

Food Service Facts Table of Contents

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19. Students with Special Dietary Needs

Sponsor's Responsibility for Special Diets

Federal Child Nutrition Program regulations:

- ◆ **Require** modifications to the standard meal requirements for participants who are considered disabled and whose disability restricts their diets; and
- ◆ **Permit** modifications for other participants who are not disabled but who are unable to consume regular program meals because of medical or other special dietary needs.

The sponsor is not required to provide special meals other than for medical reasons as described in this chapter. However, the sponsor **MAY** choose to provide special meals to accommodate religious or ethnic preferences. Unlike special meals for medical reasons, special meals provided for any other reason must meet all requirements of the menu planning system in use (i.e. Food Based, NSMP, etc.).

Meal Substitutions for Disabilities

Regulatory provisions requiring substitutions for disabled Child Nutrition Program participants address the requirements of:

- ◆ Section 504 of the Rehabilitation Act of 1973, and
- ◆ USDA's implementing regulations 7 CFR Part 15b.3, which provide that no otherwise qualified disabled individuals shall, solely on the basis of disability, be excluded from participating in, be denied benefit of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

Sponsors are required to offer program meals to students with disabilities whenever program meals are offered to the general populations served by the programs. Sponsors should be aware that the Individual with Disabilities Education Act (IDEA) imposed requirements on states that may affect the service of meals even when such service is not required by the Child Nutrition Programs.

For example, the Individualized Education Program (IEP) developed for a child under IDEA may require a meal to be served outside of the regular meal schedule or may require a breakfast to be served in a school that does not participate in the School Breakfast Program. While the school may not claim these meals for reimbursement, it may use the same food service facilities and funds to provide these meals.

Definition of "Disabled"

"Disabled person" is defined as any person who has a "physical or mental impairment which substantially limits one or more major life activities, has a record of such impairment, or is regarded as having such impairment." "Major life activities" are defined as "functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working."

Sponsors participating in the Child Nutrition Programs are required to make substitutions or modifications to the meal requirements for those students with disabilities who are unable to consume the meals offered to non-disabled students.

Documentation of Disability

Notify households to provide diet instructions for a student with a disability using Form 19-A, Letter to Parent/Guardian Explaining Requirements for School Meal Modification Requests. Annual updates to diet instructions are recommended, but not required. The sponsor should also provide parents/guardians with Form 19-B, Medical Statement to Request School Meals Modification.

A licensed physician determines whether a student has a disability that restricts his or her diet on an individual basis. The physician's medical statement of the student's disability must be based on the regulatory criteria for disability/handicap and contain a finding that the disability restricts the participant's diet. These forms provide information to enable the physician to correctly assess whether an individual's disability meets the regulatory criteria.

The medical statement, Form 19-B, should be updated whenever the doctor changes the student's diet and at the beginning of each school year. Diet modifications should not be made unless the statement with the required information is on file.

Guidelines for special diets must be completely and clearly written because few sponsors have staff trained in special diet management. Certain situations may require the services of a registered dietitian to assist in implementing the medical statement for some therapeutic diets.

Generally students who are obese or have food allergies or intolerances do not have a disability/handicap. Sponsors are not required to make substitutions for them. Those types of requests for special diets are discussed later in this chapter. However, if a physician determines that food allergies result in severe life-threatening reactions (anaphylactic reactions—a sudden inability to breath), or the obesity is severe enough to substantially limit a major life activity, the health condition meets the definition of disability/handicap and the food service personnel must make the substitutions prescribed by the physician.

Requirements of Medical Statement from Physician

On a case-by-case basis, a student with disabilities shall have his/her school meals modified ONLY when supported by a statement signed by a physician licensed by the state. The supporting statement shall identify:

- ◆ The individual's disabling condition and an indication how the disability restricts the student's diet
- ◆ The major life activity affected by the condition
- ◆ The food or foods to be omitted from the child's diet and the food or choice of foods that must be substituted

For example, if the disability would require caloric modifications or the substitution of a liquid nutritive formula, this information must be included in the statement. If the disabled student requires only textural modification(s) to the regular meal, this information must be included in the statement. The purpose of the statement is to assist the sponsor in providing the appropriate textural modifications(s). Unless otherwise specified by the physician, the meals modified for texture will consist only of food items and quantities specified in the regular menus.

