

## 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 State recognized medical authority (licensed physician, physician assistant, certified registered nurse practitioner, or dentist). 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

### Accommodating Students with Non-Disabling Special Dietary Needs

Schools may, at their discretion, make substitutions for students who have a special dietary need that does 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 State recognized medical authority (licensed physician, physician assistant, certified registered nurse practitioner, or dentist) identifying the following:

- An identification of the medical or other special dietary condition that 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 substitute

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

For students with *non-disabling* special dietary needs that restrict their intake of fluid milk, the following applies:

- Parents/guardians or a recognized medical authority (physician, physician assistant, certified registered nurse practitioner, or dentist) 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 Download Forms, 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 may select a meal without milk under 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.

### Parent Responsibility

- Notify the school of any food allergy, disability or special dietary need.
- Provide a Medical Statement completed by a State recognized medical authority (disabling or non-disabling special dietary need), or the parent (non-disabling special dietary need for milk substitution 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 the 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 a 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 medical authority 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/cnd/guidance/special\\_dietary\\_needs.pdf](http://www.fns.usda.gov/cnd/guidance/special_dietary_needs.pdf).
- **USDA Memo SP07-2010: Q & As: Milk Substitution for Children with Medical or Special Dietary Needs** on PEARS Download Forms: [PDE032b](#)
- **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>
- **CDC's Voluntary Guidelines for Managing Food Allergies in Schools and Early Care and Education Programs:** [http://www.cdc.gov/healthyyouth/foodallergies/pdf/13\\_243135\\_A\\_Food\\_Allergy\\_Web\\_508.pdf](http://www.cdc.gov/healthyyouth/foodallergies/pdf/13_243135_A_Food_Allergy_Web_508.pdf)

### **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.
- 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.

## Medical Plan of Care for School Food Service

*for students with special dietary needs*

- The following child is a participant in one of the United States Department of Agriculture (USDA) school nutrition programs.
- USDA regulations 7CFR Part 15B require substitutions or modifications in school program meals for children whose **disability** restricts their diet and is supported by a statement signed by a **recognized medical authority** (licensed physician, physician assistant, certified registered nurse practitioner, or dentist). Food allergies that may result in a severe, life-threatening (anaphylactic) reaction may meet the definition of "disability."
  - The school may choose to accommodate a student with a **non-disabling special dietary need** that is supported by a statement signed by a **recognized medical authority** (licensed physician, physician assistant, certified registered nurse practitioner, or dentist).
  - The school may choose to make a milk substitution available for students with a **non-disabling special dietary need**, such as lactose intolerance or for cultural or religious beliefs. If available, the milk substitutes must meet nutrient standards identified in federal regulations and will be indicated in Part 2. A milk substitution may be requested by a medical authority or a parent/guardian. If this is the only substitution being requested, complete **Parts 1 and 2 only**.

### Part 1: Student Information - Completed by Parent/Guardian

Child's Name		Date of Birth	M   F
Name of School/Center/Program		Grade Level/Classroom	
Parent's/Guardian's Name		Address, City, State, Zip Code	
Daytime Phone	(   )		
Evening Phone	(   )		

### Part 2: Request for Fluid Milk Substitution *only* (for non-disabled students) – Completed by Parent/Guardian or Recognized Medical Authority

- School/school district does not make milk substitutes available to students with non-disabling special dietary needs. Do not complete Part 2.
- School/school district provides \_\_\_\_\_ as a milk substitute to students with non-disabling or other special dietary needs when Part 2 is completed by Medical Authority or Parent/Guardian and approved by the school/school district.

Does the child have a non-disabling medical or special dietary need that restricts intake of fluid milk?    Yes     No   
 List medical or special dietary need (e.g., lactose intolerance or for cultural or religious beliefs):

Medical Authority or Parent/Guardian Signature: \_\_\_\_\_ Date: \_\_\_\_\_

### Part 3: Request for Modifications/Substitutions for Special Dietary Needs – Completed and signed by Recognized Medical Authority (licensed physician, physician assistant, certified registered nurse practitioner, or dentist), including phone number and stamp of office name and address.

Does the child have a **disability**?    Yes     No

*If Yes,*  
Please describe the major life activities affected by the disability:

Does the child's disability affect their nutritional or feeding needs?    Yes     No

If the child **does not have a disability\***, does the child have special nutritional or feeding needs?    Yes     No   
 (\*These accommodations are *optional* for schools to make)

#### Diet Order:

List any dietary restrictions, such as food allergies, intolerances or restrictions:

List specific foods to be substituted (*Substitution cannot be made unless section is completed*):

List foods that need the following changes in texture. If all foods need to be prepared in this manner, indicate "All."

Cut up/chopped into bite sized pieces:

Finely Ground:

Pureed:

List any special equipment or utensils needed:

Indicate any other comments about the child's eating or feeding patterns:

Physician's Name and Office Phone Number

Office Stamp

Physician/Medical Authority's Signature

Date

**Part 4:**

Parent Signature

Date

**Part 5:**

School Nutrition Program Signature

Date

**Health Insurance Portability and Accountability Act Waiver**

In accordance with the provisions of the Health Insurance Portability and Accountability Act of 1996 and the Family Educational Rights and Privacy Act, I hereby authorize \_\_\_\_\_ (medical authority) to release such protected health information of my child as is necessary for the specific purpose of Special Diet information to

\_\_\_\_\_ (school/program) and I consent to allow the physician/medical authority to freely exchange the information listed on this form and in their records concerning my child with the school program as necessary. I understand that I may refuse to sign this authorization without impact on the eligibility of my request for a special diet for my child. I understand that permission to release this information may be rescinded at any time except when the information has already been released. My permission to release this information will expire on \_\_\_\_\_ (date). This information is to be released for the specific purpose of Special Diet information.

The undersigned certifies that he/she is the parent, guardian, or representative of the person listed on this document and has the legal authority to sign on behalf of that person.

Parent/Guardian Signature: \_\_\_\_\_ Date: \_\_\_\_\_

(Signing this section is optional, but may prevent delays by allowing us to speak with the physician/medical authority)

Please have parent/guardian review form annually and initial/date if no changes are required. Any changes require submission of a new form signed by the Physician/Medical Authority.

Parent confirmed no change in diet order. \_\_\_\_\_ Date \_\_\_\_\_ \_\_\_\_\_ Date \_\_\_\_\_ \_\_\_\_\_ Date \_\_\_\_\_

\_\_\_\_\_ Date \_\_\_\_\_ \_\_\_\_\_ Date \_\_\_\_\_ \_\_\_\_\_ Date \_\_\_\_\_ \_\_\_\_\_ Date \_\_\_\_\_

A copy of this form should be kept by the School Food Service and the Nurse. FERPA allows school nurses to share student's medical information regarding dietary needs with school food service.