

Accommodating Children with Disabilities in the School Meal Programs

SY 2025-2026

Hawaii Child Nutrition Programs

Today's Topics

- ▶ Federal regulations → meal accommodations
- ▶ What's Considered a Disability?
- ▶ The Medical Statement
- ▶ Meal Modifications for Special Diets
- ▶ Responsibility of the SFA in Accommodating Disabilities
- ▶ Procedural Safeguards

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Laws & Regulations

- ▶ **The Rehabilitation Act of 1973:** prohibits discrimination on the basis of disability in any Federal Government program that receives Federal financial assistance.
- ▶ **Individuals with Disabilities Education Act (IDEA):** ensure children with disabilities have an equal opportunity to benefit from extracurricular activities, including meals.
- ▶ **Americans with Disabilities Act (ADA):** clearly defines "disability". Most physical and mental impairments will constitute a disability.
- ▶ **USDA nondiscrimination regulation (7 CFR 15b):** requires equal benefits to be made available to the disabled. SFAs must notify participants that they do not discriminate on the basis of disability, and to identify the individual responsible for providing modifications.

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Accommodating Special Needs in School Meals Programs

- ▶ Aim is to provide nutritious meals and snacks to all participating children
- ▶ Ensure children with disabilities have an equal opportunity to benefits
- ▶ Make reasonable modifications to accommodate children with disabilities at no extra charge



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What's Considered a "Disability"?

The ADA Amendments Act of 2008: Disability is defined as any person who has "a physical or mental impairment that substantially limits one or more major life activities", "a record of such an impairment", or "being regarded as having such an impairment"

- ▶ "Major life activities" = self-care, manual tasks, seeing, hearing, eating, walking, breathing, learning, reading, concentrating, thinking, communicating
 - ▶ Includes "major bodily functions": immune system, normal cell growth, digestive, bowel, bladder, neurological, respiratory, circulatory, endocrine, reproductive functions
- ▶ Does not need to be life threatening
- ▶ Regardless if taking medication or other mitigating measures
- ▶ May include an impairment that is episodic or in remission



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Reimbursement for Modified Meals

- ▶ Based on child's eligibility for free, reduced price or paid meals
- ▶ May NOT charge the student extra
- ▶ Additional costs may be paid from nonprofit food service account
 - ▶ No additional reimbursement for extra costs
- ▶ Must make modifications regardless of whether the SFA gets meals from a vendor / FSMC
 - ▶ Modifications for special diets must be included in your vended/FSMC contract



 **SFA Responsibilities** 

SFAs must notify families:

- ▶ That the SFA/school does not discriminate on the basis of disability
- ▶ How do families submit a request for meal modifications?
 - ▶ What documents need to be submitted? When?
- ▶ Who is responsible for coordinating meal modifications at the school?

Methods for notifying families:

- ▶ Include information when sending out Free & Reduced Price Meal Applications and in Student Handbooks
- ▶ Post a flyer in the school cafeteria or school entrance
- ▶ Post information on school/district website

 **Medical Statement** 

- ▶ Medical statement is not required if the request can be honored while staying within the meal pattern
- ▶ Signed by a Registered Dietitian or State licensed healthcare professional
 - ▶ State licensed healthcare professional: authorized to write medical prescriptions under State law (ex: physician, physician assistant, nurse practitioner)
 - ▶ <http://pvl.ehawaii.gov/pvlsearch/app> to verify licensure in Hawaii
 - ▶ The healthcare professional should have an established professional-patient relationship with the student
-  ▶ Fluid Milk Substitutions at **lunch only**; Parent or legal guardian may provide written statement ([SP 01-2026](#))
- ▶ Meals that don't meet the meal pattern = NOT eligible for reimbursement (unless supported by a medical statement)

 **What Must be Included in the Medical Statement?** 

- ▶ Description of the impairment
 - ▶ How does it affect the child's diet?
- ▶ Explanation of what must be done to accommodate the child
- ▶ Food(s) to be omitted + recommended alternatives
- ▶ Must NOT request a diagnosis

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What If...

- ▶ The medical statement is unclear?
- ▶ The parent takes a long time to return the signed medical statement?
- ▶ The child has an IEP or 504 Plan that includes the diet modification?




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Don't Delay!

- ▶ Ultimate goal is to keep the child safe!
- ▶ Do not delay providing the meal modification
 - ▶ Provide a reasonable accommodation to keep the child safe

Per the *"Accommodating Children with Disabilities in the School Meals Programs: Guidance for School Food Service Professionals Handbook"* ...

