

## Meal Modifications:

The U.S. Department of Agriculture's (USDA) nondiscrimination regulation (7 CFR 15b), as well as the regulations governing the Child Nutrition Programs, make it clear that substitutions to the regular meal must be made, at no extra cost, for children who are unable to eat meals served in any Child Nutrition Programs (CNP) because of their disabilities. USDA's Food and Nutrition Service (FNS) has issued [SP 59-2016: Policy Memorandum on Modifications to Accommodate Disabilities in the School Meal Programs](#) and [CACFP 14-2017, SFSP 10-2017 Modifications to Accommodate Disabilities in the Child and Adult Care](#), which clarify that Child and Adult Care Food Program (CACFP) institutions and facilities and Summer Food Service Program (SFSP) sponsors (Program operators) and School Food Authorities (SFAs) are required to make reasonable modifications to accommodate children with disabilities. The Massachusetts Department of Elementary and Secondary Education, Office for Food and Nutrition Programs (FNP) will routinely review Program Operators/SFAs for documented compliance to these regulations during Administrative, Site and Home Reviews.

### **The Definition of a Disability:**

The Americans with Disabilities Act (ADA) Amendments Act of 2008 made important changes to the meaning and interpretation of the term "disability." The changes demonstrated Congress's intent to restore the broad scope of the ADA by making it easier for an individual to establish that he or she has a disability. After the passage of the ADA Amendments Act, most physical and mental impairments constitute a disability. Therefore, rather than focusing on whether or not a student has a disability, Program Operators/SFAs should focus on working collaboratively with parents to ensure an equal opportunity to participate in the school meal programs and receive program benefits.

### **Providing Access to Meals Served in CNPs to All Students:**

- *Modifications within the Meal Pattern* — If a meal modification for a child's disability can be made within the CNP meal pattern, a medical statement is not necessary and the Program Operator/SFA is not required to obtain a medical statement.
- *Modifications Outside of the Meal Pattern* — In a disability situation, meal modifications outside the meal pattern are reimbursable, provided the request is supported by a medical statement signed by a State licensed healthcare professional.
  - The medical statement (template available in attachment A) must include:
    - Information about the child's physical or mental impairment that is sufficient to allow the Program Operator/SFA to understand how it restricts the child's diet,

- An explanation of what must be done to accommodate the child's disability, and
  - The food or foods to be omitted and recommended alternatives, in the case of a modified meal.
- Program Operator/SFA may not require the written medical statement to provide a specific diagnosis by name or use the term "disabled" or "disability," though the State licensed healthcare professional may use these terms when submitting a medical statement.
- If the child's IEP or 504 Plan includes the information required in the medical statement, or if the Program Operator/SFA obtains written medical verification of the impairment during the IEP/504 Plan process, it is not necessary for the Program Operator/SFA to also obtain a separate medical statement.
- Serving Meals in an Integrated Setting — Program Operators/SFAs must provide all meal services in the most integrated setting appropriate to the needs of the disabled participant. Exclusion of any participant from the Program environment is not considered an appropriate or reasonable modification.