

Foley Public Schools Adopted by the Board: 12/12/2022

FOOD ALLERGY POLICY

I. PURPOSE

The purpose of this policy is to identify the responsibilities of school district personnel in providing school meals to children who have special dietary needs.

II. GENERAL STATEMENT OF POLICY

- A. The school district recognizes the importance of building an awareness of addressing the nutrition management of special needs students.
- B. The school district also recognizes the need for communications among school food and nutrition personnel, special education teachers, nursing and medical personnel, school administrators, classroom teachers, support personnel, and parents in determining dietary needs of students.

III. DEFINITIONS

- A. The term “child with a disability” under Part B of the Individuals with Disabilities Education Act (IDEA) means a child evaluated in accordance with IDEA as having one or more of the recognized thirteen disability categories and who, by reason thereof, needs special education and related services.
- B. Individualized Education Program (IEP): The Individualized Education Program 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.
- C. Person with a disability as defined by Section 504 of the Rehabilitation Act of 1973 means any person who 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.
- D. Major life activities covered by this definition include caring for oneself, eating, performing manual tasks, walking, seeing, hearing, speaking, learning, breathing and working.
- E. Students with conditions consistent with definitions set forth in Section 504 of the Rehabilitation Act of 1973 will be identified, evaluated, and provided with appropriate services. All processes and procedures as described in that Policy 521 and the Section 504 statute are applicable to the accommodation issues for students with life threatening disabling.
- F. Licensed Physician: This is an individual who is a licensed doctor/physician qualified to make determinations regarding the disabling condition of a specific food allergy and allergy reaction.
- G. Recognized Medical Authority: This is an individual who works within the medical field recognized to have opinions regarding the dietary needs of a student but is not a licensed physician. The signature of a recognized medical authority is not an appropriate signature to document that the student has a food allergy that may result in severe, life-threatening (anaphylactic) reactions and, therefore, has a disability.

- H. Intolerance: not caused by proteins, no immune system involvement, involves food acids, sugars, and amino acids, usually requires larger amounts than what would trigger an allergy.
- I. Lactose intolerance is the inability to digest significant amounts of lactose, the major sugar found in milk.
- J. Allergy: caused by proteins, involves the immune system, small doses of allergen can trigger a reaction, the allergen does not have to be ingested.
- K. Food allergy: Generally, children with food allergies or intolerances do not have a disability as defined under either Section 504 of the Rehabilitation Act or Part B of IDEA, and the school Child Nutrition may, but is not required to make food substitutions for them. However, when in the licensed physician's assessment, food allergies may result in severe, life-threatening (anaphylactic) reactions, the child's condition would meet the definition of "disability," and the substitutions prescribed by the licensed physician must be made.
- L. The district will modify its menu choices for a food or dietary preference which is not life threatening.
- M. Health records in the district's student information system are records of immunizations and health concerns when reported by parents and are made available to staff on a need to know basis.

IV. IDENTIFICATION REQUIREMENTS, DISTRICT REQUIREMENTS, EXPECTATIONS OF STUDENTS AND PARENTS

- A. Providing meals for students with a disability (as defined in Section 504 of the Rehabilitation Act of 1973 or by IDEA):
 - 1. USDA regulations 7 CFR Part 15b require substitutions or modifications in school meals for children whose diet restrictions constitute a disability.
 - 2. When school officials receive a diet statement signed by a physician, it is the role of the school district to make the necessary changes or modifications by providing the types and amounts of foods specified in the licensed physician's statement.
 - 3. Only a licensed physician may sign the medical or diet statement for a student with a disability. The medical or diet statement shall identify:
 - 1. The student's disability and an explanation of why the disability restricts the diet;
 - 2. The major life activity affected by the disability;
 - 3. The food or foods to be omitted from the student's diet and the food or choice of foods that may be substituted.
 - 4. Schools participating in the National School Lunch Program (NSLP) and/or School Breakfast Program (SBP) are required to serve special meals at no extra charge to students whose recognized disability restricts their diet.
- B. Providing meals to students with lactose intolerance:
 - 1. It is the responsibility of the school to provide substitutes for any child with a lactose intolerance as specified in state law (Minnesota Statutes 124D.114).
 - 2. A school district or nonpublic school that participates in the NSLP or SBP and receives a written request from a parent must make available

