



Food and
Nutrition
Service

DATE: July 30, 2018

Park Office
Center

MEMO CODE: SP 19-2018

3101 Park
Center Drive
Alexandria
VA 22302

SUBJECT: Clarification on the Milk and Water Requirements in the School Meal Programs

TO: Regional Directors
Special Nutrition Programs
All Regions

State Directors
Child Nutrition Programs
All States

This memorandum clarifies regulations that water made available to students in the National School Lunch Program (NSLP) and School Breakfast Program (SBP) shall not compete with the milk requirement. The NSLP regulations at 7 CFR 210.10(a)(1)(i) require schools to make water available and accessible to children during the meal service. Similarly, the SBP regulations at 7 CFR 220.8(a)(1) require schools to make water available and accessible during the meal service if breakfast is served in the cafeteria. While water must be made available, schools must not directly or indirectly restrict the sale or marketing of fluid milk (7 CFR 210.10(d)(4)).

There are several ways in which a school can implement the water requirement without restricting the selection of fluid milk. Memorandum SP 28-2011, Revised July 12, 2011: Water Availability During National School Lunch Program Meal Service explains that schools can offer water pitchers and cups on lunch tables, a water fountain, or a faucet that allows students to fill their own bottles or cups with drinking water.

Although potable water must be made available to students during the meal service, it is not part of the reimbursable meal and students are not required to take water. Bottled water may be available to students on the serving line, but water should be offered after the student has the option to select milk and signage should be clear that water is not a meal component. If the school is not participating in Offer Versus Serve (OVS), a reimbursable meal must contain milk in addition to the other required meal components. If the school participates in OVS, the student has the option to decline milk. Whenever choices are available, meal identification signs that instruct students on how much food may be selected from each meal component are required (7 CFR 210.10(a)(2)). Commercially packaged water and potable water should not be made available in any manner that interferes with selection of components of the reimbursable meal, including low-fat or fat-free milk.

State agencies are reminded to distribute this memorandum to Program operators. Program operators should direct any questions concerning this guidance to their State agency. State agencies with questions should contact the appropriate FNS Regional Office.

A handwritten signature in blue ink that reads "Angela Kline for".

Angela Kline
Director, Policy and Program Development Division
Child Nutrition Programs