100 IU.
Magnesium	24 mg.
Phosphorus	222 mg.
Potassium	349 mg.
Riboflavin	0.44 mg.
Vitamin B-12	1.1 mcg.

Parents or guardians may now request in writing non-dairy milk substitutions, as described above, without providing a medical statement. For example, if a parent has a child who follows a vegan diet, the parent can submit a written request to the child's caretaker asking that soy milk be served in lieu of cow's milk. The written request must identify the medical or other special dietary need that restricts the diet of the child. Such substitutions are at the *option* and the *expense* of the facility. The requirements related to milk or food substitutions for a participant who has a medical disability and who submits a medical statement signed by a licensed physician remain unchanged.

Meals containing non-dairy beverages that are not nutritionally equivalent to milk or do not meet fortification standards may be reimbursable only through a medical statement, related to a medical disability, and prescribed by a licensed physician.

A. NON-DAIRY MILK SUBSTITUTIONS

- 1. Is a caregiver required to provide a non-dairy milk substitute if it is not related to a medical disability?**

No. It is at the caregiver's discretion to provide a non-dairy milk substitute if it is not related to a medical disability.

- 2. Will caregivers receive additional meal reimbursements if they provide a non-dairy milk substitution?**

No. All non-dairy milk substitutions are at the expense of the caregiver and/or the child's parent or guardian.

- 3. If a parent provides a creditable non-dairy milk substitute, can the caregiver serve it and still receive reimbursement?**

Yes. If a parent provides a non-dairy milk substitute that meets the nutritional standards as outlined in 7 CFR 210.10(m)(3) and that has been approved by the Bright from the Start, the caregiver may serve the non-dairy milk substitute and still claim reimbursement for the meal.

- 4. If a parent or adult participant can request a non-dairy/cow's milk milk substitute that is equivalent to cow's milk, can the parent or adult participant also request that their child or themselves be served whole or reduced-fat (2%) milk?**

No. The Act requires that milk served to children and adults in the CACFP be aligned with the most recent version of the Dietary Guidelines for Americans. The 2010 Dietary Guidelines for Americans

recommends that persons two years and older consume low-fat (1%) or fat-free (skim) milk. Therefore, any request for higher fat milk must be made through a medical statement, related to a medical disability, and prescribed by a licensed physician.

5. SUPPLEMENTAL: What are acceptable non-dairy or cow's milk substitutions?

- Low fat or fat free lactose-reduced, buttermilk and acidified milk
- Goat milk, Sheep milk, Buffalo milk (must be pasteurized)
- Soy milk (calcium and vitamin D fortified)

6. SUPPLEMENTAL: What are unacceptable non-dairy substitutions? (These are examples and do not represent a comprehensive listing)

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| • Juice | • Water |
| • Almond milk (inadequate protein) | • Hemp milk (inadequate protein) |
| • Rice milk (inadequate protein) | • Oat milk (inadequate protein) |
| • Almond milk "plus" (inadequate calcium and protein) | • Whole grain drink (inadequate protein) |
| • Cashew milk (inadequate protein) | • Flax milk (inadequate protein) |
| • Coconut milk (inadequate calcium and protein) | • Calcium-fortified orange juice (inadequate protein) |

Any request for these items must be made through a medical statement, related to a medical disability, and prescribed by a licensed physician.

7. SUPPLEMENTAL: What medical or special needs are covered by the non-dairy milk substitution requested by the parent?

The Act does not specify the medical or special dietary needs that are covered by the milk substitution provision. Any reasonable request could be accepted at the discretion of the center. For example, a request due to milk intolerance or a vegan diet is reasonable, however, a request simply due to the preference of the child would not be reasonable.

COMPLIANCE

1. What if the parent agrees to provide the non-dairy substitute, but brings in one that does not meet the USDA's nutritional standards; can the caregiver serve it and still receive reimbursement?

Caregivers should inform parents about the types of creditable non-dairy milk substitutes. If a non-dairy milk substitute is served that does not meet the nutritional standards outlined in 7 CFR 210.10(m)(3), then the meal is not reimbursable.

2. When submitting menus for review, do caregivers need to document the type of milk that they serve?

No. Caregivers are not required to document the type of milk served on their menus. However, it is the responsibility of the Bright from the Start or the sponsor, as applicable; to ensure that the correct type of milk is being served when conducting reviews (e.g. meal observations, receipts, invoices, etc).

3. SUPPLEMENTAL: What if a provider or center document the type of milk that they serve, and it is not compliant with the CACFP requirements for milk?

As listed in question 2 of this section, caregivers are not required to document the type of milk served on their menus; however, if they do so and the type of milk noted is not compliant with milk requirements for CACFP, then the meal is not reimbursable and must be disallowed. In addition, the

provider should submit a corrective action plan and Bright from the Start or the sponsor should follow-up to ensure that it has been successfully implemented.

4. **SUPPLEMENTAL: Will the amount of milk needed for the meals that are claimed be calculated and reconciled to milk receipts?**

Yes. The amounts of milk needed for the meals served will be reconciled and to milk purchased. For example, if 2% milk is purchased with CACFP funds and no children under the age of two is enrolled at the center. The cost of the 2% milk purchased would be required to be refunded to the food service account and meals that require milk as part of the meal pattern will be disallowed unless documentation is readily provided that the required type of milk was served.

5. **What type of milk may one-year-old children be served?**

The milk requirements for children one year of age remain unchanged at this time. It is recommended, but not required, that children 12 through 23 months of age be served whole milk only.

6. **If one-year-old and two-year-old children sit together for the same meal, must they be served different types of milk?**

Children older than two must be served low-fat (1%) or fat-free (skim) milk and it is recommended that children one year of age be served whole milk. Providers must ensure that children of various ages seated at the same meal receive the appropriate type of milk.

7. **What happens if a caregiver serves reduced-fat (2%) or whole milk?**

Meals served to participants two years of age and older that include reduced-fat (2%) or whole milk are not reimbursable and must be disallowed. In addition, the provider should submit a corrective action plan and Bright from the Start or the sponsor should follow-up to ensure that it has been successfully implemented.

C. ADULT PARTICIPANTS

1. **Must adults participating in the CACFP be served 1% or fat-free milk only?**

Yes. The provision in the law [42 USC §1766(g)] requires all CACFP institutions to serve low-fat (1%) or fat-free milk, which includes adult day care facilities.

2. **Can adults submit a written request for a non-dairy milk substitution?**

Yes. Adult participants, or their caregivers, may request in writing a non-dairy milk substitute that meets the nutritional standards as outlined in 7 CFR 210.10(m)(3) and that has been approved by the Bright from the Start.

For questions concerning information in this memorandum, please contact the Policy Administrator at 404-651-7181.