Accommodating Special Diets
IN SCHOOL NUTRITION PROGRAMS

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Connecticut State Department of Education
Bureau of Health/Nutrition, Family Services and Adult Education
450 Columbus Boulevard, Suite 504
Hartford, CT 06103-1841
ACCOMMODATING SPECIAL DIETS
IN SCHOOL NUTRITION PROGRAMS

Connecticut State Department of Education • Revised October 2017

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ABOUT THIS GUIDE

*Accommodating Special Diets in School Nutrition Programs* contains information and guidance on providing meals for children with special dietary needs in the U.S. Department of Agriculture (USDA) school nutrition programs, based on federal laws, USDA regulations, and Connecticut laws. The USDA school nutrition programs include the:

- National School Lunch Program (NSLP);
- Afterschool Snack Program (ASP) of the NSLP;
- School Breakfast Program (SBP);
- Special Milk Program (SMP); and
- Fresh Fruit and Vegetable Program (FFVP).

Due to the complicated nature of some issues regarding feeding children with special dietary needs, schools are encouraged to contact the CSDE for assistance on a case-by-case basis. For questions regarding this information, please contact the CSDE school nutrition programs staff in the CSDE’s Bureau of Health/Nutrition, Family Services and Adult Education (see page v).

For more information on *Accommodating Special Diets in School Nutrition Programs*, contact:

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CSDE CONTACT INFORMATION

For questions regarding the information in this guide, please contact the school nutrition programs staff in the CSDE’s Bureau of Health/Nutrition, Family Services and Adult Education.

<table>
<thead>
<tr>
<th>County</th>
<th>Consultant</th>
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<tbody>
<tr>
<td>• Fairfield County (Includes Region 9)</td>
<td>Fionnuala Brown</td>
</tr>
</tbody>
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For information on the Afterschool Snack Program (ASP), Special Milk Program (SMP), Child and Adult Care Food Program (CACFP), Fresh Fruit and Vegetable Program (FFVP), and Summer Food Service Program (SFSP), visit the CSDE’s Child Nutrition Programs webpage.
# ABBREVIATIONS AND ACRONYMS

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
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<tbody>
<tr>
<td>ADA</td>
<td>Americans with Disabilities Act</td>
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<tr>
<td>APP</td>
<td>alternate protein product</td>
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<tr>
<td>APRN</td>
<td>advanced practice registered nurse</td>
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<tr>
<td>CFR</td>
<td>Code of Federal Regulations</td>
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<tr>
<td>CHR</td>
<td>Cumulative Health Record</td>
</tr>
<tr>
<td>CNP</td>
<td>Child Nutrition Programs</td>
</tr>
<tr>
<td>CSDE</td>
<td>Connecticut State Department of Education</td>
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<tr>
<td>DPH</td>
<td>Connecticut State Department of Public Health</td>
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<tr>
<td>ECP</td>
<td>Emergency Care Plan</td>
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<tr>
<td>FDA</td>
<td>Food and Drug Administration</td>
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<tr>
<td>FERPA</td>
<td>Family Educational Rights and Privacy Act</td>
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<td>FNS</td>
<td>Food and Nutrition Service, U.S. Department of Agriculture</td>
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<tr>
<td>HHFKA</td>
<td>Healthy, Hunger-Free Kids Act of 2010 (Public Law 111-296)</td>
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<td>IEP</td>
<td>Individualized Education Program</td>
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<tr>
<td>IDEA</td>
<td>Individuals with Disabilities Education Act</td>
</tr>
<tr>
<td>IHCP</td>
<td>Individualized Health Care Plan</td>
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<tr>
<td>LEA</td>
<td>local educational agency</td>
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<tr>
<td>NSLP</td>
<td>National School Lunch Program</td>
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<tr>
<td>OHI</td>
<td>other health impaired</td>
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<tr>
<td>PHC</td>
<td>Public Health Code</td>
</tr>
<tr>
<td>PPT</td>
<td>Planning and Placement Team</td>
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<tr>
<td>PKU</td>
<td>phenylketonuria</td>
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<tr>
<td>QFO</td>
<td>qualified food operator</td>
</tr>
<tr>
<td>RCCI</td>
<td>residential child care institution</td>
</tr>
<tr>
<td>RD</td>
<td>registered dietitian</td>
</tr>
<tr>
<td>SBP</td>
<td>School Breakfast Program</td>
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<tr>
<td>SFA</td>
<td>school food authority</td>
</tr>
<tr>
<td>SFSP</td>
<td>Summer Food Service Program</td>
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<tr>
<td>SOP</td>
<td>standard operating procedure</td>
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<tr>
<td>SSO</td>
<td>Seamless Summer Option of the NSLP</td>
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<tr>
<td>USDA</td>
<td>U.S. Department of Agriculture</td>
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</table>
The school food authority (SFA) for each school and institution that participates in the U.S. Department of Agriculture (USDA) school nutrition programs must comply with the federal requirements for accommodating children with special dietary needs. The USDA school nutrition programs include the:

- National School Lunch Program (NSLP);
- School Breakfast Program (SBP);
- Afterschool Snack Program (ASP) of the NSLP;
- Special Milk Program (SMP);
- Fresh Fruit and Vegetable Program (FFVP); and
- Child and Adult Care Food Program (CACFP) At-risk Supper Program implemented in schools.

The requirements for meal modifications are different for children with and without disabilities. This guide summarizes the federal laws and USDA policies that determine these requirements. It includes recent USDA guidance that updates the requirements for meal modifications in the NSLP, SBP, ASP, SMP, FFVP, and CACFP At-risk Supper Program, as indicated in:

- USDA Memo SP 26-2017: Accommodating Disabilities in the School Meal Programs: Guidance and Questions and Answers (Q&As); and
- USDA Memo SP 59-2016: Policy Memorandum on Modifications to Accommodate Disabilities in the School Meal Programs.

Due to the complicated nature of some issues regarding feeding children with special dietary needs, SFAs are encouraged to contact the CSDE for assistance on a case-by-case basis. For a list of the CSDE’s school nutrition programs staff, see “CSDE Contact Information” at the beginning of this guide.

**Nondiscrimination Legislation**

Federal nondiscrimination laws and regulations contain provisions that require schools and institutions to make reasonable meal modifications on a case-by-case basis for children whose disability restricts their diet. These laws include:

- Section 504 of the Rehabilitation Act of 1973 (Section 504);
- the Individuals with Disabilities Education Act (IDEA);
- the Americans with Disabilities Act (ADA) of 1990, including changes made by the ADA Amendments Act of 2008; and
- USDA nondiscrimination regulations (7 CFR 15b).

The USDA regulations for school nutrition programs (7 CFR 210.10(m) and 7 CFR 220.8(m)) require reasonable meal modifications for children whose disability restricts their diet, based
on a written medical statement signed by a recognized medical authority. Requests for a reasonable meal modification must be related to a child’s disabling condition. For more information, see section 2.

Federal Legislation
Section 504, the IDEA, the ADA, and the ADA Amendments Act are laws that protect individuals with disabilities from discrimination.

- Section 504 prohibits all programs and activities receiving federal financial assistance, including public schools, from discriminating against children with disabilities, as defined in the law. It requires each public agency to take steps to ensure children with disabilities have an equal opportunity to benefit from extracurricular services and activities, including meals.

- The IDEA is a federal grant program that provides financial assistance to states in the provision of special education and related services for eligible children.

- The ADA guarantees equal opportunity and access for individuals with disabilities in employment, public accommodations, transportation, state and local governments, and telecommunications.

- The ADA Amendments Act prohibits discrimination based on disability in the provision of state and local government services, including services provided by public schools, and prohibits discrimination based on disability by private entities offering public accommodations, including private schools. The ADA Amendments Act greatly expands the concept of who is disabled. It requires that a disability must be viewed more broadly to encompass more impairments that limit a major life activity and therefore require an accommodation.

- The USDA nondiscrimination regulations prohibit discrimination against children with disabilities in any USDA program or activity.

A child whose disability restricts their diet may be protected from discrimination under the provisions of one or more of these laws.

Section 504 and the IDEA require that local educational agencies (LEAs) must provide education and related services, including medically prescribed meal substitutions, at no cost to parents or guardians. In appropriate situations, nutrition services may be specified as special education (specially designed instruction) or a related service (support services required to assist a child with a disability to benefit from special education).

A child with a disability under Section 504 or the IDEA may be entitled to receive medically prescribed meal substitutions as part of the child’s Section 504 plan or Individualized Education Program (IEP). If meal substitutions are included in the child’s Section 504 plan or IEP, LEAs must provide them at no cost to parents or guardians. For more information, see “Section 504 Considerations” and “IDEA Considerations” in section 2.
State Legislation
The Connecticut General Statutes (C.G.S.) for public schools address requirements that apply to all children (with or without disabilities) in public schools, such as lunch periods (C.G.S. 10-221o) and a management plan for life-threatening food allergies (C.G.S. 10-212c).

Connecticut General Statutes Section 10-221o. Lunch Periods and Recess. Each local and regional board of education shall require each school under its jurisdiction to (1) offer all full day students a daily lunch period of not less than twenty minutes, and (2) include in the regular school day for each student enrolled in grades kindergarten to five, inclusive, a period of physical exercise, except that a planning and placement team may develop a different schedule for a child requiring special education and related services in accordance with chapter 164 and the Individuals With Disabilities Education Act, 20 USC 1400 et seq., as amended from time to time. In the event of a conflict with this section and any provision of chapter 164, such other provision of chapter 164 shall be deemed controlling.

Connecticut General Statutes Section 10-212c. Life-threatening food allergies: Guidelines; District plans. (a) Not later than January 1, 2006, the Department of Education, in conjunction with the Department of Public Health, shall develop and make available to each local and regional board of education guidelines for the management of students with life-threatening food allergies. The guidelines shall include, but need not be limited to: (1) education and training for school personnel on the management of students with life-threatening food allergies, including training related to the administration of medication with a cartridge injector pursuant to subsection (d) of section 10-212a, (2) procedures for responding to life-threatening allergic reactions to food, (3) a process for the development of individualized health care and food allergy action plans for every student with a life-threatening food allergy, and (4) protocols to prevent exposure to food allergens.

(b) Not later than July 1, 2006, each local and regional board of education shall implement a plan based on the guidelines developed pursuant to subsection (a) of this section for the management of students with life-threatening food allergies enrolled in the schools under its jurisdiction.

In response to C.G.S. Section 10-212c, the CSDE developed Guidelines for Managing Life-threatening Food Allergies in Connecticut Schools. For more information, see “Food Allergy Management Plan” in section 5.

The C.G.S. also address numerous requirements regarding school health services. C.G.S. Chapter 169, School Health and Sanitation, encompasses several statutes related to the provision of school health services within public schools in Connecticut. These statutes provide the framework for many school health policies for all children regarding health monitoring, screening, and the administration of medications.
REQUIREMENTS FOR MEAL MODIFICATIONS

The USDA regulations for school nutrition programs require that all meals served to children must comply with the meal patterns and dietary specifications (nutrition standards). However, food substitutions and other reasonable modifications to the meal patterns may be necessary to meet the dietary needs of children who:

- qualify as having a disability under any of the federal nondiscrimination laws;
- are eligible for special education under the IDEA; or
- do not qualify as having a disability under any of the federal nondiscrimination laws but have other special dietary needs.

Examples of possible modifications include food restrictions, substitutions, texture changes (e.g., pureed, ground, chopped, or thickened liquids), increased or decreased calories, and tube feedings. Modifications to the meal service may also involve ensuring facilities and personnel are adequate to provide necessary services.

In certain situations, disability accommodations may require additional equipment; separate or designated storage or preparation areas, surfaces, or utensils; and specific staff training and expertise. For example, some children may require the physical assistance of a food service aide to consume their meal, while other children may need assistance tracking their dietary intake, e.g., carbohydrate intake for children with diabetes.

Table 1 helps SFAs determine when meal modifications are required. For an overview of the requirements for meal modifications, see the CSDE’s handout, Summary of Requirements for Accommodating Special Diets in School Nutrition Programs.

Children with Disabilities

The USDA nondiscrimination regulations (7 CFR 15b) and regulations for school nutrition programs (7 CFR 210.10(m) and 7 CFR 220.8(m)) require that SFAs make reasonable modifications on a case-by-case basis for children whose disability restricts their diet, when a recognized medical authority certifies the need. A “reasonable modification” is a change or alteration in policies, practices, and/or procedures to accommodate a disability that ensures children with disabilities have equal opportunity to participate in or benefit from a program. The general guideline in making accommodations is that children with disabilities must be able to participate in and receive benefits from programs that are available to children without disabilities.

Meal modifications must be related to the disability or limitations caused by the disability, and require a medical statement from a state-licensed healthcare professional who is authorized to write medical prescriptions under state law. The Connecticut State Department of Public Health (DPH) defines recognized medical authorities as physicians, physician assistants, doctors of osteopathy, and advanced practice registered nurses (APRNs), i.e., nurse practitioners, clinical nurse specialists, and certified nurse anesthetists who are licensed as APRNs.

All disability considerations must be reviewed on a case-by-case basis. For information on what constitutes a disability and the requirements for meal modifications, see section 2.
Children without Disabilities

The USDA regulations for school nutrition programs (7 CFR 210.10(m) and 7 CFR 220.8(m)) allow, but do not require, meal modifications for children whose special dietary needs do not constitute a disability, including those related to religious or moral convictions, general health concerns, and personal food preferences, such as a preference that a child eats a gluten-free diet because a parent believes it is better for the child. SFAs may choose to make these accommodations on a case-by-case basis.

All modified meals provided to children without disabilities must comply with the USDA meal patterns, including the weekly dietary specifications (nutrition standards). For children without disabilities, meals that do not meet the USDA meal patterns cannot be claimed for reimbursement, even with a medical statement signed by a recognized medical authority.

For information on the USDA meal patterns, see the CSDE’s Meal Patterns for School Nutrition Programs webpage and Menu Planning Guide for School Meals. For information on meal modifications for children without disabilities, see section 3.

Children Eligible for Free and Reduced-Price Meals

The USDA requirements for meal modifications apply to all children regardless of their eligibility for paid, free, or reduced-price meals. The requirements for meal modifications are based on whether a child is determined to have a disability that restricts their diet, not whether the child is eligible for free or reduced-price meals. Meal modifications are not required for children who are eligible for free or reduced-price meals unless they have a disability that restricts their diet, and a recognized medical authority certifies the need.
Table 1. Determining if Meal Modifications Are Required

<table>
<thead>
<tr>
<th>Does the child have a physical or mental impairment that meets the definition of disability under any of the federal nondiscrimination laws (Section 504, the ADA and ADA Amendments Act, the IDEA, and the USDA nondiscrimination regulations (7 CFR 15 b)?</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Yes</strong></td>
</tr>
<tr>
<td><strong>No</strong></td>
</tr>
<tr>
<td>Does the physical or mental impairment restrict the child's diet?</td>
</tr>
<tr>
<td><strong>Yes</strong></td>
</tr>
<tr>
<td><strong>No</strong></td>
</tr>
</tbody>
</table>
| School or institution is not required to make the meal modification * 
See section 3 for guidance on optional meal modifications |
| School or institution is not required to make the meal modification * 
See section 3 for guidance on optional meal modifications |
| Did the child's family provide a medical statement signed by a recognized medical authority that indicates: how the child's physical or mental impairment restricts the child's diet; an explanation of what must be done to accommodate the child; and if appropriate, the food or foods to be omitted and recommended alternatives? |
| **Yes** |
| **No** |
| School or institution is required to make the meal modification 
See section 2 for guidance on required meal modifications |
| School or institution is required to make the meal modification and must work with child's family to obtain a medical statement ** 
See section 2 for guidance on required meal modifications |

* Optional accommodations for children without disabilities must comply with the USDA meal patterns. For more information, see the CSDE’s Meal Patterns for School Nutrition Programs webpage and Menu Planning Guide for School Meals.

** When necessary, the school or institution should work with the child’s parent or guardian to obtain the required information. The SFA should not deny or delay a requested modification because the medical statement does not provide complete information. For more information, see “Handling Missing Information” in section 2.
REQUIRED DOCUMENTATION FOR MEAL MODIFICATIONS
For children with disabilities, modified meals that do not meet the meal patterns require a written medical statement signed by a recognized medical authority. The medical statement must include:

- 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’s disability; and
- if appropriate, the food or foods to be omitted and recommended alternatives.

The USDA does not require a medical statement for children with disabilities if the modified meals meet the meal patterns, such as meals modified only for texture. However, the CSDE recommends obtaining a medical statement to ensure clear communication between parents or guardians, medical professionals, and applicable school staff about the appropriate meal modifications for the child. For more information, see “Medical Statement Requirements” in section 2.

