

Alabama State Department of Education
Child Nutrition Programs
Accommodating Disabilities Policy

Federal laws and regulations require program providers to modify policies, practices, and procedures to accommodate participants with disabilities. Accommodations may address meals or the meal service area. The policies in this document cannot address all potential situations that might arise involving Child Nutrition Programs and individuals with disabilities. Each situation must be handled on a case-by-case basis. Program providers should consult with the appropriate ALSDE CNP section as needed to address specific questions.

Definition of Disability

Most physical and mental impairments constitute a disability. The impairment does not need to be life threatening to constitute a disability. A disability is 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 an impairment. Major life activities include functions such as caring for self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working. Functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, and reproductive function are included. Individuals with a disability do not have a high burden of proving they have a disability.

Reasonable Accommodations

ALSDE CNP, SFA, and CACFP/SFSP sponsoring organizations, sites, and providers must provide reasonable modifications in policies, practices, procedures to accommodate applicants and participants when necessary. Reasonable modifications:

1. Must be related to the disability or limitation caused by the disability.
2. Must be funded by the service provider, not by applicants or participants.
3. Provide an equal level of service to applicants and participants in alternative ways.
4. Are provided, even when the person requesting the modification believes more should be done.
5. Accommodate individuals who may need assistance in the meal service or consuming their meals.
6. Ensure food service areas are accessible.
7. Provide aids and services, such as food service aids, adaptive feeding equipment, and meal tracking assistance.

Administrative staff should work with the person with the disability and parent or guardians to determine what reasonable modifications to the meal or meal service will be provided.

USDA Guidance

USDA resources provide more detailed guidance on the accommodating children with disabilities. ALSDE CNP staff and program operators should be familiar with the document(s) applicable to their programs.

1. *Accommodating Children with Disabilities in the School Meal Programs: Guidance for Food Service Professionals (2017)*
[USDA-FNS | Accommodating Children with Disabilities in the School Meal Programs](#)
2. *CACFP 14-2017, SFSP 10-2017: Modifications to Accommodate Disabilities in the Child and Adult Care Food Program and Summer Food Service Program (6-22-2017)*
[USDA | Modifications to Accommodate Disabilities](#)

Common tenets in these documents include:

1. Program operators should notify participants and parents or guardians of how to request modifications to the meal service for participants with disabilities.
2. Program operators must make substitutions to meals for a participant with a disability that restricts the person's diet on a case-by-case basis and only when supported by a written statement from a state-licensed health care professional (e.g., physician, physician's assistant, or nurse practitioner) who is authorized to write medical prescriptions under state law. ALSDE CNP has a medical statement template that may be used. It is not required to use the state template. Program operators must keep medical statements on file and confidential.
3. The medical statement should include a description of the physical or mental impairment that is sufficient to allow the program operator to understand how it restricts the participant's diet. It must include an explanation of what must be done to accommodate the disability. For allergies, the medical statement should identify the food(s) that need to be omitted and recommend alternatives. If the medical statement is not clear, program operators must ask the parents or guardians to obtain clarification to ensure an appropriate and safe meal may be provided. Medical statements do not need to be submitted annually but may need to be updated to reflect current dietary needs.
4. Program operators may not charge extra for meals served to a participant with a disability that restricts the person's diet.
5. Meals that do not meet meal pattern requirements are not eligible for reimbursement unless supported by a medical statement.
6. Program operators may choose to accommodate requests related to a disability that are not supported by a medical statement if the requested modifications can be accomplished with the required meal pattern. Such meals are reimbursable.
7. All meals must be served in the most integrated setting appropriate to the needs of the participant with disabilities.
8. Program operators are generally not required to provide a food or ingredient with a particular brand name if the appropriate modification can be made with a different substitute.

9. Program operators should contact the appropriate ALSDE CNP staff with any concern that a requested modification would fundamentally alter the program.
10. Program operators have the option to accommodate special dietary needs that are based on religious or moral convictions that are not related to a disability. Such modifications must be within the meal pattern for the meal to be reimbursable.

Effective Communication

The principle of effective communication applies to the person who is receiving the covered entity's goods or services. It also extends to the recipient's parent, spouse, or companion in appropriate circumstances. The term "companion" includes any family member, friend, or associate of a person seeking or receiving an entity's goods or services who is an appropriate person with whom the entity should communicate.

Auxiliary aids and services include, but are not limited to:

1. Accessible electronic and information technology;
2. Qualified interpreters on-site or through video remote interpreting services;
3. Voice, text, and video-based telecommunications products and systems;
4. Braille or tactile displays; and
5. Screen reader software.

