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January 16, 2026

MEMORANDUM

TO: Directors of Residential Child Care Institutions
Other Appropriate Personnel

FROM: Aimee F. Beam, MS, RD 
Director, Nutrition Programs

RE: **SY 2025-2026 Operational Memo #11**
Whole Milk for Healthy Kids Act of 2025 - Implementation Requirements
for the National School Lunch Program

On January 14, 2026, the United States Department of Agriculture (USDA) Food and Nutrition Service (FNS) released the following policy guidance: SP 01-2026, Whole Milk for Healthy Kids Act of 2025 – Implementation Requirements for the National School Lunch Program. Please note, in accordance with the memorandum, that this applies to school lunch only.

Per the memorandum, *on January 14, 2026, President Donald J. Trump signed into law the Whole Milk for Healthy Kids Act of 2025. This law amends Section 9(a)(2)(A) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(a)(2)(A)) revising requirements for milk provided through the United States Department of Agriculture's (USDA) National School Lunch Program (NSLP). This memorandum and the attachment provide guidance on implementation of the updated fluid milk requirements for school lunch as required by the new law. This amendment to the statute applies only to the NSLP.*

Additionally, the memorandum:

- States that effective immediately, schools participating in the NSLP may offer students at lunch the following fluid milk options: whole, reduced-fat (2%), low-fat (1%), and fat-free fluid milk and lactose-free fluid milk, and nondairy beverages that are nutritionally equivalent to fluid milk and meet the USDA nutritional standards for fluid milk substitutes.
- Confirms existing requirements that schools must offer at least two different options of fluid milk at lunch daily (unflavored milk must be offered at each meal service and flavored milk cannot exceed the added sugars limit).
- Explains nondairy beverage (fluid milk substitute) requirements.

- Excludes fluid milk only from the weekly limit for saturated fat (effective immediately, schools *may exclude the saturated fat from fluid milk only when calculating the weekly average saturated fat requirement for lunch. All other dietary specifications (including calories, sodium, and beginning July 1, 2027, added sugars) still apply to the entire reimbursable meal, and the contribution from fluid milk must be included in those calculations*).
- Allows (effective immediately) a parent or legal guardian to provide a written statement to request a fluid milk substitute at school lunch.

Please contact us with any questions at 302-857-3356.

Attachment: SP 01-2026

cc: DDOE Nutrition Team

DATE: January 14, 2026

MEMO CODE: SP 01-2026

SUBJECT: Whole Milk for Healthy Kids Act of 2025 – Implementation
Requirements for the National School Lunch Program

TO: Regional Directors, Child Nutrition Programs, All Regions

State Directors, Child Nutrition Programs, All States

On January 14, 2026, President Donald J. Trump signed into law the [Whole Milk for Healthy Kids Act of 2025](#). This law amends Section 9(a)(2)(A) of the Richard B. Russell National School Lunch Act ([42 U.S.C. 1758\(a\)\(2\)\(A\)](#)) revising requirements for milk provided through the United States Department of Agriculture's (USDA) National School Lunch Program (NSLP). This memorandum and the attachment provide guidance on implementation of the updated fluid milk requirements for school lunch as required by the new law. This amendment to the statute applies only to the NSLP.

Please note, with the release of the Dietary Guidelines for Americans, 2025-2030, FNS is considering updates to regulations through the rulemaking process. In the interim, the NSLP must provide meals that meet current nutrition requirements.

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Expanded Fluid Milk Options for School Lunch

Types of Fluid Milk

Previously, schools participating in the NSLP were required to provide milk that is consistent with the most recent Dietary Guidelines for Americans. Current USDA regulations require milk to be fat-free (skim) or low-fat (1%) and allow milk to be flavored or unflavored. Additionally, schools could only offer nondairy beverages that are nutritionally equivalent to fluid milk upon request.

The Whole Milk for Healthy Kids Act of 2025 modifies these restrictions and permits schools to offer students expanded fluid milk options. Effective immediately, schools participating in the NSLP may offer students at lunch the following fluid milk options: whole, reduced-fat (2%), low-fat (1%), and fat-free fluid milk and lactose-free fluid milk, and nondairy beverages that are nutritionally equivalent to fluid milk and meet the USDA nutritional standards for fluid milk substitutes. Fluid milk may be unflavored or flavored and nonorganic or organic options.

Fluid Milk Requirements

Consistent with existing requirements, schools must offer at least two different options of fluid milk at lunch daily. Milk varieties may be unflavored or flavored, provided that unflavored milk is offered at each meal service and that flavored milk does not exceed the added sugars limit.

All milk options offered must be pasteurized and meet State and local standards for such milk. The following milk options (flavored or unflavored) meet the meal pattern requirements for fluid milk and may be offered to all students at school lunch:

- whole, reduced-fat (2%), low-fat (1%) and fat-free (skim) milk;

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- lactose-free and lactose-reduced milk;
- cultured milk, such as cultured buttermilk, cultured kefir milk, and cultured acidophilus milk;
- acidified milk, such as acidified kefir milk and acidified acidophilus milk; and
- ultra-high temperature (UHT) milk.