Medical statements should provide sufficient information to allow SFAs to provide meals that are appropriate and safe for each child, and that comply with the USDA requirements. When necessary, SFAs should work with the child’s parent or guardian to obtain the required information. However, SFAs should not deny or delay a requested meal modification because the medical statement does not provide sufficient information, for example, the medical statement does not provide recommended alternatives or fully explain the needed modification for the child. While obtaining additional information, the SFA should follow the portion of the medical statement that is clear and unambiguous to the greatest extent possible. For more information, see “Handling Missing Information” in section 2.

For children without disabilities, optional modifications meet always meet the meal patterns. These meals are eligible for reimbursement regardless of whether the SFA obtains a medical statement. However, the CSDE recommends obtaining a medical statement to ensure clear communication between parents or guardians, medical professionals, and applicable school staff about the appropriate meal modifications for the child.

MEAL PATTERNS AND DIETARY SPECIFICATIONS
The USDA meal patterns and dietary specifications do not apply to modified meals for children whose disability restricts their diet. Meal modifications for children with disabilities are not included in the nutrient analysis of school meals. However, meals that consist only of texture modifications, such as chopped, ground, or pureed foods, must meet the meal patterns and dietary specifications, and are included in the nutrient analysis of school meals.

Optional meal modifications for children without disabilities must always comply with the meal patterns. These meals are included in the nutrient analysis of school meals. For information on the school meal patterns and dietary specifications, see the CSDE’s Meal Patterns for School Nutrition Programs webpage and Menu Planning Guide for School Meals.
MEAL REIMBURSEMENT AND COST
SFAs claim modified meals at the same reimbursement rate as regular meals that meet the USDA meal patterns. The USDA considers any additional costs for modified meals to be allowable food service program costs, but additional reimbursement is not available.

Price of Meals
SFAs cannot charge more for modified meals than regular meals. If a child qualifies for free or reduced-price meals, the charge for modified meals is also the same.

Allowable Costs
In most instances involving modified meals, the school food service account pays the cost of special food and food preparation equipment, and food service personnel will generally be responsible for providing the alternate meal. For example, if a child must have a pureed meal, it is reasonable to expect the school food service account to purchase a blender or food processor, and to have the meal prepared by school food service personnel.

For delicate operations such as tube feedings, proper administration generally requires the skills of specially trained personnel such as nurses or special trained aides who regularly work with the child. If the child has an IEP, special education funds may cover special labor costs. Without an IEP, these costs may be charged, as appropriate, in part to the food service account or may be assigned to the school district’s general fund or other funding sources.

A child with a disability may require the services of other personnel for assistance in feeding during a meal, e.g., the school nurse or a special aide who may assist in the child’s feeding or other nutrition-related activity. The services of any personnel necessary to the meal service can be paid by the school food service account on a pro rata basis. However, the food service account may only pay the amount of time that the person actually spends on activities related to the meal service. For example, if a school nurse spends one hour per day feeding a child with a special need, only that portion of his/her salary can be charged to the school food service account, not the entire salary. If the child is receiving special education and the child's IEP includes a nutrition or feeding component, special education funds may be available to the school to provide required services for the child.

In most cases, meal modifications can be made with little extra expense or involvement. When the school food service account has difficulty covering the additional cost, LEAs can consider alternative funding sources such as the school district’s general fund or, if specified in the child’s IEP, special education funds. For more information on funding resources, consult section IIIB of the USDA’s guide, Accommodating Children with Special Dietary Needs in the School Nutrition Programs: Guidance for School Food Service Staff.

The overall responsibility for accommodating children with disabilities rests with the LEA. The LEA’s administration is responsible for allocating the costs of meal modifications for children with disabilities and deciding which personnel will work with individual children.
PROCEDURES FOR MEAL MODIFICATIONS

The process of providing modified meals for children with disabilities should be as inclusive as possible. It is essential that school food service personnel work together with the child’s parent or guardian to ensure the child receives a safe meal and has an equal opportunity to participate in the school nutrition programs. The USDA strongly encourages LEAs to develop a Section 504 team to discuss best practices and develop a more holistic plan to create a safe learning environment for all children.

The most effective team will include school food service personnel, school administrators, school medical personnel, parents or guardians, children (when age appropriate), and other school officials with relevant experience, such as school dietitians. Using a team approach ensures information is shared consistently throughout the school environment and will help to protect children in situations where food is served outside the cafeteria, such as during classroom parties. Additionally, involving parents and guardians early in the process allows school employees to develop a rapport with the family, which prevents any miscommunication or misunderstanding about their child’s needs.

Communicating with Families

USDA regulations 7 CFR 15b.7(a) require SFAs to notify families of the process for requesting meal modifications and the individual responsible for coordinating modifications. Methods of initial and continuing notification may include:

- posting of notices;
- placement of notices in relevant publications;
- radio announcements; and
- other visual and auditory media.

As part of this notification, SFAs should explain when parents and guardians need to submit supporting documentation for their child’s modification request. A medical statement is required for SFAs to receive reimbursement for meal modifications that do not follow the USDA meal patterns.

USDA nondiscrimination regulations (7 CFR 15b.25) require LEAs to establish a process for procedural safeguards that provides notice and information to parents and guardians regarding how to request a reasonable modification and their procedural rights for grievance procedures. In addition, the CSDE strongly encourages LEAs to develop written policies for meal modifications that provide clear guidelines for students, families, and school staff. For more information, see “Procedural Safeguards” and “Policies for Meal Modifications” in section 5.
Communicating with School Food Service Personnel

Close communication between school health services staff and school food service personnel is essential to ensure that children receive appropriate meal modifications. LEAs must establish procedures for identifying children with special dietary needs and providing this information to the staff responsible for feeding the children.

School food service personnel should have access to the applicable information in children’s medical statements to allow appropriate meal modifications. The Family Educational Rights and Privacy Act (FERPA) allows the sharing of confidential student information when there is a legitimate educational interest, such as making meal modifications for special dietary needs. For more information, see “Storage and Updates of Medical Statements” in section 2.

For some conditions, such as food allergies, it may be appropriate for LEAs to maintain information for school food service personnel in the form of a list identifying the children and the food restrictions, along with the appropriate substitutions designated by each child’s medical statement. This list would be adequate to document the substitutions in the USDA meal patterns if the school or institution has the original signed medical statements on file. The CSDE evaluates documentation for meal modifications as part of the USDA Administrative Review of the district’s school nutrition programs. For information on the administrative review, see the CSDE’s Administrative Review for School Nutrition Programs webpage.

SUMMARY OF SCHOOL FOOD SERVICE RESPONSIBILITIES

SFAs are responsible for providing meals to all children, including those with disabilities. The following summarizes the responsibilities of school food service personnel regarding modifications for meals in the USDA school nutrition programs.

Meal Pattern Substitutions

- School food service personnel must make reasonable meal modifications on a case-by-case basis for children whose disability restricts their diet, based on a medical statement signed by a recognized medical authority. For more information, see section 2.
  - If modified meals for a child with a disability meet the meal patterns, the USDA does not require SFAs to obtain a medical statement but strongly recommends that SFAs keep documentation on file acknowledging the child’s disability. The CSDE recommends obtaining a medical statement to ensure clear communication between families and SFAs about the appropriate meal modifications for each child.
• School food service personnel are encouraged, but not required, to provide meal modifications on a case-by-case basis for children without disabilities who have special dietary needs. All meal modifications for children without disabilities must comply with the meal patterns. For more information, see section 3.

• School food service personnel must have documentation on file for all meal modifications that do not comply with the meal patterns. For more information, see “Storage and Updates of Medical Statements” in section 2.
  o The USDA does not require SFAs to obtain a medical statement for modified meals that meet the meal patterns, even if a child has a disability. However, the CSDE recommends obtaining a medical statement to ensure clear communication between families and SFAs about the appropriate meal modifications for each child.
  o SFAs should not deny or delay a requested modification because the medical statement does not provide complete information. For more information, see “Handling Missing Information” in section 2.

• Under no circumstances should school food service personnel revise or change a diet prescription or medical order. SFAs must follow the instructions written by the recognized medical authority in the child’s medical statement.

For guidance on determining when SFAs are required to make meal modifications, see table 1 and “Requirements for Meal Modifications” in this section.

Accessibility
USDA nondiscrimination regulations (7 CFR 15 b.26(d)(2)) specify that where existing food service facilities are not completely accessible and usable, SFAs may provide aides or use other equally effective methods to serve food to children with disabilities. The school or institution is responsible for the accessibility of food service sites and for ensuring the provision of aides when needed.

As with additional costs for meal modifications, any additional costs for adaptive feeding equipment or aides are allowable costs for school nutrition programs. However, no additional USDA reimbursement is available. Regulations also require that schools and institutions provide meal services in the most integrated setting appropriate to the needs of the child with disabilities.
Cooperation
School food service personnel should work closely with parents or responsible family members, and all other school, medical, and community personnel who are responsible for the health, well-being and education of children with disabilities or with other special dietary needs, to ensure that the SFA makes reasonable modifications to allow these children’s participation in the meal service. This cooperation is particularly important when accommodating children whose disabilities require significant modifications or personal assistance. For more information, see “Communicating with Families” in this section.

RESOURCES FOR SPECIAL DIETS
The resources below provide detailed guidance on special diets such as celiac disease, diabetes, food allergies, metabolic disorders, feeding problems, and other special dietary considerations.


For more resources, see section 6 and the Special Diets section of the CSDE’s Nutrition Resources list.
2 — MODIFICATIONS FOR CHILDREN WITH DISABILITIES

The USDA nondiscrimination regulations (7 CFR 15b) and regulations for school nutrition programs (7 CFR 210.10(m) and 7 CFR 220.8(m)) require that SFAs make reasonable modifications on a case-by-case basis for children whose disability restricts their diet, when a recognized medical authority certifies the need. Meal modifications must be related to the disability or limitations caused by the disability and require a medical statement from a state-licensed healthcare professional who is authorized to write medical prescriptions under state law.

- A reasonable modification is a change or alteration in policies, practices, and/or procedures to accommodate a disability that ensures children with disabilities have equal opportunity to participate in or benefit from a program. The general guideline in making accommodations is that children with disabilities must be able to participate in and receive benefits from programs that are available to children without disabilities.

- A recognized medical authority is a state-licensed health care professional authorized to write medical prescriptions under state law, and recognized by the State Department of Public Health. The Connecticut State Department of Public Health (DPH) defines recognized medical authorities as physicians, physician assistants, doctors of osteopathy, and advanced practice registered nurses (APRNs), i.e., nurse practitioners, clinical nurse specialists, and certified nurse anesthetists who are licensed as APRNs.

All disability considerations must be reviewed on a case-by-case basis. Examples of conditions that might require meal modifications include, but are not limited to:

- autism;
- cancer;
- celiac disease;
- cerebral palsy;
- diabetes;
- food allergies;
- food intolerances, e.g., lactose intolerance and gluten intolerance;
- heart disease;
- metabolic disorders;
- phenylketonuria (PKU);
- seizure disorder;
- severe obesity; and
- certain temporary disabilities (see “Temporary Disabilities” in this section).

These examples of medical conditions are not all-inclusive and may not require meal modifications for all children.
**DEFINITION OF DISABILITY**

Each federal law specifies the definition of a person with a disability. The definitions under Section 504 of the Rehabilitation Act, the ADA (including the ADA Amendments Act), and the USDA nondiscrimination regulations are summarized below.

**Section 504 of the Rehabilitation Act and the ADA**

Under Section 504 of the Rehabilitation Act and the ADA, a “person with a disability” means any person who 1) has a physical or mental impairment that substantially limits one or more major life activities, 2) has a record of such an impairment, or 3) is regarded as having such an impairment. Within the school setting, it is extremely rare to have a child qualify for services under parts 2 and 3 of the definition.

The final rule (28 CFR Parts 35 and 36) for the ADA Amendments Act includes examples of diseases and conditions that may qualify an individual for protection under Section 504 or the ADA, if the disease or condition meets the qualifying criteria for a physical or mental impairment under Section 504 or the ADA. This list is not all-inclusive.

- orthopedic, visual, speech, and hearing impairments;
- cerebral palsy;
- epilepsy;
- muscular dystrophy;
- multiple sclerosis;
- cancer;
- heart disease;
- diabetes;
- intellectual disability;
- emotional illness;
- dyslexia and other specific learning disabilities;
- Attention Deficit Hyperactivity Disorder;
- Human Immunodeficiency Virus infection (whether symptomatic or asymptomatic);
- tuberculosis; and
- drug addiction and alcoholism. **Note:** An individual who is currently engaging in the illegal use of drugs, when a school district acts based on such use, is not a protected individual with a disability under either Section 504 or the ADA. This exclusion does not include individuals currently participating in, or who have successfully completed, a supervised drug rehabilitation program and are no longer engaging in such drug use.

The final rule for the ADA Amendments Act defines “major life activities” as including, but not being limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, sitting, reaching, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, writing, communicating, interacting with others, and working.
“Major life activities” also include the operation of a major bodily function including, but not limited to, functions of the immune system, special sense organs and skin, normal cell growth, and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, hemic, lymphatic, musculoskeletal, and reproductive systems. The operation of a major bodily function includes the operation of an individual organ within a body system.

The ADA Amendments Act specifically prohibits a “mitigating measure” from being used to deny an individual with a disability protection under Section 504. For example, if a child’s diabetes can be controlled through insulin and diet, the child may still qualify for protection because the mitigating measures (insulin) cannot be considered in determining qualification. However, the Section 504 team may use mitigating measures to determine the accommodations needed for the child.

IDEA Act of 2004

Under the IDEA, a child with a “disability” means 1) a child evaluated in accordance with the IDEA as having one or more of the recognized disability categories; 2) the disability adversely affects educational performance; and 3) because of the disability and the adverse impact, the child needs special education and related services. The IDEA 2004 disability categories include:

- autism;
- deaf-blindness;
- deafness;
- emotional disturbance;
- hearing impairment;
- intellectual disability (mental retardation);
- multiple disabilities;
- orthopedic impairment;
- other health impairment (limited strength, vitality or alertness due to chronic or acute health problems such as lead poisoning, asthma, attention deficit disorder, diabetes, a heart condition, hemophilia, leukemia, nephritis, rheumatic fever, sickle cell anemia, and Tourette syndrome);
- specific learning disability;
- speech or language impairment;
- traumatic brain injury;
- visual impairment including blindness; and
- developmental delay (3- to 5-year-old children only).
USDA Nondiscrimination Regulations

While the USDA regulations use the term “handicapped” to refer to people with disabilities, this guide uses the terms “disability” and “disabilities” because they are consistent with the current language used in the definitions under Section 504, the ADA and ADA Amendments Act, and the IDEA.

The USDA nondiscrimination regulations 7 CFR 15b.3 provide the following definition for handicapped person:

“Handicapped Person” means any person who has a physical or mental impairment that substantially limits one or more major life activities, has a record of such an impairment, or is regarded as having such an impairment.

“Physical or mental impairment” means 1) 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; genitourinary; hemic and lymphatic; skin; and endocrine; or 2) any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. The term “physical or mental impairment” includes, but is not limited to, such diseases and conditions as orthopedic, visual, speech and hearing impairments; cerebral palsy; epilepsy; muscular dystrophy; multiple sclerosis; cancer; heart disease; diabetes; mental retardation; emotional illness; and drug addiction and alcoholism.

“Major life activities” means functions such as caring for one’s self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.

“Has a record of such impairment” means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.

“Is regarded as having an impairment” means 1) has a physical or mental impairment that does not substantially limit major life activities but that is treated by a recipient as constituting such a limitation; 2) has a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of others towards such impairments; or 3) has none of the impairments defined in “physical and mental impairment” above, but is treated by a recipient as having such an impairment.

The USDA regulations require meal modifications for children whose disability restricts their diet. This applies to all children whose physical and mental impairments meet the definition of disability under any of the federal laws, including Section 504, the ADA and ADA Amendments Act, the IDEA, and the USDA nondiscrimination regulations. Under the ADA Amendments Act, most physical and mental impairments will constitute a disability.
DETERMINING WHAT CONSTITUTES A DISABILITY

The determination of whether a child has a disability is based on the federal laws (Section 504, the IDEA, the ADA and ADA Amendments Act, and the USDA nondiscrimination regulations) and a recognized medical authority’s diagnosis of the child’s medical condition. The child’s medical statement indicates if the child has a disability (physical or mental impairment) that restricts their diet. Alternatively, if the child requires special education, this may be indicated in the child’s Section 504 plan or IEP. The medical statement, Section 504 plan, or IEP must include:

- 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’s disability; and
- if appropriate, the food or foods to be omitted and recommended alternatives.

SFAs can determine if a child requires a meal modification by reviewing Question 10 in section B of the CSDE’s Medical Statement for Meal Modifications in School Nutrition Programs form. Question 10 asks if the child has a physical or mental impairment that restricts their diet. If the answer is “Yes,” the SFA must make the meal modification. If the answer is “No,” the SFA can choose, but is not required, to make the meal modification.

