

Special Dietary Needs Frequently Asked Questions

1. Are schools required to provide a modified meal to a child whose parents are strict vegetarians and want their child to be provided with vegetarian meals?

No. A school food service is not required to make accommodations based on food preferences of a family or child.

2. Are schools required to provide a modified meal to a student with a life-threatening food allergy as certified by a licensed physician, advanced practice nurse with prescriptive authority or physician assistant?

Yes. School food service must make accommodations for children with dietary disabilities based on a medical statement completed and signed by a licensed physician, advanced practice nurse with prescriptive authority or physician assistant.

3. What must a licensed physician, advanced practice nurse with prescriptive authority or physician assistant's statement for children with dietary disabilities identify?

The medical statement must identify the following:

- ✓ 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 or foods to be omitted from the child's diet, and the food or choice of foods that must be substituted

4. Are schools required to provide a modified meal to a student with special dietary needs that do not rise to the level of a disability?

No. School food service is encouraged, but not required, to provide food substitutions and/or modifications for children without dietary disabilities. The school food service is responsible for determining if and for what cases modifications will be made. Substitutions and/or modifications must be based on a medical statement completed and signed by a recognized medical authority.

5. If the school food service does decide to make food substitutions and/or modifications for students without a dietary disability, what documents are required?

Each special dietary request must be supported by a medical statement, which explains the food substitution that is requested. It must be signed by a recognized medical authority. The medical statement must include:

- ✓ 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 substituted

6. What is the difference between a licensed physician and a recognized medical authority?

A licensed physician is a doctor of medicine (MD) or osteopathy (DO). A recognized medical authority is a professional recognized by the State of Colorado who is a physician (MD or DO), physician assistant, or advanced practice nurse (APN).

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7. A child in your school has a documented life threatening food allergy that causes an anaphylactic reaction to peanuts. The mother requests that food service staff read all food labels for peanut ingredients to ensure a safe meal for her child. Does the school food service need to accommodate this request?

Yes. A life threatening food allergy that causes an anaphylactic reaction is considered a dietary disability because it can affect a major life activity, breathing. Therefore, accommodations are mandated. The request for reading food labels should be included in the medical statement signed by the licensed physician, advanced practice nurse with prescriptive authority or physician assistant

8. When a student has a non-disabling milk allergy, can juice or water be substituted for milk?

No. Children with non-disabling milk allergies may only be offered a nondairy beverage that is nutritionally equivalent to fluid milk as specified by USDA. However, if the milk allergy is a dietary disability, a juice or water substitution prescribed by a licensed physician, advanced practice nurse with prescriptive authority or physician assistant must be followed.

For more information on milk substitutes visit:

http://www.fns.usda.gov/cnd/Governance/Policy-Memos/2009/SP_35-2009_os.pdf

9. A child has a 504 plan that requests school food service staff count carbohydrates due to a disability. Is food service staff responsible for accommodating this request?

Children who qualify as disabled under either Section 504 or the IDEA and whose disability restricts their diet, based on documentation from a licensed physician, advanced practice nurse with prescriptive authority or physician assistant, require school food service to accommodate meal modifications. The school district is responsible for providing a carbohydrate count to the family of a diabetic child for each food item served in one daily reimbursable meal choice. **Important to note:** Food service personnel are not responsible for weighing or measuring leftover food or determining the proper amount of carbohydrates needed or consumed. This is the responsibility of the school nurse or other designated medical personnel.

10. If a child has a dietary disability that restricts their diet certified by a licensed physician, advanced practice nurse with prescriptive authority or physician assistant but not through Section 504 or the IDEA, is the school food service responsible for making the modifications prescribed?

Yes. Medical conditions that do not qualify for a disability under Section 504 or the IDEA but that are determined by the child's licensed physician, advanced practice nurse with prescriptive authority or physician assistant to be severe enough to be considered a dietary disability, for example, food anaphylaxis, food service is responsible for making modifications based on the medical statement.

11. Is the school foodservice able to charge more for a meal that requires modifications?

No. Schools may not charge children with dietary disabilities or with certified special dietary needs who require food substitutions or modifications more than they charge any other children for program meals or snacks.

12. Is a modified meal that does not meet the nutrition meal pattern reimbursable for a student with a dietary disability?

Yes. Meals that are modified according to a licensed physician, advanced practice nurse with prescriptive authority or physician assistant's medical statement are still reimbursable.

