

# Requirements for Meal Modifications in School Nutrition Programs



Connecticut State Department of Education  
Bureau of Child Nutrition Programs

Revised November 2023

# About this Presentation

This presentation provides general guidance regarding the requirements for meal modifications in the school nutrition programs

- Public schools
- Private schools
- Residential child care institutions (RCCIs)



# About this Presentation

For specific questions or technical assistance, please contact the Connecticut State Department of Education (CSDE)



# School Nutrition Programs

- National School Lunch Program (NSLP)
- School Breakfast Program (SBP)
- Seamless Summer Option (SSO) of the NSLP
- Afterschool Snack Program (ASP) of the NSLP
- Special Milk Program (SMP)
- Fresh Fruit and Vegetable Program (FFVP)
- Child and Adult Care Food Program (CACFP) At-risk Supper Program implemented in schools



<https://portal.ct.gov/SDE/Nutrition/School-Nutrition-Programs>

# Objectives

- Review federal laws and requirements for meal modifications
- Identify requirements for medical statement
- Identify school food authority's (SFA) responsibilities for reasonable modifications

# Objectives

- Review procedural safeguards requirements for local educational agencies (LEAs) and the SFA's role
- Identify resources for guidance and training

Resources and websites are listed in the yellow bar

# Acronyms

<b>ASP</b>	<b>Afterschool Snack Program</b>
<b>CGS</b>	<b>Connecticut General Statutes</b>
<b>CNPs</b>	<b>Child Nutrition Programs</b>
<b>CSDE</b>	<b>Connecticut State Department of Education</b>
<b>LEA</b>	<b>local educational authority</b>
<b>NSLP</b>	<b>National School Lunch Program</b>
<b>SBP</b>	<b>School Breakfast Program</b>
<b>SFA</b>	<b>school food authority</b>
<b>SNPs</b>	<b>school nutrition programs</b>
<b>USDA</b>	<b>U.S. Department of Agriculture</b>

# Contents

Topic	Slides
<u>Overview of Federal Nondiscrimination Legislation</u>	9-18
<u>Overview of Requirements for Meal Modifications</u>	19-25
<u>Disability Definition</u>	26-34
<u>What Constitutes a Disability</u>	35-52
<u>Meal Modifications for Children with Disabilities</u>	53-59
<u>Medical Statements</u>	60-72
<u>Considerations for Reasonable Modifications</u>	73-80
• <u>Nutrition Information</u>	81-82
• <u>Texture Modifications</u>	83
• <u>Meal Services Outside USDA Programs</u>	84-90
• <u>Managing Food Allergies</u>	91-104
• <u>Identifying Students</u>	103-111
• <u>Appropriate Eating Areas</u>	112-120
• <u>Food Service Contracts</u>	121-123
• <u>Procedural Safeguards</u>	124-131
<u>Meal Modifications for Children without Disabilities</u>	132-143
<u>More Resources</u>	145-154
<u>CSDE Contact Information</u>	155-157

# Overview of Federal Nondiscrimination Legislation



# Federal Nondiscrimination Legislation

- Section 504 of the Rehabilitation Act of 1973
- Americans with Disabilities Act (ADA) of 1990, as amended (ADA Amendments Act of 2008)
- Individuals with Disabilities Education Act (IDEA)
- USDA Nondiscrimination Regulations (7 CFR 15b)



# Section 504 of the Rehabilitation Act of 1973 (Public Law 93-112)

- Prohibits discrimination on the basis of disability in any federal government program that receives *federal financial assistance*
- Covered entities include
  - LEAs
  - systems of vocational education
  - other school systems



# The Americans with Disabilities Act of 1990 (ADA), As Amended

- **Title II:** State and local government services, including *public schools*
- **Title III:** Private entities offering public accommodations, including *private schools*

# ADA Amendments Act

- *Expanded* and *clarified* definition of disability
  - Viewed more broadly
  - Encompasses more impairments that limit a major life activity and require an accommodation
- Clarifies that emphasis is on *providing a reasonable modification*, not on disabled person having to “prove” their disability

# Individuals with Disabilities Education Act (IDEA)

- Special education and related services for eligible children, *including meals*
- LEA must provide any *nutrition-related services* in child's individualized education program (IEP) at no cost to child's family
  - LEA determines how to cover cost

# Comparison of Federal Nondiscrimination Laws

Criteria	IDEA	Section 504	ADA Amendments Act
Child has a disability	Yes	Yes	Yes *
Child receives special education (public schools)	Yes	No	No
Meal modifications required	Yes	Yes	Yes *
Federal funding available	Yes	No	No

\* If child's medical condition meets the definition of disability under the ADA Amendments Act

# Comparison of Federal Nondiscrimination Laws

Criteria	IDEA	Section 504	ADA Amendments Act
Plan on file	<ul style="list-style-type: none"><li>• Individualized Education Program (IEP)</li><li>• Individualized Health Care Plan (IHCP)</li><li>• May also have Emergency Care Plan (ECP)</li></ul>	<ul style="list-style-type: none"><li>• Section 504 Plan</li><li>• IHCP</li><li>• May also have ECP</li></ul>	<ul style="list-style-type: none"><li>• IHCP</li><li>• May also have ECP</li></ul>

# Comparison of Federal Nondiscrimination Laws

Criteria	IDEA	Section 504	ADA Amendments Act
Required documentation for meal modification	Medical statement signed by recognized medical authority *	Medical statement signed by recognized medical authority *	Medical statement signed by recognized medical authority
* Or IEP or Section 504 plan containing required information			

# CSDE Resource

## Summary of Requirements for Meal Modifications in School Nutrition Programs

Summary of Requirements for Meal Modifications in School Nutrition Programs						
Scenario	Determination of disability	Plan on file	Examples of medical conditions <sup>1</sup>	Modification required?	Required documentation	Medical statement must include
Child is determined to have a disability (physical or mental impairment) under Section 504, and the disability restricts the child's diet	Section 504 meeting	<ul style="list-style-type: none"> <li>• 504 plan and Individualized Health Care Plan (IHCP)</li> <li>• May also have an Emergency Care Plan (ECP) depending on child's medical condition</li> </ul>	Medical conditions that substantially limit a major life activity and affect the child's diet, for example: <ul style="list-style-type: none"> <li>• metabolic diseases, such as diabetes or phenylketonuria (PKU)</li> <li>• food anaphylaxis (life-threatening food allergy)</li> </ul>	Yes	Medical statement signed by recognized medical authority (or 504 plan, if applicable)	<ul style="list-style-type: none"> <li>• Information about how the child's physical or mental impairment restricts the child's diet</li> <li>• An explanation of what must be done to accommodate the child</li> <li>• The food or foods to be omitted and recommended alternatives, if appropriate</li> </ul>
Child is determined to have a disability (physical or mental impairment) under the Individuals with Disabilities Education Act (IDEA), and the disability restricts the child's diet	Planning and Placement Team (PPT) Meeting	<ul style="list-style-type: none"> <li>• Individualized Education Program (IEP) and IHCP</li> <li>• May also have an ECP depending on child's medical condition</li> </ul>	Medical conditions that meet the IDEA recognized disability categories, require related services under IDEA, and affect the child's diet, for example: <ul style="list-style-type: none"> <li>• autism</li> <li>• traumatic brain injury</li> <li>• other health impairment, e.g., heart condition and diabetes</li> </ul>	Yes	Medical statement signed by recognized medical authority (or IEP, if applicable)	<ul style="list-style-type: none"> <li>• Information about how the child's physical or mental impairment restricts the child's diet</li> <li>• An explanation of what must be done to accommodate the child</li> <li>• The food or foods to be omitted and recommended alternatives, if appropriate</li> </ul>
<sup>1</sup> These examples of medical conditions are not all-inclusive and might not require meal modifications for all children. The determination of whether a child has a physical or mental impairment that restricts their diet must be made on a case-by-case basis, i.e., specific to the individual medical condition and dietary needs of each child.						

Connecticut State Department of Education • Revised November 2023 • Page 2 of 6

[https://portal.ct.gov/-/media/SDE/Nutrition/NSLP/SpecDiet/Summary\\_Chart\\_Meal\\_Modifications\\_SNP.pdf](https://portal.ct.gov/-/media/SDE/Nutrition/NSLP/SpecDiet/Summary_Chart_Meal_Modifications_SNP.pdf)

# Overview of Requirements for Meal Modifications



# Overview of Meal Modifications

Criteria	Disability	No disability
Meal modification	Required *	Optional
Must follow meal patterns	No	Yes
Medical statement signed by recognized medical authority	Required (unless same information is in child's IEP or Section 504 Plan)	Recommended
* If disability restricts child's diet		

# Responsibility of SFA versus LEA

SFA (food service)	LEA (district or governing authority)
<p>Providing necessary <i>meal modifications</i> for children participating in school nutrition programs</p>	<ul style="list-style-type: none"><li>• <i>Overall responsibility</i> for accommodating children with disabilities</li><li>• May have additional obligations under federal law <i>beyond scope of USDA guidance</i></li></ul>

# Example of LEA's Responsibility

- No School Breakfast Program (SBP)
- Child's IEP requires breakfast



- LEA must provide breakfast (may choose to use SFA)
- LEA decides how to handle cost

# USDA Nondiscrimination Regulations (7 CFR 15b)

- *Prohibit discrimination* against children with disabilities in any USDA program or activity
- Require Child Nutrition Programs to serve *modified meals at no extra charge* to participants whose disability restricts their diet