Under the ADA Amendments Act, 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. **All disability considerations must be reviewed on a case-by-case basis.**

- Under the ADA Amendments Act, a physical or mental impairment does not need to be life threatening to constitute a disability. It is sufficient that it limits a major life activity. For example, a food intolerance, such as lactose intolerance or gluten intolerance, may be considered a disability if it substantially limits digestion, a bodily function that is a major life activity. A child whose digestion is impaired by a food intolerance may be a person with a disability, regardless of whether consuming the food causes the child severe distress.

- If a child’s condition is not listed under the ADA’s categories of diseases and conditions, it cannot be assumed that the condition is not a disability. The ADA’s categories of diseases and conditions are not all-inclusive; there are more conditions that meet the definition of disability than are listed in the law.

- The determination of whether a physical or mental impairment constitutes a disability must be made without regard for whether mitigating measures may reduce the impact of the impairment. An impairment may be covered as a disability even if medication or another mitigating measure may reduce the impact on the impairment. For example, the fact that a child may be able to control an allergic reaction by taking medication should not be considered in determining whether the allergy is a disability.
CHILDREN WITH DISABILITIES

- General health concerns and personal preferences, such as a parent’s preference that a child eats a gluten-free diet because the parent believes it is healthier for the child, are not disabilities and do not require meal modifications. For more information, see section 3.

Based on the ADA Amendments Act, SFAs and LEAs should not engage in weighing medical evidence against the legal standard to determine whether a particular physical or mental impairment is severe enough to qualify as a disability. The primary concern is ensuring equal opportunity for all children to participate in or benefit from the school nutrition programs. For additional guidance, see USDA Memo SP 59-2016: Policy Memorandum on Modifications to Accommodate Disabilities in the School Meal Programs and USDA Memo SP 26-2017: Accommodating Disabilities in the School Meal Programs: Guidance and Questions and Answers (Q&As).

Section 504 Considerations

The determination of whether a child has a disability under Section 504 is through a Section 504 meeting, which can be initiated by anyone. A team of professionals who are knowledgeable about the condition of the child reviews the child’s data, determines if additional information is needed, and determines if the child qualifies as having a disability under Section 504.

The Section 504 meeting and the Planning and Placement Team (PPT) determine whether the disability affects the child’s diet, and therefore requires a meal modification. The PPT is a group of certified or licensed professionals who represent each of the teaching, administrative, and pupil personnel staffs, and who participate equally in the decision-making process to 1) determine the specific educational needs of a child eligible for special education; and 2) develop an IEP for the child. These are people knowledgeable in the areas necessary to determine and review the appropriate educational program for a child eligible for special education.

If the team determines the child has a disability under Section 504 (because the child has a physical or mental impairment that substantially limits a major life activity), the SFA must make the modifications specified by the recognized medical authority in the child’s Section 504 plan. There does not have to be an impact on education for a child with special dietary needs to qualify under Section 504. A child with special dietary needs may qualify under Section 504 if the dietary needs significantly impair the child’s major life activity of eating. Accommodations to address the child’s dietary needs should be written into a Section 504 plan. A separate Individualized Health Care Plan (IHCP) may be written for the child. In some situations, the IHCP is the child’s Section 504 plan.

If the Section 504 meeting determines that the child does not have a disability, the SFA could choose to accommodate the child, but would not be legally obligated to do so.

IDEA Considerations

A child with special dietary needs may be eligible for special education through the IDEA under the category of “other health impaired” (OHI), where the special dietary needs or other health concerns are the primary reasons the child meets the OHI criteria. OHI requires a chronic or acute medical condition that results in limited strength, vitality, or alertness or a heightened awareness to stimuli, which adversely affects the child’s education performance.
and causes the child to require specially designed instruction. If the child is eligible under the OHI category, the PPT will need to address the effects of the child’s medical condition on educational performance. The PPT must also address the special dietary needs as a related service enabling the child to benefit from the educational program.

A child with special dietary needs may be eligible for special education under the IDEA in a category of disability other than OHI. For example, a child with traumatic brain injury may also have special dietary needs. The PPT should consider whether the child’s special dietary needs are such that the school should provide related services to enable the child to benefit from instruction. A child identified as having a disability and receiving services under the IDEA will have an IEP.

For children with special dietary needs, the IEP may contain goals and objectives directly related to the child’s dietary needs, such as feeding goals. In the related service area, the IEP may indicate what school health services the child needs when the special dietary needs are considered. In addition, the modifications and accommodations page of the IEP document should indicate any meal modifications for the child. Services that are necessary to enable the child to benefit from instruction must be written as a related service for the child.

If the dietary needs interfere with the child’s ability to benefit from instruction, a plan to address the child’s special dietary needs is a related service included in the IEP. The SFA must make the meal modifications indicated in the IEP.

An IHCP may be all that is necessary if the special dietary issues do not affect the child’s education. When a child is neither eligible for special education nor qualifies under Section 504, an IHCP should be written to address the child’s nutritional needs.

**Other Considerations**

The recognized medical authority is not responsible for determining if a child qualifies as having a disability under Section 504 or if a child is eligible for special education under the IDEA. The PPT conducts the PPT meeting to determine a child’s eligibility for special education under the IDEA. The Section 504 team conducts the Section 504 meeting to determine if a child has a disability.

A child’s medical condition may not necessarily qualify as having a disability under Section 504 or the IDEA. However, it may qualify as a disability under the ADA Amendments Act, and may therefore require a meal modification when a recognized medical authority certifies the need.

The child’s medical statement signed by a recognized medical authority identifies how the physical or mental impairment restricts the child’s diet and explains what must be done to accommodate the child. If a recognized medical authority determines that a child’s disability requires a meal modification, the SFA must make the meal modification, even if:

- the child is not determined to have a disability under Section 504 or the IDEA; or
- the parent or guardian has not requested services under either of these laws.

For example, a food intolerance, such as lactose intolerance or gluten intolerance, is not
CHILDREN WITH DISABILITIES

considered a disability under Section 504 or the IDEA. However, under the ADA Amendments Act, a food intolerance may be considered a disability if it substantially limits digestion, a bodily function that is a major life activity. A child whose digestion is impaired by a food intolerance may be a person with a disability, regardless of whether consuming the food causes the child severe distress.

MEDICAL STATEMENT REQUIREMENTS

For children with disabilities, the USDA requires that the medical statement to request meal modifications must include:

- 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’s disability; and
- if appropriate, the food or foods to be omitted and recommended alternatives.

In some cases, more information may be required. For example, if the child requires caloric modifications or the substitution of a liquid nutritive formula to accommodate a disability, the recognized medical authority should include this information in the medical statement.

The CSDE’s medical statement form and instructions assist SFAs with obtaining the information required by USDA.


If schools or institutions use an alternate form, it must contain the above information required by the USDA. The SFA’s medical statement cannot require a specific diagnosis by name or use the term “disabled” or “disability.”

SFAs must make appropriate meal modifications for children with disabilities based on the medical statement signed by a recognized medical authority. Under no circumstances should school food service personnel diagnose health conditions, perform nutritional assessment, prescribe nutritional requirements, or interpret, revise, or change a diet order from a recognized medical authority.

Medical Information in IEP or 504 Plan

If the child’s IEP or 504 Plan includes the same information required by the USDA or if the required information is obtained by the school during the development or review of the IEP or 504 Plan, the SFA does not need obtain a separate medical statement. Using a team approach can help LEAs ensure the IEP or 504 Plan will include the information needed to meet the USDA’s requirements for the medical statement. Clear communication about the requirements for the medical statement can help reduce the burden for families, school food service personnel, and LEA officials working to accommodate children in the school setting.
Handling Missing Information

SFAs should not deny or delay a requested meal modification because the medical statement does not provide sufficient information, for example, the medical statement does not provide recommended alternatives or fully explain the needed modification for the child. If the medical statement is unclear or lacks sufficient detail, the SFA must obtain appropriate clarification so the child receives safe meals.

When necessary, the SFA should work with the child’s parent or guardian to obtain an amended medical statement. However, clarification of the medical statement should not delay the SFA from providing a meal modification for the child. While obtaining additional information, the SFA should follow the portion of the medical statement that is clear and unambiguous to the greatest extent possible.

While waiting for the child’s parent or guardian to submit a medical statement, the USDA allows SFAs to claim reimbursement for modified meals that do not comply with the meal pattern. In this situation, school officials must document the initial conversation with the family when school officials first learned of the child’s need for a meal modification. School officials should follow up with the family if the school does not receive the requested medical statement as anticipated, and maintain a record of this contact. School officials should diligently continue to follow up with the family until a medical statement is obtained or the request is rescinded.

Declining a Request

If the meal modification request is related to the child’s disabling condition, it is almost never appropriate for the SFA to decline the meal modification. The exception is a modification request that would fundamentally alter the nature of the USDA school nutrition programs. This is extremely rare. SFAs should contact the CSDE for assistance with any concerns that a requested modification would fundamentally alter the nature of the school nutrition programs. Generally, the emphasis should be working with parents or guardians to develop an effective approach for the child.

If the SFA declines a meal modification request, the SFA must ensure that the child’s parent or guardian understands their rights under the procedural safeguards process. For more information, see “Procedural Safeguards” in section 5.

Stopping a Request

If a child no longer needs a meal modification, the USDA does not require SFAs to obtain written documentation from a recognized medical authority rescinding the original medical order prior to ending a meal modification. However, the USDA recommends that SFAs maintain documentation when ending a meal accommodation. For example, before ending the modification, the SFA could ask the child’s parent or guardian to sign a statement indicating their child no longer needs a meal modification.
Storage and Updates of Medical Statements

The CSDE recommends storing medical statements in the student’s Cumulative Health Record (CHR) maintained by the school nurse. The CHR serves as the official student health record in Connecticut schools. It is recognized as a formal part of an educational record and must be maintained as such. It provides a systematic way to organize the collection of student health information.

The school nurse may share copies of student medical statements with school food service personnel for the purposes of meal modifications for special dietary needs. FERPA allows the sharing of confidential student information when there is a legitimate educational interest, such as making meal modifications for special dietary needs. The school food service department should have access to this information to allow food service personnel to make appropriate meal modifications for each child.

The USDA regulations do not specify time limits on medical statements or require SFAs to obtain updated medical statements on a regular basis. However, when parents or guardians provide updated medical information, schools and institutions must ensure that medical statements on file reflect the current dietary needs of participating children. Changes to diet orders must be in writing on a medical statement signed by a recognized medical authority.

Since children’s special dietary needs may change over time, the CSDE strongly recommends that schools and institutions develop a plan for ensuring that dietary information on file is current. For example, a school’s policy could request an updated medical statement whenever a child:

- has a physical;
- transitions to a different school;
- requires a new meal modification; or
- requires a change to an existing meal modification.

SFAs may require updates as necessary to meet their responsibilities. When establishing these requirements, the USDA recommends carefully considering the burden obtaining additional medical statements could create for parents or guardians.
TEMPORARY DISABILITIES
The requirements for providing meal modifications for children with disabilities apply regardless of the duration of the disability. If a disability is episodic and substantially limits a major life activity when active, SFAs must provide a reasonable modification based on the child’s medical statement signed by a recognized medical authority. Whether a temporary impairment is a disability must be determined on a case-by-case basis, taking into consideration both the duration (or expected duration) of the impairment and the extent to which it actually limits a major life activity of the affected individual.

If the condition is temporary, but severe and lasts for a significant duration, SFAs must provide a reasonable modification for the duration of the condition. An example of a temporary disability is a child who had major oral surgery due to an accident and is unable to consume food for a significant period of time unless the texture is modified. The SFA must make the meal modification, even though the child is not “permanently” disabled. Temporary illness or injury, such as a cold, the flu, or a minor broken bone, are generally not considered conditions that require reasonable meal modifications.

SPECIFIC BRANDS OF FOOD
SFAs may consider expense and efficiency in choosing an appropriate approach to accommodate a child’s disability. SFAs must offer a reasonable modification that effectively accommodates the child’s disability and provides equal opportunity to participate in or benefit from the school nutrition programs. SFAs are generally not required to provide a specific brand of food, unless it is medically necessary. In most cases, a generic brand is sufficient.

For example, a child’s medical statement for a food allergy might request a specific brand of food as a substitute. The SFA is generally not required to provide the requested brand of food, but must offer to provide a substitute that does not contain the specific allergen that affects the child. The meal substitution can include any brand or type of food that meets the child’s special dietary needs.

In situations where the requested substitute is very expensive or difficult to procure or obtain, it is reasonable for the SFA to follow up with the family to see if a different substitute would be safe and appropriate for the child. For example, if the medical statement lists a specific brand of gluten-free chicken patty, the SFA could check with the family to see if it would be safe and appropriate to provide a different gluten-free brand or a different gluten-free food item. For example, appropriate substitutes might include:

- a different brand of gluten-free chicken patty that meets the child’s special dietary needs;
- another type of chicken that meets the child’s special dietary needs, e.g., gluten-free grilled or baked chicken; or
- another type of food that meets the child’s special dietary needs, e.g., gluten-free hamburger or sliced turkey.

In this instance, the family could affirm that the change meets the child’s dietary needs.
NUMBER OF ALTERNATE MEALS
The USDA regulations do not require a specific number of alternate meals to meet the dietary needs of children with disabilities. SFAs are obligated to offer children with disabilities a medically appropriate and reasonable meal modification based on the medical statement signed by a recognized medical authority. Each request must be assessed on a case-by-case basis to determine the specific and appropriate modification.

In certain cases, a child may have a restricted diet that requires the same modified meal each day. However, most children will be able to eat a variety of modified meals over the week. Depending on the child’s individual medical condition and the recognized medical authority’s instructions, a reasonable modification could be offering:

- the same modified meal that meets the child’s specific dietary needs each time the child eats school meals; or
- a cycle menu of modified meals that meet the child’s specific dietary needs, based on input from the child’s parent or guardian, medical professionals, school nurse, school dietitian, and other appropriate individuals.

Whenever possible, the USDA encourages SFAs to offer children with disabilities a variety of options over the school week that is similar to the weekly variety of options offered to children without disabilities. To improve nutrition and increase variety, the CSDE encourages SFAs to develop a cycle menu of modified meals that meet specific dietary needs, such as a five-day cycle menu for a gluten-free diet or a two-week cycle menu for a specific food allergy. Before using the same cycle menu for multiple children with the same medical condition, SFAs should check with parents or guardians to ensure that the modified meals meet their child’s specific dietary requirements.

DIFFERENT PORTION SIZES
For children with disabilities, if the medical statement requires portion sizes from the minimum quantity requirements in the USDA meal patterns, the SFA must provide the specified portions. Examples include:

- an additional amount of a specific meal pattern component in the meal, such as a second serving of meat/meat alternates or grains;
- requiring a smaller amount of food than the minimum portion size required in the meal patterns, such as 1 ounce of meat/meat alternates instead of 2 ounces of meat/meat alternates for grades 9-12;
- requiring that a child receives two of the same meal, e.g., two lunches. Note: While the SFA must provide the two meals prescribed by the recognized medical authority, USDA regulations allow SFAs to claim only one lunch per child per day.

The recognized medical authority must specify any requirements for different portion sizes in the child’s medical statement.
TEXTURE MODIFICATIONS

Medical statements are not required when meals require only texture modifications, such as chopped, ground, or pureed foods. LEAs may apply stricter guidelines and require that SFAs keep a medical statement on file concerning the needed texture modifications. This serves as a precaution to ensure safe and appropriate meals for the child, protect the LEA, and minimize misunderstandings.

Unless otherwise specified by the recognized medical authority, meals modified for texture should consist only of the same food items and quantities specified in the regular school menus. Meals that consist only of texture modifications must meet the meal patterns and dietary specifications, and are included in the nutrient analysis of school meals.

As with other dietary substitutions, no additional USDA reimbursement is available for texture-modified meals. If a child must have a pureed meal, it is reasonable to expect the school food service account to purchase a blender or food processor and to have the meal prepared by school food service personnel. For more information on texture modifications, see the CSDE’s Guidelines for Feeding and Swallowing Programs in Schools.

TUBE FEEDINGS

If a child is determined under Section 504 to have a disability that requires tube feedings, the child's Section 504 plan will include feeding and swallowing as a component. Feeding and swallowing disorders are not a disability category in the IDEA. Therefore, if a child is determined to have a disability under the IDEA, the PPT will include feeding and swallowing as a related service of the child’s IEP.

For children who require tube feedings, the USDA recommends using commercial nutritive formulas prescribed by a recognized medical authority and specially designed for tube feedings. School-blenderized formula may be subject to spoilage and may not always have the correct consistency or nutritive content. Proper administration of this type of feeding generally requires the skills of specially trained personnel, such as nurses or the specially trained aides who regularly work with the child.

