

# SPECIAL DIETS

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AT THE  
CONCLUSION  
OF THIS  
PRESENTATION,  
PARTICIPANTS  
WILL BE ABLE  
TO....

Define a disability according to Section 504, the ADA, and 7 CFR part 15b

Identify the requirements (3) for a special diet statement

Develop a procedure for communication between managers and school nurses

Give examples of how to accommodate in specific scenarios

## BACKGROUND INFORMATION

- Asked by the Head of Nursing at ALSDE to present to school nurses at MEGA about special diets and CNP
- Sent a survey to school nurses, received over 100 responses!
- Note: Nurses are not bound to guidance from USDA



# AGENDA

- Accommodating Children with Disabilities
- Written Medical Statements
- Meal Modifications & Substitutions
- Communication

# ACCOMMODATING CHILDREN WITH DISABILITIES

## WHAT IS A DISABILITY?

Section 504, the ADA, and Departmental Regulations at 7 CFR part 15b define a person with a disability as any person who has a physical or mental impairment which substantially limits one or more “major life activities,” has a record of such impairment, or is regarded as having such impairment.” (See 29 USC § 705(9)(b); 42 USC § 12101; and 7 CFR 15b.3.) “Major life activities” are broadly defined and include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, **eating**, sleeping, walking, standing, lifting, bending, speaking, **breathing**, learning, reading, concentrating, thinking, communicating, and working. “Major life activities” also include the operation of a major bodily function, including but not limited to, functions of the immune system, normal cell growth, **digestive**, bowel, bladder, neurological, brain, respiratory, circulatory, **endocrine**, and reproductive functions. (See 29 USC § 705(9)(b) and 42 USC § 12101.)

**\*After the passage of the ADA Amendments Act, most physical and mental impairments will constitute a disability. It does NOT need to be life threatening.\***

WHAT IS THE CENTRAL CONCERN IN  
ACCOMMODATING SPECIAL DIETS?

**To ensure that children with disabilities have an equal opportunity  
to participate in and benefit from the NSLP and the SBP**

## EXAMPLES OF POTENTIAL DISABILITIES

- Food allergy
- Non-life-threatening allergy
- Food intolerance
- Autism
- Obesity

The above conditions may be considered a disability and require a meal modification, if it impacts a major bodily function or other major life activity.

**Any physical or mental impairment preventing a child from consuming a meal is considered a disability.**



## USDA REQUIRES SFAS TO...

- **Notify families** of the process for requesting meal modifications and the individual responsible for coordinating modifications (7 CFR 15b.7(a))
  - As part of this, districts should explain when parents and guardians need to submit supporting documentation for their child's modification request
- Provide special meals, **at no extra charge**, to children with a disability when the disability restricts the child's diet. (7 CFR 15b.26(d))
- Make substitutions to meals to accommodate children with disabilities that restrict their diet. (7 CFR 210.10(m) and 220.8(m))
  - Only when supported by a written statement from a State licensed healthcare professional (physician, NP, PA) who is authorized to write medical prescriptions under State law.

# REQUESTING A MODIFICATION

SFAs **must** require a written medical statement in order to receive reimbursement for meals served to children with disabilities that do not meet Program meal pattern requirements.



## WHAT MUST BE INCLUDED IN A WRITTEN MEDICAL STATEMENT?

- A description of the child's impairment that is sufficient to allow the cafeteria to understand how it restricts the child's diet
- An explanation of what must be done to accommodate the disability
- The food or foods to be omitted and recommended alternatives, in the case of a modified meal

**\*It is not necessary to obtain a separate medical statement if the child's IEP or 504 Plan includes the information required in the medical statement\***

## Diet Prescription for Meals at School

This file is to be maintained for use within the school cafeteria.

Student's Name: \_\_\_\_\_

Name of School: \_\_\_\_\_

**\*To be completed by a Licensed Physician, Licensed Physician's Assistant, or Nurse Practitioner\***

Student's Diagnosis (optional): \_\_\_\_\_

Major life activity affected by the disability \_\_\_\_\_

Diet Prescription- **please attach additional instructions if necessary.** Be specific with instructions. This form is used to provide guidance for cafeteria staff.

