

Special Diet Resources

The following resources will help sponsors and providers understand when and what type of accommodations can/must be provided for participants who request a special diet.

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Special Diet Requirements for Child Nutrition Programs

Overview: Organizations that operate a federally funded Child Nutrition Program must make reasonable substitutions to meals and/or snacks on a case-by-case basis for participants who are considered to have a disability that restricts their diet.

The central concern for sponsors or providers should be working collaboratively with families to ensure equal access to program benefits for participants with disabilities.

Disability Definition:

The Americans with Disabilities Act (ADA) Amendments Act of 2008 made important changes to the term disability to include any person with a physical or mental impairment that substantially limits one or more major life activities, including major bodily functions.

- Major life activities include, but are not limited to: caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, bending, speaking, breathing, learning, reading, and concentrating.
- Major bodily functions include but are not limited to: functions of the immune system, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

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.

For the sake of simplicity, we will hereby refer to requests due to a disability as those due to a medical need.

Dietary Preferences:

These are not considered medical conditions or disabilities and, thus, do not need to be accommodated.

These could include:

- Lifestyle choices, such as vegan, vegetarian, or organic
- Religious choices, such as eliminating pork
- General health concerns, such as a preference that a child eat a gluten-free diet because a parent believes it is better for the child

If a sponsor or provider chooses to accommodate a request due to a dietary preference, then they must ensure all meal pattern requirements are met in order for the meal to be eligible for reimbursement.

For More Information:

- [Accommodating Children with Disabilities in School Meal Programs \(USDA Guide\)](#)
- [Accommodating Children with Disabilities in School Meal Programs Questions and Answers \(USDA memo SP-26-2017\)](#)
- [Modifications to Accommodate Disabilities in the Child and Adult Care Food Program and Summer Food Service Program \(USDA memo’s CACFP 14-2017, SFSP 10-2017\)](#)

Special Diet Requirements for Child Nutrition Programs

Reasonable Modifications:

The modification provided does not have to be the exact modification requested.

- Sponsors or providers are not required to provide the specific brand names requested.
- Meal accommodations do not need to mirror the meal or menu item being substituted. For example, if lasagna is on the menu, sponsors or providers are not required to provide a gluten free lasagna option for a participant with Celiac disease; they could provide beans and rice instead.

Sponsors or providers are simply required to provide the participant a meal that is safe for them to consume, allowing them equal opportunity to participate in the program. To the extent possible, the meal or snack provided should follow the USDA meal pattern.

Integrated Environment:

Sponsors or providers are required to serve participants with special diet requests due to medical need in the least restrictive and most integrated setting possible. For example, a participant cannot be required to sit in another room during meal services.

However, sponsors or providers must always balance safety with stigma when accommodating a severe anaphylactic food allergy and a separate table may be necessary to control exposure to the allergen.

Implementation Steps:

Step 1: Develop procedures for:

- Parents, guardians, and participants to request special diet accommodations
- Obtaining required documentation
- Providing final written decision of the request
- Determining reasonable modifications
- Providing notice of nondiscrimination and accessible services, as outlined in 7 CFR 15b.7
- Receiving grievances and promptly resolving complaints

Step 2: Train staff and volunteers on:

- All special diet procedures
- Legal requirements

Step 3: Appoint a key staff person

- All child nutrition programs with 15 or more employees must designate a Section 504 Coordinator who is responsible for ensuring compliance with all disability requirements.
- All child nutrition programs with less than 15 employees must still designate someone who can provide technical assistance when making accommodations for participants with special diet requests due to a medical need.

Step 3: Utilize a team approach

- Create a team including those involved with providing special diet accommodations and others trained in this area, such as a registered dietitian and/or public health nurse.
- This team will work with the participant or their parent or guardian to review the request and develop a solution as quickly as possible. The team should develop policies and practices that allow for the special diet requests they most commonly encounter to be quickly and consistently addressed.
- The team should be advised that any medical information obtained must be kept confidential.

Required Documentation: Special Diet Statement

A special diet statement is required if the special diet request results in a meal or snack that does not fully meet meal pattern requirements.

A special diet statement **must**

- Contain the following information in order to be considered complete:
 - Food or allergen to be avoided
 - Explanation of how exposure would affect the participant
 - Foods to be substituted
- Be completed and signed by one of the following state licensed medical authorities:
 - Physician
 - Physician Assistant
 - Advanced Practice Care Nurse, such as a Nurse Practitioner

A [Special Diet Statement template](#) is available on the Minnesota Department of Education (MDE) website. Other documentation, such as a doctor’s prescription, may be accepted if it contains all the required information noted above.