If the child has an IEP, special education funds may cover the cost of commercial tube feeding formulas and special personnel. If the child does not have an IEP, these costs may, as appropriate, be charged in part to the SFA or assigned to the school district’s general fund or other funding sources. For more information, see “Allowable Costs” in section 1.

With appropriate documentation on the medical statement, the SFA could be responsible on a case-by-case basis for the cost of tube feeding formulas that are required as substitutions. However, school food service personnel are not responsible for physically feeding the child. For more information on tube feedings, see the CSDE’s Guidelines for Feeding and Swallowing Programs in Schools.
ADMINISTERING FEEDINGS

When children with disabilities require assistance in eating, the determination of who will feed the child is a local school decision. While the SFA is responsible for providing the necessary foods for children with disabilities, school food service personnel are not responsible for physically feeding the child.

LEAs should be aware of the potential liability if persons without sufficient training and direction are performing tasks or activities such as developing or modifying a diet order prescribed by a recognized medical authority or administering tube feedings. Proper administration of this type of feeding generally requires the skills of specially trained personnel, such as nurses or the special trained aides who regularly work with the child.

MEAL SERVICES OUTSIDE USDA PROGRAMS

The general guideline in making meal modifications is that children with disabilities must be able to participate in and receive benefits from programs that are available to children without disabilities. SFAs are not required to provide meal services to children with disabilities when the meal service is not normally available for the general student body. For example, if a school does not participate in the SBP, the SFA is not required to provide breakfast for children with disabilities. However, there are two exceptions when SFAs must provide meal services that are not normally available for the general student body.

1. If a child with a disability has an IEP that requires a meal that the school or institution does not provide, the school or institution must provide the meal service at no cost to parents or guardians and may choose to have the SFA handle this responsibility. For more information, see “Allowable Costs” in section 1.

2. If a child with a disability resides in a residential child care institution (RCCI) and requires special meal services, the RCCI serves as the child’s home and the child has no other recourse for meals. The RCCI must provide all required meal services prescribed by the recognized medical authority in the child’s medical statement or IEP.

Special Foods or Nutrition Supplements

With appropriate documentation in the medical statement, Section 504 plan or IEP, the SFA is generally required to provide special foods or nutrition supplements as part of regular reimbursable meals for children with disabilities. In some cases, other funding sources may be available to cover these costs. For more information, see “Allowable Costs” in section 1.

The SFA is not required to pay for other servings of special foods or nutrition supplements throughout the school day outside of school meals, unless specified in a child’s IEP. If the IEP includes special foods or nutrition supplements outside of the normal school meal periods, the LEA’s administration is responsible for providing them and allocating the cost of making these accommodations. Table 2 shows the criteria requiring special foods or nutrition supplements for children with disabilities.
### Table 2. Criteria Requiring Special Foods for Children with Disabilities

<table>
<thead>
<tr>
<th>Scenario</th>
<th>Are Special Foods Required?</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Child has disability but no IEP</strong></td>
<td>No. The general guideline in making accommodations is that children with disabilities must be able to participate in and receive benefits from programs that are available to children without disabilities. The SFA must provide and pay for the nutrition supplements as part of any reimbursable meal service provided by the school.</td>
</tr>
<tr>
<td>A medical statement for a child with a disability requires six cans of a nutrition supplement during the school day, including two cans at breakfast, one can in the mid-morning as a snack, two cans at lunch, and one can in the mid-afternoon as a snack. The child does not have an IEP.</td>
<td>For example, if the school participates in the SBP and the NSLP, the SFA is responsible for purchasing and serving the required nutrition supplements as part of the child’s reimbursable meal at breakfast (two cans) and lunch (two cans). However, the SFA is not required to provide the supplements needed for the child’s snacks (one can in the mid-morning and one can in the mid-afternoon) because they are outside of the USDA reimbursable meal service.</td>
</tr>
<tr>
<td>Is the SFA required to provide and pay for all six servings?</td>
<td></td>
</tr>
</tbody>
</table>

| **Child has disability and IEP**            | It depends on when the food or supplement is required and how the LEA allocates the cost. Since the child has an IEP, the LEA must make the specified accommodations at no cost to the family, as part of school meals and outside of school meals. The SFA is required to provide and pay for the special food or nutrition supplement as part of the regular reimbursable meal service in all USDA school nutrition programs available at the school or institution. |
| A medical statement for a child with a disability requires a special food or nutrition supplement three times a day. The child has an IEP that specifies this accommodation. | If the special food or nutrition supplement is required at times outside of the USDA reimbursable meals, the cost may be charged to the SFA or to other LEA funding sources. While this is an allowable cost to the school food service program, there may be alternate funding sources that can cover the cost, such as special education funds, the district’s general fund, or other funds. **The overall responsibility for accommodating children with disabilities rests with the LEA.** For more information, see “Allowable Costs” in section 1. |
| Is the SFA required to provide and pay for all three servings? | |
A LA CARTE FOODS

A la carte foods (competitive foods) are foods and beverages sold to students separately from reimbursable meals in the USDA school nutrition programs. A la carte foods include, but are not limited to, foods and beverages sold anywhere on school grounds such as cafeteria serving lines, a la carte lines, kiosks, vending machines, school stores, fundraisers, and snack bars.

The required accommodations for children with disabilities apply only to reimbursable meals served in the USDA school nutrition programs. They do not apply to foods or beverages that can be purchased in addition to or in place of reimbursable meals.

The SFA is not responsible for providing foods and beverages that are not part of reimbursable meals unless they are specifically included in a child’s IEP. In this case, the LEA must provide them at no cost to parents or guardians and may choose to have the SFA handle this responsibility. For more information, see “Allowable Costs” in section 1.

OFFER VERSUS SERVE

SFAs cannot use the offer versus serve (OVS) provision to accommodate meal modifications for children with disabilities. SFAs implementing OVS must ensure that children with disabilities have the opportunity to select all required food components for the meal. For example, a child who has celiac disease or gluten intolerance must have a choice of a gluten-free grain item. The SFA cannot use OVS to eliminate a specific food component, such as grains, for a child with a disability. For more information on OVS, visit the CSDE’s OVS webpage.

NUTRITION INFORMATION

The USDA considers providing nutrition information for foods served in school meals a component of reasonable meal modifications. The SFA is responsible for making nutrition information for school meals available to students, families, school nurses, and others as needed. For example, the SFA can maintain a binder of nutrition labels in the school cafeteria or district food service office that parents or guardians can review. This enables families, in consultation with medical professionals, to determine the appropriate meals for their child’s specific dietary concerns.

If a product’s label does not provide adequate information, it is the responsibility of the SFA to obtain the information necessary to ensure a safe meal for the child. The SFA should contact the product’s supplier or manufacturer to obtain the required information.

The SFA is not necessarily required to provide nutrition information for all meals, since it would be very burdensome to provide this information. For example, if a child with diabetes must track their carbohydrate intake, the SFA is not required to provide nutrition information for all food choices available during the lunch and breakfast meal service. A reasonable accommodation could be developing a cycle menu with input from the child’s parent or guardian, medical professionals, school nutritionist, school nurse, and other members of the Section 504 team, as appropriate. In this case, the SFA is only required to provide nutrition...
information for the foods on the planned cycle menu for the special diet, but not all foods offered in the school nutrition programs.

It is important to have good communication between the school, students, and families. When parents or guardians require nutrition information for school meals, the CSDE recommends providing a monthly menu several weeks in advance. This enables parents or guardians to determine which meals their child will be eating. It also allows sufficient time for the school food service program to gather nutrition information for the selected meals to share with the student, parents or guardians, school nurse, and other appropriate personnel.

**CARBOHYDRATE COUNTS**

The SFA is responsible for providing a carbohydrate count to the parent or guardian of a diabetic child for each food item served in one daily reimbursable meal choice. If the daily menu includes multiple meal choices, the SFA is not required to provide carbohydrate counts for each meal.

The SFA is responsible for providing information on the initial weights or measures of the planned food for the chosen meal. However, school food service personnel are not responsible for weighing or measuring leftover food after the child has consumed the meal, or determining the proper amount of carbohydrates needed or consumed. These tasks are the responsibility of the school nurse or other designated medical personnel.

The USDA specifies that school food service personnel can never diagnose health conditions, perform nutritional assessment, prescribe nutritional requirements, or interpret, revise, or change a diet order. If school food service personnel have questions about a child’s diet order, prescribed meal substitutions, or any other required modifications, they should consult the appropriate medical personnel who work with the child, such as the school nurse and the child’s recognized medical authority or registered dietitian.

For resources on diabetes, see the American Diabetes Association website and “Diabetes” in the Special Diets section of the CSDE’s Nutrition Resources list.

**FOOD ALLERGY**

A “food allergy” is a hypersensitivity from an abnormal response of the body’s immune system to food or food additives that the body would otherwise consider harmless. Under the ADA Amendments Act, a food allergy does not need to be life-threatening or cause anaphylaxis to be considered a disability. A non-life-threatening food allergy may be considered a disability and require a meal modification if it impacts a major bodily function or other major life activity, such as digestion, respiration, immune response, and skin rash. If a recognized medical authority determines that a food allergy is a disability for a particular child, the SFA must make the appropriate meal modifications based on the child’s medical statement.

The SFA must provide the child with a safe meal and a safe environment to consume the meal. School food service personnel must ensure that modified meals meet each child’s prescribed guidelines and are free of all ingredients suspected of causing an allergic reaction. The SFA must use proper storage, preparation, and cleaning techniques to prevent exposure
to allergens through cross contamination. The Section 504 team should develop a strategy or food allergy management plan for the daily management of food allergies for individual children. For more information, see “Food Allergy Management Plan” in section 5 and the CSDE’s Guidelines for Managing Life-threatening Food Allergies in Connecticut Schools.

Sometimes it is advisable to prepare a separate meal from scratch using ingredients allowed on the special diet rather than serving a meal using processed foods. The general rule in these situations is to exercise caution at all times. If a food’s ingredients are unknown, SFAs cannot serve the food to children who are at risk for allergic reactions.

The resources below provide guidance on managing food allergies in schools.


For more information, see the “Food Allergies” in the Special Diets section of the CSDE’s Nutrition Resources list and the USDA’s Food Safety Resources webpage.

**FOOD INTOLERANCE**

A “food intolerance” is an adverse food-induced reaction, such as lactose intolerance, that does not involve the body’s immune system. Under the ADA Amendments Act, a food intolerance may be considered a disability if it substantially limits digestion, a bodily function that is a major life activity. For example, a child whose digestion is impaired by lactose intolerance or gluten intolerance may be a person with a disability, regardless of whether consuming milk or gluten-containing foods causes the child severe distress.

If a recognized medical authority determines that a food intolerance is a disability for a particular child, the SFA must make the appropriate meal modifications based on the child’s medical statement. Schools and institutions must review each child’s situation on a case-by-case basis.
GLUTEN SENSITIVITY

Gluten sensitivity (also called gluten intolerance) is a condition with symptoms similar to those of celiac disease that improve when gluten is eliminated from the diet. Individuals who have been diagnosed with gluten sensitivity do not experience the small intestine damage found in celiac disease.

Gluten sensitivity is a diagnosis of exclusion that requires ruling out celiac disease and wheat/gluten allergy, followed by a period of dietary gluten exclusion to see if the patient gets better, then a gluten challenge to see how the patient reacts.

Under the ADA Amendments Act, a food intolerance or sensitivity may be considered a disability if it substantially limits digestion, a bodily function that is a major life activity. A child whose digestion is impaired by gluten sensitivity may be a person with a disability, regardless of whether consuming gluten-containing foods causes the child severe distress. If a recognized medical authority determines that gluten sensitivity is a disability for a particular child, the SFA must make the appropriate meal modifications based on the child’s medical statement. Schools and institutions must review each child’s situation on a case-by-case basis.

CELIAC DISEASE

Celiac disease is a genetic autoimmune digestive disease that damages the small intestine and interferes with the absorption of nutrients from foods. Individuals with celiac disease cannot tolerate gluten, a protein found in wheat, rye, and barley. The treatment for celiac disease is to avoid all foods that contain gluten, including wheat, rye, barley, and any foods made with these grains.

Under the ADA Amendments Act, celiac disease qualifies as a disability because it limits the major life activity of digestion. If a child has celiac disease, the SFA must make the appropriate meal modifications based on the child’s medical statement signed by a recognized medical authority.

Many processed foods contain gluten unless they are labeled “gluten-free” or are made with corn, rice, soy, or other gluten-free grains. Foods that are likely to contain gluten include:

- breads and bread products, e.g., pizza crust and muffins;
- pasta and couscous;
- grain-based desserts, such as cookies, cakes, and pies;
- breakfast cereals;
- crackers and snacks, e.g., pretzels, snack mix, pita chips, and croutons;
- seasoned snack foods, e.g., potato and tortilla chips;
- processed luncheon meats;
- soups and soup bases; and
- salad dressings and sauces, including soy sauce.

Table 3 shows examples of foods to avoid and allow with celiac disease.
Table 3. Examples of Foods to Avoid and Allow with Celiac Disease

This chart provides general guidance on foods with and without gluten. When making meal modifications for children with celiac disease, the SFA must make the appropriate meal modifications based on the child’s medical statement signed by a recognized medical authority. Schools and institutions must review each child’s situation on a case-by-case basis.

<table>
<thead>
<tr>
<th>AVOID</th>
<th>ALLOW *</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Barley (malt, malt flavoring, and malt vinegar are usually made from barley)</td>
<td>• Beans, seeds, and nuts in their natural, unprocessed form</td>
</tr>
<tr>
<td>• Rye</td>
<td>• Fresh eggs</td>
</tr>
<tr>
<td>• Triticale (a cross between wheat and rye)</td>
<td>• Fresh meats, fish, and poultry (not breaded, batter-coated, or marinated)</td>
</tr>
<tr>
<td>• Wheat</td>
<td>• Fruits and vegetables</td>
</tr>
<tr>
<td>o Dextrin</td>
<td>• Most dairy products</td>
</tr>
<tr>
<td>o Durum flour</td>
<td>• Gluten-free grains</td>
</tr>
<tr>
<td>o Farina</td>
<td>o Amaranth</td>
</tr>
<tr>
<td>o Graham flour</td>
<td>o Arrowroot</td>
</tr>
<tr>
<td>o Kamut</td>
<td>o Buckwheat</td>
</tr>
<tr>
<td>o Modified food starch</td>
<td>o Corn flour and cornmeal</td>
</tr>
<tr>
<td>o Semolina</td>
<td>o Flax</td>
</tr>
<tr>
<td>o Spelt</td>
<td>o Gluten-free flours (rice, soy, corn, potato, bean)</td>
</tr>
<tr>
<td>o Wheat germ</td>
<td>o Hominy (corn)</td>
</tr>
<tr>
<td>o What bran</td>
<td>o Millet</td>
</tr>
<tr>
<td>• Processed foods unless labeled “gluten-free” or made with corn, rice, soy, or other gluten-free grain</td>
<td>o Oats **</td>
</tr>
<tr>
<td></td>
<td>o Quinoa</td>
</tr>
<tr>
<td></td>
<td>o Rice</td>
</tr>
<tr>
<td></td>
<td>o Sorghum</td>
</tr>
<tr>
<td></td>
<td>o Soy</td>
</tr>
<tr>
<td></td>
<td>o Tapioca</td>
</tr>
<tr>
<td></td>
<td>o Teff</td>
</tr>
</tbody>
</table>

* If not processed or mixed with gluten-containing grains, additives, or preservatives.
** Must be labeled “gluten-free.” Pure oats are a gluten-free food, but most commercially processed oats have been contaminated during the growing, harvesting, or processing stages.

For more information and resources, see “Celiac Disease” in the Special Diets section of the CSDE’s Nutrition Resources list.
AUTISM

Autism is considered a disability, and may require a reasonable meal modification if it substantially limits a major life activity such as eating. Having an autism diagnosis does not automatically qualify a child for meal modifications. Children with autism may not have a medical dietary condition. However, a child’s autism sometimes results in food behaviors and preferences that require specific meal modifications. For example, some children with autism will only eat certain foods due to their repetitive and ritualistic behavior patterns. Any physical or mental impairment preventing a child from consuming a meal is considered a disability.

For some autistic children, it is reasonable to view the autism diagnosis as a dietary restriction that is part of their disability. If a recognized medical authority determines that a dietary restriction is part of a child’s autism diagnosis, the SFA must provide appropriate accommodations based on the child’s medical statement.