### Foods to Omit (Due to Allergy or Sensitivity):

Food to Omit	Recommended Food(s) to Substitute

**\*\*If foods are listed to be omitted from the diet, specifics on foods to substitute MUST be provided.**

### Other Diet Modifications (Check All that Apply):

Special Diet	Information Required
<input type="checkbox"/> Modified Carbohydrate	Grams per meal (range)
<input type="checkbox"/> Increased Calorie	Calories per meal (range)
<input type="checkbox"/> Decreased Calorie	Calories per meal (range)
<input type="checkbox"/> Modified Texture	Textures Allowed (i.e. ground, pureed)
<input type="checkbox"/> Other (Please specify):	Instructions:
<input type="checkbox"/> Other (Please specify):	Instructions:

I certify that the above-named student needs special school meals prepared or served as described above because of the student's disability or chronic medical condition.

\_\_\_\_\_  
State Licensed Healthcare Professional Signature

\_\_\_\_\_  
Date

\*It is recommended that the diet prescription be renewed annually.

## VAGUE DIET PRESCRIPTIONS

- “Increase calories”
- “Decrease calories”
- “Modified carbohydrate”
- NO SUBSTITUTION LISTED

**FURTHER INSTRUCTIONS ARE NEEDED!**

\*Contact the parent or guardian and ask them to provide an amended medical statement\*

**However, this should NOT delay the school from providing a meal modification. Follow what is clear to the greatest extent possible.**

## If the school is aware a meal modification is needed, the SFA:

- May not unduly delay providing the modification while awaiting the medical statement
- Should provide a reasonable modification to keep the child safe
  - What is reasonable?
  - Must be related to the disability or limitations caused by the disability
- Must request the family provide a medical statement signed by a State licensed healthcare professional
- **MUST** document the initial interaction with the family where school officials learned of the child's need for a modification

## What happens if the cafeteria still does not receive a medical statement?

- Schools should continue to follow up until the family submits a medical statement supporting the need for a modification

## SCENARIO #1

*A parent calls the cafeteria or the school nurse and tells them the child has lactose intolerance. They have not yet acquired a diet prescription. What should you do?*

**Managers: Accommodate the diet to the best of your ability, and await a diet prescription. Alert the school nurse.**

**Nurses: Please alert the cafeteria manager, so that they can go ahead and accommodate the special diet.**



# Discontinuing Special Diets

- FNS does not require written documentation from a State licensed healthcare professional rescinding the original medical order prior to ending a meal modification
- It is recommended that SFAs maintain documentation when ending a meal accommodation
  - For example:
    - Ask the parents to sign a statement indicating that their child no longer needs a meal accommodation
    - Keep a log of these conversations

## SCENARIO #2

*A parent calls the school nurse or cafeteria, and reports that the child no longer needs the special diet.*

USDA does NOT require cafeterias to obtain written documentation from a State licensed healthcare professional rescinding the original medical order.

USDA RECOMMENDS that SFAs maintain documentation when ending a meal modification.

# MEAL MODIFICATIONS

# MEAL MODIFICATIONS AND SUBSTITUTIONS

- No food item offered to the child may contain traces of substances that may trigger an allergic reaction
- In Offer Versus Serve, children with disabilities must have the option to select all food components/items made available to other children
  - For example:
    - A child with Celiac disease must have a choice of a bread/grain item that is gluten-free
- SFAs are not required to provide the specific substitution requested, but must offer a reasonable modification that accommodates the child's disability
- A medical statement may require the school to provide nutritional information for food options made available to the child; however, they are **not** required to provide all nutrition information for all Program meals





## HOW CAN THE CAFETERIA PAY FOR THE MODIFICATIONS?



- Non-profit foodservice account
- General fund
- Special education funds (if specified in the child's IEP)



WHEN IS  
ACCOMMODATION  
NOT REQUIRED?

