



Accommodating Meal Modifications in the School Meal Programs

Guidance for School Food Service
Professionals

Introduction

- National School Lunch Program (NSLP)
- School Breakfast Program (SBP)



- Comply with USDA regulation
 - *Non Discrimination on the Basis of Handicap in Programs or Activities Receiving Federal Financial Assistance*
- Ensures children that need meal modifications have an equal opportunity to participate in and benefit from the NSLP and SBP

Recent Changes & Guidance



- September 27, 2016 USDA's Food and Nutrition Service (FNS) issued:
 - *Policy Memorandum on Modifications to Accommodate Disabilities in School Meal Programs, SP 59-2016*
- Requires school food authorities (SFAs) to make reasonable changes to accommodate children who need meal modifications
 - This policy clarifies the requirements for all SFAs to make meal changes/adjustments without extra cost for children who need a meal modification

Recent Changes & Guidance



- Changes to interpretation of the term “disability”
 - Included in the Americans with Disabilities Act (ADA) Amendments Act of 2008
- Focuses on major life activities being impacted

What is a disability?



- ADA Definition:
 - A physical or mental impairment that substantially limits one or more major life activities of such individual;
 - A record of such an impairment; or
 - Being regarded as having such an impairment
- Episodic Disability Definition:
 - Occurring occasionally and at irregular intervals

Major Life Activities

- Caring for oneself
- Performing manual tasks
- Seeing
- Hearing
- Eating
- Sleeping
- Walking
- Standing
- Lifting
- Bending
- Speaking
- Breathing
- Learning
- Reading
- Concentrating
- Thinking
- Communicating
- Working



Example...



How do you know if a child's condition requires a meal modification?

- Includes conditions that impair the functions of:
 - Immune
 - Digestive
 - Neurological
 - Bowel
 - Many others
- This can include: allergies, intolerances, autism, obesity, phenylketonuria (PKU), diabetes, and celiac disease



What does NOT require a modification?

- Parent's preference that a child eats a certain diet because it is a "general health concern"
 - Vegan Diet
- Case-By-Case Basis
 - Duration of impairment
 - Extent of limitations



Medical Statement



- Required when the meal modification does not meet the meal pattern requirements
- Required in order for SFAs to receive reimbursement for meals that do NOT follow the breakfast or lunch meal patterns
- Must be signed by a State licensed healthcare professional
- Does not need to be updated on a regular basis

State Licensed Healthcare Professionals



- According to South Dakota Board of Medical & Osteopathic Examiners, using SDCL 36-2-2, a recognized medical authority may be a:
 - Physician (MD or DO)
 - Physician's Assistant (PA)
 - Certified Nurse Practitioner (CNP)
 - Certified Nurse Midwives (CNM)
- According to the Dietetics and Nutrition Practice Act, 36-10B, Registered Dietitians (RD) and Licensed Nutritionists (LN) have an appropriate understanding of alternate diets to complete a meal modification request form

Included in the Medical Statement

- Description of child's major life activities being impacted
 - SFAs should understand how it restricts the child's diet
- Explanation of what must be done to accommodate the child
 - i.e., identifying food or foods that should be omitted
 - Identify and recommend alternatives to food allergies
- If unclear or lacks sufficient detail:
 - SFAs must obtain appropriate clarification so that a proper and safe meal can be provided
 - Utilize the services of a Registered Dietitian
 - Contact State agency





Meal Modifications & Substitutions

- Meal Modification Definition
 - Related to the limitations that require a meal modification
- Food Allergies
 - Any food items and ingredients offered
- Food Labels
- Food Preferences
- Safe environment to consume meal
 - Ensuring proper storage, preparation, and cleaning

Meal Modifications & Substitutions

- Portion Sizes
 - Meal modification may exceed the minimum quantity requirements set forth by Program regulations
 - If in medical statement, SFA must provide child with larger portion sizes
 - SFA will not receive additional reimbursement to cover extra costs
- Brand Name Food Products
 - If requested by State licensed healthcare professional
 - SFA may substitute on medical statement
 - Generic brand is acceptable
 - SFA should work with parent or guardian, or medical authority that signed the form

Meal Modifications & Substitutions

- Offer versus Serve (OVS)
 - Students that need meal modifications must have the option to select all food components/items made available to other children



Milk Substitute Nutrient Requirements

Fluid Milk Substitute Nutrient Requirements		
Nutrient	Per Cup (8 fl oz)	Percentage
Calcium	276 mg	28%
Protein	8 g	16%
Vitamin A	500 IU	10%
Vitamin D	100 IU	25%
Magnesium	24 mg	6%
Phosphorus	222 mg	23%
Potassium	349 mg	10%
Riboflavin	0.44 mg	26%
Vitamin B12	1.1 mcg	18%

Meeting the nutrient requirements helps to ensure participating children continue to have access to important nutrients found in cow's milk!