# Types of Disability Discrimination in SNPs

SFAs must ensure that discrimination does not occur



- Discrimination because of the disability
  - Denying benefits or opportunity to participate
  - Segregating individuals with disabilities
  - Aiding, perpetuating, or contracting with others that discriminate

# Types of Disability Discrimination in SNPs

SFAs must ensure that discrimination does not occur



- Failure to provide a reasonable modification
- Ineffective communication
- Inaccessible facilities

# Disability Definition





## Disability Definition (ADA)

- A *physical or mental impairment* that *substantially limits* one or more *major life activities* **OR**
- A *record* of such an impairment **OR**
- Being *regarded* as having such an impairment



## Disability Definition (ADA)

- Revises “substantially limits”
  - Not required to prevent or severely or significantly restrict a major life activity
  - Individualized assessment
  - Disregards ameliorative effects of mitigating measures
  - Episodic or in remission



- Includes more “major life activities”

## Disability Definition (ADA)

# ADA Amendments Act

## Expanded Definition of Disability

### Major life activities



### New category

### Major bodily functions

- Caring for one's self
- Performing manual tasks
- Seeing
- Hearing
- *Eating*
- Sleeping
- Walking
- Standing
- Lifting
- Bending
- Speaking
- Breathing
- Learning
- Reading
- Concentrating
- Thinking
- Communicating
- Working

- *Immune system*
- Normal cell growth
- *Digestive*
- *Bowel*
- *Bladder*
- Neurological
- Brain
- Respiratory
- Circulatory
- Endocrine
- Reproductive

## Cannot Consider Mitigating Measures

- Mitigating measures *eliminate or reduce* the effects of an impairment
- Cannot be considered when determining if child has a disability

### Examples

- Using insulin to control diabetes
- Using medication to control a food allergy

**Disabilities  
include**  
conditions  
that are  
not life  
threatening  
or severe

- Could be a disability even if condition does **not** prevent or severely/significantly restrict a major life activity
  - Individualized assessment

**Example:** A child whose digestion is impaired by a food intolerance may have a disability, even if consuming the food does not cause the child severe distress

**Disabilities  
include**

**episodic  
disabilities**

- Impairment is episodic or in remission but substantially limits a major life activity *when active*

### **Examples**

- Mental illness
- Multiple sclerosis
- Crohn's colitis
- Some forms of cancer

## Disabilities may include temporary disabilities

- Must consider *duration (or expected duration)* and extent to which impairment limits a major life activity

**Example:** A child is on medication for 2 weeks that requires avoidance of certain foods

- Does not include *temporary illness/injury* e.g., colds, flu, minor broken bone

# What Constitutes a Disability



# What Constitutes a Disability



- Any physical or mental impairment that *prevents a child from consuming USDA meals*
- Under ADA Amendments Act, *most physical and mental impairments* constitute a disability
- *Case-by-case basis* (consider each child's individual medical condition)

## Examples of Disabilities That May Require Meal Modifications \*

- |                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                     |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"><li>• Autism</li><li>• Cancer</li><li>• Celiac disease</li><li>• Cerebral palsy</li><li>• Diabetes</li><li>• Food allergies (including non-life-threatening)</li><li>• Food intolerances, e.g., lactose, gluten</li></ul> | <ul style="list-style-type: none"><li>• Heart disease</li><li>• Metabolic disorders</li><li>• Obesity</li><li>• Phenylketonuria (PKU)</li><li>• Seizure disorder</li><li>• Certain temporary disabilities</li></ul> |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

\* Not all-inclusive and might not require meal modifications for all children (case-by-case basis)

# Determination of child's disability is based on

- Federal nondiscrimination laws
- Recognized medical authority's *diagnosis* of child's medical condition



# Recognized Medical Authority

A state-licensed health care professional *authorized to write medical prescriptions under state law* and recognized by Connecticut State Department of Public Health

- Physicians (MD)
- Physician assistants (PA or PAC)
- Doctors of osteopathy (DO)
- Advanced practice registered nurses (APRN)

Cannot accept medical statements  
signed by any other individuals

# Disabilities

## Do Not Include

- General health concerns
- Personal preferences
- Religious or moral convictions
- Vegetarianism



# Knowledge Check: Is it a disability?

## Scenario 1

A child with autism is very sensitive to food textures and will only eat foods with a smooth texture. The child's family provides a medical statement signed by a licensed physician indicating that the child requires texture modifications.

# Knowledge Check: Is it a disability?

## Scenario 1

A child with autism is very sensitive to food textures and will only eat foods with a smooth texture. The child's family provides a medical statement signed by a licensed physician indicating that the child requires texture modifications.

**Yes**

**Meal modification required**

# Knowledge Check: Is it a disability?

## Scenario 2

A child's condition is not listed under "categories of disease and conditions" in the ADA Amendments Act. The medical statement signed by a licensed physician indicates that the child's impairment requires specific meal modifications.

# Knowledge Check: Is it a disability?

## Scenario 2

A child's condition is not listed under "categories of disease and conditions" in the ADA Amendments Act. The medical statement signed by a licensed physician indicates that the child's impairment requires specific meal modifications.

**Yes**

**Meal modification required**

# Knowledge Check: Is it a disability?

## Scenario 3

A family believes a gluten-free diet is healthier for their child. The medical statement signed by a licensed physician indicates that the child does not have an impairment.

# Knowledge Check: Is it a disability?

## Scenario 3

A family believes a gluten-free diet is healthier for their child. The medical statement signed by a licensed physician indicates that the child does not have an impairment.



**Meal modification not required**

# Knowledge Check: Is it a disability?

## Scenario 4

A child has gluten intolerance. The medical statement signed by a licensed physician indicates that the gluten intolerance is an impairment for this child and requires a gluten-free diet.

# Knowledge Check: Is it a disability?

## Scenario 4

A child has gluten intolerance. The medical statement signed by a licensed physician indicates that the gluten intolerance is an impairment for this child and requires a gluten-free diet.

**Yes**

**Meal modification required**

# Knowledge Check: Is it a disability?

## Scenario 5

A child has lactose intolerance and experiences mild stomach discomfort when he eats dairy products. The medical statement signed by a licensed physician indicates that the child's lactose intolerance is an impairment and that child should have juice instead of milk.

**Is meal modification required?**

# Knowledge Check: Is it a disability?

## Scenario 5

A child has lactose intolerance and experiences mild stomach discomfort when he eats dairy products. The medical statement signed by a licensed physician indicates that the child's lactose intolerance is an impairment and that child should have juice instead of milk.

**Yes**

**Meal modification required**

# Knowledge Check: Is it a disability?

## Scenario 6

A child has a non-life-threatening food allergy that results in a rash when she eats certain foods. The medical statement signed by a recognized medical authority indicates that the food allergy is an impairment for this child and lists requested substitutions for these foods.

# Knowledge Check: Is it a disability?

## Scenario 6

A child has a non-life-threatening food allergy that results in a rash when she eats certain foods. The medical statement signed by a recognized medical authority indicates that the food allergy is an impairment for this child and lists requested substitutions for these foods.

**Yes**

**Meal modification required**

# Meal Modifications for Children with Disabilities



# Overview of USDA Requirements for Children with Disabilities

- Must provide *reasonable* meal modification
  - Related to disability or limitations caused by disability
- Based on *medical statement* (or IEP or Section 504 plan, if applicable)
- *Case-by-case basis* (specific to individual medical condition and dietary needs of each child)

# Definition of Reasonable Modification

A *change or alteration in policies, practices, and/or procedures* to accommodate a disability that ensures children with disabilities have *equal opportunity* to participate in or benefit from a program

**General guideline:** Children with disabilities must be able to *participate in and receive benefits from* programs that are available to children without disabilities

# Is Meal Modification Required?

- Indicated in *Question 10* in CSDE's *Medical Statement for Meal Modifications in School Nutrition Programs*
  - **Yes** = required
  - **No** = optional (must meet meal pattern)

## Section B – Completed by child's recognized medical authority

This section must be completed by the child's 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.

10. **Physical or mental impairment:** Does the child have a physical or mental impairment that restricts the child's diet?

☐ No



**Yes:** Describe how the child's physical or mental impairment restricts the child's diet.

<https://portal.ct.gov/SDE/Nutrition/Special-Diets-in-School-Nutrition-Programs/Documents#MedicalStatements>

# Is Meal Modification Required?

- Indicated in *Question 10* of CSDE's *Medical Statement for Meal Modifications in School Nutrition Programs*
  - Yes = required
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10. **Physical or mental impairment:** Does the child have a physical or mental impairment that restricts the child's diet?

☐ No



**Yes:** Describe how the child's physical or mental impairment restricts the child's diet.

<https://portal.ct.gov/SDE/Nutrition/Special-Diets-in-School-Nutrition-Programs/Documents#MedicalStatements>

Does the child have a physical or mental impairment that meets the definition of *disability* under any of the federal nondiscrimination laws (Section 504, the ADA and ADA Amendments Act, the IDEA, and the USDA's nondiscrimination regulations 7 CFR 15 b)?

Yes

No

Does the physical or mental impairment *restrict the child's diet*?

