

Procedures for Accommodating Students with Special Dietary Needs

Providing special dietary accommodations for children with disabilities is required under Section 9(a) of the Richard B. Russell National School Lunch Act, 42 USC 1758(a), Child Nutrition Program (CNP) regulations and in accordance with the Americans with Disabilities Act Amendments Act of 2008 (ADAAA), P.L. 110-325. In 2008, the ADAAA amended the Federal definition of disability by broadening it to cover additional individuals. For more information on the ADAAA, including the broader definition of disability, please refer to USDA Memo SP 36-2013 posted on USDA's website at <https://www.fns.usda.gov/cr/disability-compliance>

Because of this broader definition, it is reasonable that foodservice directors may see more children identified by their licensed physician as having a food-related disability than were previously identified. Program operators should note, however, that the process for identifying children with disabilities requiring an accommodation has not changed. **Students seeking accommodations for a food-related disability must still provide a statement signed by a licensed physician that contains the following information:**

- **An explanation of why the disability restricts the child's diet.**
- **The food or foods to be omitted from the child's diet, and the food or choice of food that must be substituted.**
- **The food(s) to be substituted**

"Licensed physician" is defined in Wisconsin by WI State Statute 448.01(5): "Physician" means an individual possessing the degree of doctor of medicine or doctor of osteopathy or an equivalent degree as determined by the medical examining board, and holding a license granted by the medical examining board. Unless the documentation to support the required dietary accommodation has been signed by a licensed physician, the school is not required to accommodate the request.

If a request for special dietary accommodations is not based on a disability, and is signed by a recognized medical authority, it is at the school's discretion as to whether or not they accommodate the request. The only time a school is required to provide special dietary accommodations is if a completed form that is signed by a licensed physician identifying the disability is submitted to the school.

All documentation supporting special dietary requests must be kept on file, along with other Child Nutrition Program records. There is no requirement for this statement to be updated annually (or at any point), and remains in effect until the household provides new documentation.

Attachments: See attached memos for more information.

Non-Discrimination Statement

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Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language, etc.), should contact the Agency (State or local) where they applied for benefits. Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program complaint of discrimination, complete the [USDA Program Discrimination Complaint Form](#), (AD-3027) found online at: http://www.ascr.usda.gov/complaint_filing_cust.html, and at any USDA office, or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by:

1. mail: U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410;
2. fax: (202) 690-7442; or

3. email: program.intake@usda.gov.

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