The ALSDE CNP section posts taglines in the 10 most common languages on its website for users to request assistance for disabilities. The taglines include the main number to the ALSDE CNP Section (334-694-4656). The administrative support personnel who answer the telephone line provide assistance by contacting the state's contracted vendor for translation and interpretation services, Language Link, for over-the-phone services. All administrative support personnel have been trained on how to contact the vendor.

The Alabama Relay Service ([Alabama Relay – Stay Connected Using Alabama Relay](#)), which provides service at no cost to individuals who are Deaf, hard of hearing, or Deafblind or to individuals with a speech disability. Services are available in English and Spanish. ALSDE staff must accept telephone calls placed through the relay service.

In addition to providing notification of the process for requesting modifications, documentation and communications about decisions and procedural rights must also be provided in appropriate languages and formats. Individuals must have the opportunity to examine the record and file a grievance. An impartial hearing with parental participation and legal representation, if desired, and a review (appeal) procedure are also essential procedural safeguards.

State and local agency websites and digital services must be readily accessible and useable by persons with visual impairments and other disabilities.

The state agency and program operators must also provide equally effective communication through the provision of auxiliary aids and services for individuals who are

Deaf, hard of hearing, blind, or have other disabilities that require communication assistance. Public entities must give primary consideration to the choice of aid or service requested by the person who has a communication disability and honor the person's choice, unless it can be demonstrated that another equally effective means of communication is available, or that the use of the means chosen would result in a fundamental alteration or an undue burden. Private sponsors are encouraged to consult with the person who has a disability to discuss what aid or service is appropriate.

The principle of effective communication applies to the person who is receiving the covered entity's goods or service. It also extends to the recipient's parent, spouse, or companion in appropriate circumstances. The term companion includes any family member, friend, or associate of a person seeking or receiving an entity's goods or service who is an appropriate person with whom the entity should communicate.

Auxiliary aids and services include, but are not limited to:

1. Accessible electronic and information technology;
2. Qualified interpreters on-site or through video remote interpreting services;
3. Voice, text, and video-based telecommunications products and systems;
4. Braille or tactile displays; and
5. Screen reader software.

Reasonable Accommodations

All recipients of USDA assistance for child nutrition programs must make reasonable accommodations in policies, practices, and procedures when such modifications are necessary to avoid discrimination on the basis of disability unless the modification would fundamentally alter the nature of the program, service, or activity. A fundamental alteration would undermine the safe operation of the child nutrition program or would cause a direct threat to the health and safety of others.

A public entity or recipient is not required to provide an accommodation that would cause an undue financial or administrative burden. The decision that compliance would result in such alteration or burden must be made by the head of the public entity, or their designee. It must be accompanied by a written statement of the reasons for reaching that conclusion. When evaluating a fundamental alteration claim, the resources of the entire agency or program that are available for use in funding and operation of the service, program, or activity are considered. If proven, the provider must still provide services to the maximum extent possible.

Programs must ensure physical accessibility to buildings and facilities, particularly to persons who rely on service animals, wheelchairs, mobility aids, and other power-driven mobility devices. At times, different or special treatment may be necessary in order to ensure equal opportunity access and equally effective communication for people with disabilities.

The Americans with Disabilities Act (ADA) addresses the use of service animals, which may be dogs or miniature horses. The work or task performed by the service animal must be directly related to the individual's disability. A service animal must be trained to do work or perform tasks for the benefit of an individual with a disability, including physical, sensory, psychiatric, intellectual, or other mental disability. State and local government agencies must permit an individual with a disability to use a miniature horse to do work or perform tasks. It is never appropriate to ask about the person's disability, require medical documentation, require a special identification card or training documentation for the service dog or miniature horse, or ask the animal to perform the work or task.

The ADA does not cover comfort or support animals.

Disability Discrimination Complaints

All disability discrimination complaints that are received by the ALSDE Child Nutrition Programs sections are recorded in the Civil Rights Complaint Log and then forwarded to the USDA Southeast Regional Office. All disability discrimination complaints that are received by a local agency must be logged and forwarded to the ALSDE CNP program administrator. The program administrator will record the complaint in the Civil Rights Complaint Log and forward it to USDA Food and Nutrition service, 1320 Braddock Road, Room 334, Alexandria, VA 22314 or FNSCIVILRIGHTSCOMPLAINTS@usda.gov.

Coordinator for Section 504/Americans with Disabilities Act

State or local governments that employ 50 or more persons must designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under the ADA. A recipient or subrecipient that employs 15 or more individuals must also have an ADA coordinator.

The ALSDE Director of Personnel serves as the Section 504/Americans with Disabilities Act (ADA) Coordinator who is responsible for ensuring compliance with relevant federal laws and regulations. Relevant policies and procedures are in the ALSDE Handbook. All employees have access to the Handbook on a shared internal drive.

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