Once a complete special diet statement is on file, meal accommodations may be claimed for reimbursement, even if they result in a meal or snack that does not meet meal pattern requirements.

Additional Information...

If the special diet statement is unclear or does not fully explain the modification needed, the sponsor must obtain appropriate clarification in order to provide a safe meal. This can be obtained by a parent, guardian, or the medical authority. In order to consult with the medical authority directly, sponsors must first have the parent or guardian sign the voluntary authorization section on the special diet statement.

Sponsors may provide meal modifications while waiting for a completed special diet statement to be provided for the participant.

The special diet statement does not need to be updated annually if the information still accurately reflects the participant’s needs.

For more Information

- [Food and Drug Administration’s “Food Allergies: What you need to know”](#)
- [Institute for Child Nutrition’s Food Allergy Fact Sheets](#)

Special Diet Statement

Institutions or organizations who sponsor and operate a federally funded Child Nutrition Program must make reasonable substitutions to meals and/or snacks on a case-by-case basis for participants who are considered to have a disability that restricts their diet: School Nutrition Program –7 CFR 210.10(m), Child and Adult Care Food Program – 7 CFR 226.20 (g), Summer Food Service Program – 7 CFR 225.16(f)(4). According to the ADA Amendments Act, most physical and mental impairments that substantially limit or affect one or more major life activities or bodily functions will constitute a disability.

Sponsors are not required to accommodate special dietary requests that do not constitute a disability, including requests related to religious or moral convictions or personal preference. If these requests are accommodated, sponsors must ensure that all USDA meal pattern and nutrient requirements are met.

This form must be completed by a licensed physician, physician assistant, or an advanced practice registered nurse, such as a certified nurse practitioner. Updates to this form are required only when a participant's needs change.

Note to Districts/Schools: Parents/Guardians may provide a written request for lactose-reduced milk without a physician's signature.

Submit this completed special diet statement to: _____

Participant Information

Participant's Name: _____ Today's Date: _____
Last/First/Middle Initial

Name of School/Center/Site Attended: _____ Date of Birth: _____

Parent/Guardian Name: _____

Home Phone Number: _____ Work Phone Number: _____

Required Information: Dietary Accommodation

1. State the allergen or food to be avoided:

2. Brief explanation of how exposure to this food affects the participant:

3. List specific foods to be omitted and substituted. Attach a sheet with additional instructions as needed.

Foods to be Omitted	Foods to be Substituted

Additional Information

Texture Modification: Pureed Ground Bite-Sized Pieces Other: _____

Tube Feeding Formula Name: _____

Administering Instructions: _____

Oral Feeding: No Yes If yes, specify foods: _____

Other Dietary Modification Or Additional Instructions (describe): _____

Signature

Licensed physician, physician assistant, or advanced practice registered nurse such as a certified nurse practitioner must sign and retain a copy of this document.

Prescribing Authority Credentials (print): _____ Date: _____

Signature: _____ Clinic/Hospital: _____

Phone Number: _____ Fax Number: _____

Voluntary Authorization

Note to Parent(s)/Guardian(s)/Participant: You may authorize the director of the school/center/site to clarify this Special Diet Statement with the physician by signing the following Voluntary Authorization section:

In accordance with the provisions of the Health Insurance Portability and Accountability Act (HIPAA) of 1996 and the Family Educational Rights and Privacy Act I hereby authorize _____
(physician/medical authority name) to release such protected health information as is necessary for the specific purpose of Special Diet information to _____ **(program name)** and I consent to allow the physician/medical authority to freely exchange the information listed on this form and in their records concerning me, with the program as necessary. I understand that I may refuse to sign this authorization without impact on the eligibility of my request for a special diet for me. I understand that permission to release this information may be rescinded at any time except when the information has already been released. Optional: My permission to release this information will expire on _____ **(date)**. This information is to be released for the specific purpose of Special Diet information. The undersigned certifies that he/she is the parent, guardian, or authorized representative of the participant listed on this document and has the legal authority to sign on behalf of that participant.

Parent/Guardian: _____ Date: _____

OR Participant's Signature (Adult Day Care): _____

Non-Discrimination

In accordance with federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, sex, disability, age, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA.