Schools and institutions must review each child’s situation on a case-by-case basis, as one child’s autism diagnosis may not have the same issue in another child’s autism diagnosis. Table 4 provides some examples of meal modifications for children with autism.
Table 4. Examples of Meal Modifications for Children with Autism

<table>
<thead>
<tr>
<th>Modification</th>
<th>Yes/No</th>
<th>Reason</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aversion to Fruits and Vegetables</td>
<td>Yes</td>
<td>The ADA Amendments Act greatly expanded the concept of who is disabled. It states that a disability must be viewed more broadly to encompass more impairments that limit a major life activity and therefore require an accommodation. This child’s condition, autism, meets the requirement for an accommodation under the ADA, Section 504, and USDA’s nondiscrimination regulations. If a medical statement signed by a recognized medical authority supports the elimination of the fruit and vegetable components, the SFA can claim the meal for reimbursement. The medical statement can be included as part of the child’s IEP and must include:</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• 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;</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• an explanation of what must be done to accommodate the child’s disability; and</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• if appropriate, the food or foods to be omitted and recommended alternatives.</td>
</tr>
<tr>
<td>Preference for Heated Food</td>
<td>No</td>
<td>Heating foods sent from home in a food service establishment is a food safety issue governed by state regulations. Connecticut Public Health Code (PHC) 19-13-B42 requires that all foods and drinks served in food service establishments must be from an approved source. Foods provided from a private home have not originated from an approved source. SFAs cannot accept foods from unregulated sources, including foods from home or foods purchased by parents off school premises. For more information, see “Family-provided Foods” in section 4.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Note: The LEA (not the school food service program) could be required to provide a microwave and reheat a child’s food from home. This depends on the specific nature of the child’s disability and whether the child requires heated food because of the disability. LEAs must examine each child’s disability and special dietary needs on a case-by-case basis. All-inclusive policies are not appropriate.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>LEAs should conduct an individualized review of each child’s disability and medical information, and consider whether the accommodation is necessary to access education. If the LEA has medical documentation stating that the child’s condition is such that he/she cannot eat unless the food is warmed, the school district or institution (not the school food service program) may need to make this accommodation. In this case, PHC 19-13-B42 still prohibits the school food service program from accepting foods that are not from approved sources.</td>
</tr>
</tbody>
</table>
MILK SUBSTITUTES FOR DISABILITIES

When a child has a medically documented disability that requires a milk substitute, the SFA must provide an appropriate substitute based on the child’s medical statement signed by a recognized medical authority. The medical statement must include:

- 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’s disability, e.g., the type of milk to be omitted from the child’s diet and the beverage that should be substituted.

If cow’s milk causes any digestive problems, the condition is considered a disability under the ADA Amendments Act, and requires a substitute. For children with disabilities, SFAs can claim reimbursement for meals that contain other beverages in place of milk, such as juice, water, or nondairy beverages that do not meet the USDA nutrition standards for fluid milk substitutes. The required milk substitute must be indicated on the child’s medical statement. **Note:** Juice, water, and milk substitutes that do not comply with the USDA nutrition standards are not allowed for children without disabilities.

Fat Content

The USDA meal patterns for school nutrition programs require low-fat (1%) unflavored, fat-free unflavored, or fat-free flavored milk. However, if a child has a medically documented disability that requires a different fat content of milk, the SFA must provide an appropriate substitute based on the child’s medical statement signed by a recognized medical authority. **Note:** For children without disabilities, reimbursable meals cannot include whole, reduced-fat (2%), or flavored low-fat (1%) milk.

Nondairy Milk Substitutes

For children with a medically documented disability that requires a milk alternative such as soy milk, the SFA must provide an appropriate substitute based on the child’s medical statement signed by a recognized medical authority. Nondairy milk substitutes for children with disabilities are not required to comply with the USDA nutrition standards for milk substitutes. **Note:** For children without disabilities, all nondairy milk substitutes must comply with the USDA’s nutrition standards for milk substitutes (see table 5 in section 3).

In situations where the requested milk substitute is very expensive or difficult to obtain, it would be reasonable for the SFA to follow up with the family to see if a different substitute would be safe and appropriate for the child. For example, if the medical statement lists a specific brand of nondairy milk substitute, the SFA could check with the family to see if it would be safe and appropriate to provide a different brand for the child.
APPROPRIATE EATING AREAS
Federal civil rights legislation, including Section 504 of the Rehabilitation Act of 1973, the IDEA, and Titles II and III of the ADA, requires that in providing nonacademic services, including meals, schools and institutions must ensure that children with disabilities participate along with children without disabilities to the maximum extent appropriate. This allows children to interact with and learn from other children with backgrounds different from their own.

However, under some circumstances it may be appropriate to require children with certain special needs to sit at a separate table. For example, if a child requires significant assistance from an aide to consume their meals, it may be necessary for the child and the aide to have more space during the meal service.

Additionally, SFAs may determine that a separate, more isolated eating area would be best for children with severe food allergies. The separate eating area may be:

- a designated table in the cafeteria cleaned according to food safety guidelines (to eliminate possible cross contamination of allergens on tables and seating); or
- an area away from the cafeteria where children can safely consume their meals.

Prior to developing a special seating arrangement, the school should determine, with input from the child’s family and physician, if this type of seating arrangement would truly be helpful for the child. If the school develops a special seating arrangement, other children should be permitted to join the child with the food allergy, provided they do not bring any foods that would be harmful to the child.

Schools and institutions cannot segregate children with disabilities from the regular meal service simply as a matter of convenience. In addition, it is not appropriate to simultaneously use a separate table to segregate children who are being punished for misconduct. In all cases, the decision to feed children with disabilities separately must always be based on what is appropriate to meet the needs of the children.
3 — MODIFICATIONS FOR CHILDREN WITHOUT DISABILITIES

SFAs have the option to make meal modifications on a case-by-case basis for children whose special dietary needs do not constitute a disability, including those related to religious or moral convictions, general health concerns, or personal preferences, such as a preference that a child eats a gluten-free diet because a parent believes it is better for the child. However, the USDA does not require these accommodations.

**Modified meals served to children without disabilities must comply with the meal patterns and dietary specifications (nutrition standards).** For more information, see the CSDE’s Meal Patterns for School Nutrition Programs webpage and Menu Planning Guide for School Meals.

The USDA does not require a medical statement for modified meals that meet the meal patterns. These meals are eligible for reimbursement regardless of whether the SFA obtains a medical statement. However, the CSDE recommends obtaining a medical statement for optional meal modifications to ensure clear communication between parents or guardians and all appropriate school staff about the appropriate meal modifications for the child. SFAs can use the CSDE’s medical statement form to collect information for making meal modifications for children without disabilities.

- **Medical Statement for Meal Modifications in School Nutrition Programs:**
- **Guidance and Instructions for the Medical Statement for Meal Modifications in School Nutrition Programs:**

**Milk Substitutes Without Disabilities**

The USDA meal patterns for the NSLP, SBP, and ASP require that milk must be low-fat (1%) unflavored, fat-free unflavored, or fat-free flavored. The requirement that flavored milk must be fat-free does not apply to the SMP. However, if the SMP chooses to offer flavored milk, the USDA recommends that it is fat-free to be consistent with the school meal patterns.

For children without disabilities, reimbursable meals cannot include whole, reduced-fat (2%), or low-fat flavored milk, even with a medical statement signed by a recognized medical authority. The USDA meal patterns do not allow these types of milk unless a child has a medically documented disability that requires one of these types of milk. For more information, see “Milk Substitutes for Disabilities” in section 2.

SFAs may choose, but are not required, to offer one or more allowable milk substitutes for children whose special dietary needs do not constitute a disability. The two types of allowable substitutes for children without disabilities are:

- low-fat (1%) or fat-free lactose-reduced or lactose-free milk; or
- a nondairy beverage that meets the USDA nutrition standards for fluid milk substitutes (see table 5).
The requirements for milk substitutes are summarized below.

**Lactose-reduced and Lactose-free Milk**
Lactose-reduced milk has part of the lactose removed, while lactose-free milk has all of the lactose removed. Like regular milk, these types of milk come in a variety of flavors and fat contents, such as fat-free (skim), low-fat, and whole.

In addition to meeting the USDA meal pattern requirements, any lactose-reduced and lactose-free milk sold in public schools, either as part of school meals or a la carte, must meet the state beverage requirements of C.G.S. Section 10-221q. Milk must be no more than 4 grams of sugar per ounce and cannot contain artificial sweeteners. Lactose-reduced and lactose-free milk that does not meet both the USDA and state standards cannot be served as part of reimbursable meals or sold a la carte in public schools. The state beverage requirements do not apply to private schools or RCCIs.

Lactose-reduced and lactose-free milk credit as the milk component in the USDA meal patterns. SFAs can always substitute low-fat unflavored and fat-free unflavored or fat-free flavored lactose-reduced and lactose-free milk for regular milk, without a written statement from a parent or guardian. The CSDE encourages SFAs to make lactose-reduced or lactose-free milk available to children as needed.

SFAs cannot charge more for a reimbursable meal containing lactose-free milk or lactose-reduced milk, but can sell these types of milk a la carte for a higher price than regular milk. As with any a la carte item, the price charged to students should reflect the actual cost of the item plus an amount determined by the SFAs formula for a la carte pricing.

**Nondairy Milk Substitutes**
The USDA regulations allow SFAs to offer nondairy milk substitutes that meet the USDA’s nutrition standards for fluid milk substitutes. The USDA does not provide additional reimbursement for SFAs that choose to provide these substitutions.

The USDA nutrition standards require that milk substitutes must be nutritionally equivalent to fluid milk and provide specific levels of calcium, protein, vitamins A and D, magnesium, phosphorus, potassium, riboflavin, and vitamin B12. This ensures that children without disabilities who require a substitute for cow’s milk for cultural, ethnic, religious, or medical reasons receive the important nutrients found in milk.

Table 5 summaries the USDA nutrition standards for fluid milk substitutes. Certain brands of soy milk are the only available nondairy milk products that currently meet the USDA nutrition standards for fluid milk substitutes. Almond milk, rice milk, and other nondairy milk products do not currently meet these standards.
In addition to meeting the USDA nutrition standards, any nondairy milk substitutes sold in public schools, either as part of school meals or a la carte, must meet the state beverage requirements of C.G.S. Section 10-221q. Nondairy milk substitutes may be flavored but cannot contain artificial sweeteners, and must be no more than 4 grams of sugar per ounce, no more than 35 percent of calories from fat, and no more than 10 percent of calories from saturated fat. Nondairy milk substitutes that do not meet both federal and state standards cannot be served as part of reimbursable meals or sold a la carte in public schools. The state beverage requirements do not apply to private schools or RCCIs.

For children without disabilities, SFAs cannot serve nondairy beverages that do not comply with the USDA nutrition standards for fluid milk substitutes and C.G.S. Section 10-221q, even if the parent or guardian provides a medical statement signed by a recognized medical authority.

### Table 5. USDA Nutrition Standards for Fluid Milk Substitutes

<table>
<thead>
<tr>
<th>Minimum Nutrients per Cup (8 fluid ounces)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Calcium</strong></td>
</tr>
<tr>
<td>276 milligrams (mg) or 30% Daily Value (DV) *</td>
</tr>
<tr>
<td><strong>Protein</strong></td>
</tr>
<tr>
<td>8 grams (g)</td>
</tr>
<tr>
<td><strong>Vitamin A</strong></td>
</tr>
<tr>
<td>500 international units (IU) or 10% DV</td>
</tr>
<tr>
<td><strong>Vitamin D</strong></td>
</tr>
<tr>
<td>100 IU or 25% DV</td>
</tr>
<tr>
<td><strong>Magnesium</strong></td>
</tr>
<tr>
<td>24 mg or 6% DV</td>
</tr>
<tr>
<td><strong>Phosphorus</strong></td>
</tr>
<tr>
<td>222 mg or 20% DV *</td>
</tr>
<tr>
<td><strong>Potassium</strong></td>
</tr>
<tr>
<td>349 mg or 10% DV *</td>
</tr>
<tr>
<td><strong>Riboflavin</strong></td>
</tr>
<tr>
<td>0.44 mg or 25% DV *</td>
</tr>
<tr>
<td><strong>Vitamin B-12</strong></td>
</tr>
<tr>
<td>1.1 micrograms (mcg) or 20% DV *</td>
</tr>
</tbody>
</table>

* The FDA labeling laws require manufacturers to round nutrition values to the nearest five percent. The actual minimum DV is 27.6% for calcium, 22.2% for phosphorus, 9.97% for potassium, 25.88% for riboflavin, and 18.33% for vitamin B12.

**Required Documentation for Milk Substitutes**

Parents or guardians may request a nondairy milk substitute in writing without providing a medical statement signed by a recognized medical authority. For example, a parent of a vegetarian child can submit a written request asking the SFA to substitute an allowable brand of soy milk for cow’s milk. The written request must identify the medical or other special dietary need that restricts the child’s diet. **Note:** Any other meal pattern substitutions for vegetarian diets must meet the USDA requirements for reimbursable meals. For more information, see “Vegetarians” in section 4.

The soy milk offered by the SFA must meet the USDA nutrition standards for fluid milk substitutes (see table 5). Parent or guardian requests for milk substitutes must be maintained on file with children’s medical records. For more information, see “Storage and Updates of Medical Statements” in section 2.
The provision allowing a statement from parents or guardians applies only to milk substitutes for children without disabilities. For information on milk substitutes for children with disabilities, see “Milk Substitutes for Disabilities” in section 2.

**Variety of Milk Substitutes**
SFAs may choose how many types of milk substitutes to offer to children without disabilities. If more than one substitute is offered, the SFA must inform all parents or guardians of the options and allow all parents or guardians to choose one. For a reimbursable meal, all milk substitute options offered by the SFA must be:

- low-fat unflavored or fat-free flavored or unflavored lactose-reduced or lactose-free milk (see “Lactose-reduced and Lactose-free Milk” in this section); or
- a nondairy beverage that meets the USDA nutrition standards for fluid milk substitutes (see table 5).

**Availability of Milk Substitutes**
If a SFA chooses to make allowable milk substitutes available, they must be available for all children when requested by parents or guardians. If the SFA grants a parent’s request for any substitute, then all requests for that substitute must be granted. For example, if the SFA chooses to provide an allowable brand of soy milk at a parent’s request, then an allowable brand of soy milk must be available to all children whose parents or guardians make any request for fluid milk substitutes. All soy milk products must meet the USDA’s nutrition standards for fluid milk substitutes (see table 5).

**Acceptable Nondairy Beverages for Milk Substitutes**
In addition to meeting the USDA nutrition standards, nondairy milk substitutes used in school meals must meet the state statutory beverage requirements. C.G.S. Section 10-221q of requires that nondairy milk substitutes may be flavored but contain no artificial sweeteners, no more than 4 grams of sugars per ounce, no more than 35 percent of calories from fat, and no more than 10 percent of calories from saturated fat. SFAs cannot serve nondairy milk substitutes as part of reimbursable meals unless they meet both federal and state standards. Products that meet both federal and state requirements are included in the CSDE’s List of Acceptable Foods and Beverages (List 17).

The Nutrition Facts label does not usually include all of the nutrients required to identify a product’s compliance with the USDA nutrition standards for fluid milk substitutes. If any nutrient information is missing, SFAs must contact the manufacturer to obtain a product specification sheet that documents the product’s compliance with each nutrient in the USDA nutrition standards for milk substitutes.

Menu planners can use the USDA protein standard to screen nondairy products and determine whether they might meet the USDA nutrition standards. The USDA requires that fluid milk substitutes contain 8 grams of protein per cup (8 fluid ounces). If the product’s Nutrition Facts label lists less than 8 grams of protein per 1-cup serving, the product does not meet the USDA’s nutrition standards.
If the product’s Nutrition Facts label lists at least 8 grams of protein per 1-cup serving, the product might comply with the USDA’s nutrition standards. SFAs must obtain additional information from the manufacturer to determine if the product also meets the standards for calcium, vitamin A, vitamin D, magnesium, phosphorus, potassium, riboflavin, and vitamin B12 (see table 5). SFAs are encouraged to submit this information to the CSDE so that new acceptable milk substitutes can be added to the CSDE’s List of Acceptable Foods and Beverages. For more information, see the CSDE’s handout, Allowable Milk Substitutes for Children without Disabilities.

A La Carte Sales of Milk Substitutes
While SFAs may allow students to purchase an allowable soy milk separately from reimbursable meals, allowable soy milk cannot be substituted for regular milk in a reimbursable meal unless the SFA has a written request from the parent or guardian. If a SFA serves an allowable soy milk in the milk cooler and a student takes soy milk in place of regular milk with the reimbursable meal, the soy milk does not count as the USDA meal pattern component for fluid milk unless the SFA has a written parent or guardian request on file. All milk substitutes sold a la carte must meet the USDA nutrition standards for fluid milk substitutes (see table 5).

Juice and Water
For children without disabilities, SFAs cannot claim reimbursement for meals that contain juice or water in place of milk, even with a medical statement signed by a recognized medical authority. Meals that contain juice or water in place of milk are only reimbursable for children whose medically documented disability requires juice or water.