Yes

No

School or institution is *not required* to make the meal modification

Did the child's parent/guardian provide a *medical statement* signed by a recognized medical authority (or IEP or Section 504 plan) that indicates

- how the child's physical or mental impairment restricts the child's diet
- an explanation of what must be done to accommodate the child
- if appropriate, the food or foods to be omitted and recommended alternatives

Yes

No

School or institution is *required* to make a reasonable meal modification

School or institution is *required* to make a reasonable meal modification and must work with child's parent/guardian to obtain a medical statement

# Denying Meal Modification Requests is Almost Never Appropriate

<b>Exception</b>	Request that would fundamentally alter the nature of USDA's school nutrition programs
<b>Emphasis</b>	Collaborate with parents or guardians to develop effective approach to provide a reasonable meal modification for the child

# Medical Statements



# Medical Statement Must Include Three Elements

1. *Information* about child's physical or mental impairment (disability) that is sufficient to allow the SFA to understand how the impairment restricts the child's diet
2. An *explanation* of what must be done to accommodate the child's disability
3. If appropriate, the *food or foods to be omitted and recommended alternatives*

# **Key Considerations for Medical Statements**

- **CSDE's form recommended**
- **Alternate forms must include USDA's three required elements**
- **Cannot require specific diagnosis by name or use "disabled" or "disability"**
- **IEP or 504 plan may replace medical statement if contains USDA's three required elements**

# CSDE Resource

## Medical Statement for Meal Modifications in School Nutrition Programs

- English
- Spanish

### Medical Statement for Meal Modifications in School Nutrition Programs

This form applies to requests for meal modifications for children participating in the U.S. Department of Agriculture's (USDA) [school nutrition programs](#). School nutrition programs include the National School Lunch Program (NSLP), School Breakfast Program (SBP), After-school Snack Program (ASP), Seamless Summer Option (SSO) of the NSLP, Special Milk Program (SMP), Fresh Fruit and Vegetable Program (FFVP), and Child and Adult Care Food Program (CACFP) At-risk Supper Program implemented in schools. Schools and institutions are required to make reasonable meal modifications for children whose physical or mental impairment restricts their diet. For guidance on meal modifications and instructions for completing this form, refer to the Connecticut State Department of Education's (CSDE) document, [Guidance and Instructions: Medical Statement for Meal Modifications in School Nutrition Programs](#).

**Note:** The USDA requires that the medical statement includes: 1) information about the child's physical or mental impairment that is sufficient to allow the school food authority (SFA) to understand how the physical or mental impairment restricts the child's diet; 2) an explanation of what must be done to accommodate the child's disability; and 3) if appropriate, the food or foods to be omitted and recommended alternatives. **Schools and institutions should not deny or delay a requested meal modification because the medical statement does not provide sufficient information.** When necessary, schools and institutions should work with the child's parent or guardian to obtain the required information.

#### Section A – Completed by parent or guardian

1. Name of child: \_\_\_\_\_ 2. Birth date: \_\_\_\_\_
3. Name of parent or guardian: \_\_\_\_\_
4. Phone number (with area code): \_\_\_\_\_ 5. E-mail address: \_\_\_\_\_
6. Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_
7. In accordance with the provisions of the Health Insurance Portability and Accountability Act (HIPAA) of 1996 and the Family Educational Rights and Privacy Act (FERPA), I hereby authorize \_\_\_\_\_  
*name of child's recognized medical authority*  
to release such protected health information of my child as is necessary for the specific purpose of special diet information to \_\_\_\_\_ and I consent to allow the recognized medical authority to freely  
*name of school district*  
exchange the information listed on this form and in my child's records with the school district 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 I may rescind permission to release this information at any time, except when the information has already been released.
8. Signature of parent or guardian: \_\_\_\_\_ 9. Date: \_\_\_\_\_

#### Section B – Completed by child's recognized medical authority

This section must be completed by the child's 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.

10. Physical or mental impairment: Does the child have a physical or mental impairment that restricts the child's diet?  
☐ No ☐ Yes: Describe how the child's physical or mental impairment restricts the child's diet.

11. Diet plan: Explain the meal modification for the child. Attach a specific diet plan, if needed.

# CSDE Resource

## Guidance and Instructions: Medical Statement for Meal Modifications in School Nutrition Programs

- English
- Spanish

Guidance and Instructions

### Medical Statement for Meal Modifications in School Nutrition Programs

The Connecticut State Department of Education's (CSDE) *Medical Statement for Meal Modifications in School Nutrition Programs* applies to requests for meal modifications for children participating in the U.S. Department of Agriculture's (USDA) [school nutrition programs](#), including the National School Lunch Program (NSLP), School Breakfast Program (SBP), After-school Snack Program (ASP) of the NSLP, Special Milk Program (SMP), Fresh Fruit and Vegetable Program (FFVP), and Child and Adult Care Food Program (CACFP) At-risk Supper Program implemented in schools. School food authorities (SFAs) for schools and institutions that participate in the USDA school nutrition programs:

- are required to make reasonable meal modifications for children whose physical or mental impairment (disability) restricts their diet; and
- have the option to make meal modifications for children whose special dietary needs do not constitute a disability, if the requested modification complies with the USDA meal patterns.

This document provides general guidance on the requirements for meal modifications (pages 1-7) and instructions for completing the CSDE's *Medical Statement for Meal Modifications in School Nutrition Programs* form (pages 8-9). For detailed guidance on the requirements for modified meals, review the CSDE's *Guide to Meal Modifications in School Nutrition Programs*.

#### Determining if a meal modification is required

SFAs can determine if a child requires a meal modification by reviewing question 10 in section B of the CSDE's *Medical Statement for Meal Modifications in School Nutrition Programs* form. Question 10 asks if the child has a physical or mental impairment that restricts their diet. If the recognized medical authority's answer is "Yes," the SFA must make the meal modification. If the recognized medical authority's answer is "No," the SFA can choose, but is not required, to make the meal modification. For more information, refer to "What constitutes a disability" on page 3.

#### Meal Modifications for Children with Disabilities

Federal laws and USDA regulations require that SFAs make reasonable meal modifications on a case-by-case basis to accommodate children whose disability restricts their diet. A "reasonable modification" is a change or alteration in policies, practices, and/or procedures to accommodate a disability that ensures children with disabilities have equal opportunity to participate in or benefit from a program.

A request for a reasonable modification must be related to the disability or limitations caused by the disability and requires a medical statement from a state-licensed healthcare professional who is

Connecticut State Department of Education • Revised November 2023 • Page 1 of 10

<https://portal.ct.gov/SDE/Nutrition/Special-Diets-in-School-Nutrition-Programs/Documents#MedicalStatements>

# Handling Missing Information

- *Cannot deny or delay* requested modification when medical statement has *insufficient information*
  - Obtain appropriate clarification
  - Work with parent/ guardian to obtain amended medical statement



# Handling Missing Information

- While waiting for more information, follow portion of medical statement that is *clear and unambiguous*



# Handling Missing Information

- May *claim meals* while waiting for information
- School officials must
  1. Document initial conversation
  2. Follow up and maintain record of contact
  3. Diligently continue to follow up until medical statement is received or request is rescinded



# Handling Conflicting Information

- Request revised medical statement with updated information

**Example:** Child's medical statement indicates to avoid all foods containing lactose but parent tells child care staff that the child can eat yogurt and cheese

# Updates to Medical Statements

- No USDA requirements for time limits or updates
- Develop *local plan* to ensure information is current
- Changes must be in *writing*
  - Medical statement
  - IEP or Section 504 plan



# Updates to Medical Statements

- USDA recommends maintaining documentation when *ending* a meal modification

**Example:** Ask parent/guardian to sign statement or send e-mail indicating child no longer needs the meal modification



# Storing Medical Statements

- In student's *Cumulative Health Record (CHR)* maintained by school nurse
  - Official student health record in Connecticut schools



# Sharing Medical Statements

- FERPA allows sharing of confidential student information when there is a *legitimate educational interest*, such as making meal modifications for special dietary needs



# Considerations for Reasonable Modifications





## **Team Approach**

- School nurse and other medical personnel
- School food service personnel
- School administrators
- Parents/guardians
- Children (when age appropriate)
- Other school officials with relevant experience, e.g., school dietitians

# Good communication is important



- Establish procedures for identifying children with special dietary needs and providing applicable information to school food service personnel
- Share copies of medical statements with school food service personnel, as appropriate

# General Guideline for Reasonable Meal Modifications

SFA must offer *medically appropriate* and *reasonable* modification that effectively *accommodates* child's disability and provides *equal opportunity* to participate in or benefit from school nutrition program



# Reasonable Meal Modifications

- Must be *related to child's disability* based on medical statement
- Must assess each request on *case-by-case basis* to determine appropriate modification



# Reasonable Meal Modifications

- Must serve a *safe meal* that accommodates the child's disability
- May consider *cost, efficiency, and child's age* when choosing the most appropriate approach to accommodate a child's disability



