Department of Education and Cultural Affairs

SUBJECT: Special Diets
NSLP – 60

TO: Authorized Representatives
National School Lunch Programs

FROM: Sandra M. Kangas, Director
Child and Adult Nutrition Services

Section 504 of the Civil Rights Act of 1973 and 7 CFR Parts 156 and 210 speak to making child nutrition programs, including special diets, available to children with disabilities or a handicap. The definition of handicapped in 7 CFR Part 156 is very broad. Clarification on special diets was requested from the U.S. Department of Agriculture Civil Rights Coordinator. The response is as follows:

Q. How far must a program go in providing special meals to children?

A. The requirement per 504 regulations is to make reasonable accommodations for the students whose handicap restricts their diet. The school must make a reasonable effort to comply, depending on the needs of the individual child. However, they are not obligated to establish new feeding programs just for the handicapped.

Q. Can the parent expect the program to plan special meals for the child?

A. Yes; however, parents should be encouraged to take some responsibility by participating in the planning of special meals for their child. Their involvement should be based on food substitutions recommended by the child's doctor, the available inventory, and the reasonableness of preparation.

Q. Is the program expected to purchase special dietary foods?

A. Yes. The special dietary needs of qualified handicapped students must be taken into account when purchasing and planning menus. Programs shall serve special meals at no extra charge to children whose handicap restricts their diet. In rare cases, parents may be asked to provide a component which is not easily accessible by the program.

Q. Is the program expected to provide these special meals when the labor costs become prohibitive because it takes one staff member to prepare the special meal?; and, at what point is additional labor prohibitive?

A. Programs are not obligated to hire additional staff to specifically prepare special meals. The least costly means of providing the substitutions should be explored. The program's budget and number of program employees needed for the normal operation of the program shall be the major factors when determining whether an accommodation imposes an undue hardship on the operation of the program. If additional staff is determined to be needed, the labor costs may become prohibitive.

Numbered memo NSLP 47, SFSP 24, CACFP 45 and CACFPDCH 29 included a form to use when a special diet is requested. A physician should always order the special diet for two reasons:

A. to remove liability from the school, and

B. to ensure proper food substitution or elimination of problem foods.

A suggested order of procedure when the doctor's order is not specific as to substituted foods is as follows:

A. Provide the doctor with the school's menus. Request what specific items cannot be used.

B. Suggest items easily available to you to meet the doctor's substitute items. Make sure you have the medical authority's permission to use.

C. Ask the doctor to suggest specific food items. This may be more expensive and labor intensive to purchase and prepare.

Additional resources addressing nutrition concerns maybe requested from Child & Adult Nutrition Services. All schools should have a copy of an USDA publication: Accommodating Children with Special Dietary Needs in the School Nutrition Programs.