Important to note: a meal that is modified for a child with special dietary needs that do not rise to the level of a disability *must still meet the meal pattern requirements* to be reimbursable.

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13. A licensed physician, advanced practice nurse with prescriptive authority or physician assistant's medical statement only specifies the medical disability, not the required food substitutions. Can the school food service staff decide what foods should be substituted?

No. An appropriate school official must ask parents to obtain more written information from the licensed physician, advanced practice nurse with prescriptive authority or physician assistant concerning the substitutions or modifications the student requires.

14. A licensed physician, advanced practice nurse with prescriptive authority or physician assistant has requested on the medical statement that a student with a dietary disability consume six cans of apple juice per day. The juice is to be served at regular intervals, some of which occur outside of the normal school meal periods. Is the school food service required to provide all of the servings of juice?

No. Students with disabilities receive benefits from programs that are available to students without disabilities. The food service would be responsible to provide and pay for the apple juice as part of the regular reimbursable meal or snack service. However, the school is not required to pay for and provide additional servings throughout the school day *unless* specified in the student's IEP.

15. Is the school food service responsible for providing a certain brand for non-dairy milk substitutes?

No. USDA does not specify certain brands that you must use if you choose to offer non-dairy milk substitutes. However, the non-dairy beverage must be nutritionally equivalent to fluid milk as specified by USDA. CDE has created a resource that allows food service to determine if a non-dairy beverage meets the USDA requirements: <http://www.cde.state.co.us/nutrition/nutriSpecDietaryNeeds.htm>

16. If a school has a student with a medical statement signed by a licensed physician, advanced practice nurse with prescriptive authority or physician assistant requesting texture modification, do the meals need to meet the new meal pattern guidelines?

If the student requires only textural modification(s) to the regular Program meal, as opposed to a meal pattern modification, the meal would still meet the meal pattern guidelines. If the licensed physician, advanced practice nurse with prescriptive authority or physician assistant specifies different food items and/or quantities, then the school food service must accommodate those specifications and the meal would not be required to meet the meal pattern guidelines.

17. A school has a child with muscular dystrophy and is told the child needs double portion sizes. Can the school charge extra for those portions?

For children with dietary disabilities, if a licensed physician, advanced practice nurse with prescriptive authority or physician assistant prescribes different portion sizes from the minimum quantity requirements in the USDA meal patterns, the school food service program must provide the specified portions. The medical statement must include this information. Additionally, children with dietary disabilities or with other certified special dietary needs requiring meal modifications cannot be charged more for their meals than other children.

18. If a student pays full price for lunch, but has a request from a parent to provide lactose-free milk, is the school food service responsible for providing that accommodation?

The USDA requirements for accommodating special dietary needs apply to all children regardless of their eligibility for paid, free or reduced-price meals. School food service is encouraged, but not required, to provide food substitutions or modifications for children without dietary disabilities. If the school chooses to have lactose-free or lactose-reduced milk available, lactose-free or lactose-reduced milk must be low-fat (1%) or fat-free. Lactose-free or lactose-reduced milk is creditable as the milk component for reimbursable meals.

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19. Occupational therapy staff is requesting that a disabled student eat their meals outside the cafeteria in order to work on feeding skills. Is this acceptable?

Federal civil rights legislation including Section 504 of the Rehabilitation Act of 1973, the IDEA and Title II of the ADA, requires that “in providing for or arranging for the provision of nonacademic services and extracurricular activities, including meals, school districts must ensure that students with disabilities participate with nondisabled students to the maximum extent appropriate to the needs of students with disabilities.”

In rare instances, however, 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 staff member is able to work with them outside the cafeteria. In all cases, the decision to feed disabled children separately must always be based on what is appropriate to meet the needs of the children. Schools cannot segregate children with disabilities from the regular meal service based on the convenience of the school or other children.

20. A student’s mother brought in a medical statement signed by a licensed physician, advanced practice nurse with prescriptive authority or physician assistant certifying a dietary disability. The medical statement is unclear and school food service is not sure they can provide the requested accommodations. What should the school do?

If school food service feels the medical statement is unclear or is an undue burden, they are encouraged to convene a meeting including appropriate personnel such as: food service staff, administration, parents, school nursing staff, and the licensed physician, advanced practice nurse or physician assistant to clarify the medical statement and determine appropriate accommodations for the student.

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