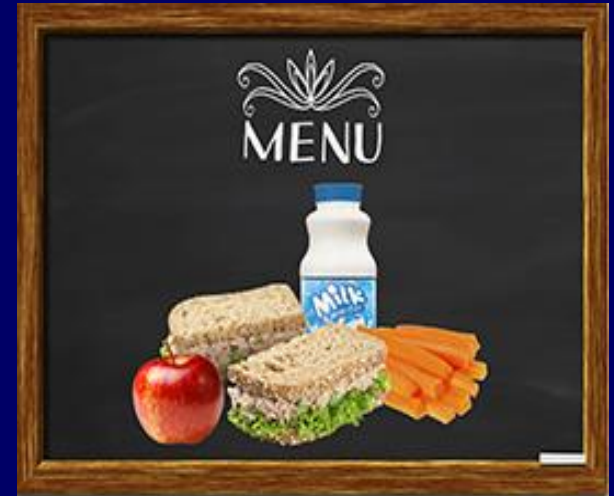
# Not Required to Provide

- Same meal as regular menu
- Specific brand of food (unless medically necessary)
- Specific number of alternate meals



# Best Practice

- Develop *cycle menus* of modified meals that meet specific dietary needs
  - Diabetes
  - Gluten-free
  - Specific food allergies
- Before using, check with parents/guardians to ensure the cycle menu meets their child's specific dietary requirements



# Nutrition Information

- Make available to students, families, school nurses, and others as needed
  - School menus
  - School food service website
  - Binder of nutrition labels available for review



# Nutrition Information

- Must obtain necessary information to ensure a safe meal for the child
- Not required for all possible meals and food choices
- Communicate with students and families and provide menus in advance



# Texture Modifications

- Meals modified for texture consist only of *regular menu items*, unless otherwise specified
- Medical statement not required but recommended to ensure clear communication



# Meal Services Outside USDA Programs

- SFAs are not required to provide meal services, special foods, or supplements to children with disabilities when the meal service is *not normally available for the general student body*

**Example:** A school that does not serve breakfast is not required to provide breakfast for children with disabilities



## **2 Exceptions When Meal Services Are Required Outside USDA Programs**

### **1. Child's IEP includes**

- a meal that LEA does not provide
- special foods or nutrition supplements outside of normal school meal periods

## **2 Exceptions When Meal Services Are Required Outside USDA Programs**

### **1. Child's IEP includes**

- a meal that LEA does not provide
- special foods or nutrition supplements outside of normal school meal periods

### **2. Child resides in residential child care institution (RCCI)**

# Example of Meal Modification Request

- School participates in NSLP and SBP
- Child's medical statement requires 6 cans of a nutrition supplement during school day

Breakfast: 2 cans
AM snack: 1 can
Lunch: 2 cans
PM snack: 1 can

Is SFA required to provide  
and pay for all 6 servings?

# Example of Meal Modification Request

- School participates in NSLP and SBP
- Child's medical statement requires 6 cans of a nutrition supplement during school day

Breakfast: 2 cans

AM snack: 1 can

Lunch: 2 cans

PM snack: 1 can

Is SFA required to provide and pay for all 6 servings?

No

# Is supplement required?

Meal	No IEP	IEP
<b>Breakfast (SBP): 2 cans</b>	<b>Yes</b>	
<b>AM snack: 1 can</b>	<b>No</b>	
<b>Lunch (NSLP): 2 cans</b>	<b>Yes</b>	
<b>PM snack: 1 can</b>	<b>No</b>	

# Is supplement required?

Meal	No IEP	IEP
<b>Breakfast (SBP): 2 cans</b>	<b>Yes</b>	<b>Yes</b>
<b>AM snack: 1 can</b>	<b>No</b>	<b>Yes*</b>
<b>Lunch (NSLP): 2 cans</b>	<b>Yes</b>	<b>Yes</b>
<b>PM snack: 1 can</b>	<b>No</b>	<b>Yes*</b>
<b>* LEA must provide and may <i>choose</i> to have SFA cover cost</b>		

# Managing Food Allergies

The only way to prevent an allergic reaction is to *avoid exposure* to the allergen

**Remember:** Even a tiny amount of an allergen can cause a severe and potentially life-threatening reaction for some children



# Managing Food Allergies

- Generally considered to be a disability, even if not life-threatening or severe
  - Meal modifications are required
- Can often be accommodated within meal patterns

**Example:** If a child has an allergy to a specific fruit or vegetable, SFA may substitute another fruit or vegetable in the child's meal



# Responsibilities for Food Allergies

## LEA (district/governing authority)

Must have food allergy management plan

- Based on CSDE's *Guidelines for Managing Life-threatening Food Allergies in Connecticut Schools*
- Includes *development of Individualized Health Care Plan (IHCP)* for every student with life-threatening food allergies

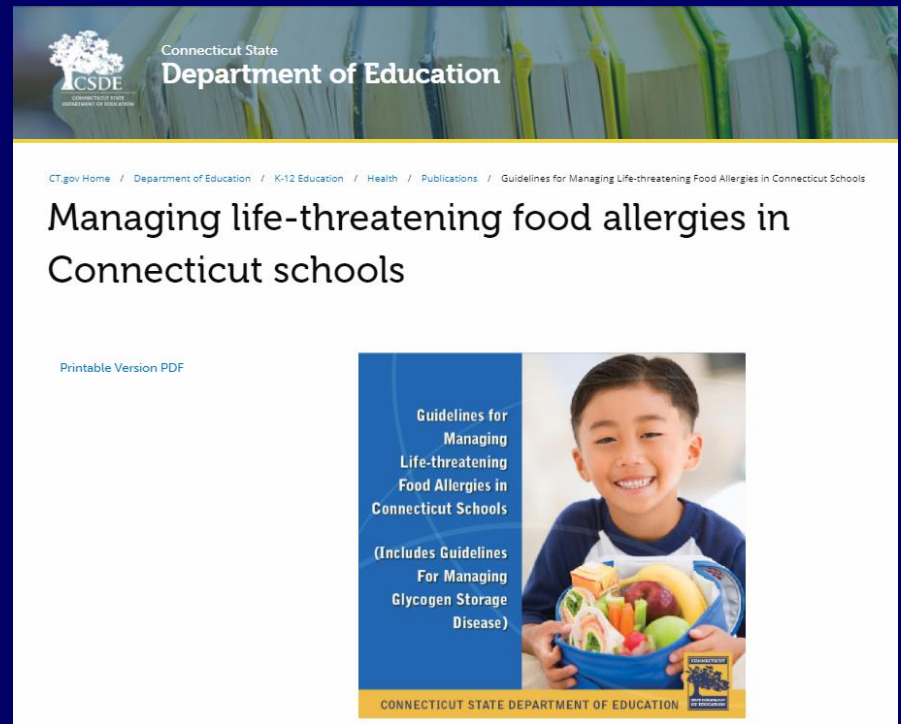
# Responsibilities for Food Allergies

LEA (district/governing authority)	SFA (food service)
<p>Must have food allergy management plan</p> <ul style="list-style-type: none"><li>• Based on CSDE's <i>Guidelines for Managing Life-threatening Food Allergies in Connecticut Schools</i></li><li>• Includes <i>development of Individualized Health Care Plan (IHCP)</i> for every student with life-threatening food allergies</li></ul>	<p>Must implement procedures consistent with LEA's plan</p>

# CSDE Resource

## Guidelines for Managing Life-threatening Food Allergies in Connecticut Schools

Includes roles and responsibilities for school nurse and school food service staff



<https://portal.ct.gov/SDE/Publications/Managing-Life-Threatening-Food-Allergies-in-Connecticut-Schools>

# SFA's Overall Responsibilities for Food Allergies

1. Provide a *safe meal* and *safe environment* to consume the meal



# SFA's Overall Responsibilities for Food Allergies

2. Ensure modified meals *meet each child's prescribed guidelines* and are free of all ingredients suspected of causing an allergic reaction



# SFA's Overall Responsibilities for Food Allergies

3. Use *proper storage, preparation, and cleaning techniques* to prevent exposure to allergens through cross-contact



## Example of Cross-Contact

- Using same spatula for peanut butter cookies and chocolate chip cookies



## Example of Cross-Contact



- Using a knife to make peanut butter sandwiches, wiping the knife, then using that same knife to cut a grilled cheese sandwich



# SFA's Overall Responsibilities for Food Allergies

4. Make *nutrition information* available to students, families, school nurses, and others as needed



# Four Key Actions for School Food Service Staff

1. Recognize students with food allergies
2. Read food labels
3. Prevent cross-contact of possible food allergens
4. Promote communication and teamwork



# Food Bans



- *Not USDA policy* but could be appropriate depending on local circumstances
- If school enacts universal ban, the specific allergen must *never be present in the school*
  - Students and parents/guardians will assume the school is a safe place based on the stated ban

# CSDE Presentation

## Managing Food Allergies in the Cafeteria: *The role of school food service managers and staff*



Connecticut State Department of Education  
Bureau of Health/Nutrition, Family Services and Adult Education  
Child Nutrition Programs

Connecticut State Department of Education • Revised March 2022

1

[https://portal.ct.gov/-/media/SDE/Nutrition/NSLP/SpecDiet/Managing\\_Food\\_Allergies\\_in\\_Cafeteria\\_SNP\\_Presentation.pdf](https://portal.ct.gov/-/media/SDE/Nutrition/NSLP/SpecDiet/Managing_Food_Allergies_in_Cafeteria_SNP_Presentation.pdf)

# Identifying Students



# Laws Protecting Student Information

1. Health Insurance Portability and Accountability Act of 1996 (HIPAA)
  - Protects personal health information
  - Permits *disclosure for patient care* and other important purposes, e.g., meal modifications

# Laws Protecting Student Information

## 2. Family Educational Rights and Privacy Act (FERPA)

- Protects privacy of student education records
- *Allows sharing* of confidential student information among school staff for *legitimate educational interest*, e.g., meal modifications



