

Accommodating Children With Special Dietary Needs

Does the child have a disability? According to 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 impairment or is regarded as having such an impairment.

Disability

United States Department of Agriculture (USDA) regulations 7 CFR Part 15b, 210 and 220 **require** that substitutions and modifications in school meals be made for children whose disabilities restrict their diets.

A child with a disability must be provided food substitutions or a special diet when the need is supported by a **written statement** or **diet order** which is **signed** by a **licensed physician**.

The **physician’s statement** or **diet order** must include all of the following:

- The child’s disability;
- An explanation of how the disability restricts the child’s diet;
- The major life activity affected by the disability;
- The food(s) to be omitted and the food(s) that must be substituted;
- The physician’s signature; and
- Note: A physician may indicate that a specific brand of food be purchased and served. The school is obligated to supply the specific food(s) to the child at no additional cost to the family. However, the school can negotiate the special food requests with the physician if product availability is a problem.

Additional requirements:

- Physician’s statements or diet orders do not need to be renewed on a yearly basis but they must reflect a child’s current needs.
- Food service personnel cannot interpret, revise or change a doctor’s diet order because it could lead to individual liability.
- Food service is not required to provide a meal that is not normally offered by the school (i.e., breakfast) unless the meal is required under the child’s IEP.
- Written instructions from a licensed physician are recommended, but not required, for texture modifications (i.e., soft, chopped, ground, pureed).
- Schools cannot charge a child with a disability (who requires food substitutions) more for their meals or snacks than they charge other children who do not have a disability.

No Disability

The school food service **may make substitutions**, at their discretion, for individual children who **do not have a disability**, but who are medically certified as having a special medical or dietary need. The school is encouraged, but not required, to make food substitutions or menu modifications for children without a disability.

Schools can determine whether they will honor special dietary requests for children who have **food intolerances** or **allergies**. If a child’s allergy is so severe that exposure to the offending food(s) could lead to a **life-threatening reaction**, the school **must** provide accommodations for the child as the allergy would be considered a disability.

If the school chooses to make food substitutions or menu modifications, they must have a **special medical statement** on file that certifies the special dietary need. The statement must be **signed by a recognized medical authority** (licensed physician, physician’s assistant, certified nurse practitioner, registered dietitian, licensed nutritionist or chiropractor).

The **medical statement** must include all of 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; and
- The recognized medical authority’s signature.

Note—When accommodating a child, with or without a disability:

- If the school provides accommodations for a child per the physician’s or medical statement, as defined above, the meal is considered reimbursable whether it meets meal pattern requirements or not.