When the food service personnel receive the letter from the physician listing foods that are to be omitted and foods that are to be substituted, they are required to:

- ◆ Abide by the determination of the physician.
- ◆ Make a reasonable effort to comply with diet modification.
- ◆ Make meal modifications only as directed by the physician's written instructions.

Meal Substitutions for Students with Food Allergies or Intolerances

A sponsor may, at its discretion, make substitutions for individual students who are not disabled/handicapped but are unable to consume a food item because of medical or other special dietary needs. Such substitutions may only be made on a case-by-case basis when supported by a statement signed by a medical authority. In these cases, the medical authority may be a licensed physician (MD or DO), physician's assistant (PA) or advanced registered nurse practitioner (ARNP).

Notify households to provide diet instructions for a student with a food allergy/intolerance or other medical need that does not rise to the level of a disability using Form 19-A, Letter to Parent/Guardian Explaining Requirements for School Meal Modification Requests. Annual updates to diet instructions are recommended, but not required. The sponsor should also provide parents/guardians with Form 19-B, Medical Statement to Request School Meals Modification.

Sponsors are not required to make substitutions for students unless the conditions meet the definition of a disability. For example, individuals who are overweight or have elevated blood cholesterol generally do not have a health condition that meets the definition of a disability, and thus sponsors are not required to make meal substitutions. However, if the sponsor has agreed to make modifications for non-disabling conditions, when a request for modification is received, the food service personnel must abide by the prescribed diet specified by the medical authority.

For students **without** disabilities the medical statement shall include ALL of the following:

- ◆ An indication that the medical or other special dietary need restricts the child's diet
- ◆ The food or foods to be omitted from the child's diet
- ◆ The food or choice of foods that may be substituted

Form 19-B, Medical Statement to Request School Meal Modifications should be updated whenever the medical authority changes the student's diet and at the beginning of each school year.

Fluid Milk Substitutions for Food Allergies/Intolerances or Other Reasons

Sponsors may choose to provide substitutions based on a written statement from a parent/guardian or a recognized medical authority. The statement must identify the student's medical or other special dietary need that precludes consuming cow's milk.

The only milk substitutions allowed are:

- ◆ lactose-free milk or
- ◆ non-dairy beverages that are nutritionally equivalent to fluid milk and provide specific levels of nutrients which are listed in the following table.

Nutrient	Per cup
Calcium	276 mg.
Protein	8 g.
Vitamin A	500 IU.
Vitamin D	100 IU.
Magnesium	24 mg.
Phosphorus	222 mg.
Potassium	349 mg.
Riboflavin	0.44 mg.
Vitamin B-12	1.1 mcg.

KSDE maintains a list of non-dairy beverages that are available in Kansas and that meet the above standards. It is available on www.kn-eat.org, School Nutrition Programs, Food Service Facts, Chapter 19 Forms.

When the "Serve" option is used, students with a milk allergy or intolerance must be served regular milk, lactose-free milk, or other beverages with a nutrient profile similar to that of milk only. Substitute beverages must meet nutrient targets specified by USDA.

Reimbursement and Availability of Food Substitutions

Meals served to students with a disability and/or special dietary needs shall be claimed in the category for which the students are eligible. Sponsors "may not discriminate on the basis of disability" and "shall serve special meals at no extra charge to students whose disability restricts their diet." While any additional costs for substituted foods are considered allowable program costs, no additional Child Nutrition Program reimbursement is available. Sources of supplemental funding may include special education funds (if the

substituted food is specified in the child's IEP), the sponsor's general fund, or the nonprofit school Food Service Fund.

For students with a disability requiring substitutions, every effort should be made to obtain the food substitutes prescribed by the physician. If the prescribed substitute foods are not generally available in the local markets, the parent or guardian may be asked to provide the substitute food item prescribed by the physician.

