# SNP Memo #2018-2019-13


**COMMONWEALTH of VIRGINIA
Department of Education**

DATE: August 31, 2018

TO: Directors, Supervisors, and Contact Persons Addressed

FROM: Sandra C. Curwood, PhD, RDN, ***Sandy***

## SUBJECT: Clarification of the Water Availability to Students during Meals

The purpose of this memorandum is to clarify 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. NSLP regulations at 7 CFR 210.10(a)(1)(i) require schools to make water available and accessible to children during meal service. Similarly, the SBP regulations at 7 CFR 220.8(a)(1) require schools to make water available to students during 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)).

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 to provide water without restricting the selection of fluid milk. Commercially packaged water and potable water should not be made available in any manner that interferes with the selection of the components of a reimbursable meal, including low-fat or fat-free milk. Bottled water may be available to students on the serving line, but the water should be offered after the student has the option to select milk. In addition, signage should be clear that water is not a meal component. If a school does not participate 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 signage must instruct students on how much food may be selected from each meal component (7CFR 210.10(a)(2)).

If you have any questions, please email SNPPolicy@doe.virginia.gov.

SCC/li