Food Allergy Action Plan



- Ensure school food service professionals understand:
 - The potential severity of exposures to food allergens
 - The role proper food handling and sanitation play in potentially life-threatening situations
- Follow your Hazard Analysis and Critical Control Points (HACCP) Food Safety Plan

Section 504/ADA Coordinator

- Local Education Agency (LEA) that employs 15 or more individuals must designate at least one person to coordinate compliance with meal modifications
- Responsible for:
 - Addressing requests for accommodations in the classroom
 - Ensuring compliance with meal modification requirements related to meals and the meal service

Team Approach

- Encourages information sharing throughout the school
- Partnership with the SFA and the family
- Team includes
 - Section 504 Coordinator
 - School food service professionals and nutritionists
 - School administrators
 - School medical personnel
 - Classroom teachers and aides
 - Therapists and Allergists
 - Parents or guardians with children
 - Special education staff



Serving Meals in an Integrated Setting

- SFAs must provide all meal services in the most integrated setting appropriate to the needs of the child
- Exclusion of any child from the Program environment is **NOT** considered **appropriate or reasonable modification**



Reimbursement



- Meal modifications can be managed within the Program meal pattern
- SFAs will be reimbursed based on the child's eligibility for free, reduced price, or paid meals
 - Regardless of meal modification
- Meal modifications do not have to meet the Program meal pattern requirements in order to be claimed for reimbursement if they are supported by a medical statement signed by a medical authority
 - SFAs should ensure that meal modifications meet the nutritional needs of the child

Individuals with Disabilities Education Act (IDEA)



- Amended
 - Affects SFAs and LEAs including the service of meals
 - Affects them even when the service is not required by the School Meal Programs

Individualized Education Program (IEP)

- Developed for a child and may require breakfast to be served in a school that does NOT participate in the School Breakfast Program
 - Meals may not be claimed for Federal reimbursement

Procedural Safeguards

- Process requires LEAs to:
 - Provide notice & information to parents and guardians regarding how to request a reasonable modification
 - Provide information on their procedural rights



Parents/Guardians Rights

- May file a grievance if they believe a violation has occurred regarding the request for a reasonable modification
- Must receive a prompt and equitable resolution of the grievance
- May request and participate in an impartial hearing to resolve their grievances
- May be represented by counsel at the hearing
- Must be allowed the opportunity to examine the record
- Must receive notice of the final decision and procedure for review





FAQs



- Can a school food service professional assume a child's major life activity is not impacted because it is not listed under "categories of disease and conditions" in the ADA?
 - No, the list is not all inclusive



FAQs



- How do schools receive reimbursement for a meal modification request without a medical statement when the accommodation can be made within the Program meal pattern?
 - SFAs are encouraged to document substitution
 - For example, if a child has a common allergy to a specific fruit, the school food service can simply substitute another fruit.



FAQs



- Must an SFA provide nutrition information for ALL food available each day for children who need to track their dietary intake?
 - No, it is is not necessarily required to provide all the nutrition information for all program meals



FAQs



- If a child no longer needs a meal modification, can the SFA stop providing meal modifications without the State licensed healthcare professionals approval?
 - Yes, FNS does not require SFAs to obtain written documentation from a State licensed healthcare professional rescinding the original medical order prior to ending a meal modification



FAQs



- If an SFA chooses to provide meal modifications for non-disability reasons (e.g., religious reasons or child's a vegetarian) are the modified meals eligible for Federal reimbursement?
 - Yes, meal patterns must be met and FNS encourages schools to provide a variety of foods for children to select from in order to accommodate food preferences.

Contact Us!

CANS Office

- Email: DOE.SchoolLunch@state.sd.us
- Phone: 605-773-3413

Thank you for supporting your School Nutrition Program! We appreciate it!

Resources

- CANS NSLP website
<http://doe.sd.gov/cans/nslp.aspx>
 - Section “Meal Modification”
 - 2017 Edition: Accommodating Children with Disabilities in the School Meal Programs
 - SP 59-2016: Modifications to Accommodate Disabilities in the School Meal Programs
 - SP 26-2017: Accommodating Disabilities in the School Meal Programs: Guidance and Questions and Answers
 - CANS SNP memo coming soon!
 - USDA FNS Policy Memos
 - <https://www.fns.usda.gov/school-meals/policy>

Accommodating Meal Modifications in the School Meal Programs Update Oct. 2017

Professional Standards Training Credit print, sign, and date this certificate
for your records

This training credits for 45 minutes of training in
Key Area I – Nutrition 1000
1160: Special Diets, Including Food Allergies

Your Name:

Date of Training: