

# Special Dietary Needs

## Overview

In August 1991, the United States Department of Agriculture (USDA) issued guidance entitled, *Accommodating Children with Special Dietary Needs in the School Nutrition Programs*. To ensure that children with disabilities have access to program benefits, USDA worked closely with the Department of Education and the Department of Justice to provide operational guidance that reflected the requirements of statute and regulations (The Rehabilitation Act of 1973, The Individuals with Disabilities Education Act, Americans with Disabilities Act, 7CFR Part 15b, 7 CFR 210.10(g)).

In Child Nutrition Programs, this means that substitutions to the reimbursable meal must be made for children who are unable to eat school meals because of their disabilities. The word “substitution” is used because, for the most part, accommodations under the school meal programs will involve replacing one food with another.

## Terminology

Person with a disability- Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 defines a person with a disability as 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- many diseases and conditions, the most prevalent food-related disabilities include: Diabetes, phenylketonuria (PKU), and food anaphylaxis (severe food allergy).

Major Life Activities- this definition includes caring for one’s self, eating, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

## What are Special Dietary Needs?

If a parent or caregiver indicates that their student is disabled, then a Medical Statement Form with the “Participant is disabled” box marked, must be completed and signed by a licensed physician (M.D. or D.O.), physician assistant, nurse practitioner, or dentist. Students with a Medical Statement form indicating a disability that restricts their diet must receive reasonable meal accommodations. The Medical Statement Form must identify:

- What the disability is
- How it restricts the diet
- Major life activity affected
- Food(s) to be omitted
- Food(s) to be substituted

## Details

- School food service must follow instructions that have been prescribed by the licensed physician.
- Accommodating special dietary needs apply regardless of eligibility for paid, free, or reduced-price meals.
- Special Dietary Needs meals must be served at no additional cost to the student.
- All recommendations for accommodations or changes to existing diet orders must be documented in writing by an approved medical authority (M.D., D.O., physician assistant, nurse

practitioner, dentist). School food service must never revise or change a written prescription or diet order.

- Additional cost for food accommodations for a disability is an allowable food service program cost.
- Diet orders do not need to be renewed on a yearly basis. However, they should be updated to reflect the current medical and/or nutritional needs of the participant.
- Children with disabilities must be allowed to participate with other children to the maximum extent appropriate. The school must not segregate children with disabilities on the basis of convenience to the school or to other children.
- In rare instances, it may be to a child's benefit to be served separately. For instance, a child with severe motor disabilities may be able to receive individualized attention in handling eating utensils if a special education specialist is able to work with them outside the cafeteria. In all cases, the decision to feed a child with disabilities separately must always be based on what is appropriate to meet the needs of the child.
- Medical information must be kept confidential. Only share information with staff that needs to know to provide for the health, safety, and well-being of the student.
- Please see the USDA Food and Nutrition Service (FNS) *Accommodating Children with Special Dietary Needs in the School Nutrition Programs*, available in the Additional Resources section of this guide for more information on providing meals to children with disabilities.

If a parent or caregiver indicates that their student requires (or desires/prefers) special accommodations, however the student is not deemed disabled, then a Medical Statement Form with the "Participant is not disabled" box marked must be signed by a physician (M.D. or D.O), physician assistant, nurse practitioner, registered dietitian, or registered nurse. This type of Medical Statement requests that a special meal or accommodation be made. The school food service may make the diet accommodation as a courtesy, but the accommodation is not required. The Medical Statement Form must include:

- What the medical or other special dietary condition is which restricts the child's diet
- Food(s) to be omitted
- Food(s) to be substituted

#### Details

- Food / menu substitutions are made on a case-by-case basis.
- All changes to the diet order must be made in writing by an approved medical authority. School food service must never revise or change a written prescription or diet order.
- The statement does not have to be renewed each year if there are no changes affecting the child's dietary needs; update to reflect the current medical and/or nutritional needs of the participant.

#### *Best Practices for Accommodating Special Dietary Needs*

Provide clear guidelines for food service staff

Ensure students are treated consistently

Document compliance with federal and state requirements

Educate families regarding school policies and procedures

Monitor to ensure meal modifications follow accommodations per the Medical Statement Form on file

#### *Incurring Additional Expenses*

In most cases, children with disabilities can be accommodated with little extra expense or involvement.

If additional expenses are incurred in providing food substitutions or modifications for children with

special needs, generally the school food authority should be able to absorb the cost of making meal modifications or paying for the services of a Registered Dietitian. However, when the school food service has difficulty covering the additional cost, there are several alternative sources of funding which school food service managers, school administrators, parents or guardians, and teachers may consider. Please see the USDA Food and Nutrition Service (FNS) guidance entitled *Accommodating Children with Special Dietary Needs in the School Nutrition Programs*, available in the Additional Resources section of this guide. Any additional funding received by school food services for costs incurred in providing special meals must accrue to the nonprofit school food service account.

### **Why are Special Dietary Needs Important?**

Special Dietary Needs are important to ensure that all students in schools participating in Federal Meal Programs may be served. It is mandatory that children with disabilities have the same opportunities to receive education-related benefits such as school meals.

### **Resources**

Additional resources may be available for this topic. Please check the Idaho School Nutrition Reference Guide website for copies of manuals, user guides and helpful links to relevant subject matter.