

Requirements for Procedural Safeguards for Meal Modifications in School Nutrition Programs

Under the Individual with Disabilities Education Act (IDEA), procedural safeguards protect the rights of parents and their child with a disability, and provide families and school systems with processes to resolve disputes. The U.S. Department of Agriculture (USDA) requires that local educational agencies (LEAs) include procedural safeguards for meal modifications to accommodate a child's disability in the [school nutrition programs](#). These requirements are part of the USDA's nondiscrimination regulations and civil rights protections. The USDA's school nutrition programs include the National School Lunch Program (NSLP), School Breakfast Program (SBP), Afterschool Snack Program (ASP) of the NSLP, Seamless Summer Option (SSO) of the NSLP, Special Milk Program (SMP), Fresh Fruit and Vegetable Program (FFVP), and Child and Adult Care Food Program (CACFP) At-risk Supper Program implemented in schools.

School food authorities (SFAs) must work with their LEA's 504 Coordinator to ensure that the LEA's procedural safeguards process includes the provisions required by the USDA's nondiscrimination regulations (7 CFR 15b). LEAs must establish a process for procedural safeguards that provides notice and information to parents and guardians regarding how to request a reasonable modification and their procedural rights for grievance procedures.

Requirements for Meal Modifications for Children with Disabilities

The USDA's nondiscrimination regulations (7 CFR 15b) and regulations for school nutrition programs (7 CFR 210.10(m) and 7 CFR 220.8(m)) require that SFAs make reasonable modifications on a case-by-case basis for children whose disability restricts their diet, when a recognized medical authority certifies the need. The USDA defines a "reasonable modification" as a change or alteration in policies, practices, and/or procedures to accommodate a disability that ensures children with disabilities have equal opportunity to participate in or benefit from a program. The general guideline in making accommodations is that children with disabilities must be able to participate in and receive benefits from programs that are available to children without disabilities.

Meal modifications must be related to the disability or limitations caused by the disability, and require a medical statement from a state-licensed healthcare professional who is authorized to write medical prescriptions under state law. The Connecticut State Department of Public Health (DPH) defines recognized medical authorities as physicians, physician assistants, doctors of osteopathy, and advanced practice registered nurses (APRNs), i.e., nurse practitioners, clinical nurse specialists, and certified nurse anesthetists who are licensed as APRNs. For detailed guidance on the requirements for meal modifications in the school nutrition programs, see the Connecticut State Department of Education's (CSDE) guide, *Accommodating Special Diets in School Nutrition Programs*, and visit the CSDE's [Special Diets in School Nutrition Programs](#) webpage.

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LEA's Responsibility for Procedural Safeguards

The USDA nondiscrimination regulations ([7 CFR 15b.25](#)) require LEAs to establish a procedural safeguards process that provides notice and information to parents and guardians regarding how to request a reasonable meal modification to accommodate a child's disability, and their procedural rights for grievance procedures ([7 CFR 15b.6\(b\)](#)). These procedures include the right to:

- file a grievance if they believe a violation has occurred regarding the request for a reasonable modification;
- receive a prompt and equitable resolution of the grievance;
- request and participate in an impartial hearing to resolve their grievances;
- be represented by counsel at the hearing;
- examine the record; and
- receive notice of the final decision and a procedure for review, i.e., right to appeal the hearing's decision.

LEAs must work with school food service personnel to implement procedures for parents or guardians to request meal modifications for children with disabilities, and to resolve grievances. LEAs may fulfill this requirement by using existing procedures to address requests to accommodate students with disabilities in the classroom, in compliance with [Section 504 of the Rehabilitation Act of 1973](#) (Section 504) or the [Individuals with Disabilities Education Act \(IDEA\)](#).

At a minimum, the LEA must notify parents and guardians of the process for requesting meal modifications to accommodate a child's disability, and arrange for an impartial hearing process to resolve grievances related to requests for meal modifications based on a disability. The hearing process must include the opportunity for the child's parent or guardian to participate, be represented by counsel, and examine the record. It must also include notice of the final decision and a procedure for review.

