

## **Students**

### **Students with Special Health Care Needs**

#### **Accommodating Students with Special Dietary Needs**

##### **Accommodating Disabled Students with Special Dietary Needs (Modified Meals for Disabled Students)**

The Board of Education (Board) believes that all students, through necessary accommodations, modifications or substitutions shall have the opportunity to participate fully in all school programs and activities. The Board is committed to making the necessary accommodations where required, based upon a written statement from a licensed health care professional, for all disabled students with special dietary needs.

The Board recognizes the United States Department of Agriculture's Policy Memorandum, SP 59-2016, "Modifications to Accommodate Disabilities in the School Meal Programs," as well as the regulations governing the National School Lunch and Breakfast Program, require substitution or modifications in meals for children considered disabled under Section 504 or IDEA, whose disabilities restrict their diet, when the need is certified in writing by a licensed health care professional.

If special diet modifications are part of an Individualized Education Program (IEP), the school is required to comply with those modifications. An extra charge may not be added. The Board recognizes that the medical statements allow the student's meal to be claimed for reimbursement even when it does not meet current food program requirements.

The Board, through its School Nutrition Program, shall make reasonable modifications to accommodate children with disabilities. The Board will provide a modified diet/meal to students with a disability or medical condition that limits a major life activity. Modifications will be made on a case-by-case basis when supported by a written statement from a licensed health care professional who is authorized to write prescriptions under state law. The school food service shall not modify any student's meal without clear, written documentation from a recognized medical authority on the appropriate district-supplied form(s).

The Board is not required to make food substitutions for children with non-disabling conditions. The District may accommodate students without disabilities who are medically-certified as having a special medical or dietary need on a case-by-case basis. An example is food intolerances or allergies that do not cause life-threatening reactions. The decision must be based upon a written medical statement signed by a licensed health care professional who is authorized to write prescriptions under state law.

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Optimum handling of special diet modifications of school meals requires communication between school food service managers, parents, students and medical authorities.

The Board is unable to accommodate special diets based on personal preferences or religious convictions. This is addressed by the food service program offering a variety of menu options daily in the form of choices.

- (cf. 5141 - Student Health Services)
- (cf. 5141.21 - Administering Medication)
- (cf. 5141.23 - Students with Special Health Care Needs)
- (cf. 5141.25 - Food Allergy Management)
- (cf. 5141.3 - Health Assessments)
- (cf. 5145.4 - Nondiscrimination)

Legal Reference: Connecticut General Statutes  
10-15b Access of parent or guardian to student's records.  
10-154a Professional communications between teacher or nurse and student.  
10-207 Duties of medical advisors.  
10-212a Administrations of medications in schools.  
10-212c Life threatening food allergies; Guidelines; district plans, as amended by P.A. 12-198.  
Guidelines for Managing Life-Threatening Food Allergies in Connecticut Schools, Connecticut State Department of Education (2006)  
Federal Legislation  
Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794 § 504; 34 C.F.R. § 104 et seq.)  
Americans with Disabilities Act (ADA) of 1990 (42 U.S.C. §12101 et seq.; 29C.F.R. §1630 et seq.)  
The Family Education Rights and Privacy Act of 1974 (FERPA)  
The Individuals with Disabilities Education Act of 1976 (IDEA) (20 U.S.C. § 1400 et seq.); 34 C.F.R. § 300 et seq.  
USDA Guidance SP59-2016- Modifications to Accommodate Disabilities in the School Meal Programs  
USDA regulations at CFR 15b-Nondiscrimination on the Basis of handicap in Programs and Activities Receiving Federal Financial Assistance

Policy adopted: June 4, 2019

NEWTOWN PUBLIC SCHOOLS  
Newtown, Connecticut

## **Students**

### **Students with Special Health Care Needs**

#### **Accommodating Students with Special Dietary Needs**

#### **Accommodating Disabled Students with Special Dietary Needs (Modified Meals for Disabled Students)**

The Newtown Board of Education (Board) shall implement the following guidelines with the goal of meeting the needs of students' with dietary disabilities. The United States Department of Agriculture's policy memorandum, SP 59-2016 published in September 2016 may be used for further clarification.