If a SFA chooses to make milk substitutes available, they must include at least one choice of either lactose-reduced or lactose-free milk or an allowable nondairy beverage that meets the USDA nutrition standards for milk substitutes (see table 5). These are the only options allowed for milk substitutes for children without disabilities.
Table 6 shows examples of acceptable and unacceptable milk substitutes for reimbursable school meals.

<table>
<thead>
<tr>
<th>SFA Offers</th>
<th>Is this an allowable milk substitution?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Whole milk or reduced-fat (2%) milk</td>
<td><strong>No.</strong> The USDA meal patterns allow only low-fat (1%) unflavored milk, fat-free unflavored milk, and fat-free flavored milk. The USDA meal patterns do not allow whole milk or reduced-fat (2%) milk.</td>
</tr>
<tr>
<td>Low-fat (1%) unflavored lactose-free or lactose-reduced milk</td>
<td><strong>Yes.</strong> The USDA meal patterns allow low-fat (1%) unflavored milk, including lactose-free and lactose-reduced milk.</td>
</tr>
<tr>
<td>Low-fat flavored lactose-free or lactose-reduced milk</td>
<td><strong>No.</strong> The USDA meal patterns specify that low-fat (1%) milk must be unflavored, including lactose-free and lactose-reduced milk.</td>
</tr>
<tr>
<td>Fat-free unflavored lactose-free or lactose-reduced milk</td>
<td><strong>Yes.</strong> The USDA meal patterns allow fat-free unflavored milk, including lactose-free and lactose-reduced milk.</td>
</tr>
<tr>
<td>Fat-free flavored lactose-free or lactose-reduced milk</td>
<td><strong>Yes.</strong> The USDA meal patterns allow fat-free flavored milk, including lactose-free and lactose-reduced milk.</td>
</tr>
<tr>
<td>A nondairy milk substitute that does not meet the USDA nutrition standards</td>
<td><strong>No.</strong> All nondairy milk substitutes must meet the USDA nutrition standards (see table 5).</td>
</tr>
<tr>
<td>A nondairy milk substitute that does not meet the beverage requirements of state statute (C.G.S. Section 10-221q)</td>
<td><strong>No.</strong> All nondairy milk substitutes must meet the USDA nutrition standards (see table 5) and the beverage requirements of C.G.S. Section 10-221q.</td>
</tr>
<tr>
<td>A nondairy milk substitute that meets the USDA nutrition standards</td>
<td><strong>Yes.</strong> Meals with nondairy milk substitutes that meet the USDA nutrition standards for milk substitutes (see table 5) are reimbursable.</td>
</tr>
<tr>
<td>Juice instead of milk</td>
<td><strong>No.</strong> SFAs can never offer juice as a milk substitute. All milk substitutes must be either low-fat unflavored or fat-free unflavored or flavored lactose-free/lactose-reduced milk or a nondairy milk substitute that meets the USDA nutrition standards for milk substitutes (see table 5).</td>
</tr>
<tr>
<td>Water instead of milk</td>
<td><strong>No.</strong> SFAs can never offer juice as a milk substitute. All milk substitutes must be either low-fat unflavored or fat-free unflavored or flavored lactose-free/lactose-reduced milk or a nondairy milk substitute that meets the USDA nutrition standards for milk substitutes (see table 5).</td>
</tr>
</tbody>
</table>
4 — MODIFICATIONS FOR OTHER REASONS

This section addresses meal modifications for reasons other than medical needs, including religion and personal food preferences. With the exception of sponsors of Jewish and Seventh-day Adventist institutions, the USDA regulations do not require SFAs to make meal modifications for individual food preferences such as vegetarianism religious, ethnic, moral, or other reasons. However, the USDA encourages SFAs to provide a variety of foods that children can select, which helps to accommodate individual food preferences.

RELIGIOUS REASONS

The USDA has granted institutions exemptions from the meal patterns when evidence shows that the variations are nutritionally sound and necessary to meet ethnic, religious, economic, or physical needs. USDA exemptions include sponsors of Jewish and Seventh-day Adventist institutions.

The USDA grants these exemptions for entities (schools, institutions, and sponsors) not individuals. Schools and institutions may choose to address the needs of individuals by substituting different food items within the same meal pattern component. For example, a child who does not eat pork for religious reasons could be served another meat/meat alternate (such as cheese, yogurt, or peanut butter), and still be provided a reimbursable meal.

A summary of the USDA provisions for Jewish and Seventh-day Adventist institutions follows.

Jewish Sponsors

FNS Instruction 783-13 (Rev. 3) summarizes the requirements for variations in meal patterns for Jewish schools, institutions, and sponsors. During the religious observance of Passover, Jewish institutions are exempt from the whole grain-rich (WGR) requirement of USDA regulations. Jewish institutions may substitute unenriched matzo for WGR products only during that period. At all other times of the year, matzo served as a grain component must be WGR or whole grain.

The USDA also allows flexibilities for Jewish institutions regarding the meal pattern requirement to offer milk with all meals. Jewish institutions may choose from four alternative options. These options apply only to meals containing meat or poultry when children do not have the opportunity to refuse milk or meat/poultry through OVS.

1. Serve an equal amount of nondairy milk substitute (for medical or special dietary needs) that is nutritionally equivalent to fluid milk. For information on the USDA nutrition standards for milk substitutes, see table 5 in section 3.
2. Serve an equal amount of full-strength juice in place of milk with lunch or supper. When substituting juice for milk, juice cannot contribute to the requirements for fruits or vegetables.

- Schools and institutions operating five days per week may substitute juice for milk twice per week for lunches and twice per week for suppers, but no more than once each day.
- Schools and institutions operating seven days per week may make three substitutions per week for lunches and three substitutions per week for suppers, but no more than once each day.

3. Serve milk at an appropriate time before or after the meal service period, in accordance with applicable Jewish Dietary Laws.

4. If applicable, serve the snack’s juice component at breakfast, lunch, or supper, and serve the corresponding meal’s milk component as part of the snack.

Milk must be offered or served in all other meals according to regulations, since Jewish Dietary Laws allow other meat alternates (such as fish, egg, beans and peas, nuts, seeds, and nut/seed butters) to be consumed with milk at the same meal.

Jewish institutions have the discretion to select one of the above options as an alternative to standard regulatory meal requirements. For review and audit purposes, institutions electing to use these options must inform the CSDE in writing prior to implementation, and must maintain a record of which option they have chosen. For information on contacting the CSDE, see “CSDE Contact Information” at the beginning of this guide.

Jewish Dietary Laws also pose challenges to serving the dark green vegetable subgroup required in the NSLP. Jewish institutions facing this challenge may be exempt from the requirement to serve the dark green vegetable subgroup, but must serve the same total amount of vegetables. Vegetables served in place of dark green vegetables must come from the red/orange or beans/peas subgroups. The Dietary Guidelines for Americans indicates that the American diet does not include a sufficient amount of these two subgroups.

Seventh-day Adventist Sponsors

Seventh-day Adventist institutions, like all other schools and institutions, may use alternate protein products (APP) such as vegetable burgers and other meatless entree items to meet the requirements for the meat/meat alternates component. The USDA allows the use of APP to provide more flexibility in menu planning.

APPs are food ingredients that may be used alone or in combination with meat, poultry, or seafood. They are processed from soy or other vegetable protein sources and may be dehydrated granules, particles, or flakes. Some examples include soy flours, soy concentrates, soy isolates, whey protein concentrate, whey protein isolates, and casein. APPs may be used in the dry (nonhydrated), partially hydrated, or fully hydrated form.
Appendix A to Part 210 of the NSLP regulations and Part 220 of the SBP regulations requires that APP must comply with specific criteria to credit toward the meat/meat alternates component of the USDA meal patterns. Table 7 summarizes the APP requirements.

Table 7. USDA APP Requirements

1. The APP is processed so that some portion of the nonprotein constituents of the food is removed. (This refers to the manufacturing process for APP.) APP must be safe and suitable edible products produced from plant or animal sources.

2. The biological quality of the protein in the APP must be at least 80 percent that of casein (milk protein), determined by performing a Protein Digestibility Corrected Amino Acid Score (PDCAAS).

3. The APP contains at least 18 percent protein by weight when fully hydrated or formulated. ("When hydrated or formulated" refers to a dry APP and the amount of water, fat, oil, colors, flavors or any other substances that have been added.)

Menu planners cannot determine this information by reading the product’s label. The USDA’s Food Safety Inspection Service (FSIS) and the Food and Drug Administration’s (FDA) labeling laws require manufacturers to list product ingredients, but percent labeling is voluntary. For example, the ingredients may list whey protein concentrate and hydrolyzed soy protein but will not indicate the percentage of these protein ingredients by weight. Consequently, SFAs are responsible for obtaining documentation from the manufacturer for any APP used to meet the requirements of the meat/meat alternates component.

The manufacturer can provide documentation of the above criteria in a variety of forms, such as a product specification sheet or a letter signed by a company official attesting the product meets the USDA requirements. Products that have Child Nutrition (CN) labels provide information on how schools and institutions can credit APP foods toward the meal pattern.

For more information on crediting APP, see section 2 of the CSDE’s Menu Planning Guide for School Meals. For information on CN labels, see the CSDE’s handout, Child Nutrition (CN) Labeling Program.
VEGETARIANS

With the exception of Seventh-day Adventist sponsors, USDA regulations do not require SFAs to make meal modifications for vegetarians. To receive USDA reimbursement, meals served to vegetarian children must meet the USDA meal patterns and dietary specifications. SFAs are encouraged to work with families to provide foods that children can eat, while considering cost constraints and program logistics such as food service production capabilities.

With multiple lunch choices and OVS, SFAs can generally accommodate the preferences of vegetarian children. OVS allows children to decline a specific number of food components at breakfast and lunch (except for at least ½ cup of fruits or vegetables), while still receiving a reimbursable meal.

SFAs can offer a variety of vegetarian choices each week, such as macaroni and cheese, spaghetti with tomato sauce and cheese wedge, red beans and rice, cheese pizza, vegetable bean soup, chili, grilled cheese sandwiches, meatless lasagna, bean tacos, and bean burritos. SFAs may also incorporate a variety of vegetable-based entree products, such as meatless hotdogs and vegetable burgers, if they meet the USDA criteria for APP (see table 7 in this section).

If the menu includes only one lunch choice, SFAs can choose to offer vegetarian children a different food item from the same meal component. For example, SFAs can substitute a grilled cheese (meat/meat alternates component) sandwich on whole-grain bread (grains component) for a hamburger (meat/meat alternates component) on a whole-grain bun (grains component).

OVS is a concept that applies to menu planning and the determination of reimbursable meals in the NSLP and SBP. OVS does not apply to the ASP or SMP. OVS allows students to decline a certain number of food components in the meal (except for at least ½ cup of fruits or vegetables), reducing food waste and food costs, and allowing students to select the foods they prefer to eat. At lunch, OVS must be implemented in senior high schools but is optional for all other grades. At breakfast, OVS is optional for all grade levels. SFAs that choose to implement OVS can provide significantly more flexibility in meeting students’ dietary preferences. For more information, see the CSDE’s OVS webpage.
OTHER MODIFICATIONS

FOOD PREFERENCES
USDA regulations do not require SFAs to make meal modifications based on food choices or personal preferences of a family or child. Personal food preferences, such as a preference that a child eats a gluten-free diet because a parent believes it is better for the child, are not disabilities and do not require modifications. SFAs can choose, but are not required, to accommodate children’s personal food preferences on a case-by-case basis. Any meal modifications for personal food preferences must comply with the USDA meal patterns and dietary specifications or they are not reimbursable.

The CSDE encourages SFAs to offer a variety of menu options for students and implement OVS. OVS allows flexibility in accommodating students’ personal food preferences. For more information, see the CSDE’s OVS webpage.

Modified meals that meet the USDA meal patterns are eligible for reimbursement regardless of whether the SFA obtains a medical statement. However, the CSDE recommends obtaining a medical statement to ensure clear communication between families and SFAs about the appropriate meal modifications for each child.

VENDED MEALS
SFAs must always ensure that any benefits available to the general school population are equally available to children with disabilities. Consequently, SFAs must make accommodations for children with disabilities regardless of whether the school district operates the school nutrition program or contracts with a food service management company (FSMC).

When a FSMC operates the school nutrition program or the SFA obtains meals from a vendor, the LEA must address the issue of meal modifications. The CSDE recommends that the contract developed with the FSMC or vendor specifies the SFA’s requirements for meal modifications. SFAs that do not have any need for meal modifications at the time a bid is prepared should still include sufficient information in the bid to ensure that the vendor is aware that meal modifications may be required during the term of the contract. The SFA, not the FSMC or vendor, is ultimately responsible for complying with the USDA regulations for school meals, including meal modifications for children whose disability restricts their diet.

For detailed guidance on contracting with FSMCs, see the USDA’s memo SP 40-2016 CACFP 12-2016 SFSP 14-2016: Updated Guidance: Contracting with Food Service Management Companies. For more information, visit the School Nutrition Programs section of the CSDE’s Food Service Management Company Contracts webpage.
FAMILY-PROVIDED FOODS

The regulations of Connecticut Public Health Code (PHC) 19-13-B42 for food service establishments require that all food and drink must be from an approved source. SFAs sometimes received requests to store, heat, and serve food items that a parent or guardian purchases off school premises and sends to school for their child’s consumption. SFAs should not accept any foods from home (including packaged foods) for food service personnel to either:

- heat and serve, such as frozen entree products; or
- store and serve, such as cold foods and beverages or packaged foods.

The Connecticut DPH advises local health departments that all foods in food service establishments, including school food service operations, must originate from inspected, regulated sources and be transported properly at required temperatures. Foods from a private home have not originated from an approved source. SFAs should not accept for service any food from an unregulated source, including foods from home or foods purchased by parents or guardians off school premises.

The school food service department cannot ensure the safety of food brought from home from either potential food allergens or microbial contamination. LEAs face potential liability issues if they serve foods to students that have not been:

- directly received from a regulated source, such as an approved food service vendor; or
- stored, cooked, and served by trained school food service personnel in the cafeteria under the direction of a qualified food operator (QFO).

Connecticut PHC Section 19-13-B42(s)(4) requires at least one QFO, who is in a supervisory position, and a designated alternate person to be in charge at all times when the QFO cannot be present, in each food service establishment that prepares and/or serves exposed potentially hazardous foods prepared using hot processes. Each local health jurisdiction is responsible for classifying its local food service establishments.

A QFO is a food service professional in a full-time supervisory capacity on site who has demonstrated knowledge in the safe preparation and service of food, as defined by DPH regulations. The QFO’s responsibilities include operating the food service establishment in compliance with all the provisions of Public Health Code 19-13-B42; training food preparation personnel in safe food preparation practices; maintaining written documentation of training; and directing and inspecting the performance of food service workers. For more information, see the CSDE’s handout, Qualified Food Operator (QFO) Responsibilities for Connecticut Child Nutrition Programs.
LEAs must comply with federal and state laws for developing and implementing written policies and procedures for special diets. USDA regulations require LEAs to develop and implement a procedural safeguards process. State law requires public schools to develop and implement a plan to manage students with life-threatening food allergies. The CSDE recommends that LEAs also develop a written policy addressing meal modifications for school nutrition programs. This section summarizes these requirements and recommendations.

PROCEDURAL SAFEGUARDS

USDA regulations (7 CFR 15b.25) require LEAs to establish a procedural safeguards process that provides notice and information to parents and guardians regarding how to request a reasonable meal modification and their procedural rights (7 CFR 15b.6(b)) for grievance procedures. These procedures 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.

LEAs must work with school food service personnel to implement procedures for parents or guardians to request meal modifications for children with disabilities and to resolve grievances. LEAs may fulfill this requirement by using existing procedures to address requests to accommodate students with disabilities in the classroom, in compliance with Section 504 or the IDEA.

At a minimum, the LEA must notify parents and guardians of the process for requesting meal modifications to accommodate a child’s disability, and arrange for an impartial hearing process to resolve grievances related to requests for meal modifications based on a disability. The hearing process must include the opportunity for the child’s parent or guardian to participate, be represented by counsel, and examine the record. It must also include notice of the final decision and a procedure for review.

LEAs employing at least 15 individuals must ensure their procedural safeguards process provides for a prompt and equitable resolution of grievances, and must designate at least one person to coordinate compliance with disability requirements. This individual is often referred to as the Section 504 Coordinator. In many cases, the Section 504 Coordinator is responsible for addressing requests for accommodations in the school in general, and may also be responsible for ensuring compliance with disability requirements related to meals and the meal service.
LEAs are not required to have a separate 504 Coordinator who is only responsible for meal modifications. However, LEAs should ensure that school food service personnel understand the procedures for handling requests for meal modifications and know how to contact the Section 504 Coordinator.

**FOOD ALLERGY MANAGEMENT PLAN**

Section 10-212c of the Connecticut General Statutes requires that public schools develop and implement a plan to manage students with life-threatening food allergies. The statute also specifies that schools should base the plan on the CSDE’s Guidelines for Managing Life-threatening Food Allergies in Connecticut Schools, and include the development of an IHCP for every student with life-threatening food allergies, regardless of the child’s age.

