



STATE OF MICHIGAN
DEPARTMENT OF EDUCATION
LANSING

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FOOD SERVICE

ADMINISTRATIVE MEMO No. 7
SCHOOL YEAR 2022-2023

SUBJECT: Mixed Milk Drinks in High Schools

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Lattes and Bubble or Boba Tea drinks continue to be strong sellers in retail stores. Savvy school foodservice staff have created recipes to serve them in schools. The United States Department of Agriculture (USDA) has provided additional guidance that may or may not require a change in operations. Therefore, enforcement will start with School Year 2023-2024, but schools are encouraged to begin implementing now.

The following Frequently Asked Questions have been compiled to provide some clarification on the regulations and guidance.

1. What are the regulations for serving milk with meals?

[7 CFR 210.10\(d\)\(1\)\(i\)](#) "Schools must offer students a variety (at least two different options) of fluid milk. All milk must be fat-free (skim) or low-fat (1 percent fat or less). Milk with higher fat content is not allowed. Low-fat or fat-free lactose-free and reduced-lactose fluid milk may also be offered. Milk may be unflavored or flavored, provided that unflavored milk is offered at each meal service."

[7 CFR 210.10\(d\)\(1\)\(ii\)](#) "All fluid milk served in the Program must be pasteurized fluid milk which meets State and local standards for such milk. All fluid milk must have vitamins A and D at levels specified by the Food and Drug Administration (FDA) and must be consistent with State and local standards for such milk."

2. What is the USDA Guidance for reimbursable meals?

A latte made with an allowable milk and caffeinated or decaffeinated coffee does not meet the statutory requirements for fluid milk and cannot be served as part of a K-12, reimbursable meal as if it were fluid milk. The same is true for a milk and tea beverage.

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Any coffee or tea beverages and their accompaniments offered as an *extra* food during meal service must be included in the weekly dietary specifications for calories, saturated fat, and sodium.

3. Can milk and coffee or tea be served separately?

The answer is yes, as long as coffee or tea is combined with the allowable milk after the Point of Service (POS).

4. What is USDA guidance about caffeine?

It is important for State agencies and local program operators to consider that the American Academy of Pediatrics discourages caffeine use by children and adolescents due to its adverse impact on sleep and blood pressure ([J Caffeine Res. 2015 Dec 1; 5\(4\): 187-191.doi: 10.1089/jcr.2015.0006](#)). Food and Nutrition Services (FNS) strongly encourages and would support local decisions that limit use of caffeine in Program meals and snacks, even though the Food and Nutrition Service does not currently prohibit use of caffeine through its regulatory authority.

5. What are the beverage rules for Smart Snacks in high schools?

High schools may sell up to 12 fl oz portions of unflavored or flavored fat-free milk, unflavored or flavored low-fat (1%) milk and milk alternatives. High schools may also sell 100% fruit or vegetable juice, with or without carbonation. It is also allowed to serve 12 fl oz portion of 100% fruit or vegetable juice diluted with water, with or without carbonation, and with no added sweeteners. High schools can also serve low- and no-calorie beverages, with or without caffeine and/or carbonation; calorie-free, flavored water. Low Calorie maximums are 60 calories per 12 fl oz (or 5 calories per fluid ounce). No calorie maximum is 10 calories per 20 fl oz.

6. What is USDA guidance about Smart Snacks and caffeine?

The negligible amount of caffeine in decaffeinated coffee prohibits its sale to elementary and middle school students, on campus throughout the school day, because it does contain caffeine. See [7 CFR 210.11\(k\)](#).

7. If coffee and tea are sold, may the students have cream and sweetener for their beverages? Question 15 From [SP 23-2014 vs3](#)

Yes, cream and sweeteners are accompaniments to coffee and tea. The sugar and cream must be included in the evaluation of the coffee or tea against the beverage standard. The use of accompaniments may be averaged over the number of drinks sold. The other beverage standard in high school permits ≤ 60 calories per 12 fl oz; this is the same as ≤ 5 calorie per 1 fl oz. If a smaller beverage is served, the calories may not exceed 5 calories per fl oz, for example a 6 fl oz beverage may have no more than 30 calories.

