

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--

D'YOU HAVE VEGAN CHOCOLATE?

I CAN'T EAT NUTS

I AM CARAMEL-PHOBIC!

I HAVE A NOUGAT ALLERGY...

GENDER NEUTRAL CANDY?

ORGANIC ONLY!

12-31 W. H. H. M.

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

Question

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?

Answer

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

Supporting Documentation

- 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

Medical Statement to Request School Meal Modification

Important! Select the appropriate meal modification category from the three listed below. Then carefully read and follow the procedures for that category. The school will return completed Medical Statements to the parent/guardian. If you have questions about this form, the school contact named in Part A below will assist you.

- Modification due to a disability.**
 - A school is required to make meal modifications prescribed by a licensed physician to accommodate a student's disability. See the definition of disability on the back of this form.
 - Part B of this form must be completed by a licensed physician (MD or DO).
 - Parts A and C of this form must also be completed before the school can make meal modifications.
 - The meal modifications will continue until a licensed physician requests that the modifications be changed or stopped on Form 19-C, which is available from the school.
 - It is strongly recommended that a licensed physician annually update the prescribed diet order.
- Modification due to a food allergy/intolerance, or other medical condition that does not rise to the level of a disability.**
 - A school has the option to make meal modifications prescribed by a medical authority due to a food allergy/intolerance or other medical condition that does not rise to the level of a disability.
 - Part B of this form must be completed by a medical authority who is a licensed physician (MD or DO), physician's assistant (PA), or advanced registered nurse practitioner (ARNP).
 - Parts A and C of this form must also be completed before the school can implement modifications.
 - If a school chooses to make the meal modifications, they will continue until a medical authority requests that the modifications be changed or stopped on Form 19-C, which is available from the school.
 - It is strongly recommended that a medical authority annually update the prescribed diet order.
- Substitution for fluid cow's milk due to lactose intolerance, allergy, vegan diet, religious, ethnic or cultural reasons.**
 - A school has the option to make a substitution for fluid cow's milk that is requested by a parent/guardian, but that is not prescribed by a medical authority.
 - Parts A and D of this form must be completed before the school can make a substitution for fluid cow's milk.
 - If a school chooses to provide such a substitution, they will continue until a parent/guardian requests that the substitution be changed or stopped on Form 19-C, which is available from the school.

Part A. Student, Parent/Guardian & School Contact Information - To be completed by a parent/guardian or school contact person.		
Student's Name	Date of Birth	School
Parent/Guardian's Name	Parent/Guardian's Phone	
School Contact's Name	School Contact's Phone	

Part B. Prescribed Diet Order - This part must be completed by a medical authority as specified above.

1. Check ONE:
 Disability OR Food allergy/intolerance or other medical condition that does not rise to the level of a disability.

2. Specify the disability, food allergy/intolerance or medical condition related to the prescribed diet order.

3. If the student has a disability, what major life activity is affected? Example: Allergy to peanuts affects ability to breathe.

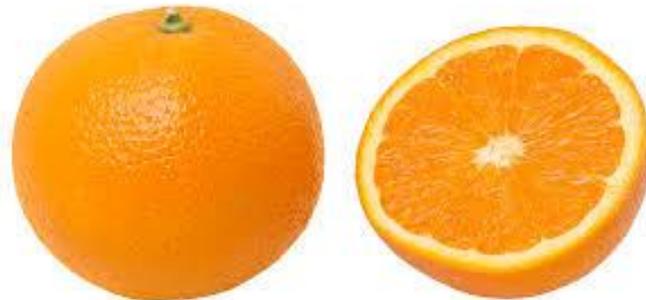
4. Type of Special Diet
 Check if not applicable OR specify the type of special diet (e.g. low sodium, gluten-free, diabetic, etc.)

5. Modified Texture Non-Applicable Chopped Ground Pureed

3/5/21 One Nutrition & Wellness, Kansas State Department of Education Form 19-B

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

- 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

State Licensed Healthcare Professionals

- An individual who is authorized to write medical prescriptions under State law.
 - Medical Doctor
 - Osteopathic Doctor
 - Nurse Practitioner
 - Physician's Assistant

Sample Medical Statement

(Print on Letterhead)

Dear Parent or Guardian,

The [insert name of school/district] School Nutrition Program will provide meal modifications for students with a disabling 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 mental 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 student's with lactose intolerance and nondairy soy milk that meet the USDA nutrition 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 number] of school days after the receipt of the completed form for the necessary accommodations to be in place.

