

*Adopted: July 15, 2002*

***Sartell-St. Stephen School District 748  
Policy 540***

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## **540 STUDENT SPECIAL DIETARY NEEDS POLICY**

### **I. PURPOSE**

The U.S. Department of Agriculture’s (USDA) nondiscrimination regulation (7 CFR 15b), as well as the regulations governing the National School Lunch and School Breakfast Program, make it clear that substitutions to the regular meal must be made for children who are unable to eat school meals because of their disabilities, when that need is certified by a licensed physician. The purpose of this policy is to assist in identifying the responsibilities of school district personnel in managing the special dietary needs of students.

### **II. GENERAL STATEMENT OF POLICY**

- A. The school district recognizes the importance of addressing the nutrition management of students with disabilities who have special dietary needs.
- B. The school district also recognizes the need for communication among school food and nutrition personnel, special education teachers, nursing and medical personnel, school administrators, classroom teachers, support personnel, and parents in management of the special dietary needs of students with disabilities.

### **III. DEFINITIONS OF DISABILITY AND OF OTHER SPECIAL DIETARY NEEDS**

- A. Disability: Under Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act (ADA) of 1990, a “person with a disability” means any person who has a physical or mental impairment which substantially limits one or more major life activities, has a record of such impairment, or is regarded as having such impairment.

Major life activities covered by this definition include caring for one’s self, eating, performing manual tasks, walking, seeing, hearing, speaking, learning, breathing, and working.

- B. Food Allergy: Hypersensitivity from an abnormal response of the body’s immune system to food or food additives that would otherwise be considered harmless. Many of the true food allergy symptoms often resemble allergic reactions to other

substances, such as penicillin, drugs, bee stings, hives and itching. 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 food service may, but is not required to, make food substitutions for them.

- C. **Anaphylaxis/Anaphylactic Reaction:** A rare but potentially fatal condition in which parts of the body experience food-allergic reactions at the same time. Symptoms may progress rapidly and include severe itching, hives, sweating, swelling of the throat, breathing difficulties, lowered blood pressure, unconsciousness and even death. Anaphylactic reactions would meet the definition of “disability” and the substitutions prescribed by a licensed physician must be made.
- D. **Food Intolerance:** An adverse food-induced reaction that does not involve the body’s immune system. A person with a special dietary needs or intolerance does not have life-threatening (anaphylactic) reactions when exposed to food (s) to which he/she is allergic.
- E. **Licensed Physician:** This is an individual who is a licensed doctor/physician/physician assistant/dietitian/advance practice registered nurse qualified to make determinations regarding the disabling condition of a specific dietary need or food allergy.

#### **IV. GUIDELINES**

- A. **Providing meals for disabled (as defined in Section 504 of the Rehabilitation Act of 1973) students.** USDA regulations 7 CFR 15b require substitutions or modifications in school meals and food experiences for students whose disabilities restrict their diets/nutritional needs. When school officials receive a diet statement signed by a licensed 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 order, which must include:
  - 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.
- B. **Individualized Education Plan (IEP):** The Individualized Education Plan 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. **The USDA Departmental Rule 7 CFR 15b, and the National School Lunch,**

School Breakfast, and Child and Adult Care Food Program Regulations, require schools participating in the National School Lunch Program and/or the National School Breakfast Program to serve special meals at no extra charge to students whose disability restricts their diet. The student must meet the definition of handicapped set forth in 7 CFR 15b and the handicap must restrict the student's diet.

## **V. SPECIAL DIETARY NEEDS PROCESS**

- A. School personnel will receive the physician's dietary order, identifying the student's disability and the related special dietary need(s), and will inform the Director of Nutrition Services of the dietary order.
- B. The licensed school nurse and Director of Nutrition Services will orchestrate the roles of specific individuals within the school setting as they relate to safely accommodating the student and his/her special dietary needs(s).
- C. The school district will provide time and opportunity for training staff directly involved with students who have special dietary needs. This training will include the medical emergency interventions.
- D. It is important that all accommodations or changes to existing diet orders be documented in writing for reference. Schools should retain copies of special, non-meal pattern diets on file for reviews. (Information card, medical statement)
- E. While it is not required for diet orders to be renewed on a yearly basis, the school district will make parents aware of our procedure on a yearly basis to reflect the current dietary needs of the child.

## **VI. SERVING THE SPECIAL DIETARY NEEDS OF CHILDREN WITHOUT DISABILITIES**

- A. Students without disabilities, but with special dietary needs requiring food substitutions or modifications, may request that the school personnel meet their special dietary needs; however the decision as to whether or not a special dietary accommodation will be made will be decided on a case by case basis. Documentation with accompanying information must be provided by a recognized medical authority.

**Legal References:** Section 504 of the Rehabilitation Act of 1973  
The Individuals with Disabilities Education Act (IDEA)  
Americans with Disabilities Act of 1990 (ADA)  
Minnesota Statutes 124D.114  
National School Lunch, School Breakfast and Child and Adult Care Food Program Regulations