School nurse



School food service

# LEA's Policies and Practices

- Must *protect privacy* of children who have a disability
- Must *maintain confidentiality* of each child's medical condition



# Outward Identification

Not allowed	Allowed
LEA <i>asks</i> students (or parent/guardian) to agree to use a physical designation *	Student <i>chooses</i> to self-identify with a physical designation * (or parent/guardian requests) <i>without being asked by the LEA</i>
* Examples: lanyard, badge, bracelet, pin, sticker, or similar item	



## **USDA Recommended Practices**

- **Point-of-sales (POS)  
cash register system**
- **Other types of  
computer technology**

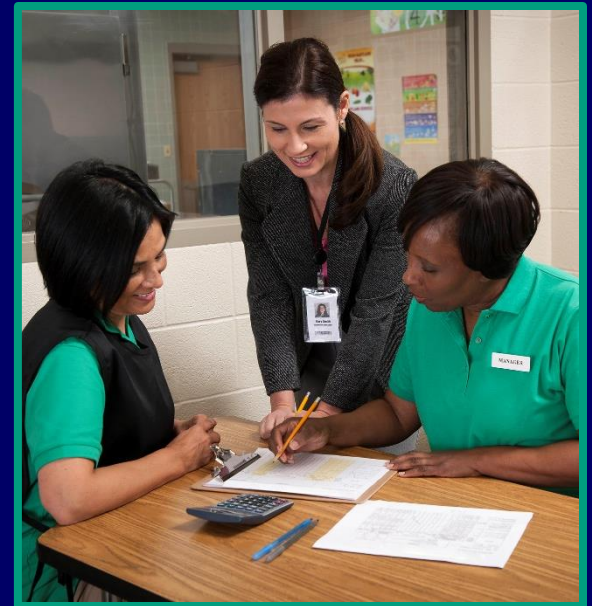
# USDA Recommended Practices

- Focus on *identifying meals* that meet specific dietary criteria
  - Different colored plates or trays
  - Colored tags or labels, placards, or similar signage near each food item on serving line



# USDA Recommended Practices

- Provide regular staff updates
  - Post information in locations that are *visible only to school food service staff*
  - Conduct *daily pre-service meeting* to identify any menu items that should be avoided for certain dietary restrictions



# USDA Recommended Practices

- Maintain *ongoing communication* with parents/guardians about
  - school menus
  - district's procedures for meal modifications
  - how cafeteria ensures allergen-free meals



Parent forums or meetings  
District policy/SOPs  
Parent handbooks  
Website  
E-mails  
Newsletters  
Menu backs  
Bulletin board and displays

# Appropriate Eating Areas

- Must accommodate children with disabilities in *least restrictive* and *most integrated* setting



# Separate Tables

- May be appropriate under some circumstances **BUT**
  - Must always be based on what is *appropriate to meet children's needs*
  - Cannot segregate for convenience or disciplinary reasons



# **Knowledge Check for Eating Areas:**

## **Is this practice appropriate?**

**A child requires a large degree of assistance from an aide in order to consume her meals. During the meal service, the child and aide are at a separate table that has more space.**

# Knowledge Check for Eating Areas:

## Is this practice appropriate?

A child requires a large degree of assistance from an aide in order to consume her meals. During the meal service, the child and aide are at a separate table that has more space.



If this is in the *best interest* of meeting the child's needs

# **Knowledge Check for Eating Areas:**

## **Is this practice appropriate?**

**A school designates a separate table in the cafeteria where children with severe food allergies can safely consume their meals**

# Knowledge Check for Eating Areas:

## Is this practice appropriate?

A school designates a separate table in the cafeteria where children with severe food allergies can safely consume their meals



If this is in the *best interest* of meeting the child's needs

Must be cleaned according to food safety guidelines to eliminate possible cross-contact of allergens on tables and seating

# **Knowledge Check for Eating Areas:**

## **Is this practice appropriate?**

**A school designates an area away from the cafeteria where children with severe food allergies can safely consume their meals**

# Knowledge Check for Eating Areas:

## Is this practice appropriate?

A school designates an area away from the cafeteria where children with severe food allergies can safely consume their meals



If this is in the *best interest* of meeting the children's needs

Must be cleaned according to food safety guidelines to eliminate possible cross-contact of allergens on tables and seating

# Food Service Contracts



# Food Service Contracts

- Federal regulations specifically *prohibit disability discrimination* through contracts
- LEA should address requirements for vendors to
  - make meal modifications
  - provide nutrition information



# USDA Policy Memo

## USDA Memo SP 40-2016, CACFP 12-2016, SFSP 14-2016

## Updated Guidance: Contracting with Food Service Management



Food and Nutrition Service  
Park Office Center  
3101 Park Center Drive  
Alexandria VA 22302

DATE: June 2, 2016  
MEMO CODE: SP 40-2016, CACFP 12-2016, SFSP 14-2016  
SUBJECT: Updated Guidance: Contracting with Food Service Management Companies  
TO: Regional Directors  
Special Nutrition Programs  
All Regions  
State Directors  
Child Nutrition Programs  
All States

Attached is the updated guidance for State agencies and school food authorities (SFA) contracting with food service management companies (FSMC). The updated guidance for State agencies includes information on appropriate procurement methods, considerations when using prototype solicitations, the process of evaluating and scoring criteria for contract award, and monitoring responsibilities. The guidance also includes contract amendments to be avoided, unacceptable contract provisions, and how to address conflicting contract terms.

The updated guidance for SFAs includes responsibilities and considerations when using an FSMC and addresses program oversight and monitoring. Additionally, this guidance discusses factors to consider when choosing procurement methods, how to develop solicitation documents, and characteristics of comprehensive agreements to include meal service and financial provisions.

New appendices include worksheets, sample instructions, and checklists designed to assist State agencies and SFAs when contracting with FSMCs. Changes and additions to the guidance have been highlighted in yellow.

State agencies are reminded to distribute this memorandum to Program operators. Program operators should direct any questions concerning this guidance to their State agency. State agencies with questions should contact the appropriate Food and Nutrition Service Regional office.

Sincerely,

**Original Signed**

Sarah E. Smith-Holmes  
Director  
Program Monitoring and Operational Support Division  
Child Nutrition Programs

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The contents of this guidance document do not have the force and effect of law and are not meant to bind the public in any way. This document is intended only to provide clarity to the public regarding existing requirements under the law or agency policies.

# Procedural Safeguards (7 CFR 15b.25)



<https://www.govinfo.gov/app/details/CFR-2010-title7-vol1/CFR-2010-title7-vol1-part15b>

# Procedural Safeguards

- LEAs must establish a procedural safeguards process that provides *notice and information* to parents/guardians regarding
  - how to request a reasonable meal modification
  - procedural rights for grievance procedures

# Procedural Safeguards

- May use *existing procedures* to address requests to accommodate students with disabilities, in compliance with Section 504 or the IDEA

# Minimum Requirements

1. *Notify parents/guardians* of process to request meal modifications
2. Arrange for *impartial hearing process* to resolve grievances related to requests for meal modifications based on a disability

# LEAs Employing At Least 15 Individuals

- Must ensure procedural safeguards process provides for a *prompt and equitable resolution of grievances*
- Must *designate at least one person* to coordinate compliance with disability requirements
  - Section 504 Coordinator



Do you know your Section 504 Coordinator?

# Section 504 Coordinator

- Responsible for addressing requests for *disability accommodations* in general
- May include disability requirements related to *meals and the meal service*

# Section 504 Coordinator

- LEAs are not required to have a separate 504 Coordinator who is only responsible for meal modifications
- LEAs should ensure that school food service personnel *understand the procedures* for handling requests for meal modifications and *know how to contact the Section 504 Coordinator*

# CSDE Resource

## Requirements for Procedural Safeguards for Meal Modifications in School Nutrition Programs

### Requirements for Procedural Safeguards for Meal Modifications in School Nutrition Programs

Under the Individual with Disabilities Education Act (IDEA), procedural safeguards protect the rights of parents and their child with a disability and provide families and school systems with processes to resolve disputes. The U.S. Department of Agriculture (USDA) requires that local educational agencies (LEAs) include procedural safeguards for meal modifications to accommodate a child's disability in the [school nutrition programs](#). These requirements are part of the USDA's nondiscrimination regulations and civil rights protections. The USDA's school nutrition programs include the National School Lunch Program (NSLP), School Breakfast Program (SBP), After-school Snack Program (ASP) of the NSLP, Seamless Summer Option (SSO) of the NSLP, Special Milk Program (SMP), Fresh Fruit and Vegetable Program (FFVP), and Child and Adult Care Food Program (CACFP) At-risk Supper Program implemented in schools.

School food authorities (SFAs) must work with their LEA's 504 Coordinator to ensure that the LEA's procedural safeguards process includes the provisions required by the USDA's nondiscrimination regulations (7 CFR 15b). LEAs must establish a process for procedural safeguards that provides notice and information to parents and guardians regarding how to request a reasonable modification and their procedural rights for grievance procedures.