- lactose reduced milk, milk fortified with lactose in liquid, tablet, granular or other forms, or milk to which lactobacillus has been added.
3. The district is not required to make available any other substitutes, such as juice, to lactose intolerant students. A physician's statement or a statement from a recognized medical authority is not required to provide lactose reduced milk.
- C. Providing meals to students with food allergies that are not disabilities:
1. The district expects students and their parents to use the published menu and choose three food offerings that avoid food intolerances or allergies.
 2. The district may, at its discretion, make substitutions for students who are not disabled as defined in regulations but are unable to consume the same meal because of a food allergy, medical or other special dietary needs.
 3. Such substitutions may be made on a case-by-case basis when supported by a medical or a diet statement signed by a recognized medical authority.
- D. Providing meals to students with food preferences
1. The district expects students and their parents to use the published menu and choose three food offerings that avoid food intolerances or allergies.
 2. The district will make substitutions to accommodate food preferences if a statement is received by the teacher.

V. ACTIONS TO IMPLEMENT THIS POLICY

- A. The responsibility of determining special nutrition needs and prescribing a nutrition plan for those needs does not rest with school Child Nutrition personnel. A physician or, in some situations, a registered dietician must prescribe a nutrition plan in cooperation with the family, special education and nursing staff, and other members of the school team. A student's nutrition, food and feeding needs can be addressed through an interactive partnership among parents; the student; school Child Nutrition staff; special education, health, and social service professions.
- B. School district officials will specify the roles of specific individual within the school setting related to students and allergies.
- C. School district officials will specify the role of school food and nutrition service personnel in providing, preparing, and serving food to students with special dietary needs.
- D. School district officials will only use 504 plans for students with recognized food disabilities who do not have an IEP.
- E. Food allergies and intolerances, including lactose intolerance, will be tracked through the student information system health records.
- F. The school district will provide time and opportunity for training staff directly involved with students who have special dietary needs. This training may also include medical emergency procedures for treatment of anaphylaxis.

VI. PROVIDING SPECIAL MEALS TO CHILDREN WITH DISABILITIES

- A. The school Child Nutrition department is required to offer special meals, at no additional cost, to children whose disability restricts their diet as defined in USDA's nondiscrimination regulations:

1. If a student's IEP includes a nutrition component, the school should ensure school food personnel are involved early on in decisions regarding special meals or modifications.
2. The school Child Nutrition department is not required to provide meal services to children with disabilities when the meal service is not normally available to the general student body, unless a meal service is required under the child's IEP.

B. Menu Modifications for Children with Disabilities

1. Children with disabilities who require changes to the basic meal (such as special supplements or substitutions) are required to provide documentation with accompanying instructions signed by a licensed physician.
2. This is required to ensure that the modified meal is reimbursable, and to ensure that any meal modifications meet nutrition standards which are medically appropriate for the child.
3. It is important that all recommendations for accommodations or changes to existing diet orders be documented in writing to protect the school and the student and minimize misunderstandings. Schools should retain copies of special, non-meal pattern diets on file for reviews.
(Information card, medical statement)
4. The diet orders do not need to be renewed on a yearly basis; however, schools are encouraged to ensure that the diet orders reflect the current dietary needs of the child.

Legal References

Section 504 of the Rehabilitation Act of 1973

The Individuals with Disabilities Education Act (IDEA)

Americans with Disabilities Act (ADA)

National School Lunch, School Breakfast and Child and Adult Care Food Program

Regulations 1988

7 CFR 210

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