

Adopted: May 1, 2023

Revised:

536 SPECIAL DIETARY NEEDS POLICY

I. PURPOSE

Organizations that operate a federally funded Child Nutrition Program must make reasonable substitutions to meals and/or snacks on a case-by-case basis for participants who are considered to have a disability that restricts their diet. The purpose of this policy is to assist in identifying the responsibilities of school district personnel in managing the special dietary needs of students.

II. STATEMENT

- A. The school district recognizes the importance of addressing the nutrition management of students with disabilities who have special dietary needs.
- B. The school district also recognizes the need for communication among school food and nutrition personnel, special education teachers, nursing and medical personnel, school administrators, classroom teachers, support personnel, and parents in management of the special dietary needs of students with disabilities.

III. DISABILITY DEFINITION

- A. A person has a disability if he or she “has a physical or mental impairment which substantially limits one or more major life activities, has a record of such an impairment, or is regarded as having such an impairment.”
- B. “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.
- C. “Major life activities” means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.

- D. “Has a record of such an 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.
- E. “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 paragraph (j) of this section but is treated by a recipient as having such an impairment.

GUIDELINES

- A. Reasonably Accommodating Identified Disabilities: Sponsors or providers are simply required to provide the participant a meal that is safe for them to consume, allowing them equal opportunity to participate in the program. To the extent possible, the meal or snack provided should follow the USDA meal pattern.
 - 1) Sponsors or providers are not required to provide the specific brand names requested.
 - 2) Meal accommodations do not need to mirror the meal or menu item being substituted. For example, if lasagna is on the menu, sponsors or providers are not required to provide a gluten free lasagna option for a participant with Celiac disease; they could provide beans and rice instead.
- B. Dietary Preferences: These are not considered medical conditions or disabilities and, thus, do not need to be accommodated.
 - 1) These could include lifestyle choices such as vegan, vegetarian, or organic. Religious choices, such as eliminating pork. General health concerns, such as a preference that a child eat a gluten free diet because a parent believes it is better for the child.
 - 2) The school district will be accommodating only students who have been determined by a recognized medical authority to have a disability requiring a special diet.
 - 3) In most cases, the special dietary needs of a person who does not have a disability may be managed within the normal program meal service when a variety of nutritious foods are made available to students, and the “Offer versus Serve” provision (if applicable) is utilized to maximize a participant’s choices. Whenever a food substitution(s) can be provided within the framework of the regular meal pattern, a Special Diet Statement is not needed.
- C. State Law on Lactose Intolerance: Under MN State Statute 124D.114, schools are required to make milk substitutions for students that are lactose intolerant. Upon a written request from a parent or guardian, the school district will make available lactose reduced milk; milk fortified with lactase in liquid, tablet, granular, or other form; or milk to which lactobacillus acidophilus has been added. A physician’s

signature is not required to request a milk substitution. Written request for a milk substitution does not result in dairy free milk or meals.

IV. SPECIAL DIETARY NEEDS PROCESS

- A. The family along with the licensed Physician, Physician Assistant, or an Advanced Practice Registered Nurse (this does not include Chiropractor, Health Coach, or Dietitian) completes the Special Diet Statement found on the district website.
 - a. The Special Diet Statement must contain the following information in order to be considered complete:
 - i. Food or allergen to be avoided
 - ii. Explanation of how exposure would affect the participant
 - iii. Food to be substituted
 - iv. Signed off by a recognized medical authority (Physician, Physician Assistant, or Advanced Practice Registered Nurse)
 - b. Individualized Education Plan (IEP): The Individualized Education Plan is the management tool for students receiving special education related services. The services prescribed in the IEP may include special meals so nutrition should be a part of the IEP for a child who requires a special diet.
 - i. The IEP must include the same information that is required in a special diet statement.
- B. The school nurse who receives the Special Diet Statement will inform the Director of Food Services.
- C. The school nurse and Director of Food Services will orchestrate the roles of specific individuals within the school setting as they relate to safely accommodating the student and his/her special dietary needs(s).
- D. It is important that all accommodations or changes to existing diet orders be documented in writing for reference. The Special Diet Statement does not need to be updated annually unless there are changes to the statement.
- E. A discontinuation of a special diet will be followed when a written request from a parent/guardian or recognized medical authority is received.

References: Section 504 of the Rehabilitation Act of 1973
National School Lunch, School Breakfast and Child and Adult Care Food Program Regulations
MDE Special Diet Guidebook
MN State Statute 124D.114