The [insert name of school/district] School Nutrition Program MUST follow the *Medical Statement for Special Dietary Needs* that is 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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To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at [How to File a Program Discrimination Complaint](#) and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by:

(1) mail: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410; (2) fax: (202) 690-7442; or (3) email: program.intake@usda.gov.

Medical Statement for Special Dietary Needs (Insert Name of School Nutrition Program)

This document must be completed and signed by the child's licensed medical provider (M.D. or D.O., PA, NP), and submitted to [Insert Name of School Nutrition Program Contact Information] before meal substitutions and accommodations can be made. Incomplete forms will be returned to the parent/guardian. **Any changes require the submission of a new form.**

Section I. Student, Parent/Guardian Contact Information		
Student Name:	DOB:	School:
Parent/Guardian Name:	Parent/Guardian Phone:	
Section II. Diet Prescription		
<u>Specify how the child's medical need restricts their diet:</u>		
<u>Specify the Type of Special Diet</u> (e.g. Diabetic, Gluten-Free):		
<input type="checkbox"/> N/A		
<u>Modified Texture:</u>		
<input type="checkbox"/> None <input type="checkbox"/> Chopped <input type="checkbox"/> Ground <input type="checkbox"/> Pureed <input type="checkbox"/> Thickened Liquids <input type="checkbox"/> Other		
<u>Food Intolerance</u>		
<input type="checkbox"/> None <input type="checkbox"/> Cow's Milk <input type="checkbox"/> Other (specify):		
<u>Food Allergy</u>		
<input type="checkbox"/> N/A <input type="checkbox"/> Milk Protein <input type="checkbox"/> Wheat <input type="checkbox"/> Soy <input type="checkbox"/> Peanuts <input type="checkbox"/> Fish <input type="checkbox"/> Eggs <input type="checkbox"/> Tree Nuts <input type="checkbox"/> Shellfish		
<input type="checkbox"/> Other (specify):		
Is the student at risk of anaphylaxis due to the above mentioned food allergy? <input type="checkbox"/> Yes <input type="checkbox"/> No		
<u>List the Foods to be Omitted:</u>		<u>List the Foods to be Substituted:</u>
Licensed Medical Provider (M.D. or D.O., NP, PA)		
I certify that the above named student needs modified school meals as described above because of the student's disabling medical condition which affects their diet.		
Signature:	Title:	Date:
Printed Name:	Phone:	
Parent/Legal Guardian Permission		
I give permission for the above named school/district to follow the specified dietary instructions on this form and agree to allow the school/district to share this information with school nutrition program staff and the school nurse. I agree to allow the provider listed on this form and school/district personnel to discuss the information listed on this form.		
Parent/Legal Guardian Signature & Date:		

IEP and 504 Plans

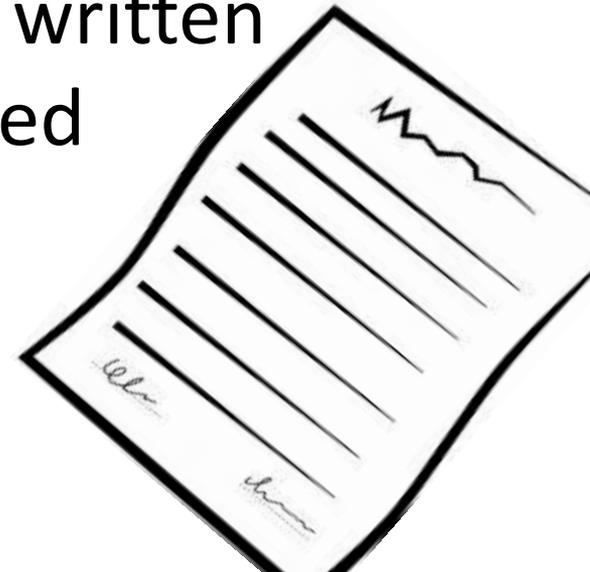
- Dietary accommodations specified within IEP and 504 plans that contain the required information do not require additional medical statement

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

Answer

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?

Answer

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



Question

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?

Answer

YES!

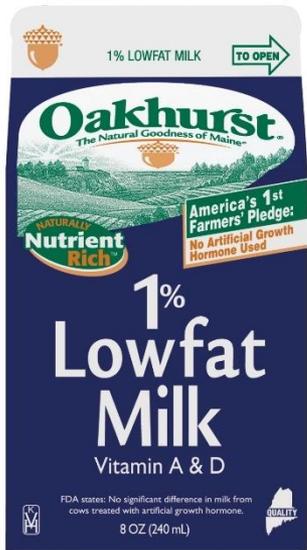
Celiac disease affects a major life activity (bodily function) and rises to the level of a disability. Therefore, school food service must accommodate the physician's diet prescription.

