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.”

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 include:

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.

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.

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