



Staying on Track: Questions & Answers

Answers to the questions asked in HNS' February 2026 Staying on Track webinar.

Please note, operators are responsible for remaining up-to-date on program guidance/regulations. The following answers reflect the information available at the time of the live webinar and may be subject to change.

FEBRUARY 2026 QUESTIONS & ANSWERS

Q: Where can I access memorandums?

A: To access all program memorandums, please visit azed.gov/hns/memos.

Q: Does HB 2164 apply to fundraisers?

A: Yes. House Bill 2164 (HB 2164), the Arizona Healthy Schools Act ARS 15-242.01, prohibits public schools participating in federally funded or assisted meal programs from serving, selling, or allowing a third party to sell ultra-processed food on the school campus during the regular school day. Local Educational Agencies (LEAs) must not serve or sell foods or beverages that contain the 11 specified food additives in breakfasts, lunches, vending machines, snack bars, and school stores during the regular school day. This includes food items served or sold as part of a fundraiser.

Q: For breakfast do we still have to use the Fat Free and 1% options for milk?

A: All fluid milk served for breakfast must be fat-free (skim) or low-fat (1% or less). The Whole Milk for Healthy Kids Act impacted lunches served under the National School Lunch Program only. Please review [SP 01-2026: Whole Milk for Healthy Kids Act of 2025 – Implementation Requirements for the National School Lunch Program](#) for more information.

Q: For the milk substitution, can parents request non-dairy milks that are NOT equivalent, such as almond or oat milk? Or does that still require a physician signature if it is not nutritionally equivalent? How specific are parents allowed to be under this new requirement? Can they request brands/flavors?

A: 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).

Families may request any menu modifications. SFAs are required to make modifications to accommodate disabilities, as supported by a Medical Statement for Students with Special Dietary Accommodations ([English](#)) ([Spanish](#)). However, SFAs have the option to accommodate special dietary needs that do not constitute a disability, including those related to religious or moral convictions or personal preference. For direct support on navigating menu modifications, ADE HNS encourages operators to connect with their assigned HNS specialist.

Q: What form do we need to have parents fill out for the milk substitute?

A: Families who wish to request a dietary accommodation must submit a Medical Statement for Students with Special Dietary Accommodations ([English](#)) ([Spanish](#)).

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QUESTIONS & ANSWERS

Q: If we are Community Eligibility Provision (CEP) do we still need to send the application for the Fresh Fruit and Vegetable Program (FFVP)?

A: If you are interested in participating in the Fresh Fruit and Vegetable Program (FFVP) and meet eligibility criteria, an application must be submitted, regardless of operator-type.