Persons with disabilities who require alternative means of communication for program information (e.g., braille, large print, audiotape, American Sign Language, etc.), should contact the Agency (State or local) where they applied for benefits. Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program complaint of discrimination, complete the [USDA Program Discrimination Complaint Form](#), (AD-3027) [found online](#) (http://www.ascr.usda.gov/complaint_filing_cust.html), and at any USDA office, or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992.

Submit your completed form or letter to USDA by:

- (1) mail: U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410
- (2) fax: (202) 690-7442; or
- (3) email: program.intake@usda.gov

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School Nutrition Program Considerations

Offer Versus Serve (OVS)

Offer Versus Serve or OVS allows students to decline some of the food offered in a reimbursable lunch or breakfast. The goals of OVS are to reduce food waste and to permit students to choose the foods they want to eat. For more information, see the [USDA Offer Versus Serve Manual](#).

Schools operating OVS must ensure children with special dietary needs due to medical need have the opportunity to select all required food components for the meal. For example, a child who has Celiac disease or a gluten intolerance must have a choice of a bread/grain item that is gluten-free. The school may not use OVS to eliminate a specific food component for this child; in this case, the school must offer a grain substitute for a child who cannot consume gluten.

Special Diets and Individualized Education Program (IEP)

Documentation: If the child's IEP or 504 Plan includes the same information that is required in a special diet statement, it is not necessary for the school to obtain a separate special diet statement.

Accommodations: USDA does not require schools to provide meals to children with special dietary needs due to a medical need beyond the meals provided to other children. For instance, if the school does not have a breakfast program, schools are not required to begin participating in the School Breakfast Program or to provide a breakfast meal exclusively for a child with special dietary needs.

However, any nutrition-related services included in a child's IEP or 504 Plan deemed necessary for the child to receive a free appropriate public education must be provided by the school. In the example above, if the child's IEP states they need a breakfast meal, this must be provided, even if the school does not participate in the School Breakfast Program.

Covering the costs

Schools will not receive additional reimbursement to cover the extra costs sometimes associated with providing special diet accommodations. In addition, if the special diet request is due to a medical need, the school cannot charge the student more than they charge other students for the same meal or snack. However, schools may use funds from the non profit school food service account, the general fund, or special education funds (if specified in the child's IEP) to cover these additional costs.

For more information:

- [Accommodating Children with Disabilities in School Meal Programs \(USDA memo SP-40-2017\)](#)
- [Accommodating Children with Disabilities in School Meal Programs Questions and Answers \(USDA memo SP-26-2017\)](#)
- [Modifications to Accommodate Disabilities in School Meal Programs \(USDA memo SP-59-2016\)](#)

Beverage Options in USDA’s Child's Nutrition Programs

NOTE: The guidance provided below does not apply when a complete Special Diet Statement is submitted and on file for a participant. In that case, the school, sponsor or provider must accommodate the diet ordered. If the diet ordered for a meal or snack does not meet meal pattern requirements, the school, sponsor or provider can still claim the meal or snack for reimbursement.

School Food Authorities participating in the Child and Adult Care Food Program, At-Risk Afterschool Meals, or Summer Food Service Program need to follow guidance for whichever meal pattern is being used.

Program	Fluid Milk Substitute (FMS)	Non-Dairy Milk Alternatives (e.g., Almond, Coconut, Rice, a non-creditable soy beverage)	Lactose-Free Milk	Whole Milk/2% Milk	Water & Juice
<p>School Nutrition Programs—School Breakfast/National School Lunch Program, Special Milk Program, Minnesota Kindergarten Milk Program</p>	<p>Allowed.</p> <p>School Food Authorities opting to provide a FMS that meets USDA’s criteria must obtain a written request from a parent, guardian or medical authority that includes the medical or other special dietary reason for the substitution.</p> <p>Note: only an unflavored FMS can be offered to children 1 through 5 years old.</p> <p>School Food Authorities must also notify MDE of the specific FMS that will be offered by submitting the form titled “Notification to the Minnesota Department of Education about the Use of Fluid Milk Substitutes.”</p>	<p>Not allowed.</p> <p>A non-dairy milk alternative that is not nutritionally equivalent to cow’s milk cannot be used as a replacement for milk in a reimbursable meal.</p> <p>However, a non-dairy milk alternative may be offered as an extra beverage (that will not credit) but must be included in the total weekly averages for calories, sodium, and fat, ensuring that the maximums for each are not exceeded.</p>	<p>Allowed.</p> <p>School Food Authorities must provide a lactose reduced or lactose free milk option to a student when a written request is submitted by a parent, guardian or medical authority (per Minnesota Statutes, section 124D.114). A Special Diet Statement is not required.</p>	<p>Not allowed.</p> <p>However, whole milk or 2% milk may be offered as an extra beverage (that will not credit) but must be included in the total weekly averages for calories, sodium, and fat, ensuring that the maximums for each are not exceeded.</p> <p>If serving children 12-23 months of age, follow the guidance under CACFP for the service of whole milk and 2% milk.</p>	<p>Not allowed.</p> <p>Water or juice cannot be used as a replacement for milk in a reimbursable meal.</p> <p>However, water or juice may be offered as an extra beverage (that will not credit) but must be included in the total weekly averages for calories, sodium, and fat, ensuring that the maximums for each are not exceeded.</p> <p>USDA requires that water be available during meal services.</p>

