

# 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), Afterschool 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 220.8(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.

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## LEA's Responsibility for Procedural Safeguards

The USDA nondiscrimination regulations ([7 CFR 15b.25](#)) require LEAs to establish a procedural safeguards process that provides notice and information to parents and guardians regarding how to request a reasonable meal modification to accommodate a child's disability, and their procedural rights for grievance procedures ([7 CFR 15b.6\(b\)](#)). These procedures include the right to:

- file a grievance if they believe a violation has occurred regarding the request for a reasonable modification;
- receive a prompt and equitable resolution of the grievance;
- request and participate in an impartial hearing to resolve their grievances;
- be represented by counsel at the hearing;
- examine the record; and
- receive notice of the final decision and a procedure for review, i.e., right to appeal the hearing's decision.

LEAs must work with school food service personnel to implement procedures for parents or guardians to request meal modifications for children with disabilities, and to resolve grievances. LEAs may fulfill this requirement by using existing procedures to address requests to accommodate students with disabilities in the classroom, in compliance with [Section 504 of the Rehabilitation Act of 1973](#) (Section 504) or the [Individuals with Disabilities Education Act \(IDEA\)](#).

At a minimum, the LEA must notify parents and guardians of the process for requesting meal modifications to accommodate a child's disability and arrange for an impartial hearing process to resolve grievances related to requests for meal modifications based on a disability. The hearing process must include the opportunity for the child's parent or guardian to participate, be represented by counsel, and examine the record. It must also include notice of the final decision and a procedure for review.

LEAs employing at least 15 individuals must ensure their procedural safeguards process provides for a prompt and equitable resolution of grievances and must designate at least one person to coordinate compliance with disability requirements. This individual is often referred to as the Section 504 Coordinator. In many cases, the Section 504 Coordinator is responsible for addressing requests for accommodations in the school in general and may also be responsible for ensuring compliance with disability requirements related to meals and the meal service.

LEAs are not required to have a separate 504 Coordinator who is only responsible for meal modifications. However, 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.

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## Resources

Accommodating Children with Disabilities in the School Meal Programs (USDA):

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

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

<https://portal.ct.gov/-/media/SDE/Nutrition/NSLP/Memos/OM2017/OM13-17.pdf>

Guide to Meal Modifications in School Nutrition Programs (CSDE):

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

Individuals with Disabilities Education Act (IDEA):

[http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=108\\_cong\\_public\\_laws&docid=f:publ446.108](http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=108_cong_public_laws&docid=f:publ446.108)

Individuals with Disabilities Education Act (U.S. Department of Education):

<https://sites.ed.gov/idea/>

Managing Food Allergies in the Cafeteria: The Role of School Food Service Managers and Staff (CSDE Presentation):

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

Medical Statements for School Nutrition Programs (“Documents/Forms” section of CSDE’s Special Diets in School Nutrition Programs webpage)

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

Protecting Students with Disabilities: Frequently Asked Questions about Section 504 and the Education of Children with Disabilities (U.S. Department of Education, Office for Civil Rights):

<https://www2.ed.gov/about/offices/list/ocr/504faq.html>

Requirements for Meal Modifications in School Nutrition Programs (CSDE Presentation):

[https://portal.ct.gov/-/media/SDE/Nutrition/NSLP/SpecDiet/Meal\\_Modifications\\_SNP\\_Presentation.pdf](https://portal.ct.gov/-/media/SDE/Nutrition/NSLP/SpecDiet/Meal_Modifications_SNP_Presentation.pdf)

Section 504 of the Rehabilitation Act of 1973:

<https://www.hhs.gov/sites/default/files/knowyourrights504adafactsheet.pdf>

Self-assessment of Local Practices for Meal Modifications in School Nutrition Programs (CSDE):

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

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Special Diets in School Nutrition Programs (CSDE webpage):

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

Summary of Requirements for Guide to Meal Modifications in School Nutrition Programs (CSDE):

[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)

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

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

USDA Memo SP 59-2016: Policy Memorandum on Modifications to Accommodate Disabilities in the School Meal Programs:

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

USDA Nondiscrimination Regulations (7 CFR B):

<https://www.ecfr.gov/current/title-7/subtitle-A/part-15b>

USDA NSLP Regulations (7 CFR 210):

<https://www.ecfr.gov/current/title-7/subtitle-B/chapter-II/subchapter-A/part-210>

USDA SBP Regulations (7 CFR 220):

<https://www.ecfr.gov/current/title-7/subtitle-B/chapter-II/subchapter-A/part-220>

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For more information, visit the CSDE's [Special Diets in School Nutrition Programs](#) webpage or contact the [school nutrition programs staff](#) at the Connecticut State Department of Education, Bureau of Child Nutrition Programs, 450 Columbus Boulevard, Suite 504, Hartford, CT 06103-1841.

This document is available at [https://portal.ct.gov/-/media/SDE/Nutrition/NSLP/SpecDiet/Procedural\\_Safeguards\\_SNP.pdf](https://portal.ct.gov/-/media/SDE/Nutrition/NSLP/SpecDiet/Procedural_Safeguards_SNP.pdf).

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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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