8. May espresso and steamed (or boiled) milk beverages be sold, such as lattes and cappuccinos? Question 16 From [SP 23-2014 vs3](#)

Yes, as long as the beverage sold is comprised of two allowable beverages. Espresso (or coffee) is allowable at the high school level only and may be

combined with skim milk, flavored, or unflavored. Espresso (or coffee) may also be combined with 1% milk, as long as there is no added flavoring. Additionally, it would be acceptable to sell an espresso beverage over ice or blended with ice. All final beverage sizes must be no more than 12 fl oz.

9. Can milk and coffee or tea drinks be sold as Smart Snacks?

Yes. Coffee, tea, and milk are all allowable beverages at the high school level.

10. How can I make milk and coffee/tea drinks Smart Snack compliant?

The final beverage size must be no more than 12 fl oz, including ice. Tea, boba/tapioca pearls and flavoring need to be ≤ 60 calories per 12 fl oz. Coffee and flavoring need to be ≤ 60 calories per 12 fl oz. The reimbursable milk calories are not included in the calculation (fat-free and low-fat flavored and unflavored milks).

Boba/bursting bubbles for tea would need to be 28 or 29 calories per 30 grams or 2 TBSP. There are many options with much higher calorie levels that are not compliant.

11. Can boba/tapioca pearls be sold separately to add to their drink?

Not unless it meets Smart Snacks standards on their own. It would need to have the first ingredient as a fruit, vegetable, whole grain, dairy or protein food and meet the nutrient standards for calories, sodium fats, and total sugars. The Michigan Department of Education (MDE) is not currently aware of such a product.

12. Can artificial sweeteners or Stevia/Splenda® be used?

Yes. USDA does not have specific rules against artificial sweeteners in school meals. Students may add these flavorings after the point of sale. If adding syrups to drinks, even if sugar free, the calories must be within the acceptable calorie limit.

13. If 100% fruit juice was used as a flavoring in the drink, could that count towards a fruit serving?

No, juice cannot count towards a fruit serving when used as an ingredient in another food or beverage product with the exception of smoothies. However, 100% fruit juice (full-strength or 100% diluted with water) is an allowable beverage in Smart Snacks. If juice is included, the calories count towards the calorie limit in the beverage they are making.

14. Are production records required for mixed drinks sold as Smart Snacks?

Using production records are a best practice for Smart Snacks documentation for scratch made items. Standardized recipes and nutrition analysis are needed to show compliance with the nutrition standards. These records need to be kept for administrative reviews. If production records are used, condiments like creamer and Splenda need to be included. Condiments are included in the nutrition analysis and count towards the Smart Snack nutrition standards.

15. Can a latte or bubble tea be given away with a breakfast, if fluid milk is offered as one of the four food items?

Give away items are not an allowable cost to the nonprofit food service account (NFSA). The beverage would have to have a charge to the student. The [MDE Ala Carte Pricing Worksheet, under Revenue from Non-Program Foods](#), can help set appropriate prices. Any coffee beverages and their accompaniments offered as an *extra* food during meal service must be included in the evaluation against the weekly dietary specifications for calories, saturated fat and sodium.

16. What is documentation is needed for compliance?

Sponsors need to keep documentation that each item sold is compliant with Smart Snacks guidelines. This includes, but is not limited to receipts, recipes, nutrition analysis report, nutrition facts label, product specifications, and Alliance for a Healthier Generation Smart Snacks calculator report.

Other Resources:

[SP 23-2014 vs3](#) Questions and Answers Related to the "Smart Snacks" Interim Final Rule

[A Guide to Smart Snacks in School](#) from USDA Team Nutrition

[Tools for Schools: Smart Snacks](#) from USDA

[MDE Smart Snacks](#)