Accessibility for Disabled Participants

Where existing food service facilities are not completely accessible and usable to the disabled student, assistance should be provided. The sponsor is responsible for the accessibility of food service sites and to provide aides where needed. Any additional costs for adaptive feeding equipment or for aides are considered allowable food service costs; although no additional Child Nutrition Program reimbursement is available. Sponsors must provide food service in the most integrated setting appropriate to the needs of all students. The sponsor must ensure students with disabilities participate with students who are not disabled to the maximum extent appropriate.

When implementing these guidelines, food service personnel should work closely with the parent(s)/guardian(s) and with all other school, child care, medical and community personnel who are responsible for the health, well-being and education of students with disabilities or other special dietary needs.

Parents or guardians are encouraged to take some of the responsibility by participating in the planning of special meals for their child. Their involvement should be based on food substitutions prescribed by the child's physician, availability of the special foods and the reasonableness of the preparation.

Menu Documentation

Sponsors are not required to document the special meals on menu production records. The special menu does not have to meet the component requirements for sponsors using Food Based menu planning. Sponsors using the Nutrient Standard Menu Planning system should not include the special meal in the nutrient analysis.

Discontinuation of Special Diet Instructions

For some students, special diet orders are temporary. When a prescribed diet is discontinued, the physician or medical authority should notify the sponsor. Form 19-C, Discontinuation of School Meal Modifications OR Fluid Cow's Milk Substitution can be used to document that the student is no longer in need of modified school meals.

Other Resources

For additional information refer to the USDA guidance, *Accommodating Children with Special Dietary Needs in School Nutrition Programs: Guidance for School Food Service Staff* at www.usda.gov. For information concerning food allergies, contact the Food Allergy and Anaphylaxis Network (FAAN) phone number (1-800-929-4040) or use the Internet website at www.foodallergy.org.

Questions & Answers

Q-1 *Do all children with disabilities have special dietary needs?*

A No. Many children with disabilities have no special dietary needs. They can eat the same meals as other children participating in the Child Nutrition Programs.

Q-2 *What types of disabilities may call for meal modifications?*

A Cerebral Palsy, Cystic Fibrosis, Down's syndrome and Spina Bifida are among the disabilities that may require changes in food texture or caloric modifications. Diabetes may require control of calories and/or carbohydrates. Children with disabilities who have difficulty chewing and swallowing may need the physical characteristics of their foods changed. Menus may need modification to include softer foods; for example, cooked rather than raw carrots. Some food may need to be chopped, ground or blended.



Q-3 *After the special meal has been provided, who is responsible for assisting with feeding if the child cannot feed himself/herself?*

A Providing assistance with feeding is the school's responsibility. Many schools and institutions will already have aides available to provide this service as part of the child's total care plan.



Q-4 *Are substitutions for disabilities required for the Special Milk Program (SMP) and the After School Care Snack Program (ASCSP)?*

A There are no reimbursable substitutions allowed in the SMP. For the ASCSP, substitutions are allowed using the same guidance as for the lunch program.



Q-5 *If a student has an allergy or intolerance to milk, must juice be substituted as requested by the recognized medical authority?*

A No. For students with a milk allergy or intolerance, the only substitutions allowed for milk are lactose-free milk or other beverages with a nutrient profile similar to that of milk. Substitute beverages must meet nutrient targets specified by USDA.



Q-6 *May a sponsor provide a special diet at a parent's request without a letter from the recognized medical authority or physician?*

A No. Only special diets that are prescribed by the medical authority or physician are allowed for reimbursement. The sponsor should not serve modified menus to students with disabilities or special dietary needs without a completed Medical Statement (Form 19-B) from the appropriate medical authority.



Q-7 *When a physician orders a snack outside of the meal period for a student with a disability, must the food service program bear the cost of the snack?*

A The student should be requested to bring the snack from home. However, that may not always be possible for some students. The cost of providing the snack for the student is an allowable cost to the food service program. The cost of the snack could also be paid from special education funds or other school funds.