### Requirements for Meal Modifications for Children with Disabilities

The USDA's nondiscrimination regulations (7 CFR 15b) and regulations for school nutrition programs (7 CFR 210.10(m) and 7 CFR 220.5(m)) require that SFAs make reasonable modifications on a case-by-case basis for children whose disability restricts their diet, when a recognized medical authority certifies the need. The USDA defines a "reasonable modification" as a change or alteration in policies, practices, and/or procedures to accommodate a disability that ensures children with disabilities have equal opportunity to participate in or benefit from a program. The general guideline in making reasonable modifications is that children with disabilities must be able to participate in and receive benefits from programs that are available to children without disabilities.

Meal modifications must be related to the disability or limitations caused by the disability and require a medical statement from a state-licensed healthcare professional who is authorized to write medical prescriptions under state law. The Connecticut State Department of Public Health (DPH) defines recognized medical authorities as physicians, physician assistants, doctors of osteopathy, and advanced practice registered nurses (APRNs). For detailed guidance on the requirements for meal modifications in the school nutrition programs, review the Connecticut State Department of Education's (CSDE) [Guide to Meal Modifications in School Nutrition Programs](#), and visit the CSDE's [Special Diets in School Nutrition Programs](#) webpage.

Connecticut State Department of Education • Revised November 2023 • Page 1 of 5

# Meal Modifications for Children without Disabilities



# Overview of USDA Requirements for Children without Disabilities



- Meal modifications are *optional*
- Modified meals must always *meet meal patterns*
- Medical statement *not required but recommended* to ensure clear communication



Grades K-12: <https://portal.ct.gov/SDE/Nutrition/Meal-Patterns-School-Nutrition-Programs>

Preschool: <https://portal.ct.gov/SDE/Nutrition/Meal-Patterns-Preschoolers-in-School-Nutrition-Programs>

# Milk Substitutes for Children without Disabilities

Two Allowable Milk Substitutes	Requires written parent/guardian request?
<p>1. <i>Lactose-free or lactose-reduced milk</i> (must meet fat content/flavor restrictions for each age group)</p> 	No
<p>2. <i>Nondairy milk substitute</i> that meets USDA's nutrition standards for fluid milk substitutes</p> 	Yes

# Additional Requirements for Nondairy Milk Substitutes

- Apply only to public schools
- Connecticut's Beverage Statute (C.G.S. Section 10-221q)
  - No artificial sweeteners
  - $\leq 4$  grams of sugars per fluid ounce
  - $\leq 35\%$  calories from fat
  - $\leq 10\%$  calories from saturated fat



## 137

# What Milk Substitutes Are Allowed

Allowed	Not Allowed
<p data-bbox="102 468 639 644">Soy milk (only certain brands)</p> 	<ul data-bbox="705 468 1638 1232" style="list-style-type: none"><li>• Most brands of soy milk</li><li>• Almond milk</li><li>• Cashew milk</li><li>• Rice milk</li><li>• Oat milk</li><li>• Other nondairy milk products</li></ul> 

# Prohibited Milk Substitutes

- SFAs can *never* offer juice, water, or any other beverages as a milk substitute for children without a disability, *even if specified on the medical statement*



# CSDE Resource

## Allowable Milk Substitutes for Children without Disabilities in School Nutrition Programs

- Summarizes requirements for nondairy milk substitutes
- Indicates how to identify allowable milk substitutes
- List of allowable commercial products

### Allowable Milk Substitutes for Children without Disabilities in School Nutrition Programs

The guidance in this document applies to reimbursable meals and snacks served in public schools, private schools, and residential child care institutions (RCCIs) that participate in the U.S. Department of Agriculture's (USDA) school nutrition programs. School nutrition programs include the National School Lunch Program (NSLP), School Breakfast Program (SBP), Afterschool Snack Program (ASP) of the NSLP, Seamless Summer Option (SSO) of the NSLP, Special Milk Program (SMP), and Child and Adult Care Food Program (CACFP) At-risk Snapper Program implemented in schools.

This document summarizes the requirements for meal modifications for children without a disability who cannot drink milk. The requirements for meal modifications for children with a disability that restricts their diet are different and must comply with the federal nondiscrimination laws and regulations. For detailed guidance on meal modifications in the school nutrition programs, refer to the Connecticut State Department of Education's (CSDE) *Guide to Meal Modifications in School Nutrition Programs*.



School food authorities (SFAs) have the option to offer one or more allowable fluid milk substitutes for children whose special dietary needs do not constitute a disability. If the SFA chooses to make allowable milk substitutes available, they must be available for all children when requested by a parent or guardian. The USDA does not provide additional reimbursement for these substitutions.

#### Allowable Milk Substitutes

The USDA allows two types of milk substitutes for children whose special dietary needs do not constitute a disability: 1) low-fat or fat-free lactose-free or lactose-reduced milk; and 2) nondairy milk substitutes that meet the USDA's nutrition standards for fluid milk substitutes. All milk substitutes in public schools must also meet the state beverage requirements of Section 10-221q of the Connecticut General Statutes (C.G.S.) (refer to "Additional State Requirements for Milk Substitutes in Public Schools" in this document).

Nondairy milk substitutes (such as soy milk) require a written request from the parent or guardian that identifies the medical or other special dietary need that restricts the child's diet. Lactose-free milk and lactose-reduced milk are fluid milk and credit as the milk component in the school nutrition programs; they do not require a written statement from a parent or guardian.

Table 1 summarizes the requirements for each type of allowable milk substitute. SFAs may choose to offer only one milk substitute. If children decide not to take this option, the SFA is not obligated to offer any other milk substitutes.

# Summary of Milk Substitutes in SNPs

Beverage	Allowable?	
	Disability	No Disability
Juice	Yes *	No
Water	Yes *	No
Nutrition supplement beverages, e.g., Abbott's Pediasure	Yes *	No
* If specified in child's medical statement		

# Summary of Milk Substitutes in SNPs

Beverage	Allowable?	
	Disability	No Disability
Powdered milk beverages, such as Nestle's NIDO	Yes *	No
Lactose-free or lactose-reduced milk that meets fat content and flavor restrictions for each age group	Yes *	Yes
* If specified in child's medical statement		

# Summary of Milk Substitutes in SNPs

Beverage	Allowable?	
	Disability	No Disability
Nondairy milk substitutes that <i>meet USDA's nutrition standards</i> , e.g., certain brands of soy milk	Yes *	Yes
* If specified in child's medical statement		

# Summary of Milk Substitutes in SNPs

Beverage	Allowable?	
	Disability	No Disability
Nondairy milk substitutes that <i>do not meet USDA's nutrition standards</i> , e.g., almond milk, rice milk, cashew milk, oat milk, and some brands of soy milk	Yes *	No
* If specified in child's medical statement		

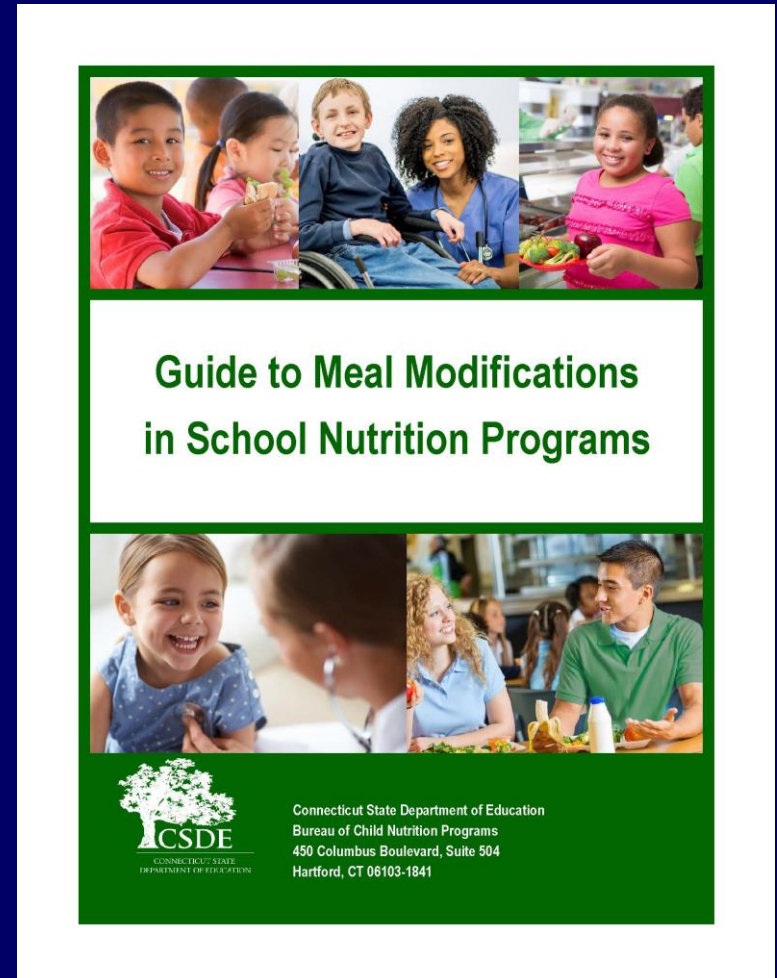
# More Resources



# CSDE Resource

## Guide to Meal Modifications in School Nutrition Programs

- Required meal modifications for children with a disability
- Optional meal modifications for children without a disability



# CSDE Resource

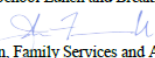
## Operational Memorandum No. 13-17 Requirements for Meal Modifications in the School Nutrition Programs



STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION



TO: Sponsors of the National School Lunch and Breakfast Programs

FROM: John D. Frassinelli, Chief   
Bureau of Health/Nutrition, Family Services and Adult Education

DATE: August 4, 2017

SUBJECT: **Operational Memorandum No. 13-17**  
Requirements for Meal Modifications in the School Nutrition Programs

On April 25, 2017, the U.S. Department of Agriculture (USDA) issued policy memo [SP 26-2017, Accommodating Disabilities in the School Meal Programs: Guidance and Questions and Answers \(Q&As\)](#), as a follow-up to policy memo [SP 59-2016, Policy Memorandum on Modifications to Accommodate Disabilities in the School Meal Programs](#). On July 25, 2017, the USDA released the guide, [Accommodating Children with Disabilities in the School Meal Programs](#). These USDA memos and guide significantly change the requirements and process for meal modifications for children with disabilities in the school nutrition programs, including the National School Lunch Program (NSLP), Afterschool Snack Program (ASP) of the NSLP, School Breakfast Program (SBP), Special Milk Program (SMP), and Fresh Fruit and Vegetable Program (FFVP).

