

# **National School Lunch Program/School Breakfast Program Meal Substitutions for Students with Disabilities or Medical or Other Special Dietary Needs**

## **DISABLED STUDENTS**

Federal regulations **require** NSLP schools to make substitutions to the standard meal requirements for students who are considered disabled and whose disability restricts their diet.

Determinations of whether a participant has a disability that restricts his or her diet are to be made on an individual basis by a licensed physician. The physician's determination of the participant's disability must be based on the regulatory criteria for a "disabled person." (7 CFR 15(b)(3))

A participant whose disability restricts his or her diet shall be provided with substitutions in foods only when supported by a medical statement signed by a licensed physician. The medical statement shall identify:

1. The participant's disability and the major life activity affected by the disability.
2. An explanation of why the disability restricts the participant's diet.
3. The food or foods to be omitted from the participant's diet, and the food or choice of foods that must be substituted. If the disability would require caloric modifications or the substitution of a liquid nutritive formula, for example, this information must be included in the statement.
4. Food preferences are not appropriate use of this form.

## **MILK SUBSTITUTIONS**

Since water or juice is not a nutritionally equivalent substitute for milk, these beverages may not be substituted for milk unless a student's milk allergy means that the student meets the definition of a "disabled person".

## **FOOD ALLERGIES**

Generally, participants with food allergies or intolerances are not "disabled persons" and school districts are not required to make substitutions for them. *However*, if a physician assesses that food allergies may result in severe, life-threatening reactions (anaphylactic reactions), the participant may then meet the definition of "disabled person" and the foodservice personnel must make the substitutions prescribed by the physician.

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## DEFINITIONS

**A Person with a Disability** – any person who has a physical or mental impairment, or is regarded as having such impairment.

**Physical or Mental Impairment** – (a) any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive, genitor-urinary; hemic and lymphatic; skin; and endocrine; or (b) any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

**Major Life Activities** – functions such as caring for one’s self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

**Record of Impairment** – having a history of, or have been classified (or misclassified) as having a mental or physical impairment that substantially limits one or more major life activities.

\*Citations from Section 504 of the Rehabilitation Act of 1973.

## USDA GUIDELINES FOR ACCOMMODATING SPECIAL DIETARY NEEDS

**Disability** – Schools and agencies participating in federal nutrition programs **must** comply with requests for special dietary meals and any adaptive equipment with a documented disability and request form.

**Non-disability** – Schools and agencies participating in federal nutrition programs **may** comply with requests for non-disabling medical conditions. Accommodations will be made on a case-by-case basis. However, if the accommodations are made for a specific medical condition, complete requests for the same medical condition must be accommodated.

## COOPERATION

To ensure that reasonable accommodations are made to allow participants with disabilities or with other special dietary needs to participate in school meal programs, school food service personnel should work closely with the parent(s) or guardian(s) and with all other school, medical and community personnel who are responsible for the health, well-being and education of participants with disabilities or with other special dietary needs.