Beverage Options in USDA’s Child’s Nutrition Programs

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School Food Authorities participating in the Child and Adult Care Food Program, At-Risk Afterschool Meals, or Summer Food Service Program need to follow guidance for whichever meal pattern is being used.

Reminder: Only unflavored beverages which includes cow’s milk, fluid milk substitutes, lactose-free milk, etc., may be offered to children 5 years old and younger. A flavored beverage may be offered to children age 6 and older.

Program	Fluid Milk Substitute (FMS)	Non-Dairy Milk Alternatives (e.g., Almond, Coconut, Rice, a non-creditable soy beverage)	Lactose-Free Milk	Whole Milk/2% Milk	Water & Juice
Child and Adult Care Food Program (CACFP)	<p>Allowed.</p> <p>CACFP sponsors or providers opting to provide a FMS that meets USDA’s criteria must obtain a written request from a parent, guardian or medical authority that includes the medical or other special dietary reason for the substitution.</p> <p>If the sponsor or provider chooses not to provide a FMS, the parent or guardian may provide a FMS that meets USDA’s criteria and the sponsor or provider may claim all meals/snacks that include the parent-provided FMS for reimbursement.</p>	<p>Not allowed.</p> <p>A non-dairy milk alternative that is not nutritionally equivalent to cow’s milk cannot be used as a replacement for milk in a reimbursable meal or snack.</p> <p>Sponsors or providers may offer a non-dairy milk alternative as an extra beverage but it cannot credit as cow’s milk in a reimbursable meal or snack. In addition, sponsors may not use CACFP reimbursement to pay for any non-dairy milk alternate.</p> <p>A parent or guardian can choose to supply a non-dairy milk alternative but the center or provider can only claim meals/snacks for the participant if there is a Special Diet Statement on file for the participant that supports the need for this beverage.</p>	<p>Allowed.</p> <p>Lactose-free milk is cow’s milk that contains no lactose or milk sugar. Since lactose-free milk is cow’s milk, it can be served as milk in a reimbursable meal or snack.</p> <p>Parents/guardians do not need to submit a written request and sponsors/providers can choose to provide or not provide a lactose-free milk.</p> <p>If the sponsor or provider chooses not to supply the lactose free milk the parent or guardian can supply this beverage and the sponsor or provider may claim all meals/snacks that include the parent-provided lactose-free or reduced beverage for reimbursement.</p>	<p>Allowed for children 12-23 months of age.</p> <p>Unflavored whole milk must be served to toddlers 12 through 23 months of age.</p> <p>A center or provider may elect to offer children 24 to 25 months of age (for only one month) unflavored whole or 2% milk to help with their transition to unflavored 1% or skim milk.</p>	<p>Not allowed.</p> <p>Sponsors or providers may not offer water or juice as a replacement for milk in a reimbursable meal or snack.</p> <p>However, USDA requires that water be offered throughout the day to participants.</p> <p>Juice can be offered only once in a day across all approved meal services offered.</p>

Beverage Options in USDA’s Child’s Nutrition Programs

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School Food Authorities participating in the Child and Adult Care Food Program, At-Risk Afterschool Meals, or Summer Food Service Program need to follow guidance for whichever meal pattern is being used.

