

## **Accommodating Children with Disabilities in School Nutrition Programs**

### **General Information:**

School districts must make substitutions for students who are considered to have a disability under 7 CFR 15b.3 and whose disability restricts their diet. 7 CFR 210.10(m). Covered under disability are the following:

#### **Major Life Activities:**

- Seeing, hearing, walking, speaking, learning, eating, breathing
- Caring for oneself; Performing manual tasks; Seeing, Hearing, speaking; Eating, Sleeping, Walking; Standing; Lifting, bending; Bathing; Reading, Learning, thinking; Communicating; Working

#### **Major Bodily Functions:**

- Digestive immune system, respiratory, circulatory, neurological/brain
- Functions of the immune system; Normal Cell Growth; Digestive, Bowel, Bladder Neurological, Brain; Respiratory; Circulatory; Endocrine; Reproductive

### **Reasonable Modifications:**

The District will make reasonable accommodations to those children whose disabilities restrict their diets, such as providing substitutions or modifications in the regular meal patterns. These meal substitutions will be offered at no extra charge above the current student meal pricing.

However, the school food service is not required to provide meal services (for example, School Breakfast Program) to students with disabilities when the meal service is not normally available to the general student body, unless a meal service is required under the student's individualized education program (IEP) or Section 504 Accommodation Plan as mandated by a Physician's written instruction.

Modifications will be made to accommodate a disability and will be determined on a case-by-case basis. Health concerns or preferences that a child eat a specific diet because the parent/guardian believes it is healthier for the child are not disabilities and do not require a modification.

The modification provided:

- Should be related to the disability or limitations caused by the disability.
- Does not have to be the modification requested.
- Must (generally) be free of charge
- Should be implemented even when the person requesting the modification believes more should be done.

Many food allergies fall under the definition of a disability. In order to be considered for a meal modification plan, a medical statement is required, which can be completed by a state-licensed healthcare profession.

Medical statement requirements:

- Provides information about impairment- A diagnosis is not required.
- States how diet is restricted
- States how to accommodate conditions.

If the medical statement relates to a food allergy, the following are the three essential components:

- **Student Registration:** When student's first register with the District, either in Kindergarten or at any other time.
- **District Website:** The website will include information on meal modification procedures.
- **By Request:** The meal modification plan will be available to all parents/guardians by request from the teacher or building principal.

**Where to send requests:**

The Request for Meal Modification form should be sent to the school nurse in the building the student attends.

**Right to Appeal Procedures:**

If a meal modification request is denied, an appeal can be directed to the Building Principal in charge of the building at which the student attends.

A response will be provided and every attempt will be made to provide a prompt and equitable resolution. If resolution cannot be reached, a parent/guardian may request and participate in an impartial hearing to resolve the grievance, with the opportunity to examine the complete record. After the hearing, the parent/guardian will receive notice of the final decision and the basis for the decision.

**These 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.

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