When it is not a disability, such  
as:

- Religious preference
- Culture preference
- Food preferences

# ALTERNATIVE MILK CHOICES

## In a Non-Disability Situation:

**Must** meet the nutrient requirements similar to cow's milk (chart):

- Low-fat or fat-free lactose-free milk
- Some soy milks

**Must** obtain a written statement from the student's parent/guardian to support the request

**Must** notify State Agency if any of your schools provide milk substitutions for non-disability reasons

## In a Disability Situation:

**\*Juice or water is only an acceptable substitution if the doctor specifies that it is to be substituted\***

**\*ANY MILK IS ACCEPTABLE WITH DIET PRESCRIPTION IF SPECIFIED\***

Fluid Milk Substitute Nutrient Requirements	
Nutrient	Per cup (8 fl. oz.)
Calcium	276 mg.
Protein	8 g.
Vitamin A	500 IU.
Vitamin D	100 IU.
Magnesium	24 mg.
Phosphorus	222 mg.
Potassium	349 mg.
Riboflavin	0.44 mg.
Vitamin B-12	1.1 mcg.

## WHEN CAN I DENY A MODIFICATION?



- It is **almost never** appropriate to decline a meal modification to accommodate a child's disability, if the modification request is related to the child's disabling condition
- Exception: a modification request that would fundamentally alter the nature of the Program
- If an SFA declines a request, the SFA must ensure that the child's parent or guardian understands their rights under the Procedural Safeguards process



## PROCEDURAL SAFEGUARDS PROCESS

- 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
- Receive notice of the final decision and a procedure for review, i.e. right to appeal the hearing's decision

# MEAL SERVICE MODIFICATIONS

## SPECIAL SEATING ARRANGEMENTS

- Program benefits should be provided “in the most integrated setting appropriate to the person’s needs” (7 CFR 15b.4(b)(2))
- Under limited circumstances, it may be appropriate for children to sit at a separate table (i.e. severe food allergy)
  - The school should determine if this type of arrangement is truly necessary
  - Other children should be permitted to join those with food allergies, provided they do not bring any foods that are potentially dangerous

COMMUNICATION

## COMMUNICATION IS KEY

- Communicate with 504 or IEP team, if applicable
- CNP managers and nurses are a TEAM!
  - Establish a system for:
    - notifying each other about special diets
    - changes to the menu
- This strategy is to be determined at the district-level
- Greatest challenge from the poll: CARB COUNTS

## COMMUNICATION: CARBOHYDRATE COUNTING

- Cafeterias are not required to provide all nutritional information on all items
- Portion control
- Alerting nurses when menu items change

## COMMUNICATION SUCCESS STORY

“I work very closely with my CNP manager. I provide her with a list of students with known food allergies and she enters that information in her computer system. When the student enters their code an alert pops up for all CNP workers to see. She alerts me if a student tells her they are allergic to a food so I can contact the parent for more information. She also provides me with the carbohydrate values for each food item for the monthly menu to assist with our diabetic students. She is awesome!”

# RESOURCES

## **USDA Guidance:**

- SP 59-2016
- SP 26-2017
- SP 40-2017
- SP 38-2019

## **Managing Food Allergies in SNPs (4-hour course by the ICN)**

<https://theicn.docebos.com/learn/course/external/view/elearning/14/ManagingFoodAllergiesinSNPs>

## **Voluntary Guidelines for Managing Food Allergies in Schools**

[www.cdc.gov/healthyyouth/foodallergies/](http://www.cdc.gov/healthyyouth/foodallergies/)

## **Allergyhome.org Resources for Schools**

<http://www.allergyhome.org/schools/>

## **Food Allergy Resource and Education (FARE)**

<https://www.foodallergy.org/life-with-food-allergies/managing-lifes-milestones/at-school>

## **National Association of School Nurse (NASN), Food Allergy and Anaphylaxis Tool Kit**

<https://www.nasn.org/nasn/nasn-resources/practice-topics/allergies-anaphylaxis>

## **United States Department of Agriculture, Food Allergy Book: What Employees Need to Know**

[https://fns-prod.azureedge.net/sites/default/files/ofs/foodallergybook\\_english.pdf](https://fns-prod.azureedge.net/sites/default/files/ofs/foodallergybook_english.pdf)



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