Meal Accommodations in School Nutrition Programs: What You Need To Know

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Child Nutrition Programs
Do you have gluten-free treats, lady?

I'm lactose intolerant...

I can't eat nuts...

I am caramel-phobic!

I have a noisit allergy...

Gender-neutral candy?

D'you have vegan chocolate?

Organic only!
Objectives

• Become knowledgeable of school meal program regulations as they relate to children with special dietary requests
• Become knowledgeable of the applicable laws to assure all children are able to fully participate in School Meal Programs
USDA-FNS Guidance Manual

USDA-FNS
Accommodating Children with Disabilities in the School Meal Programs
Guidance for School Food Service Professionals

United States Department of Agriculture
Food and Nutrition Service
7/25/2017
STATUTORY AND REGULATORY REQUIREMENTS
Statutory and Regulatory Requirements

• Section 504 of the Rehabilitation Act of 1973
• Americans with Disabilities Act
  – 2008 Amendment
• Individuals with Disabilities Education Act
• 7CFR 15b Non Discrimination on the Basis of Handicap in Programs or Activities Receiving Federal Financial Assistance
• Section 9(a) of the Richard B. Russell National School Lunch Act, 42 USC 1758(a)
Statutory and Regulatory Requirements

• School nutrition programs must make reasonable accommodations for children with disabilities which restrict their diet.

• Focus on ensuring equal opportunity for all students
Definition of a Disability

Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act (ADA) of 1990

A “person with a disability” means:

– Any person who has a physical or mental impairment which substantially limits one or more major life activities.

– Has a record of such an impairment, or is regarded as having such an impairment.
Physical or Mental Impairment

- Orthopedic/Visual/Speech & hearing
- Cerebral Palsy
- Epilepsy
- Muscular Dystrophy
- Multiple Sclerosis
- Cancer
- Heart Disease

- Food Anaphylaxis
- Mental Retardation
- Emotional Illness
- HIV
- Tuberculosis
- Metabolic Disease (PKU, Diabetes)
- Celiac Disease
Major Life Activities

- Caring for self
- Performing manual tasks
- Walking
- Seeing
- Hearing
- Speaking
- Breathing
- Learning
- Working

- Sleeping
- Eating
- Standing
- Lifting
- Bending
- Reading
- Concentrating
- Thinking
- Communicating

- Major Bodily Functions
Major Bodily Functions

- Functions of the immune system
- Normal Cell Growth
- Digestive
- Bowel
- Bladder
- Brain
- Respiratory
- Circulatory
- Neurological
- Cardiovascular
- Endocrine
- Reproductive Functions
A child with autism is very sensitive to food textures, and will only eat foods with a smooth texture.

Must the school food service make a modification for the child?
Yes. According to the ADA, any physical or mental impairment impacting the “major life activity” of eating is considered a disability. Some children with autism have sensory sensitivities and prefer food of a certain texture or color. They may require the same foods every day and need to maintain a regular routine. If a child’s autism impacts their ability to consume Program meals, the SFA must provide a reasonable modification.

Accommodating Children with Disabilities in the School Meal Programs, USDA 2017
MEAL MODIFICATIONS
Responsibilities of the LEA and SFA

• Notify households:
  – The process for requesting meal modifications
  – That the LEA/AFA does not discriminate on the basis of disability
  – Who is the individual responsible for providing modifications

• Make the process of requesting a meal modification as simple and straightforward as possible
Responsibilities of the LEA and SFA

Include information about requesting meal modifications:

• with your back to school packet
• in student handbooks
• on school or district websites
Responsibilities of the LEA and SFA

Explain to households:
• When supporting documentation is needed
  – For meal modifications that do not follow the Program meal pattern
• The requirements for the medical statement
• Any timelines you may have
  – Ex/ number of days to order special products
• SFAs process for handling non-disabling modification requests
Modified meals that do not follow meal pattern requirements are not eligible for reimbursement UNLESS they are supported by a signed medical statement – Example: portions size requirements or inability to provide all required food components
Modifications Within the Meal Pattern

• Modifications within the meal pattern do not require a medical statement, BUT there are benefits to having it.

• For example, substituting within a food component:
• Medical Statement must provide clear instructions:
  ✓ Sufficient information about the child’s impairment to allow the SFA to understand how the impairment restricts the child’s diet.
  ✓ An explanation of how to make the accommodation.
  ✓ The food or foods to be omitted and/or substituted from the child’s diet
An individual who is authorized to write medical prescriptions under State law.

- Medical Doctor
- Osteopathic Doctor
- Nurse Practitioner
- Physician’s Assistant
Sample Medical Statement

Dear Parent or Guardian,

The (State name of school district) School Nutrition Program will provide meal modifications for students with a disability medical condition which affects their diet. Please have your child’s licensed medical provider (M.D., D.O., PA, NP), complete and sign the Medical Statement for Special Dietary Needs Form. A complete form includes:

- Information about the child’s physical or medical impairment and how it restricts their diet
- An explanation of what must be done to accommodate the child’s disability, and
- The food(s) to be omitted and recommended alternatives, in the case of a modified meal

For milk substitutions, our district provides lactose-free cow’s milk for students with lactose intolerance and non-fat milk that meets the USDA’s nutritional standards. To request a milk substitution, the Milk Substitution Request Form must be completed and signed by your child’s provider or by the child’s parent/guardian.

To ensure that our program has the necessary foods available and that staff are adequately informed of the accommodations, please allow (insert name) of school days after the receipt of the complete form for the necessary accommodations to be in place.

The (State name of school district) School Nutrition Program MUST follow the Medical Statement for Special Dietary Needs form on file. Please submit new documentation should your child’s dietary needs change.

We look forward to working with you and your child.

Sincerely,

[Insert Name]

School Nutrition Director

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IEP and 504 Plans

• Dietary accommodations specified within IEP and 504 plans that contain the required information do not require additional medical statement
Understanding the Medical Statement

• Work with a team (school nurse, 504 coordinator, parent, student)
• Incomplete/unclear statement – ask family for an amended statement
• Clarification should not delay the SFA from providing the modification
Recordkeeping

• Medical statements must be kept on file to document meals claimed outside the meal pattern
• Medical information is confidential
• To discontinue meal modifications, written notification is strongly recommended
Question

Is a food intolerance recognized as a disability?

Source: SP 26-2017
A food intolerance may be considered a disability if it substantially limits a major life activity. For example, if a child’s digestion (a major bodily function) is impaired by gluten intolerance, their condition may be considered a disability regardless of whether or not consuming wheat causes severe distress.

*Source: SP 26-2017*
REIMBURSEMENT
Claiming Meals for Reimbursement

• Reimbursements are based upon the student’s individual meal benefit eligibility (F/R/P)
• Modified meals cannot be priced more than standard meals
• Special education funds can potentially be used if the modification is specified in the IEP.
MEAL MODIFICATIONS AND SUBSTITUTIONS
Meal Modifications

• Food Allergies
• Portions Size Alterations
• Texture Modifications
• Milk Substitutions
Identifying Allergens

• Identify the allergen(s)
• Monitor ingredients carefully
• May need to obtain additional information
• The Institute for Child Nutrition
  – Food Allergy Fact Sheets
  – Sample SOP for Serving Food to Students With Allergies
Question

The “regular” menu item for lunch at the local middle school is whole grain rich pasta with cheese and vegetable toppings. Must the school food service director prepare whole grain rich pasta with lactose-free cheese and vegetable toppings for a child with lactose intolerance?
No. In a disability situation, the meal modification or meal item substituted does not need to mirror the menu item offered each day. The SFA’s responsibility is to serve the child a safe meal that accommodates their disability, not to mirror the Program meal served that day. In the example used in this question, the SFA would not be required to serve a whole grain rich pasta dish, and could instead serve a different meal that meets the child’s modification request, such as a sandwich with whole grain rich bread.
Portion Sizes

Must provide the specified portion as prescribed by a licensed physician.
Brand Name Requests

Not required to provide a specific brand or special product unless medically necessary
Offer Versus Serve (OVS)

• OVS – allows students to decline some food components or food items while selecting a reimbursable meal
• Not an allowable way to make meal accommodations for a student with a disability
• Is acceptable for non-disabling “preference” requests
A La Carte Foods & Beverages

• Required accommodations only apply to reimbursable meals
MEAL SERVICE MODIFICATIONS
Meal Service

Outside of USDA Meal Programs

- The SFA is not required to provide meals when meal service is not normally available to the general student body.
Meal Service Modifications

- Seating arrangements
  - Balance inclusion with keeping the child safe
  - Communication between schools and family
Tracking Dietary Intake
A student has a medical statement signed by a licensed physician stating the student has Celiac Disease, and prescribes a gluten-free diet, including foods to be eliminated and substituted.

*Does the school food service need to accommodate this request?*
YES!
Celiac disease affects a major life activity (bodily function) and rises to the level of a disability. Therefore, school food service must accommodate the physician’s diet prescription.
NON-DISABILITY SITUATIONS
Non-Disabling Dietary Requests

• School may choose to make these accommodations (encouraged)

• Accommodations must follow meal pattern requirements

• May use Offer Versus Serve to make the accommodation
## Fluid Milk Substitutions

<table>
<thead>
<tr>
<th>Nutrients</th>
<th>Per Cup</th>
</tr>
</thead>
<tbody>
<tr>
<td>Calcium</td>
<td>276 mg</td>
</tr>
<tr>
<td>Protein</td>
<td>8 grams</td>
</tr>
<tr>
<td>Vitamin A</td>
<td>500 IU</td>
</tr>
<tr>
<td>Vitamin D</td>
<td>100 IU</td>
</tr>
<tr>
<td>Magnesium</td>
<td>24 mg</td>
</tr>
<tr>
<td>Phosphorus</td>
<td>222 mg</td>
</tr>
<tr>
<td>Potassium</td>
<td>349 mg</td>
</tr>
<tr>
<td>Riboflavin</td>
<td>.44 mg</td>
</tr>
<tr>
<td>Vitamin B12</td>
<td>1.1 mcg</td>
</tr>
</tbody>
</table>
Acceptable Fluid Milk Substitutions

• May offer 1% or fat-free Lactaid
• Request may come from parent or MD/DO
• May not charge more
• **May not substitute Juice or water**
The parent requests the school provide whole milk or reduced fat (2%) milk.

Is this an allowable milk substitution?
No!
The USDA requires that schools serve only low-fat (1%) or fat-free (skim) milk.
The Partnership

- Healthcare Provider
- School Administration
- Nurse
- Food Service
- Teachers
- Family

Communication & Education
RESOURCES
RESOURCES

• The Institute for Child Nutrition Food Allergy Fact Sheets: https://theicn.org/school-nutrition-programs

• The Centers for Disease Control and Prevention https://www.cdc.gov/healthyschools/foodallergies/index.htm

• The School Nutrition Association https://schoolnutrition.org/education/food-allergy/

• Maine Department of Education, Child Nutrition Programs 624-6843
SNA Magazine

Taking ROOM
Welcoming Students and Staff With Special Needs

GLUTEN-FREE MENU MODIFICATIONS
BUY AMERICAN BASICS: UNDERSTANDING THE LAW
ANC18 SECRET SHOPPERS HIT THE JACKPOT
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3. email: [program.intake@usda.gov](mailto:program.intake@usda.gov).

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Questions?