LEAs employing at least 15 individuals must ensure their procedural safeguards process provides for a prompt and equitable resolution of grievances, and must designate at least one person to coordinate compliance with disability requirements. This individual is often referred to as the Section 504 Coordinator. In many cases, the Section 504 Coordinator is responsible for addressing requests for accommodations in the school in general, and may also be responsible for ensuring compliance with disability requirements related to meals and the meal service.

LEAs are not required to have a separate 504 Coordinator who is only responsible for meal modifications. However, LEAs should ensure that school food service personnel understand the procedures for handling requests for meal modifications and know how to contact the Section 504 Coordinator.

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Resources

Accommodating Special Diets in School Nutrition Programs (CSDE):

<https://portal.ct.gov/-/media/SDE/Nutrition/NSLP/SpecDiet/SpecialDietsGuide.pdf>

CSDE Operational Memorandum No. 13-17: Requirements for Meal Modifications in the School Nutrition Programs:

<https://portal.ct.gov/-/media/SDE/Nutrition/NSLP/Memos/OM2017/OM13-17.pdf>

Individuals with Disabilities Education Act (IDEA):

http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=108_cong_public_laws&docid=f:publ446.108

Individuals with Disabilities Education Act (U.S. Department of Education):

<https://sites.ed.gov/idea/>

Medical Statement Forms (CSDE):

<https://portal.ct.gov/SDE/Nutrition/Special-Diets-in-School-Nutrition-Programs/Documents>

Protecting Students with Disabilities: Frequently Asked Questions about Section 504 and the Education of Children with Disabilities (U.S. Department of Education, Office for Civil Rights):

<https://www2.ed.gov/about/offices/list/ocr/504faq.html>

Requirements for Meal Modifications in School Nutrition Programs (CSDE Presentation):

<https://portal.ct.gov/-/media/SDE/Nutrition/NSLP/SpecDiet/SpecialDietsPresentation.pdf>

Section 504 of the Rehabilitation Act of 1973:

<https://www.hhs.gov/sites/default/files/knowyourrights504adafactsheet.pdf>

Self-assessment of Local Practices for Special Diets in School Nutrition Programs (CSDE):

<https://portal.ct.gov/-/media/SDE/Nutrition/NSLP/SpecDiet/SpDietAssess.pdf>

Special Diets in School Nutrition Programs (CSDE webpage):

<http://portal.ct.gov/SDE/Nutrition/Special-Diets-in-School-Nutrition-Programs>

Summary of Requirements for Accommodating Special Diets in School Nutrition Programs (CSDE):

<https://portal.ct.gov/-/media/SDE/Nutrition/NSLP/SpecDiet/SpecialDietsChart.pdf>

USDA Memo SP 26-2017: Accommodating Disabilities in the School Meal Programs: Guidance and Questions and Answers (Q&As):

<https://www.fns.usda.gov/school-meals/accommodating-disabilities-school-meal-programs-guidance-and-qas>

USDA Memo SP 59-2016: Policy Memorandum on Modifications to Accommodate Disabilities in the School Meal Programs:

<https://www.fns.usda.gov/policy-memorandum-modifications-accommodate-disabilities-school-meal-programs>

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For more information, visit the CSDE's [Special Diets in School Nutrition Programs](#) webpage or contact the [school nutrition programs staff](#) in the CSDE's Bureau of Health/Nutrition, Family Services and Adult Education, 450 Columbus Boulevard, Suite 504, Hartford, CT 06103-1841.

This document is available at <https://portal.ct.gov/-/media/SDE/Nutrition/NSLP/SpecDiet/ProceduralSafeguardsSNP.pdf>.

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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 at: [How to File a Complaint](#), 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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Inquiries regarding the Connecticut State Department of Education's nondiscrimination policies should be directed to: Levy Gillespie, Equal Employment Opportunity Director/Americans with Disabilities Coordinator (ADA), Connecticut State Department of Education, 450 Columbus Boulevard, Suite 607, Hartford, CT 06103, 860-807-2071, levy.gillespie@ct.gov.