

# Accommodating Students with Special Dietary Needs

## Evergreen School District

### Policy & Procedure

#### Overview

The Americans with Disabilities Act (ADA) Amendments Act made important changes to the meaning and interpretation of the term “disability”. In September 2016 these updates were issued to USDA school meal programs. The ADA Amendments Act simplified the question of whether a child has a disability by requiring a broad interpretation of what constitutes a disability. Under the ADA, anything that substantially limits a major life activity (most physical and mental impairments) constitutes a disability. This includes conditions that impair immune, digestive, neurological, and bowel functions, as well as many others. Schools shall focus on what can be done in order to ensure equal opportunity for all children to participate in school meal programs.

The process of providing modified meals for children with disabilities shall be as inclusive as possible. The school shall work collaboratively with parents and guardians to ensure children receive a safe meal and have an equal opportunity to participate in the school meal programs. The nutrition department shall use a team approach that includes parents and guardians and (as age-appropriate) the child, when providing modified meals.

#### Accommodating Children with a Disability

Evergreen School District will provide food substitutions to a child with a disability when the need for a substitution is supported by a written medical statement or completed [CDE medical statement form](#) that is signed by a licensed physician, a physician assistant, or a nurse practitioner.

According to the ADA, most physical and mental impairments will constitute a disability. This includes conditions that impair immune, digestive, neurological, and bowel functions, as well as many others. General health concerns, such as a parent’s preference that a child eat a gluten-free diet because the parent believes it is healthier for the child, are not disabilities and do not require a modification. All disability considerations must be viewed on a case-by-case basis.

To receive reimbursement for meals served to children with disabilities that do **not** meet Program meal pattern requirements, the written medical statement must identify/include the following details:

- Information about the child’s physical or mental impairment that is sufficient to allow the SFA to understand how it restricts the child’s diet;
- An explanation of what must be done to accommodate the child; and
- The food or foods to be omitted and recommended alternatives, if appropriate.

Medical statements are not required to be updated on an annual basis. However, when Evergreen School District does receive updated medical information, those updates must be reflected in the medical accommodations. If medical accommodations are no longer required, the school will maintain a record of the request to end the medical accommodation, such as a copy of an email from the parent stating the child no longer needs a meal accommodation.

## **Accommodating Children without a Disability**

Evergreen School District is not required but will attempt to provide food substitutions to a child with a special dietary preference that is not considered a disability. An individual who does not have a disability but cannot consume a particular food because of a non-disability reason, such as religious or moral reasons, is considered to have a food preference. All meals served to students with a food preference **must** meet USDA meal pattern requirements to qualify for reimbursement. These accommodations will be considered on a case-by-case basis.

## **Recordkeeping**

The “Medical Statement to Request Special Meals and/or Accommodations” form must be returned to the school nutrition program staff for meal accommodations that do not meet program meal pattern requirements. In addition, special meal accommodations made by cafeteria staff shall be documented on the daily menu production records as part of the record of meals served to students.

## **Non-Discrimination Statement**

In accordance with federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, this institution is prohibited from discriminating on the basis of race, color, national origin, sex (including gender identity and sexual orientation), disability, age, or reprisal or retaliation for prior civil rights activity.

Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication to obtain program information (e.g., Braille, large print, audiotape, American Sign Language), should contact the responsible state or local agency that administers the program or USDA’s TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339.

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/USDA-OASCR%20P-Complaint-Form-0508-0002-508-11-28-17Fax2Mail.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)

This institution is an equal opportunity provider.