Nondairy Beverage (Fluid Milk Substitute) Requirements

If a school food authority (SFA) chooses to offer nondairy beverages, such as fortified, plant-based milks, for example, soy milk, to all students at lunch, those milk substitutes must include, at a minimum, the nutrients listed in the table at [7 CFR 210.10\(d\)\(2\)\(ii\)](#). Fluid milk substitutes must be fortified in accordance with fortification guidelines issued by the Food and Drug Administration.

Offering nondairy beverages to all students to meet the fluid milk requirement at lunch is an option, not a requirement. If an SFA chooses to offer nondairy beverages to all students, the SFA is no longer required to notify the State agency that it is serving nondairy beverages and students who request a fluid milk substitute for a non-disability reason are no longer required to submit a written statement requesting a nutritionally equivalent fluid milk substitute. If an SFA chooses not to offer nondairy beverages to all students, the process for requesting a fluid milk substitute for a non-disability reason and reporting to the State agency is unchanged and can be found at [7 CFR 210.10\(d\)\(2\)](#).

Dietary Specifications

SFAs participating in the NSLP must provide meals that meet certain nutrition requirements. USDA regulations require that the average saturated fat content of the

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meals offered in a week must be less than 10 percent of the total calories. The Whole Milk for Healthy Kids Act of 2025 modifies this requirement to exclude fluid milk only from the weekly limit for saturated fat. Therefore, effective immediately, schools may exclude the saturated fat from fluid milk only when calculating the weekly average saturated fat requirement for lunch. All other dietary specifications (including calories, sodium, and beginning July 1, 2027, added sugars) still apply to the entire reimbursable meal, and the contribution from fluid milk must be included in those calculations (see chart below). Additionally, effective July 1, 2025, flavored milk must meet product-based specifications and may contain no more than 10 grams of added sugars per 8 fluid ounces.

Weekly Dietary Specification	Is Milk Included in Weekly Dietary Specification Calculations?
Saturated Fat	No
Calories	Yes
Sodium	Yes
Added Sugar (Effective July 1, 2027)	Yes

Updates to Request Fluid Milk Substitutes for Disability Accommodations for School Lunch

Previously, schools, on receipt of a written statement from a State-licensed health care professional or registered dietitian, were required to provide a substitute for fluid milk for students whose disability restricts their diet. Effective immediately, a parent or legal guardian may also provide this written statement to request a fluid milk substitute at school lunch.

FNS will update regulations through the rulemaking process to reflect these statutory changes. Additional technical assistance and guidance will be provided and updated as needed. State agencies are reminded to distribute this information to Program operators immediately upon release. Program operators should direct any questions regarding this memorandum to the appropriate State agency. State agencies should direct questions to the appropriate FNS Regional Office.

**TINA
NAMIAN**

Tina Namian
Deputy Associate Administrator
Child Nutrition Programs

Attachment

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Whole Milk for Healthy Kids Act of 2025: Comparison Chart of the Current versus Updated Fluid Milk Requirements in the National School Lunch Program (NSLP)

Statutory Provision	Current Regulatory Requirement (prior to WMFHK Act)	Updated Requirement (effective immediately for the NSLP only)
Types of Fluid Milk	<p>Schools may offer low-fat and fat-free milk. Milk with higher fat content is not creditable. Milk may be unflavored or flavored. Flavored milk must contain no more than 10 grams of added sugars per 8 fluid ounces. <i>(Please note, with the release of the Dietary Guidelines for Americans, 2025-2030, FNS is considering updates to regulations through the rulemaking process. In the interim, the NSLP must provide meals that meet current nutrition requirements.)</i></p> <p>Schools may offer nondairy beverages that are nutritionally equivalent to fluid milk only upon request for dietary needs that are not disabilities and must notify the State agencies if such beverages are offered.</p> <p><u>7 CFR 210.10(d)(1)</u></p>	<p>At lunch, schools may offer whole, reduced-fat, low-fat, and fat-free fluid milk and lactose-free fluid milk, and nondairy beverages that are nutritionally equivalent to fluid milk. Milk may be unflavored or flavored. Flavored milk must contain no more than 10 grams of added sugars per 8 fluid ounces.</p> <p>If a school chooses to offer nondairy beverages to all students, the school is no longer required to notify the State agency that it is serving nondairy beverages and students who require a fluid milk substitute for a non-disability reason are no longer required to submit a written statement requesting a nutritionally equivalent fluid milk substitute.</p>

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Statutory Provision	Current Regulatory Requirement (prior to WFFH Act)	Updated Requirement (effective immediately for the NSLP only)
Dietary Specifications - Saturated Fat	School lunches offered to all age/grade groups must, on average over the school week, provide less than 10 percent of total calories from saturated fat. <u>7 CFR 210.10(f)(2)</u>	Schools may exclude the saturated fat from fluid milk when calculating the weekly average saturated fat requirement for lunch. All other dietary specifications (including calories, sodium and beginning July 1, 2027, added sugars) still apply to the entire reimbursable meal, and the contribution from fluid milk must be included in those calculations.
Modifications for Disability Reasons	Schools, on receipt of a written statement from a State-licensed health care professional or registered dietitian, were required to provide a substitute for fluid milk for students whose disability restricts their diet. <u>7 CFR 210.10(m)(1)</u>	Schools, on receipt of a written statement from a State-licensed health care professional, registered dietitian, or parent or guardian, are required to provide a substitute for fluid milk for students whose disability restricts their diet. This applies only to meal modifications for fluid milk substitutes at lunch.

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