

## **ACCOMMODATIONS AND MODIFICATIONS IN SCHOOL FOOD SERVICE PROGRAMS**

**R 760**

The District has obligations under a variety of state and federal laws to ensure that its programs and services, including its food service program, do not unlawfully discriminate on the basis of a person's disability. These obligations include ensuring that individuals with disabilities have an equal opportunity to participate in the program and appropriate access to the program, including appropriate access to the facilities and areas where meals are provided. The District's legal obligations also include making reasonable modifications to accommodate individuals with disabilities, including reasonable modifications to meals and the meal service.

Requests for modifications and accommodations within the District's food service program due to a student's disability, including meal modifications, should normally be submitted in writing to the District's Section 504 Coordinator for student matters. The Section 504 Coordinator has primary responsibility for coordinating compliance with disability requirements within the food service program. Grievances and complaints related to any such requests or to another disability-related matter within the District's food services program may be submitted to the Section 504 Coordinator. The contact for the District's Section 504 Coordinator for student matters is as follows:

*Missy Lesik, Director of Student Services  
1903 Bartlett Avenue  
Altoona, WI 54720  
715-839-6032, ext. 311*

If the designated Section 504 Coordinator is temporarily unavailable or is personally accused of improper conduct, requests or complaints may be submitted to the Superintendent.

Complaints and grievances involving students will be processed using the same procedures that are used to process other Section 504 and student discrimination complaints, including an opportunity for a hearing and a review via appeal.

In some cases, a student with a disability may have an individualized education program (IEP), that expressly requires specific instruction, services, or modifications related to the student's nutritional needs. To the extent a parent or

guardian is satisfied that a child's food-service-related needs are adequately addressed and specified within the IEP, a separate Section 504 plan or food-service accommodation request is not required. The District will simply implement the IEP as required by law, seeking a clarifying medical statement if necessary. Complaints and grievances regarding the content or implementation of the IEP will be addressed through the district's special education procedures, which include opportunities for an impartial hearing and a procedure for review.

### **Modified Meals**

Federal laws and regulations governing Child Nutrition Programs expressly require the District to provide a modified meal, at no extra charge, for a student who has a disability that restricts the student's diet whenever the need is supported by a sufficient written statement signed by a state-licensed healthcare professional who is authorized to write medical prescriptions. The written statement from the qualified healthcare professional must include the following:

1. A description of the child's physical or mental impairment that is sufficient to allow the District to understand how the impairment restricts the child's diet; and
2. An explanation of what must be done to accommodate the disability (for example, identifying the food(s) or ingredient(s) to be avoided, and, to the extent applicable, identifying the choice of foods or ingredients that may be reasonably substituted).

If a medical statement is unclear or lacks sufficient detail, District staff will seek appropriate clarification from the parent or guardian and/or the healthcare practitioner so that a proper and safe meal can be provided.

Even when the need for a modification is supported by a medical statement, the District is not necessarily obligated to (1) prepare a specific meal or provide a specific food item that is chosen by the family, or (2) use a particular brand of food or food ingredient. Rather, the District's obligation is to offer a reasonable modification that effectively accommodates the child's disability, while also taking into account factors such as cost and efficiency.

When a request for an individualized meal modification is not supported by adequate documentation (i.e., a qualifying medical statement and/or a sufficiently explicit IEP requirement), the District may not provide modified meals that do not comply with applicable federal meal pattern requirements and nutrition standards. Further, the District has no legal obligation to accommodate a student's or a parent's or guardian's general food or dietary preferences or general concerns about health, nutrition, or certain foods. However, when supported by the written request of a parent or guardian or medical authority that identifies the special need, the District does offer juice or a milk substitute for students with special medical or dietary needs other than a disability.

#### **Legal References:**

##### **Wisconsin Statutes**

[Section 118.13](#) [student nondiscrimination]

##### **Wisconsin Administrative Code**

[PI 9.03\(1\)\(i\)](#) [policy requirement to address nondiscrimination in relationship to school-sponsored food service programs]

##### **Federal Laws**

[7 C.F.R. Part 15b](#) [nondiscrimination on the basis of handicap in programs or activities receiving federal financial assistance]

[7 C.F.R. §210.10\(m\)\(1\)](#) [nondiscretionary meal substitutions for children with disabilities; written statement from a state-licensed healthcare professional required]

[7 C.F.R. §210.10\(m\)\(2\)](#) [fluid milk substitutions in cases other than a disability; written statement required]

[7 C.F.R. §220.88\(m\)](#) [parallel provisions regarding meal substitutions in the school breakfast program]

[20 U.S.C. §1400 et seq.](#) [The Individuals with Disabilities Education Act, providing for programs. Services, and rights for students with disabilities; implementing regulations at 34 C.F.R Part 300]

[42 U.S.C. §12131 et seq.](#) [The Americans with Disabilities Act, Title II, as amended, nondiscrimination based on disability by state and local governments; implementing regulations at 28 C.F.R. Part 35]

[29 U.S.C. §794 et seq.](#) [Section 504 of the Rehabilitation Act of 1973, as amended, prohibiting discrimination based on a qualifying disability by recipients of federal

funds; implementing regulations at 34 C.F.R. Part 104, 28 C.F.R. Part 42, Subpart G, and 29 C.F.R. Part 1640]

USDA Nondiscrimination Statement and Complaint Information:

In accordance with federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, this institution is prohibited from discriminating on the basis of race, color, national origin, sex (including gender identity and sexual orientation), disability, age, or reprisal or retaliation for prior civil rights activity.

Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication to obtain program information (e.g., Braille, large print, audiotape, American Sign Language), should contact the responsible state or local agency that administers the program or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339.

To file a program discrimination complaint, a Complainant should complete a Form AD-3027, USDA Program Discrimination Complaint Form which can be obtained online at:

<https://www.usda.gov/sites/default/files/documents/USDA-OASCR%20P-Complaint-Form-0508-0002-508-11-28-17Fax2Mail.pdf>, from any USDA office, by calling (866) 632-9992, or by writing a letter addressed to USDA. The letter must contain the complainant's name, address, telephone number, and a written description of the alleged discriminatory action in sufficient detail to inform the Assistant Secretary for Civil Rights (ASCR) about the nature and date of an alleged civil rights violation. The completed AD-3027 form or letter must be submitted 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; or

2. fax:  
(833) 256-1665 or (202) 690-7442; or

3. email:  
program.intake@usda.gov

This institution is an equal opportunity provider.

**Adopted:** 10/18/21  
**Amended:** 11/01/22