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



Nutrients	Per Cup
Calcium	276 mg
Protein	8 grams
Vitamin A	500 IU
Vitamin D	100 IU
Magnesium	24 mg
Phosphorus	222 mg
Potassium	349 mg
Riboflavin	.44 mg
Vitamin B12	1.1 mcg

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**



Question

The parent requests the school provide whole milk or reduced fat (2%) milk.

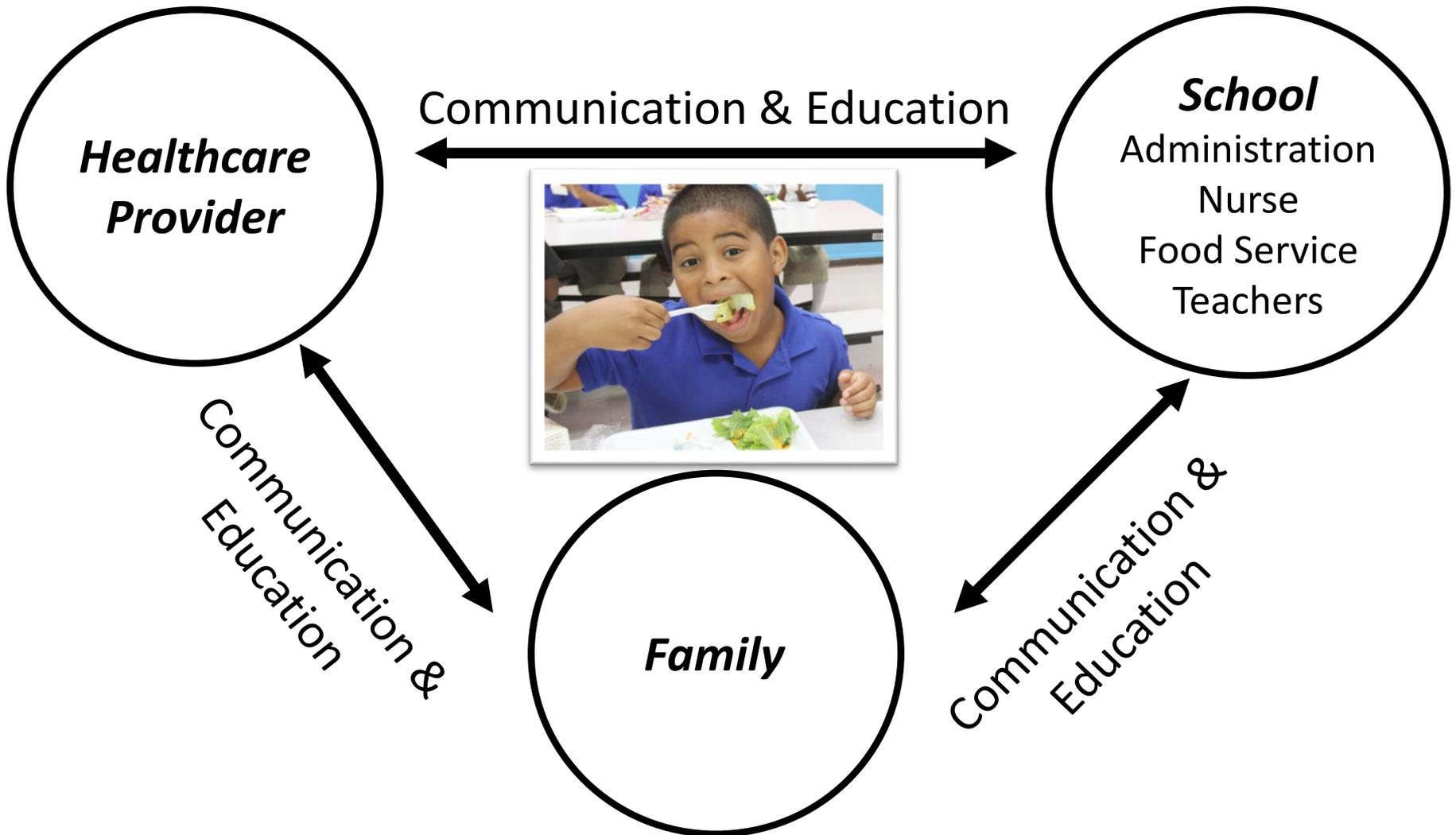
Is this an allowable milk substitution?

Answer

No!

The USDA requires that schools serve only low-fat (1%) or fat-free (skim) milk.

The Partnership



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



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Questions?