SFAs in public schools should be familiar with their district’s food allergy management plan and implement procedures that are consistent with that plan. School health services and food services should collaborate on the implementation of all food allergy management plans.

**POLICIES FOR MEAL MODIFICATIONS**

In addition to the requirements for procedural safeguards and food allergy management plans, the CDSE strongly encourages LEAs to develop a written policy addressing meal modifications for school nutrition programs. The policy should be integrated with the LEA’s procedural safeguards process and food allergy management plan, and developed in collaboration with school health services and administrators.

Written policies are important because they:

- provide clear guidelines for students, families, and school staff;
- ensure consistent practices in all schools and among all staff members;
- document compliance with federal and state requirements and best practices;
- educate families regarding school practices and procedures;
- provide a basis to evaluate program activities and staff members; and
- demonstrate the LEA’s commitment to children’s health and well-being.

Policies are an important tool to notify the school community — including school administrators, school staff, and families — of the availability of meal modifications, and explain applicable requirements and procedures, including:

- federal requirements to ensure that modified meals are reimbursable;
- the process for parents or guardians to request meal modifications;
- how to submit the medical statement and supporting documentation, such as diet plans;
- standard operating procedures (SOPs) for accommodating special diets, e.g., preparing foods for different types of special diets and cleaning to prevent food allergen contamination;
• communication procedures between school personnel and between schools and families; and
• monitoring to ensure that meal modifications are appropriate and meet individual dietary needs.

SOPs are detailed explanations of how to implement a policy through specific practices or tasks. They standardize the process and provide step-by-step instructions that enable everyone to perform the task in a consistent manner. This ensures that all school personnel follow the same procedures each time. SOPs for special diets might include:

• procedures for preparing foods for different types of special diets, such as texture modifications;
• cleaning procedures for preventing food allergen contamination; and
• training procedures for all staff including substitutes.

Strategies for Policy Development
The strategies below can assist LEAs with developing policies for meal modifications. Priority areas include assessing current operations, developing SOPs, providing staff training, and ensuring consistent communication.

• Identify the personnel and resources needed for planning, developing, implementing, and evaluating the policy and SOPs.

• Conduct a self-assessment of the LEA’s current policies, practices, and procedures for modifications to school meals. The CSDE’s Self-assessment of Local Practices for Special Diets in School Nutrition Programs and the Institute of Child Nutrition’s NFSMI Best Practices for Serving Students with Special Food and/or Nutrition Needs in School Nutrition Programs can assist LEAs with this process.

• Identify the essential practices to implement in school food services and school health services, and determine where SOPs are necessary.

• Develop an action plan to address the practices needing attention, as identified by the self-assessment. When developing action plans for SOPs, start with the most important practices. The CSDE’s action planning form and sample action plans can assist with this process:
  o Action Planning Form;
  o Sample Action Plan: Policy Development; and
• Develop SOPs by writing down the actual steps taken when performing the specific task. When using sample SOPs from organizations or other schools, be sure to customize the information so it is specific to the local program. The resources below provide examples of SOPs:
  o *Preparation of Foods with Potential to Cause Allergic Reaction: Standard Operating Procedure* (Wisconsin Department of Public Instruction);
  o *Standard Operating Procedure: Handling Students Identified with Severe Food Allergy or Anaphylaxis* (South Windsor Public Schools);
  o *Food Safety SOPs* (Institute of Child Nutrition); and
  o “Standard Operating Procedures” in the *Food Safety* section of the CSDE’s *Nutrition Resources* list.

• Identify the training needs of school personnel regarding meal modifications for children with special nutrition needs. Provide annual and ongoing training for school food service personnel, school health services personnel, and other school staff, as appropriate.

• Determine effective communication strategies between the school food service director, school food service personnel, nurse supervisor, nurses, teachers, students, parents or guardians, school staff, and administrators.
6 — RESOURCES

This section includes links to federal and state regulations, policy memoranda, websites, and the CSDE’s guides, resource lists, forms and handouts.

CSDE FORMS AND HANDOUTS

Action Planning Form (PDF Version)

Action Planning Form (Word Version)
www.sde.ct.gov/sde/lib/sde/word_docs/deps/nutrition/forms/actionplan.doc

Allowable Milk Substitutes for Children without Disabilities

Child Nutrition (CN) Labeling Program

Medical Statement for Modified Meals in School Nutrition Programs
www.sde.ct.gov/sde/lib/sde/word_docs/deps/nutrition/sdn/medicalsnp.doc (Word Version)

Guidance and Instructions: Modified Meals for Special Diets in School Nutrition Programs

Qualified Food Operator (QFO) Responsibilities for Connecticut Child Nutrition Programs

Sample Action Plan: Policy Development

Sample Action Plan: Policy Promotion

Self-assessment of Local Practices for Special Diets in School Nutrition Programs

Summary of Requirements for Accommodating Special Diets in School Nutrition Programs

All forms and handouts are available on the CSDE’s Special Diets website.
CSDE GUIDES

*Accommodating Special Diets in School Nutrition Programs*


*Afterschool Snack Program Handbook*


*Guidelines for Feeding and Swallowing Programs in Schools*


*Guidelines for Managing Life-threatening Food Allergies in Connecticut Schools*


*Menu Planning Guide for School Meals*


CSDE RESOURCE LISTS


**Nutrition Resource Lists**

- Child Nutrition Programs
- Dietary Guidelines and Nutrition Information
- Food Safety
- Menu Planning and Food Production
- Special Diets

**Healthy School Environment Resource Lists**

- Competitive Foods
- Health and Achievement
- Nutrition Education
- Physical Activity and Physical Education
- Promoting Healthy Weight
- Wellness Policies for Schools and Child Care
NONDISCRIMINATION LEGISLATION

ADA: www.ada.gov/

ADA Amendments Act of 2008 (P.L. 110-325):
http://www.ada.gov/pubs/ada.htm

ADA Amendments Act of 2008 Final rule: Amendment of Americans with Disabilities Act
Title II and Title III Regulations to Implement ADA Amendments Act of 2008 (28 CFR

ADA Final Rule: Nondiscrimination on the Basis of Disability by Public Accommodations and in
Commercial Facilities (28 CFR Part 36) (Implementing regulation for Title III of the
Americans with Disabilities Act (ADA)):

ADA: The Americans with Disabilities Act of 1990 and Revised ADA Regulations
Implementing Title II and Title III (U.S. Department of Justice website):
https://www.ada.gov/2010_regs.htm

Americans with Disabilities Act of 1990 (ADA) and the ADA Amendments Act of 2008 (Public Law

Civil Rights (U.S. Department of Health & Human Services, Office for Civil Rights):
www.hhs.gov/civil-rights/for-individuals/disability/index.html

Code of Federal Regulations 7CFR15b.3 Nondiscrimination on the Basis of Handicap in Programs and
Activities Receiving Federal Financial Assistance (USDA):
http://edocket.access.gpo.gov/cfr_2003/7cfr15b.3.htm

CSDE Circular Letter C-9: Section 504 of the Rehabilitation Act of 1975: Procedural Safeguards:

Family Educational Rights and Privacy Act (FERPA) (U.S. Department of Education):

Individuals with Disabilities Education Act (IDEA):
http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=108_cong_public_laws&docid=f:publ446.108

Know the Rights That Protect Individuals with Disabilities from Discrimination (U.S. Department of
Health & Human Services Office for Civil Rights):
www.hhs.gov/sites/default/files/knowyourrights504adafactsheet.pdf

Section 504 of the Rehabilitation Act of 1973:
https://www.hhs.gov/sites/default/files/knowyourrights504adafactsheet.pdf

Individuals with Disabilities Education Act (U.S. Department of Education):
https://sites.ed.gov/idea/

Individuals with Disabilities Education Act (IDEA):
http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=108_cong_public_laws&docid=f:publ446.108
RESOURCES

USDA Nondiscrimination Regulations (7 CFR 15b: *Nondiscrimination on the Basis of Handicap in Programs or Activities Receiving Federal Financial Assistance*):

U.S. Department of Education Office of Special Education Programs:
www.ed.gov/about/offices/list/osers/osep/index.html

*Your Rights Under Section 504 of the Rehabilitation Act* (U.S. Department of Health & Human Services, Office for Civil Rights):
www.hhs.gov/sites/default/files/ocr/civilrights/resources/factsheets/504.pdf

CHILD NUTRITION PROGRAMS

Afterschool Snack Program (CSDE):

Afterschool Snack Program (USDA):
www.fns.usda.gov/school-meals/afterschool-snacks

Beverage Requirements (CSDE):

Certification of Meal Pattern Compliance (USDA):

Child Nutrition (CN) Labeling (USDA):
www.fns.usda.gov/cnd/cnlabeling/default.htm

Child Nutrition Programs (CSDE):

Connecticut Department of Public Health Food Protection Program:
www.ct.gov/dph/cwp/view.asp?a=3140&q=387486

Connecticut Nutrition Standards (CSDE):

Crediting Foods (CSDE):

Health Promotion Services/School Nurse (CSDE):
www.sde.ct.gov/sde/cwp/view.asp?a=2678&Q=320768&sdePNavCtr=|45534|#45539

Healthy Food Certification (CSDE):

Healthy, Hunger-Free Kids Act of 2010 (Public Law 111-296):

Laws and Regulations for Child Nutrition Programs (CSDE):
List of Acceptable Foods and Beverages (CSDE):

Meal Pattern Training Materials (CSDE):

Meal Patterns for School Nutrition Programs (CSDE):

Menu Planning (CSDE):

National School Lunch Program (CSDE):
  www.sde.ct.gov/sde/cwp/view.asp?a=2626&q=320678

National School Lunch Program (USDA):
  www.fns.usda.gov/cnd/lunch/

Nutrition Education Resources (CSDE):

Nutrition Standards for School Meals (USDA):
  www.fns.usda.gov/cnd/Governance/Legislation/nutritionstandards.htm

Operational Memos for School Nutrition Programs (CSDE):
  www.sde.ct.gov/sde/cwp/view.asp?a=2626&q=322550

Policies on Special Diets (CSDE):
  www.sde.ct.gov/sde/cwp/view.asp?a=2626&q=333750

Policy Memos for the NSLP (USDA):
  www.fns.usda.gov/nslp/policy

Production Records (CSDE):

Program Guidance for School Nutrition Programs (CSDE):

Regulations for School Meals (USDA):
  www.fns.usda.gov/cnd/governance/regulations.htm

Resources for Child Nutrition Programs (CSDE):

School Breakfast Program (CSDE):

School Foods and Beverages (CSDE):
  www.sde.ct.gov/sde/cwp/view.asp?a=2626&q=322416

School Wellness Policies (CSDE):
RESOURCES

Special Diets (CSDE):

USDA Policy Memoranda for School Meals (USDA):
www.fns.usda.gov/cnd/governance/policy.htm

REGULATIONS AND POLICY

Accommodating Children with Disabilities in the School Meal Programs (USDA):

Connecticut General Statutes Section 10-221q (Sale of Beverages):
www.cga.ct.gov/2011/pub/chap170.htm#Sec10-221q.htm

www.dir.ct.gov/dph/PHC/docs/19_Sanitation_of_Food_Fair.doc
(scroll down to 19-13-B42)

CSDE Operational Memorandum No. 28-13: Variations in Meal Requirements for Religious Reasons: Jewish Schools, Institutions and Sponsors:

CSDE Operational Memorandum No. 22-15: Statements Supporting Accommodations for Children with Disabilities in the Child Nutrition Programs:

CSDE Operational Memorandum No. 23-09: Questions and Answers: Milk Substitution for Children with Medical or Special Dietary Needs (Nondisability):

CSDE Operational Memorandum No. 3-09: Final Rule on Fluid Milk Substitutions:

CSDE Operational Memorandum No. 9-13: Dietary Accommodations for Celiac Disease in Child Nutrition Programs:

Cumulative Health Records Guidelines (CSDE):

Final Rule “Nutrition Standards in the National School Lunch and School Breakfast Programs,” Questions & Answers for Program Operators (USDA):

Final Rule on Fluid Milk Substitutions in the School Nutrition Programs (73 FR 52903) (USDA):

FNS Instruction 783-13, Revision 3: Variations in Meal Requirements for Religious Reasons: Jewish Schools, Institutions and Sponsors:
RESOURCES

Nutrient Analysis Protocols: How to Analyze Menus for USDA’s School Meals Programs (USDA):

Questions and Answers: Fluid Milk Substitutions in the School Nutrition Programs (USDA):
www.sde.ct.gov/sde/lib/sde/pdf/deps/nutrition/opmemos/10/om03-10attach.pdf


USDA Memo SP07-2010, CACFP 04-2010 and SFSP 05-2010: Q&As - Milk Substitution for Children with Medical or Special Dietary Needs (Non-Disability): www.fns.usda.gov/qas-milk-substitution-children-medical-or-special-dietary-needs-non-disability

USDA Memo SP 02-2009: Final Fluid Milk Substitution Rule:
a la carte items: Foods and beverages that are sold separately from reimbursable meals in the USDA school nutrition programs. A la carte items include, but are not limited to, foods and beverages sold in the cafeteria serving lines, a la carte lines, kiosks, vending machines, school stores, and snack bars located anywhere on school grounds.

administrative review: A periodic review of an institution’s operations by the Connecticut State Department of Education to monitor performance and assess compliance with all USDA regulations. For more information, see the CSDE’s Administrative Review for School Nutrition Programs webpage.

advanced practice registered nurse (APRN): An individual who performs advanced level nursing practice activities that, by virtue of post-basic specialized education and experience, are appropriate to and may be performed by this profession. The APRN performs acts of diagnosis and treatment of alterations in health status and collaborates with a physician (licensed to practice medicine in Connecticut) to prescribe, dispense, and administer medical therapeutics and corrective measures. For more information, see Section 20-87a of the Connecticut General Statutes.

Afterschool Snack Program: The USDA’s federally assisted snack program implemented through the National School Lunch Program (NSLP). The Afterschool Snack Program provides cash reimbursement to help schools serve snacks to children in afterschool activities aimed at promoting the health and well-being of children and youth. Schools must provide children with regularly scheduled activities in an organized, structured and supervised environment that includes educational or enrichment activities, e.g., mentoring/tutoring programs. Programs must meet state or local licensing requirements and health and safety standards. For more information, see the CSDE’s Afterschool Snack Program webpage.

alternate protein products (APP): APPs are generally single ingredient powders that are added to foods. Some examples include soy flours, soy concentrates, soy isolates, whey protein concentrate, whey protein isolates and casein. APPs include vegetable protein products. The USDA has specific requirements for the crediting of APP in Child Nutrition Programs. For more information, see the CSDE’s handout, Requirements for APP.

anaphylaxis: A sudden, severe allergic reaction occurring in allergic individuals after exposure to an allergen such as food, an insect sting or latex. Anaphylaxis involves various areas of the body simultaneously or causes difficulty breathing and swelling of the throat and tongue. In extreme cases, anaphylaxis can cause death.

body mass index: A number calculated from a child’s weight and height that is a reliable indicator of body fat for most children and teens. For children ages 2 through 19, the BMI number is plotted on the Centers for Disease Control and Prevention’s (CDC) BMI-for-age growth charts (for either girls or boys) to obtain a percentile ranking. Percentiles are the most commonly used indicator to assess the size and growth patterns of individual children in the United States. BMI ranges for children and teens are defined so that they take into account normal differences in body fat between boys and girls and differences in body fat at various ages. For more information, see the CDC’s About Child and Teen BMI webpage.
GLOSSARY

celiac disease: An autoimmune digestive disease that damages the small intestine and interferes with absorption of nutrients from food. People who have celiac disease cannot tolerate gluten, a protein in wheat, rye and barley. For more information, see the National Digestive Diseases Information Clearinghouse website.

Child and Adult Care Food Program (CACFP): The USDA’s federally assisted meal program providing nutritious meals and snacks to children in child care centers, family day care homes and emergency shelters, and snacks and suppers to children participating in eligible at-risk afterschool care programs. The program also provides meals and snacks to adults who receive care in nonresidential adult day care centers. For more information, see the USDA’s CACFP webpage.

Child Nutrition (CN) label: A statement that clearly identifies the contribution of a food product toward the meal pattern requirements, based on the USDA’s evaluation of the product’s formulation. Products eligible for CN labeling include main dish entrees that contribute to the meat/meat alternates component of the meal pattern requirements, e.g., beef patties, cheese or meat pizzas, meat or cheese and bean burritos, egg rolls, and breaded fish portions. The CN label may also indicate the contribution of other meal components that are part of these products. For more information, see the CSDE’s handout, CN Labeling, and the USDA’s Child Nutrition (CN) Labeling webpage.