Program	Fluid Milk Substitute (FMS)	Non-Dairy Milk Alternatives (e.g., Almond, Coconut, Rice, a non-creditable soy beverage)	Lactose-Free Milk	Whole Milk/2% Milk	Water & Juice
<p>Summer Food Service Program (SFSP)</p>	<p>Allowed.</p> <p>Only School Food Authorities that follow the School Breakfast/National School Lunch meal patterns for SFSP may offer a FMS, upon request, that meets USDA standards and credit it as milk.</p> <p>Not Allowed.</p> <p>Non-School Food Authority sponsors may not offer a FMS to replace milk in a reimbursable meal or snack. However, a FMS can be offered as an extra food item in the meal but may not be credited as milk. Also, SFSP funds cannot be used to purchase the FMS.</p>	<p>Not Allowed.</p> <p>Sponsors may offer milk alternatives as an extra item, but may not credit them as milk and may not use SFSP reimbursement to pay for the cost of the product.</p>	<p>Allowed.</p> <p>Lactose-free milk is cow’s milk that contains no lactose or milk sugar. Since lactose-free milk is cow’s milk it can be served as milk in a reimbursable meal or snack.</p>	<p>Allowed.</p> <p>Sponsors may offer whole or 2% only if following the SFSP meal pattern, though low-fat/fat-free options are encouraged.</p>	<p>Not Allowed.</p> <p>Water or juice cannot be used as a replacement for milk in a reimbursable meal or snack.</p>

Fluid Milk Substitutes (Non-Dairy)

Definition and Rules

Definition: A Fluid Milk Substitute is defined as a non-dairy beverage that is nutritionally equivalent to the level of nutrients found in one cup of cow's milk.

Regulations: Only Sponsors who participate in the National School Lunch Program (NSLP), the Child and Adult Food Program (CACFP) and the Special Milk Program (SMP) may at their discretion offer their participants a fluid milk substitute. Also, School Food Authorities who participate in the Summer Food Service Program and follow the NSLP meal patterns may offer a fluid milk substitute.

Requests: Parents, guardians, adult participants or the caregivers of an adult participant or a medical authority must provide a written and signed request for a non-dairy fluid milk substitute which includes the medical or other special dietary reason for the substitution. Any reasonable request can be accepted (e.g., milk allergy, vegan diet or religious, cultural or ethical reasons). A Special Diet Statement is not required.

Compare the amounts of nutrients in your non dairy beverage to the levels of nutrients found in 1 cup of cow s milk (listed in the table below). Your product must meet or exceed these levels of nutrients for it to be considered an allowable Fluid Milk Substitute.








Milk Substitute Nutrition Standards

Nutrients in 1 cup of Cow's Milk	Requirement per cup (8 fluid ounces)	% of RDI
Protein	8 grams	16%
Calcium	276 mg	28%
Vitamin A	500 IU	10%
Vitamin D	100 IU	25%
Magnesium	24 mg	6%
Phosphorus	222mg	23%
Potassium	349 mg	10%
Riboflavin	.44 mg	26%
Vitamin B12	1.1 mcg	19%

Non-dairy beverages that meet USDA's fluid milk substitution criteria

Unflavored <i>8th Continent</i> Original Soymilk 	Unflavored <i>Kikkoman Pearl</i> Organic Soymilk Smart Original 	Unflavored <i>Pacific</i> All Natural Ultra Soy Original 	Unflavored <i>Silk</i> Original Soymilk 
Unflavored <i>Sunrich Naturals</i> Original Soymilk 	Unflavored <i>Sunrich Naturals</i> All Natural Original Soymilk 	Unflavored <i>Walmart Great Value</i> Original Soymilk 	Unflavored <i>Westsoy Organic</i> Plus Plain 

* Check specific CACFP requirements before serving/claiming a Flavored Fluid Milk substitute.

Flavored <i>8th Continent</i> Vanilla Soymilk* 	Flavored <i>Kikkoman</i> Organic Smart Creamy Vanilla* 	Flavored <i>Kikkoman</i> Pearl Organic Soymilk Smart Chocolate* 	Flavored <i>Pacific</i> All Natural Ultra Soy Vanilla* 
Flavored <i>Sunrich Naturals</i> Vanilla Soymilk* 	Flavored <i>Sunrich Naturals</i> All Natural Vanilla Soymilk* 	Flavored <i>Sunrich Naturals</i> All Natural Unsweetened Vanilla Soymilk* 	Flavored <i>Westsoy Organic</i> Plus Vanilla* 