



State of Alabama

DEPARTMENT OF EDUCATION



Eric G. Mackey, Ed.D.
State Superintendent of Education

January 23, 2026

MEMORANDUM

TO: Dr. Lilly Bouie, Special Nutrition Programs
Regional Director, USDA Southeast Regional Office

FROM: Angelice Lowe, Director
Child Nutrition Programs

RE: Request for Waiver/Flexibility Under the Whole Milk Healthy Kids Act of 2025 for
School Breakfast, Snack, and Seamless Summer Option (SSO) Meals

1. State agency submitting waiver request and responsible State agency staff contact information:

Angelice Lowe
Child Nutrition Programs Director
Alabama State Department of Education
5303 Gordon Persons Building
P.O. Box 30201
Montgomery, AL 36130-2101

2. **Region:** Southeast (SERO)

3. **Eligible service providers participating in waiver and affirmation that they are in good standing:**

The Alabama State Department of Education (ALSDE) is requesting a waiver/flexibility under the **Whole Milk Healthy Kids Act of 2025**, as it applies to the National School Lunch Program (NSLP) and related child nutrition programs administered within the state of Alabama. The ALSDE is currently in good standing.

4. **Description of the challenge the State agency is seeking to solve, the goal of the waiver to improve services under the Program, and the expected outcomes if the waiver is granted. [Section 12(l)(2)(A)(iii) and 12(l)(2)(A)(iv) of the NSLA]:**

The State Agency is requesting approval to allow whole milk to be served as an allowable milk option during School Breakfast Program (SBP), Afterschool Snack Service Program (ASSP), and Seamless Summer Option (SSO) meals. This goal is to support program consistency across Child Nutrition Programs and reduce administrative and operational burdens on local educational agencies (LEAs). If this waiver is granted it will promote nutritional benefits for Alabama's school-aged children.

5. **Specific Program requirements to be waived (include statutory and regulatory citations).**

The State Agency requests a waiver of the milk fat content requirements under Section 9(a)(2)(A) of the Richard B. Russell National School Lunch Act (42 U.S.C. § 1758(a)(2)(A)) and implementing regulations at 7 CFR § 210.10(d)(1) and 7 CFR § 220.8(c), as amended by the

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Whole Milk Healthy Kids Act of 2025, to permit the service of whole milk during breakfast, snack, and Seamless Summer Option meals. The State Agency also requests that The Whole Milk for Healthy Kids Act of 2025 grant flexibility to exclude fluid milk only from the weekly limit for saturated fat.

6. Detailed description of alternative procedures and anticipated impact on Program operations, including technology, State systems, and monitoring:

If approved, the state agency would permit School Food Authorities (SFAs) to serve whole milk as an allowable milk option during breakfast, snack, and Seamless Summer Option (SSO) meals. No other changes to meal pattern requirements would be implemented. Granting this waiver would simplify daily operations for SFAs by eliminating the requirement to differentiate milk types across multiple child nutrition programs. This is expected to reduce staff confusion, decrease operational errors, and improve overall efficiency, particularly in schools operating multiple programs within the same day or site. Approval of this waiver would not require modifications to State or local point-of-sale (POS) systems, claiming systems, menu planning software and procurement or inventory systems. The state agency will continue to monitor SFAs through administrative reviews and technical assistance and training. Documentation related to the waiver will be maintained at both the State and local levels in accordance with USDA Food and Nutrition Service guidance.

7. Description of any steps the State has taken to address regulatory barriers at the State level. [Section 12(l)(2)(A)(ii) of the NSLA]:

The State Agency has worked closely with CNP Directors by collecting data and hosting listening sessions during the monthly Table Talk webinars to guide planning and implementation efforts. This collaboration has supported schools in identifying the most effective strategies for implementation.

8. Anticipated challenges State or eligible service providers may face with the waiver implementation:

The State Agency is fully prepared to implement whole milk flexibility with detailed guidance documents and webinars. This flexibility will streamline the implementation of additional milk choices and guidance will be readily available on the state website.

9. Description of how the waiver will not increase the overall cost of the Program to the Federal Government. If there are anticipated increases, confirm that the costs will be paid by non-Federal funds. [Section 12(l)(1)(A)(iii) of the NSLA]:

The waiver is expected to prevent additional costs associated with purchasing new equipment, modifying facilities, and managing multiple milk inventories. No additional state or federal costs are anticipated.

10. Anticipated waiver implementation date and time period:

The State Agency requests that this waiver be effective immediately, consistent with USDA waiver approval timelines.

11. Proposed monitoring and review procedures:

The State agency will continue to provide oversight and technical assistance to SFAs to ensure all other meal pattern requirements are met. The department will monitor implementation and maintain documentation as required by USDA Food and Nutrition Service.

12. Proposed reporting requirements (include type of data and due date(s) to FNS):

ALSDE will maintain a report of the SFA utilizing this waiver and will provide participation and benefits data to FNS upon request.

13. Signature and title of requesting official:

Angelica S. Lowe

Angelice Lowe, Director, Child Nutrition Programs
alowe@alsde.edu

TO BE COMPLETED BY FNS REGIONAL OFFICE:

FNS Regional Offices are requested to ensure the questions have been adequately addressed by the State agency and formulate an opinion and justification for a response to the waiver request based on their knowledge, experience, and work with the State.

Date request was received at Regional Office:

- ☐ **Check this box to confirm that the State agency has provided public notice in accordance with Section 12(l)(1)(A)(ii) of the NSLA**

- **Regional Office Analysis and Recommendation**