

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

## Disabled Students

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

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

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

1. the participant's disability and the major life activity affected by the disability
2. an explanation of why the disability restricts the participant's diet
3. the food or foods to be omitted from the participant's diet, and the food or choice of foods that must be substituted. If the disability would require caloric modifications or the substitution of a liquid nutritive formula, for example, this information must be included in the statement

**Schools should not make diet substitutions for students without a proper diet order on file.**

## Non-Disabled Students with Medical or Other Special Dietary Needs

A school district may, **at its discretion**, make substitutions for individual participants who are not "disabled persons" but are unable to consume a food item because of medical or other special dietary needs.

Such substitutions may only be made on a case-by-case basis when supported by a diet order signed by a recognized medical authority (see "milk substitution" exception below). Check with your state agency for who qualifies as a recognized medical authority in your state.

For those **non-disabled** participants, the diet order issued by the recognized medical authority shall include:

1. an identification of the medical or other special dietary need that restricts the participant's diet
2. the food or foods to be omitted from the participant's diet and the food or choice of foods that may be substituted

### Milk Substitutions

As of October 2008, parents can make a written request to the school for a milk substitution for their child who cannot drink milk for medical or special dietary needs.

## Student Meal Charges

There can be **no** additional charges to disabled or non-disabled students for meal or milk substitutions.

## Food Allergies and intolerances

If a physician assesses that a food allergy can result in severe, life-threatening reactions (anaphylactic reactions), the participant may meet the definition of "disabled." The foodservice personnel are then required to follow a diet order prescribed by the physician.

Generally, participants with non-life threatening food sensitivities or intolerances are not considered "disabled." However, only a physician can determine if a student is considered disabled.

## USDA Meal Reimbursement

Reimbursement for meals served to disabled participants, or to participants with other special dietary needs, is paid at standard meal reimbursement rate. While any additional costs for substituted foods are considered allowable program costs, no additional Child Nutrition Program reimbursement is available. Sources of supplemental funding may include special education funds (if the substituted food is specified in the student's individualized education program), the general account of the school district, or the nonprofit school foodservice account.

Meals served to students with disabilities or special dietary needs, based on a diet order, can be claimed for reimbursement even if they do not conform to the menu planning option selected by the school.

## Cooperation

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