

# Accommodating Children with Special Dietary Needs in the School Nutrition Programs

## Accommodating Students with Disabling Special Dietary Needs

Schools participating in a federal Child Nutrition Program (School Lunch, School Breakfast or After School Snack Program) are required to make accommodations for children who are unable to eat the school meals because of a disability\* that restricts their diet. In order to make modifications or substitutions to the school meal, schools must have a written Medical Statement on file that is signed by a licensed physician. The statement must identify:

- The child's disability
- An explanation of why the disability restricts the child's diet
- The major life activity affected by the disability
- The food(s) to be omitted from the child's diet
- The food or choice of foods that must be provided as the substitute

**\*Only a physician can declare if a student has a disability.**

## Accommodating Students with Non-Disabling Special Dietary Needs

Schools may, at their discretion, make substitutions for students who have a special dietary need, but do not meet the definition of disability. Examples include food intolerances or allergies that do not cause life-threatening reactions. The decision to accommodate a student's special dietary need can be determined on a case-by-case basis, however, the school should remain consistent with accommodating special dietary needs. In order to make modifications or substitutions to the school meal, schools must have a written Medical Statement signed by a recognized medical authority identifying the following:

- An identification of the medical or other special dietary condition which restricts the child's diet
- The food or foods to be omitted from the child's diet
- The food or choice of foods to be substituted

In Pennsylvania, a recognized medical authority includes a physician, physician assistant, and nurse practitioner.

## Milk Substitutions for Students with Non-Disabling Special Dietary Needs

For students with non-disabling special dietary needs which restrict their intake of fluid milk, the following applies.

- Parents/guardians or a recognized medical authority (physician, physician assistant, or nurse practitioner) may request a fluid milk substitute for a student with a non-disabling medical dietary need, such as milk intolerance, or due to cultural, religious or ethnic beliefs. The request must be made in writing.
- The written request from a parent/guardian or medical authority must identify the student's medical or special dietary need that prevents them from consuming cow's milk. Specifically referring to milk substitutions, a "special dietary need" can refer to cultural, ethnic, or religious needs, as well as medical needs.
- Nondairy beverages offered as a fluid milk substitute must meet the established nutrient standards, as indicated in Question 20 in USDA memo SP07-2010, available on PEARS Form Download, under Feeding Students with Disabilities and Special Dietary Needs Section.
- Juice and water cannot be substituted for fluid milk as part of the reimbursable meal. However, any student can select a meal without milk via offer vs. serve. Drinkable water must be available to all students in addition to the meal. Juice can be selected as a meal component if it is offered.

## Responsibility of Parents

- Notify the school of any food allergy, disability or special dietary need.
- Provide Medical Statement completed by a physician (disability), a recognized medical authority (non-disabling special dietary need), or the parent (non-disabling special dietary needs for milk only).
- Participate in any meetings or discussions regarding the student's meal plan. Maintain a healthy line of communication with the school.
- Notify the school of any changes relating to the special dietary need (a new Medical Statement is required if the diet changes).

### **School Food Service Responsibility**

- Provide food substitutions for students according to Medical Statement. The school food service staff may not revise or change a diet prescription or medical order.
- Provide training to cafeteria personnel on how to properly accommodate students with special dietary needs. Maintain documentation of this training.
- Communicate with parents, staff, and medical authorities regarding diet modifications.
- Maintain Medical Statement on each student with a special dietary need. Diet orders are not required to be renewed on a yearly basis, however, PDE recommends that you confirm, on a yearly basis, the diet order has not changed. If there are any changes to the diet, a new Medical Statement is required.
- If the school is opting to make a milk substitute available for non-disabling dietary needs, research products to ensure they meet the USDA nutrient standards for a milk substitute. Notify the Division of Food and Nutrition if you are making milk substitutes available for non-disabling special needs.

### **School Nurse Responsibility**

- Collaborate with food service director, school staff, parents, and physician to appropriately share pertinent information, obtain a copy of Medical Statement, and accommodate students with special dietary needs.
- Develop medical plan of care as appropriate (Individualized Healthcare Plan).

### **Other Federal regulations**

Based upon Federal laws that prohibit discrimination and ensure equal access to education, some students may have instructions for accommodating their special need written into a 504 Plan or an Individualized Education Plan (IEP). Typically, a team consisting of the school professionals and the parents collaborate to develop these plans. If the 504 Plan or IEP involves special dietary needs, the food service director should be involved.

### **Additional Resources:**

**USDA's Accommodating Children with Special Dietary Needs in the School Nutrition Programs:**  
[http://www.fns.usda.gov/sites/default/files/special\\_dietary\\_needs.pdf](http://www.fns.usda.gov/sites/default/files/special_dietary_needs.pdf)

**USDA Memo SP07-2010: Q & As: Milk Substitution for Children with Medical or Special Dietary Needs:**  
<http://www.pears.ed.state.pa.us/>

**National Food Service Management Institute's Meeting Children's Special Food and Nutrition Needs in Child Nutrition Programs:** <http://www.nfsmi.org/ResourceOverview.aspx?ID=89>

**Food Allergy and Anaphylaxis Network:** <http://www.foodallergy.org/>

**Food Allergy and Anaphylaxis Network** handouts on how to read food labels:  
<http://www.foodallergy.org/document.doc?id=133>

**School Nutrition Association's** allergy information resources website:  
<http://www.schoolnutrition.org/Content.aspx?id=634>

### **Additional Contact Information:**

- Contact the Pennsylvania Department of Education, Division of Food and Nutrition, with questions regarding accommodating students with special dietary needs in the School Meals Programs at 1-800-331-0129, Extension 62374657.
- For questions about developing a 504 plan for a student with special needs, please contact the Pennsylvania Department of Education, Bureau of Special Education, at (717) 783-6913.
- For questions regarding the roles and responsibilities of the school nurse in providing services for a student with special needs outside of the School Meals Programs, please contact the local PA School Health Consultant in your area. Contact information is available at <http://www.dsf.health.state.pa.us/health/lib/health/SHConsultantList.pdf> or by calling 877-PAHEALTH.