- ▶ Document all communication with the parent/guardian:
 - ▶ When the school first learned of the need for the meal modification
 - ▶ All follow-up communication with the parent/guardian
 - ▶ Explain why the meal pattern could not be met for this child (if non-reimbursable meals were served)




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IEP / 504 Plan

- ▶ If the child's IEP or 504 Plan includes the required information, a separate medical statement is not needed
- ▶ Ensure a team approach




 **Best Practices** 

- ▶ Communication is key!
 - ▶ **IMMEDIATELY** contact the child's parent / guardian
- ▶ Have a procedure for handling meal modifications
 - ▶ Who/when/how will be trained on these procedures?
- ▶ Keep information about meal modifications in a secure, known location within the food preparation area

 **Can a Requested Modification Be Declined?** 

- ▶ Declining a request is RARE, unless:
 - ▶ Fundamentally alters the nature of the Program (must provide evidence)
 - ▶ Procedural Safeguards Process
 - ▶ Consult with HCNP before declining
- ▶ Must **NEVER** say: "this is outside of our school policy"
- ▶ If an SFA declines a request, must ensure that the child's parent/guardian understands the Procedural Safeguards process
- ▶ Most disabilities can be managed within meal pattern requirements
 - ▶ Offer a well-planned variety of nutritious food

 **Procedural Safeguards** 

- ▶ Required to provide information on requesting a modification
- ▶ Must inform parents of procedural rights:
 - ▶ Filing grievances
 - ▶ Receiving prompt and equitable resolution of the grievance
 - ▶ Request and participate in an impartial hearing
 - ▶ Be represented by counsel at the hearing
 - ▶ Examine the record
 - ▶ Be informed of the final decision and a procedure for review (i.e., right to appeal)

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Meal Service Modifications

- ▶ Review on a case-by-case basis
 - ▶ No "one-size-fits-all" answer
- ▶ Specific request vs reasonable modification
 - ▶ Generic is OK, unless the brand name is medically necessary
 - ▶ OK to replace one fruit with another fruit
 - ▶ When possible, substitute with vegetable from the same subgroup, as long as it is safe for the child to consume



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Can OVS Be Used to Accommodate a Meal Modification?

- ▶ **NO!**
- ▶ Child must have the opportunity to select all required food components/items made available to the other children
 - ▶ ex: a child who has a gluten intolerance must have a choice of a bread/grain item that is gluten free



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Food Allergies / Intolerances

- ▶ **FOOD ALLERGY:** an immune system reaction to a component of a food, at times, producing a life-threatening response
 - ▶ Can range from relatively mild to severe (anaphylaxis)
- ▶ **FOOD INTOLERANCE:** abnormal response to a component of food that does not involve an immune system response
- ▶ Considered a "disability"
 - ▶ Does not need to be life-threatening or cause anaphylaxis






Food Allergies



COMMON FOOD ALLERGENS			COMMON ALLERGIC REACTIONS	
Milk	Eggs	Peanuts	Hives, itching, skin rash	
Tree Nuts (almonds, walnuts, pecans)	Sesame	Soy	Swelling of the lips, face, tongue & throat	
Wheat	Fish	Shellfish	Wheezing, nasal congestion, difficult breathing	
An ingredient containing protein derived from one of the above			Abdominal pain, diarrhea, nausea, vomiting	
			Dizziness, lightheadedness, fainting	

It is the SFA's responsibility to:

- Review food labels thoroughly to ensure it contains no allergens before serving to children with food allergies
 - Obtain adequate information about product ingredients
- Provide children with a safe environment to consume their meal, even if special accommodations are required



Food Safety to Prevent Allergic Reactions

- ▶ Follow HACCP principles and follow SFA's Food Safety Plan
- ▶ Develop a Food Allergy Action Plan, including:
 - ▶ Cleaning & sanitizing food surfaces
 - ▶ Personal hygiene
 - ▶ Preventing cross contamination
 - ▶ Serving food properly





Meal Service Modifications: Special Seating Arrangements

- ▶ "Integrated setting appropriate to the person's needs"
 - ▶ Able to participate with other children to maximum extent
 - ▶ Must NOT segregate children with disabilities
 - ▶ NEVER simultaneously use a separate table to seat disabled students and punish children for misconduct
- ▶ Separate table may be appropriate if:
 - ▶ Extensive assistance required during mealtimes
 - ▶ Severe food allergy
- ▶ Collaborate with the family first
- ▶ Other children allowed join (with precautions)
- ▶ Importance of children not sharing foods with others to prevent food allergy emergencies



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Meal Service Modifications: Accessibility

- ▶ SFAs/LEAs are responsible for:
 - ▶ the accessibility of food service areas
 - ▶ ensuring the provision of food service aides, as needed
- ▶ No additional School Meal Program reimbursement is available
- ▶ Nonprofit food service account may be used for:
 - ▶ Adaptive feeding equipment
 - ▶ Aides



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Meal Service Modifications: Other Scenarios

- ▶ Portion Sizes
 - ▶ Must provide larger or smaller portion sizes if specifically prescribed in the medical statement
 - ▶ No additional reimbursement for providing extra food
- ▶ Tracking Dietary Intake
 - ▶ ex: Diabetics must track carbohydrate intake
 - ▶ Develop a cycle menu for the child?