Child Nutrition Programs: The USDA’s federally funded programs that provide nutritious meals and snacks to children, including the National School Lunch Program (NSLP), School Breakfast Program (SBP), Afterschool Snack Program, Seamless Summer Option (SSO) of the NSLP, Special Milk Program (SMP), Summer Food Service Program (SFSP), Fresh Fruit and Vegetable Program (FFVP) and Child and Adult Care Food Program (CACFP). The CACFP also provides nutritious meals and snacks to the frail elderly in adult day care centers. For more information, see the CSDE’s Child Nutrition Programs webpage.

competitive foods: Any foods and beverages sold to students anytime on school premises other than meals served through the USDA school meal programs. Competitive food sales include, but are not limited to, cafeteria a la carte sales, vending machines, school stores and fundraisers. For more information, see “a la carte sales” in this section.

creditable food: A food or beverage that can be counted toward meeting the meal pattern requirements for a reimbursable meal or snack in the USDA Child Nutrition Programs. For more information, see the CSDE’s Crediting Foods webpage.

Cumulative Health Record (CHR): The official student health record in Connecticut schools. The CHR is recognized as a formal part of an educational record and must be maintained as such. It provides a systematic way to organize the collection of student health information.

dietary specifications: The USDA’s nutrition standards for meals in the NSLP and SBP. The dietary specifications include weekly calorie ranges and limits for saturated fat and sodium. In addition, Nutrition Facts labels and manufacturer specifications must indicate zero grams of trans fat per serving for all food products and ingredients used to prepare school meals. For more information, see the CSDE’s Menu Planning Guide for School Meals.

dietitian: See “registered dietitian” in this section.
disability: A condition in which a person has a physical or mental impairment that substantially limits one or more major life activities; has a record of such an impairment; or is regarded as having such an impairment. For more information, see “Definition of Disability” in section 2.

Emergency Care Plan (ECP): A written plan that provides specific directions about what to do in a medical emergency such as an accidental exposure to the allergen or safety emergency such as a fire drill or lockdown. The ECP is often part of the IHCP. This written plan helps the school nurse, school personnel, and emergency responders react to an emergency in a prompt, safe, and individualized manner. For more information, see the CSDE’s Guidelines for Managing Life-threatening Food Allergies in Connecticut Schools.

Family Educational Rights and Privacy Act (FERPA): A federal law that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education. FERPA allows schools to disclose student records without consent to school officials with legitimate educational interest, such as making meal modifications for special dietary needs. For more information, see the FERPA website.

fluid milk substitutes: Nondairy beverages (such as soy milk) that can be used as a substitute for fluid milk in the USDA Child Nutrition Programs. For meals and snacks to be reimbursable, these beverages must meet the USDA nutrition standards for milk substitutes. For more information, see “nutrition standards for milk substitutes” in this section.

food allergy: An exaggerated response by the immune system to a food that the body mistakenly identifies as being harmful. The body’s reaction to the allergy-causing food can affect the respiratory system, gastrointestinal tract, skin, and cardiovascular system. In some people, a food allergy can cause severe symptoms or even a life-threatening reaction known as anaphylaxis. For more information, see “anaphylaxis” in this section.

food components: The five food groups that comprise reimbursable meals in the NSLP (milk, fruits, vegetables, grains and meat/meat alternates) and the three food groups that comprise reimbursable breakfasts in the SBP (grains with optional meat/meat alternate substitutions, fruits with optional vegetable substitutions, and milk). For more information on the food components, see the CSDE’s Crediting Foods webpage.

food intolerance: An adverse food-induced reaction that does not involve the body’s immune system, e.g., lactose intolerance and gluten intolerance. For more information, see “lactose intolerance” in this section.

food item: A specific food offered within the food components that comprise reimbursable meals in the USDA school nutrition programs. A food item may contain one or more food components or more than one serving of a single component. For example, an entree could provide one serving of grains and one serving of meat/meat alternates, and a bagel could provide two servings of grains.
**Glossary**

**Gluten Sensitivity:** A condition with symptoms similar to those of celiac disease that improve when gluten is eliminated from the diet. Individuals who have been diagnosed with gluten sensitivity do not experience the small intestine damage found in celiac disease. Gluten sensitivity is a diagnosis of exclusion that requires ruling out celiac disease and wheat/gluten allergy, followed by a period of dietary gluten exclusion to see if the patient gets better, then a gluten challenge to see how the patient reacts. For more information, see “Gluten Sensitivity” in section 2 and the Celiac Disease Foundation website.

**Has a Record of Such Impairment:** Has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.

**Health Insurance Portability and Accountability Act of 1996 (HIPAA):** A federal law that protects personal health information. The HIPAA Privacy Rule provides federal protections for personal health information (electronic, written, and oral) held by covered entities and gives patients an array of rights with respect to that information. It also permits the disclosure of personal health information needed for patient care and other important purposes. The Security Rule protects health information in electronic form. It requires entities covered by HIPAA to ensure that electronic protected health information is secure. For more information, see the U.S. Department of Health and Human Services website.

**Is Regarded as Having an Impairment:** 1) has a physical or mental impairment that does not substantially limit major life activities but that is treated by a recipient as constituting such a limitation; 2) has a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of others towards such impairments; or 3) has none of the impairments defined in “physical and mental impairment” but is treated by a recipient as having such an impairment.

**Individualized Education Program (IEP):** A written statement for a child with a disability that is developed, reviewed and revised in accordance with the Individuals with Disabilities Education Act (IDEA) and its implementing regulations. The IEP is the foundation of the student’s educational program. It contains the program of special education and related services to be provided to the child with a disability covered by the IDEA.

**Individualized Health Care Plan (IHCP):** A written document developed for children with special health care needs or whose health needs require daily intervention. The IHCP describes how to meet an individual child’s daily health and safety needs in the school setting.

**Individuals with Disabilities Education Act (IDEA):** A federal law ensuring services to children with disabilities that governs how states and public agencies provide early intervention, special education and related services to eligible infants, toddlers, children, and youth with disabilities. The IDEA provides financial assistance to states in the provision of special education and related services for eligible children. For more information, see the IDEA website.

**Lactose Intolerance:** A reaction to a food that does not involve the immune system. Lactose-intolerant people lack an enzyme needed to digest milk sugar (lactose). When that person eats milk products, symptoms such as gas, bloating, and abdominal pain may occur.
local educational agency (LEA): A public board of education or other public or private nonprofit authority legally constituted within a state for either administrative control or direction of, or to perform a service function for, public or private nonprofit elementary schools or secondary schools in a city, county, township, school district, or other political subdivision of a state, or for a combination of school districts or counties that is recognized in a state as an administrative agency for its public or private nonprofit elementary schools or secondary schools. The term also includes any other public or private nonprofit institution or agency having administrative control and direction of a public or private nonprofit elementary school or secondary school, including residential child care institutions, Bureau of Indian Affairs schools, and educational service agencies and consortia of those agencies, as well as the state educational agency in a state or territory in which the state educational agency is the sole educational agency for all public or private nonprofit schools.

licensed physician: A doctor of medicine or osteopathy.

major life activities: These 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.

meat alternates: Foods that provide similar protein content to meat. Meat alternates include alternate protein products, cheese, eggs, cooked dry beans or peas, nuts and seeds and their butters (except for acorn, chestnut and coconut), yogurt, soy yogurt and commercial tofu containing at least 5 grams of protein in a ¼-cup (2.2 ounces) serving. For more information, see the CSDE’s Menu Planning Guide for School Meals.

medical statement: A document that identifies the specific medical conditions and appropriate dietary accommodations for children with special dietary needs. The USDA requires that the medical statement to request meal modifications must include: 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's disability; and if appropriate, the food or foods to be omitted and recommended alternatives. For more information, see “Medical Statement Requirements” in section 2.

menu item: Any planned main dish, vegetable, fruit, bread, grain, or milk that is part of the reimbursable meal. Menu items consist of food items.

National School Lunch Program (NSLP): The USDA’s federally assisted meal program operating in public and nonprofit private schools and residential child care institutions. The NSLP provides nutritionally balanced, low-cost or free lunches to children each school day. It was established under the National School Lunch Act, signed by President Harry Truman in 1946. For more information, see the CSDE’s National School Lunch Program webpage.

noncreditable foods: Foods and beverages that do not count toward any meal pattern components in the USDA Child Nutrition Programs. For more information, see the CSDE’s handout, Noncreditable Foods in School Nutrition Programs.
nutrient-dense foods: Foods and beverages that provide vitamins, minerals, and other substances that contribute to adequate nutrient intakes or may have positive health effects, with little or no solid fats and added sugars, refined starches, and sodium. Ideally, these foods and beverages are also in forms that retain naturally occurring components, such as dietary fiber. Examples include all vegetables, fruits, whole grains, seafood, eggs, beans, and peas, unsalted nuts and seeds, fat-free and low-fat dairy products, and lean meats and poultry (when prepared with little or no added solid fats, sugars, refined starches, and sodium). The term “nutrient dense” indicates the nutrients and other beneficial substances in a food have not been “diluted” by the addition of calories from added solid fats, sugars, or refined starches, or by the solid fats naturally present in the food.

nutrition standards for fluid milk substitutes: The nutrition requirements for nondairy beverages (such as soy milk) used as fluid milk substitutes in the USDA Child Nutrition Programs. The USDA requires that any fluid milk substitutes are nutritionally equivalent to cow’s milk and meet the following nutrients based on a serving of 1 cup (8 fluid ounces): 276 milligrams (mg) of calcium; 8 grams (g) of protein; 500 international units (IU) of vitamin A; 100 IU of vitamin D; 24 mg of magnesium; 222 mg of phosphorus; 349 mg of potassium; 0.44 mg of riboflavin; and 1.1 micrograms (mcg) of vitamin B-12.

nutritionist: There is no accepted national definition for the title “nutritionist.” All registered dietitians are nutritionists but not all nutritionists are registered dietitians. Some state licensure boards have enacted legislation that regulates use of the title “nutritionist” and sets specific qualifications for holding the title. The definition is variable from state to state. Section 20-206n of the Connecticut General Statutes defines a licensed dietitian/nutritionist certification for registered dietitians. Other professionals can also apply if they have successfully passed a written examination prescribed by the Commissioner of Public Health and have a master’s degree or doctoral degree from an institution of higher education accredited by a regional accrediting agency recognized by the U.S. Department of Education, with a major course of study which focused primarily on human nutrition or dietetics. For more information on state licensing requirements, see the DPH’s Dietitian/Nutritionist Certification webpage.

obese (children): A body mass index (BMI) at or above the 95th percentile for children of the same age and sex. For more information, see “body mass index” in this section and the CDC’s Defining Childhood Obesity webpage.

offer versus serve (OVS): A concept that applies to menu planning and the determination of reimbursable school meals in the NSLP and SBP. OVS allows students to decline a certain number of food components or items in the meal. All required meal components must be offered to each student. In the NSLP, students must select at least ½ cup of fruits or vegetables and the full portion (minimum serving size) of at least two other components. In the SBP, students must select at least three food items including at least ½ cup of fruit (or vegetable substitutions, if offered). OVS must be implemented in senior high schools for lunch but is optional for breakfast. For junior high, middle schools and elementary schools, OVS is optional for both breakfast and lunch. For more information, see the CSDE’s Menu Planning Guide for School Meals.

overweight (children): A body mass index (BMI) at or above the 85th percentile and lower than the 95th percentile for children of the same age and sex. For more information, see “body mass index” in this section and the CDC’s Defining Childhood Obesity webpage.
phenylketonuria: A rare genetic disorder in which an individual lacks an enzyme to break down the amino acid phenylalanine, which is present in protein foods. Without the enzyme, levels of phenylalanine build up in the body. This can harm the central nervous system and cause brain damage.

physical or mental impairment: 1) 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; genitourinary; hemic and lymphatic; skin; and endocrine; or 2) any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. The term “physical or mental impairment” includes, but is not limited to, such diseases and conditions as orthopedic, visual, speech and hearing impairments; cerebral palsy; epilepsy; muscular dystrophy; multiple sclerosis; cancer; heart disease; diabetes; mental retardation; emotional illness; and drug addiction and alcoholism.

Planning and Placement Team: A group of certified or licensed professionals who represent each of the teaching, administrative and pupil personnel staffs, and who participate equally in the decision-making process to 1) determine the specific educational needs of a child eligible for special education; and 2) develop an individualized educational program (IEP) for the child. These are people knowledgeable in the areas necessary to determine and review the appropriate educational program for a child eligible for special education.

product formulation statement (PFS): An information statement obtained from the manufacturer that provides specific information about how the product credits toward the USDA meal pattern requirements, and documents how this information is obtained citing Child Nutrition Program resources or regulations. All creditable ingredients in this statement must match a description in the USDA's *Food Buying Guide*. Unlike a CN label, a PFS does not provide any warranty against audit claims. If these foods will be used in a reimbursable meal, the SFA must check the manufacturer’s crediting information for accuracy.

product specification sheet: Manufacturer sales literature that provides various information about the company’s products. These materials do not provide the specific crediting information that is required on a product formulation statement and cannot be used to determine a product’s contribution toward the USDA meal pattern components.

reasonable modification: A change or alteration in policies, practices, and/or procedures to accommodate a disability that ensures children with disabilities have equal opportunity to participate in or benefit from a program. A request for a reasonable modification must be related to a child’s disabling condition and must be in writing on a medical statement signed by a recognized medical authority.

recognized medical authority: A state-licensed health care professional who is authorized to write medical prescriptions under state law and is recognized by the State Department of Public Health. In Connecticut, recognized medical authorities include physicians, physician assistants, doctors of osteopathy, and advanced practice registered nurses (APRNs), i.e., nurse practitioners, clinical nurse specialists, and certified nurse anesthetists who are licensed as APRNs.
registered dietitian: The Commission on Dietetic Registration defines a registered dietitian (RD) as an individual who has completed the minimum of a Baccalaureate degree granted by a U.S. regionally accredited college or university, or foreign equivalent; has met current minimum academic requirements (Didactic Program in Dietetics) as approved by The Commission on Accreditation/Approval for Dietetics Education of the American Dietetic Association; has completed supervised practice experience accredited/approved by The Commission on Accreditation/Approval for Dietetics Education of The American Dietetic Association; has successfully completed the Registration Examination for Dietitians; and accrued 75 units of approved continuing professional education every five years.

reimbursable meals: Meals and snacks that meet the USDA’s meal patterns and dietary specifications for Child Nutrition Programs, and are eligible for USDA funds.

residential child care institution (RCCI): RCCIs include, but are not limited to homes for the mentally, emotionally or physically impaired, and unmarried mothers and their infants; group homes; halfway houses; orphanages; temporary shelters for abused children and for runaway children; long-term care facilities for chronically ill children; and juvenile detention centers. A long-term care facility is a hospital, skilled nursing facility, intermediate care facility, or distinct part thereof, that is intended for the care of children confined for 30 days or more.

Seamless Summer Option (SSO) of the NSLP: The USDA’s federally assisted summer feeding program that combines features of the NSLP, SBP, and SFSP, and serves meals free of charge to children ages 18 and younger from low-income areas. School districts participating in the NSLP or SBP are eligible to apply to the CSDE to participate in the SSO. SSO meals follow the meal patterns of the NSLP and SBP. For more information, see the Seamless Summer Option webpage.

School Breakfast Program (SBP): The USDA’s federally assisted meal program operating in public and nonprofit private schools and residential child care institutions. The SBP provides nutritionally balanced, low-cost or free breakfasts to children each school day. The program was established under the Child Nutrition Act of 1966 to ensure that all children have access to a healthy breakfast at school to promote learning readiness and healthy eating behaviors. For more information, see the CSDE’s School Breakfast Program webpage.

school food authority (SFA): The governing body that is responsible for the administration of one or more schools and has the legal authority to operate the USDA school nutrition programs, e.g., National School Lunch Program, School Breakfast Program, Afterschool Snack Program, Special Milk Program, Fresh Fruit and Vegetable Program (FFVP), Child and Adult Care Food Program (CACFP) At-risk Supper Program implemented in schools, and Seamless Summer Option (SSO) of the NSLP.

serving size or portion: The weight, measure, or number of pieces or slices. The minimum serving size specified in the USDA meal patterns must be provided for meals and snacks to be reimbursable.
Special Milk Program (SMP): The USDA’s federally assisted program that provides milk to children in schools and child care institutions that do not participate in other federal meal service programs. The SMP reimburses schools for the milk they serve. Schools in the NSLP or SBP may also participate in the SMP to provide milk to children in half-day pre-kindergarten and kindergarten programs where children do not have access to the school meal programs. For more information, see the CSDE’s Special Milk Program webpage.

Summer Food Service Program (SFSP): The USDA’s federally assisted summer feeding program for children ages 18 and younger that provides nutritious meals when schools end for the summer. For more information, see the CSDE’s Summer Food Service Program webpage.