This operational memorandum provides an overview of the key requirements for meal modifications, including relevant legislation and definitions, and summarizes the Connecticut State Department of Education's (CSDE) special diets implementation resources for school food authorities (SFAs). For detailed guidance, review the CSDE's guide, [Accommodating Special Diets in School Nutrition Programs](#).

### REVISED RESOURCES

The CSDE has recently revised the following documents to reflect the USDA's policy guidance in SP 26-2017 and SP 59-2016:

- [Accommodating Special Dietary Needs in School Nutrition Programs](#)
- [Allowable Milk Substitutes for Children without Disabilities](#)
- [Medical Statement for Meal Modifications in School Nutrition Programs](#)
- [Guidance and Instructions for the Medical Statement for Meal Modifications in School Nutrition Programs](#)
- [Self-assessment of Local Practices for Special Diets in School Nutrition Programs](#)
- [Summary of Requirements for Accommodating Special Diets in School Nutrition Programs](#)


Please discard any old versions of these documents and replace with the revised versions. SFAs must carefully review these resources to ensure compliance with the USDA requirements for meal modifications for children with disabilities in the school nutrition programs.

P.O. BOX 2219 | HARTFORD, CONNECTICUT 06145  
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<https://portal.ct.gov/-/media/SDE/Nutrition/NSLP/Memos/OM2017/OM13-17.pdf>

# USDA Resource

## USDA Policy Memo SP 26-2017 Accommodating Disabilities in the School Meal Programs: Guidance and Questions and Answers (Q&As)



Food and Nutrition Service  
Park Office Center  
3101 Park Center Drive  
Alexandria VA 22302

DATE: April 25, 2017

MEMO CODE: SP 26-2017

SUBJECT: Accommodating Disabilities in the School Meal Programs: Guidance and Questions and Answers (Q&As)

TO: Regional Directors  
Special Nutrition Programs  
All Regions

State Directors  
Child Nutrition Programs  
All States

This Question and Answer (Q&A) memorandum is designed to provide practical guidance related to accommodating disabilities in the School Meal Programs, which are the National School Lunch Program (NSLP), the School Breakfast Program (SBP), the Fresh Fruit and Vegetable Program (FFVP), the Special Milk Program (SMP), and the NSLP Afterschool Snacks Program. This Q&A discusses relatively common situations which have raised questions in the past. These examples illustrate certain principles and give general direction on what local educational agencies (LEAs), school food authorities (SFAs), and schools must do to comply with Federal law and ensure children with disabilities have an equal opportunity to participate in the School Meal Programs.

The attached questions have been grouped under the following headings: General Information; What is a Disability?; Procedural Safeguards; Requesting a Modification; Making a Meal Modification; Reimbursement for Modified Meals; Accommodations to the Meal Service; Non-Disability Situations; and Miscellaneous. The Food and Nutrition Service (FNS) of the United States Department of Agriculture (USDA) will revise this Q&A as needed to address other questions as they arise.

With the release of this guidance, the following memorandum is rescinded with regard to the School Meal Programs only. The memorandum still applies with regard to the Child and Adult Care Food Program and the Summer Food Service Program:


- SP 36, CACFP 10, SFSP 12-2013: *Guidance Related to the ADA Amendments Act*, April 26, 2013.

The contents of this guidance document do not have the force and effect of law and are not meant to bind the public in any way. This document is intended only to provide clarity to the public regarding existing requirements under the law or agency policies.

<https://www.fns.usda.gov/school-meals/accommodating-disabilities-school-meal-programs-guidance-and-qas>

# USDA Resource

## USDA Policy Memo SP 59-2016 Modifications to Accommodate Disabilities in the School Meal Programs)

 United States Department of Agriculture	
Food and Nutrition Service	DATE: September 27, 2016
Park Office Center	SUBJECT: Policy Memorandum on Modifications to Accommodate Disabilities in the School Meal Programs
3101 Park Center Drive Alexandria VA 22302	TO: Regional Directors Special Nutrition Programs All Regions  State Directors Child Nutrition Programs All States

The attached policy memorandum, "*Modifications to Accommodate Disabilities in the School Meal Programs*," includes important updates to requirements related to accommodating children with disabilities participating in the School Meal Programs. Previous Food and Nutrition Service (FNS) guidance on this issue was included in FNS Instruction 783-2, Rev. 2, *Meal Substitutions for Medical or other Special Dietary Reasons*. The attached memorandum supersedes that Instruction as it relates to the National School Lunch Program, School Breakfast Program, Special Milk Program for Children, and the Fresh Fruit and Vegetable Program. Instruction 783-2, Rev. 2 remains in effect for the Child and Adult Care Food Program and the Summer Food Service Program until further guidance is issued, at which time Instruction 783-2 will be rescinded.

The Americans with Disabilities Act (ADA) Amendments Act of 2008 made important changes to the meaning and interpretation of the term "disability." The changes demonstrated Congress's intent to restore the broad scope of the ADA by making it easier for an individual to establish that he or she has a disability. After the passage of the ADA Amendments Act, most physical and mental impairments constitute a disability. Therefore, rather than focusing on whether or not a student has a disability, schools should focus on working collaboratively with parents to ensure an equal opportunity to participate in the School Meal Programs and receive program benefits. The attached memorandum clarifies changes made by the ADA Amendments Act and reflects the position FNS will take in compliance reviews and enforcement actions.

Of note, the memorandum retains previous requirements regarding submission of a note from a State licensed healthcare professional documenting the disability. However, the policy memorandum clarifies that any person who is authorized to write medical prescriptions under State law qualifies as a State licensed healthcare professional. For example, in many States, this will include licensed nurse practitioners as well as licensed physicians.

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<https://www.fns.usda.gov/policy-memorandum-modifications-accommodate-disabilities-school-meal-programs>

# CSDE Resource

## Self-assessment of Local Practices for Meal Modification in School Nutrition Programs

### Self-assessment of Local Practices for Special Diets in School Nutrition Programs

This tool is intended to help local educational agencies (LEAs) assess current practices for meal modifications in the U.S. Department of Agriculture's (USDA) school nutrition programs and identify areas in need of improvement. The school nutrition programs include the National School Lunch Program (NSLP), Afterschool Snack Program (ASP) of the NSLP, School Breakfast Program (SBP), Seamless Summer Option (SSO) of the NSLP, Special Milk Program (SMP), Fresh Fruit and Vegetable Program (FFVP), and Child and Adult Care Food Program (CACFP) At-risk Supper Program implemented in schools.

The USDA's nondiscrimination regulations (7 CFR 15b) and regulations for the school nutrition programs (7 CFR 210.10(m) and 7 CFR 220.8(m)) require reasonable meal modifications for children whose disability restricts their diet, based on documentation from a recognized medical authority. A recognized medical authority is a state-licensed healthcare professional who is authorized to write medical prescriptions under state law, including physicians, physician assistants, doctors of osteopathy, and advanced practice registered nurses. For information on the requirements for meal modifications, refer to the Connecticut State Department of Education's (CSDE) [Guide to Meal Modifications in School Nutrition Programs](#) and visit the CSDE's [Special Diets in School Nutrition Programs](#) webpage.

For children whose dietary restrictions are not related to a disability, LEAs may choose to make optional modifications within the USDA's meal patterns. For information on the meal patterns for school nutrition programs, visit the CSDE's webpages, [Meal Patterns for Grades K-12 in School Nutrition Programs](#), [Afterschool Snack Program](#), and [Meal Patterns for Preschoolers in School Nutrition Programs](#); and refer to the CSDE's guides, [Menu Planning Guide for School Meals for Grades K-12](#), [Menu Planning Guide for Preschoolers in the NSLP and SBP](#), and [ASP Handbook](#).

**Step 1 — Assessment.** Check the appropriate box to indicate if each practice is fully implemented, partially implemented, or not implemented by the LEA. Refer to the LEA's policies, guidelines, and standard operating procedures (SOPs) for special diets and meal modifications, including the LEA's food allergy management plan. Check "Not known" if additional information is needed to determine whether the LEA implements the practice.