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Meal Service Modifications: Other Scenarios

- ▶ Brand Name Requests
 - ▶ In most cases, generic is OK, unless the brand name is medically necessary
 - ▶ Need to work with the parent/guardian



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Discontinuing a Meal Modification

- ▶ Written documentation from healthcare provider NOT required...
BUT
- ▶ It is highly recommended that documentation is maintained when ending a meal modification
 - ▶ Request a signed statement from the parent/guardian

"If it is not documented, it was not done."

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Accommodating Requests Without Disability

- ▶ Accommodations NOT required for children without a disability
 - ▶ Religious preferences, vegetarianism, low-carbohydrate diet
- ▶ If the SFA chooses to provide a modification for a child without a disability:
 - ▶ Must be consistent with the meal pattern to be reimbursable
 - ▶ Must honor all students with the same request

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Fluid Milk Substitutions for Non-Disability

[SP 01-2026: Whole Milk for Healthy Kids Act of 2025 - Implementation Requirements for the National School Lunch Program](#)

NEW Offering nondairy beverages to all students is an option, **NOT** a requirement

If the SFA offers fluid milk substitute to ALL students at lunch:

- ▶ The milk substitute must include the nutrients listed at [7 CFR 210.10\(d\)\(2\)\(ii\)](#)
- ▶ No longer required to notify the State agency
- ▶ No longer require a written statement from the parent/student

Nutrient	Per cup (8 fl. oz.)
Calcium	276 mg.
Protein	8 g.
Vitamin A	150 mcg. retinol activity equivalents (RAE).
Vitamin D	2.5 mcg.
Magnesium	24 mg.
Phosphorus	222 mg.
Potassium	349 mg.
Riboflavin	0.44 mg.
Vitamin B12	1.1 mcg.

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Fluid Milk Substitutions for Non-Disability

[SP 01-2026: Whole Milk for Healthy Kids Act of 2025 - Implementation Requirements for the National School Lunch Program](#)

If SFA does NOT to offer fluid milk substitute to all students:

- ▶ Must obtain a written request from the student's parent or guardian, a State licensed healthcare professional, or a Registered Dietitian that identifies the reason for the request
- ▶ Fluid milk substitute must meet the requirements listed at [7 CFR 210.10\(d\)\(2\)\(ii\)](#)
- ▶ Must notify the State agency if any schools offer nondairy fluid milk substitutes for non-disability reasons
- ▶ Expenses incurred must be paid for by the SFA; may use nonprofit school food service account
- ▶ Fluid milk substitute remains in effect until revoked or until the SFA changes its fluid milk substitute policy



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USDA Policy on Universal Exclusion

- ▶ Universal exclusions of specific food(s) is not an FNS policy
- ▶ May be appropriate depending on the circumstances
- ▶ At the discretion of SFA



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School Food Service Scenario #1

A child required a modification outside the Program meal pattern for her food allergy in the previous school year.

Must the SFA obtain an updated medical statement at the start of the next school year?



However, medical statements on file must reflect the student's current dietary needs

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School Food Service Scenario #2

A child with autism is very sensitive to food textures, and will only eat foods with a smooth texture.

Is the child's condition considered a disability, and if so, must the school food service make a modification for the child?



If a child's autism impacts their ability to consume the meal, the SFA must provide a reasonable modification.



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School Food Service Scenario #3

A parent submits a signed medical statement to accommodate their child's Celiac disease.

The Food Service Manager recalls that there is another student at the school who cannot eat products containing gluten, and feels the modification request for the student with Celiac disease should be revised to match the other student's request.

Is this acceptable?



Each situation must be assessed individually, and modifications must be made on a case-by-case basis



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School Food Service Scenario #4

A child's parents have requested that the school prepare vegetarian meals for their child because a "nutrition advisor" provided a statement explaining that vegetarian meals are healthier.

Must the school accommodate this request?



Requests based on diet preferences are not disabilities and do not require a modification from the SFA.

Also, medical statements must be signed by a licensed healthcare provider with prescription-writing authority, or a registered dietitian.



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School Food Service Scenario #5

The "regular" menu item for lunch is whole grain-rich pasta with cheese and vegetable toppings.

Must the school food service prepare whole grain-rich pasta with lactose-free cheese and vegetable toppings for a child with lactose intolerance?



In a disability situation, the meal modification/meal item substituted does not need to mirror the meal/items being offered for the day.



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School Food Service Scenario #6



The signed medical statement for a student explains that the child cannot eat dairy and eggs. However, the list of foods to omit and recommended substitutions only addresses that milk should be omitted.

How should the school handle this?

- **Begin providing a reasonable modification based on the information available to keep the child safe**
- **Immediately contact the parent/guardian to request clarification on the medical statement**
- **Maintain documentation of initial and all follow up communication with the family**



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QUIZ!

Link to Google Forms Quiz:
<https://forms.gle/GrJYJmvm5A1Xh7Fw7>

Code Word: follow up






QUESTIONS?

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