1. The Board believes that all students, through necessary modifications, accommodations, or substitutions shall have the opportunity to participate fully in all school programs and activities.
2. The District, in compliance with USDA Child Nutrition Division guidelines, will provide modifications, accommodations or substitute meals to students with disabilities based on the signed written statement/form from a licensed health care professional. This includes providing special meals, at no extra charge, to children with a disability when the disability restricts the child's diet.
3. The passage of the ADA Amendments Act indicates that most physical and mental impairments constitute a disability. Such impairment need not be life threatening. It is enough that it limit a major life activity. For example, digestion is an example of a bodily function that is a major life activity.
4. Determining whether a physical or mental impairment constitutes a disability must be determined on a case-by-case basis. The determination must be made without regard for whether mitigating measures may reduce the impact of the impairment.
5. Children with a disability may include the following situations. However, determination of a disability under 504 or IDEA is not the same as a physician's diagnosis of a severe medical condition that may require accommodation or modification.
  - a. Children who may be handicapped for purposes of Section 504 of the Rehabilitation Act of 1973 because of their special dietary needs;
  - b. Children eligible for special education under the Individuals with Disabilities Education Act (IDEA) who have special dietary needs; or
  - c. Children with other special dietary needs.

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#### **Accommodating Students with Special Dietary Needs**

#### **Accommodating Disabled Students with Special Dietary Needs (Modified Meals for Disabled Students)** (continued)

6. The school must have a written statement/form from a licensed health care professional, in order to provide any accommodations, modifications or substitutions. The use of Form #1, “Medical Statement for Children with Disabilities or Form #2, Medical Statement for Children without Disabilities” is to be used which provide the necessary information including:
  - a. The nature of the student’s disability
  - b. The reasons why the disability prevents the student from eating the regular meal
  - c. Foods to be omitted from the student’s diet
  - d. The specific diet prescription
  - e. The substitutions needed
7. The completed form, signed by the parent/guardian and the recognized medical authority, diet order or prescription should be maintained in the school health file maintained by the school nurse.
8. The Connecticut State Department of Public Health defines a recognized medical authority authorized to sign these forms as a physician, physician assistant, doctor of osteopathy or advanced practice registered nurse (APRN). APRNs include nurse practitioners, clinical nurse specialists and certified nurse anesthetists who are licensed as APRNs.
9. While the completed form containing the diet order or prescription is maintained in the health file subject to FERPA, school food service staff that have a need to know may have access to the diet order information.
10. If special diet modifications are part of a student’s IEP, the school is required to comply with those modifications at no additional charge to the families. The medical statement allows the student’s meal to be claimed for reimbursement even when it does not meet food program requirements.
11. Meal service shall be provided in the most integrated setting appropriate to the needs of the student with a disability. Students with special diet modifications should be allowed the maximum freedom possible within the constraints of their diet to choose from food available.
12. Some disabilities may require modifications to the food service provided at meal time.

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#### **Accommodating Students with Special Dietary Needs**

#### **Accommodating Disabled Students with Special Dietary Needs (Modified Meals for Disabled Students) (continued)**

13. Meal service must maintain compliance with USDA Child Nutrition Division guidelines while accommodating each individual's request.
14. The school food authority may consider expense and efficiency in choosing an appropriate approach to accommodate a child's disability. The school food authority is not required to provide the specific substitution or other modification requested, but must offer a reasonable modification that effectively accommodates the child's disability and provides equal opportunity to participate in or benefit from the program.
15. When considering what is appropriate, the age and maturity of the child should factor into all decisions.
16. Meal modifications do not have to meet food program meal pattern requirements to be claimed for reimbursement if they are supported by a medical statement.
17. Parents/guardians must be notified of the process for requesting meal modifications to accommodate a child's disability. An impartial hearing process must be available to parents/guardians to resolve requests for modifications based on a disability.
18. The District is required to designate at least one person to coordinate compliance with disability requirements. The Superintendent has assigned such responsibility to the Section 504 Coordinator.