



Dear Parent or Guardian,

Your child's diet request for a milk substitution due to lactose intolerance cannot be provided due to a change in USDA regulations. The reason for this change:

USDA, the governing agency for the National School Lunch Program, issued a rules change concerning milk substitutes (such as juice) for students with non-disabling conditions. The regulation applies to students without disabilities. Lactose intolerance does not meet the definition of a disability in the USDA programs.

The only milk substitutes allowed under this rule for students without disabilities are non-dairy beverages that meet the established nutrient requirements. Beginning in school year 2011-2012, non-dairy beverages offered as fluid milk substitutes must be nutritionally equivalent to fluid milk, which means they must provide specific levels of calcium, protein, vitamins A and D, magnesium, phosphorus, potassium, riboflavin, and vitamin B-12. Our school division will not be offering non-dairy milk substitutes.

What alternatives do I have to accommodate my child's need for a fluid milk substitution due to lactose intolerance?

1. The school division will make available lactose-free milk as part of the lunch and breakfast program at no additional charge to those students who have provided documentation that they are lactose intolerant.
2. To request lactose-free milk for your student, please complete and return the form attached to this letter.
3. Our school division offers choices to students and participates in Offer vs. Serve, allowing students to choose not to take milk with their meal as long as they choose at least three other components of the meal such as meat, bread and a fruit or vegetable. There are at least two vegetables, plus fresh and canned fruits offered every day, students are encouraged to take two or three vegetables and fruits to create a healthy meal. Students may take up to 5 or 6 meal components at lunch.

What if my child has a serious allergy to milk? What steps do I take to obtain a diet modification for my child?

If your child has a disability (such as an allergy to milk which may result in anaphylaxis), a diet order from your physician is required. These orders from a physician, for disabling conditions, must answer a series of questions in order to be implemented by the school.

The diet order must:

- Identify the disability
- Explain why the disability restricts the child's diet
- Address the major life activity affected by the disability
- List the food or foods to be omitted from the child's diet and the food or choice of foods that must be substituted.

When a child has a disabling allergy to milk, diet orders typically will include all potential sources of milk in the student's diet, not just fluid milk, (i.e. cheese and milk by-products such as casein/whey)

If you have any questions or need further explanation regarding this letter, please contact me.

Sincerely,

*Marci B. Lexa*

Marci B. Lexa, SNS  
Director of School Nutrition Programs

Non-Discrimination Statement - The U.S. Department of Agriculture (USDA) prohibits discrimination against its customers, employees, and applicants for employment on the bases of race, color, national origin, age, disability, sex, gender identity, religion, reprisal and, where applicable, political beliefs, marital status, familial or parental status, sexual orientation, or if all or part of an individual's income is derived from any public assistance program, or protected genetic information in employment or in any program or activity conducted or funded by the Department. (Not all prohibited bases will apply to all programs and / or employment activities.)

If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, found online at [http://www.ascr.usda.gov/complaint\\_filing\\_cust.html](http://www.ascr.usda.gov/complaint_filing_cust.html), or at any USDA office, or call (866) 632-9992 to request the form. You may also write a letter containing all of the information requested on the form. Send your completed complaint form or letter to us by mail at U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, by fax (202) 690-7442 or email at [program\\_intake@usda.gov](mailto:program_intake@usda.gov).

Individuals who are deaf, hard of hearing, or have speech disabilities and wish to file either an EEO or program complaint please contact USDA through the Federal Relay Service at (800) 877-8339 or (800) 845-6136 (in Spanish).

Persons with disabilities who wish to file a program complaint, please see information above on how to contact us by mail or by email. If you require alternative means of communication for program information (e.g., Braille, large print, audiotape, etc.) please contact USDA's TARGET Center at (202) 720-2600 (voice and TDD).

USDA is an equal opportunity provider and employer.



RE: Accommodation of Lactose Intolerance with Lactose-Free Milk as the Substitution

The School Nutrition Program requires a signed request for a substitution for the condition known as lactose intolerance for your student. The substitution that our school provides is lactose-free milk.

If you would like your student to receive lactose-free milk due to lactose intolerance, please fill out the form below and return it to the school nutrition manager at your school. If your student has a serious allergy to milk and milk by-products, please see your physician about a diet order that meets the specifications in the letter attached to this page.

Student Name \_\_\_\_\_

Student Number \_\_\_\_\_

---

Parent / Guardian Signature

---

Printed Parent / Guardian Name

---

Date

Non-Discrimination Statement - The U.S. Department of Agriculture (USDA) prohibits discrimination against its customers, employees, and applicants for employment on the bases of race, color, national origin, age, disability, sex, gender identity, religion, reprisal and, where applicable, political beliefs, marital status, familial or parental status, sexual orientation, or if all or part of an individual's income is derived from any public assistance program, or protected genetic information in employment or in any program or activity conducted or funded by the Department. (Not all prohibited bases will apply to all programs and / or employment activities.)

If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, found online at [http://www.ascrusda.gov/complaint\\_filing\\_cust.html](http://www.ascrusda.gov/complaint_filing_cust.html), or at any USDA office, or call (866) 632-9992 to request the form. You may also write a letter containing all of the information requested on the form. Send your completed complaint form or letter to us by mail at U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, by fax (202) 690-7442 or email at [program\\_intake@usda.gov](mailto:program_intake@usda.gov).

Individuals who are deaf, hard of hearing, or have speech disabilities and wish to file either an EEO or program complaint please contact USDA through the Federal Relay Service at (800) 877-8339 or (800) 845-6136 (in Spanish).

Persons with disabilities who wish to file a program complaint, please see information above on how to contact us by mail or by email. If you require alternative means of communication for program information (e.g., Braille, large print, audiotape, etc.) please contact USDA's TARGET Center at (202) 720-2600 (voice and TDD).

USDA is an equal opportunity provider and employer.