



## Child Nutrition & Wellness

785-296-2276  
785-296-0232 (fax)

120 SE 10th Avenue • Topeka, KS 66612-1182 • (785) 296-6338 (TTY) • www.ksde.org

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Mr. Bob Eadie, Chief Policy and Program Development Branch  
Child Nutrition Division  
Food and Nutrition Services, US Department of Agriculture  
3101 Park Center Drive, Room 634  
Alexandria, Virginia 22302-1594

RE.: FLUID MILK SUBSTITUTIONS

I am writing to provide comment concerning the proposed regulation: Fluid Milk Substitutions in the School Nutrition Programs.

1. I understand that the only substitute for milk for non-disabled students is the non-dairy beverage with nutrient equivalency to fluid milk. If the school decides to not provide the "nutritionally equivalent non-dairy milk substitution", may the school provide a glass for water or other beverage as a substitute?
2. When the parent is allowed to make a written request for the milk substitution, what will constitute a "medical or other special dietary need that restricts the student's diet"? Is food preference considered an "other special dietary need"? Would this be clarified in the final rule?
3. If the parent requests the non-dairy substitution but the child does not like the beverage, may the child refuse the milk substitute under the offer vs. serve provision? If the school does not use the offer vs. serve provision, is it correct to assume that the child must take the product even if he/she does not intend to consume it? Could the school offer the student water and still have a reimbursable meal?
4. There is no mention in the proposed regulation about the Special Milk Program. Would schools be allowed to substitute the non-dairy product in lieu of milk and be reimbursed under the SMP?
5. The proposed regulation puts the burden of proof onto the school that the products meet the USDA nutrition standards "set forth by the secretary". While that appears to offer flexibility to the schools, it also allows for the error of misjudging the products. By granting the schools discretion to select acceptable substitutes, it allows for manufacturers sales representatives to mislead the SFAs' directors and cook/mangers. In Kansas, many food service directors and cook managers lack the nutrition expertise needed to analyze products' nutrients to assure that they meet the nutrient standards as listed in 210.10(m) (3). This lack of expertise will put the control of which products used into the hands of the slickest sales person. When many directors and cook/managers are still confused over SMI requirements that have been around for more than 10 years, I question if they will be able to determine if the milk substitute product is fortified to meet the Calcium, Vitamin A, D, Magnesium, Phosphorus, Potassium, Riboflavin and B12. It is suggested that USDA create approvable products lists or include in the regulations that the products used must be approved by the state agency so that SFAs will have adequate information to make their purchasing selections.

Thank you for considering my concerns. If you have questions, you may reach me at 620-473-3772 or [kworks@ksde.org](mailto:kworks@ksde.org).

Respectfully,

Karen Works, RD, LD  
Child Nutrition Consultant