Federal and state requirements	Implementation			
	Full	Partial	None	Not known
1. The LEA complies with the federal requirements for meal modifications, including the USDA regulations for school meals (7 CFR 210 and 7 CFR 220), USDA nondiscrimination regulations (7 CFR 15b), Section 504 of the Rehabilitation Act of 1973, the Individuals with Disabilities Education Act (IDEA), the Americans with Disabilities Act (ADA), and the ADA Amendments Act. For more information, refer to section 1 of the CSDE's <a href="#">Guide to Meal Modifications in School Nutrition Programs</a> .				
2. The LEA makes reasonable meal modifications for children whose disability restricts their diet, based on the medical statement signed by a recognized medical authority. The medical statement identifies: 1) how the child's physical or mental impairment restricts the child's diet; 2) an explanation of what must be done to accommodate the child; and 3) the food or foods to be omitted and recommended alternatives, if appropriate. <b>Note:</b> The CSDE's form, <a href="#">Medical Statement for Meal Modifications in School Nutrition Programs</a> , is available in English and Spanish in the " <a href="#">Documents/Forms</a> " section of the CSDE's Special Diets in School Nutrition Programs webpage.				

# CSDE Webpage

## Special Diets in School Nutrition Programs

- Guides (USDA and CSDE)
- Memos (USDA and CSDE)
- Summary of requirements
- Presentation
- Policy development
- Resources

The screenshot shows the official Connecticut State Website for the Department of Education, specifically the 'Special Diets in School Nutrition Programs' page. The page has a blue header with the state logo and a search bar. The main content area is white with a blue sidebar on the left containing navigation links: Overview, What's Next, Documents/Forms, Related Resources, Laws/Regulations, and Contact. The 'Overview' section is highlighted. The main content area includes an 'Overview' heading, a link to 'School Nutrition Programs | Program Guidance | Forms | Resources | Nutrition Education', and a paragraph explaining the Connecticut State Department of Education's (CSDE) role in providing information and guidance for the U.S. Department of Agriculture's (USDA) school nutrition programs. It lists several programs: National School Lunch Program (NSLP), School Breakfast Program (SBP), Afterschool Snack Program (ASP), Seamless Summer Option (SSO), Fresh Fruit and Vegetable Program (FFVP), and Special Milk Program (SMP). Below this, there are two sections: 'Children with a Disability' and 'Children without a Disability', each with a paragraph explaining the requirements and accommodations. At the bottom, there is a 'CSDE Guidance' section with a list of links to various documents and memos.

Connecticut's Official State Website

Search Connecticut Government...

HOME / DEPARTMENT OF EDUCATION / SPECIAL DIETS IN SCHOOL NUTRITION PROGRAMS

### Special Diets in School Nutrition Programs

Overview

What's Next

Documents/Forms

Related Resources

Laws/Regulations

Contact

Provided by:  
Department of Education

#### Overview

[School Nutrition Programs](#) | [Program Guidance](#) | [Forms](#) | [Resources](#) | [Nutrition Education](#)

The Connecticut State Department of Education's (CSDE) [Accommodating Special Diets in School Nutrition Programs](#) provides information and guidance for the U.S. Department of Agriculture's (USDA) school nutrition programs on providing meals for children with special dietary needs, based on federal laws and USDA regulations. School nutrition programs include the [National School Lunch Program \(NSLP\)](#), [School Breakfast Program \(SBP\)](#), [Afterschool Snack Program \(ASP\)](#) of the NSLP, [Seamless Summer Option \(SSO\)](#) of the NSLP, [Fresh Fruit and Vegetable Program \(FFVP\)](#), and [Special Milk Program \(SMP\)](#).

#### Children with a Disability

The USDA **requires** reasonable meal modifications on a case-by-case basis for children whose disability restricts their diet, based on a medical statement signed by a recognized medical authority. The Connecticut State Department of Public Health defines a recognized medical authority as licensed physicians (doctors of medicine or osteopathy), physician assistants, and advanced practice registered nurses (APRNs), including nurse practitioners, clinical nurse specialists, and certified nurse anesthetists who are licensed as APRNs.

#### Children without a Disability

The USDA **allows**, but does not require, meal modifications for children whose special dietary needs do not constitute a disability, including those related to religious or moral convictions, general health concerns, and personal food preferences, such as a preference that a child eats a gluten-free diet because a parent believes it is better for the child. SFAs may choose to make these accommodations on a case-by-case basis. All meal modifications for children without disabilities in grades K-12 must comply with the USDA [meal patterns for grades K-12](#) and all meal modifications for preschoolers without disabilities must comply with the USDA [meal patterns for preschoolers](#).

The CSDE encourages school nutrition programs to develop a written policy and standard operating procedures (SOPs) for special dietary accommodations in school meals. For information on developing policies, click on [What's Next](#) in the left navigation bar.

#### CSDE Guidance

- [Allowable Milk Substitutes for Children without Disabilities](#)
- [Accommodating Special Diets in School Nutrition Programs](#)
- [CSDE Operational Memo No. 13-17](#) : Requirements for Meal Modifications in the School Nutrition Programs
- [Self-assessment of Local Practices for Special Diets in School Nutrition Programs](#)
- [Summary of Requirements for Accommodating Special Diets in School Nutrition Programs](#)

<https://portal.ct.gov/SDE/Nutrition/Special-Diets-in-School-Nutrition-Programs>

# USDA Resource

## Accommodating Children with Disabilities in the School Meal Programs

USDA-FNS

### Accommodating Children with Disabilities in the School Meal Programs

*Guidance for School Food  
Service Professionals*



United States Department of Agriculture  
Food and Nutrition Service  
7/25/2017

<https://fns-prod.azureedge.us/sites/default/files/cn/SP40-2017a1.pdf>

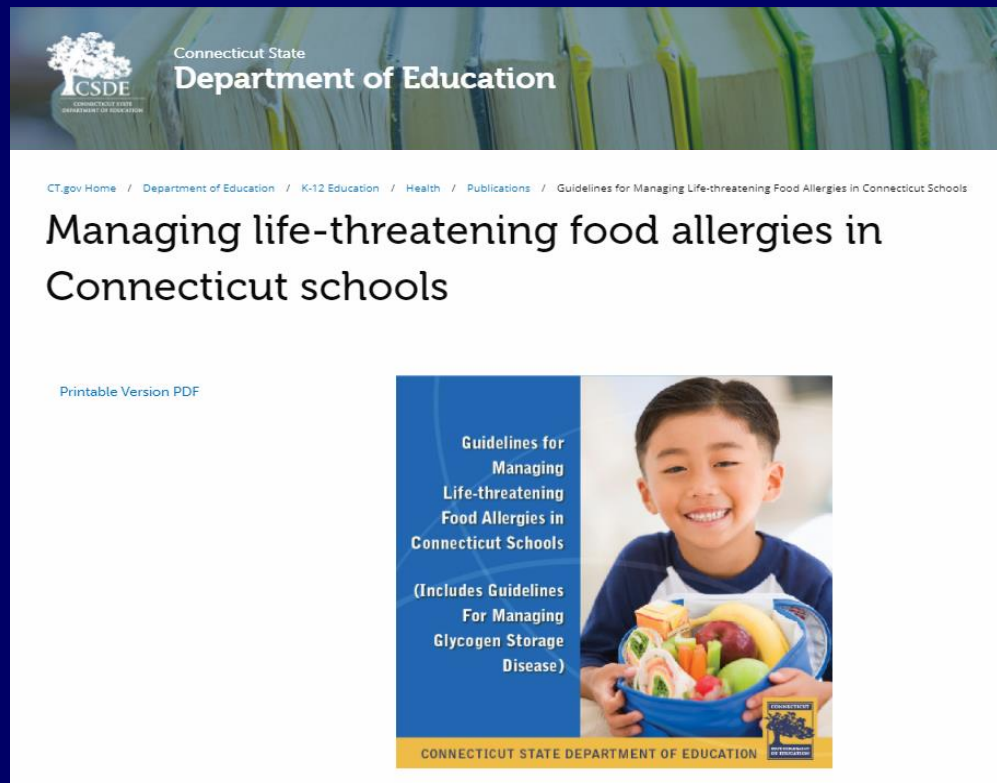
# **Connecticut General Statute 10-212c: Life-threatening food allergies and glycogen storage disease: Guidelines; district plans**

- **CSDE developed guidelines**
- **Board of education must implement a plan for the management of students with life-threatening food allergies and glycogen storage disease, based on CSDE guidelines**

# CSDE Resource

## Guidelines for Managing Life-threatening Food Allergies in Connecticut Schools

Includes roles and responsibilities for school nurse and school food service staff



# Questions?

Contact the CSDE's school  
nutrition programs staff



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Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication to obtain program information (e.g., Braille, large print, audiotope, American Sign Language), should contact the responsible state or local agency that administers the program or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339.

To file a program discrimination complaint, a Complainant should complete a Form AD-3027, USDA Program Discrimination Complaint Form which can be obtained online at: <https://www.usda.gov/sites/default/files/documents/ad-3027.pdf>, from any USDA office, by calling (866) 632-9992, or by writing a letter addressed to USDA. The letter must contain the complainant's name, address, telephone number, and a written description of the alleged discriminatory action in sufficient detail to inform the Assistant Secretary for Civil Rights (ASCR) about the nature and date of an alleged civil rights violation. The completed AD-3027 form or letter must be submitted to USDA by:

1. mail: U.S. Department of Agriculture  
Office of the Assistant Secretary for Civil Rights  
1400 Independence Avenue, SW  
Washington, D.C. 20250-9410; or
2. fax: (833) 256-1665 or (202) 690-7442; or
3. email: [program.intake@usda.gov](mailto:program.intake@usda.gov)

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