

SCHOOL DISTRICT OF PITTSVILLE BOARD POLICY

SUPPORT SERVICES

ACCOMMODATIONS AND MODIFICATIONS IN SCHOOL FOOD SERVICE PROGRAMS 760-RULE

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.

Requesting Food Service Accommodations for Students with Disabilities

Requests for modifications and accommodations within the District's food service program due to a student's disability, including meal modifications and other accommodations within the District's food service program, 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. The contact for the District's Section 504 Coordinator for student matters is as follows:

Danielle Wilke, Director of Student Services
5459 Elementary Avenue, Suite 2, Pittsville, WI 54466
wilkedan@pittsville.k12.wi.us 715-884-5233

In some cases, a student with a disability may already have an individualized education program (IEP), or a Section 504 plan in place that expressly requires specific instruction, services, or modifications related to the student's meals and other 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 existing IEP or Section 504 plan, a separate food-service accommodation request is not required. The District will simply implement the IEP or Section 504 Plan as required by law. However, the District will still request a supporting medical statement (as further described below) if such a statement is needed to establish that any modified meals provided under an existing IEP or Section 504 plan are reimbursable through the District's participation in any federal Child Nutrition Program.

Disability-Related Meal Modifications

Unless otherwise required by applicable program regulations, references to "meals" in this section includes all foods and beverages (e.g., breakfast, lunch, after-school snacks, etc.) provided by the District within any federal Child Nutrition Program.

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. Requested modifications must be related to the child's disability or to limitations caused by the disability. In addition, requests for meal modifications shall be supported by a medical statement.

The following requirements apply to medical statements:

1. The statement must be signed by either (1) a state-licensed healthcare professional who is authorized to write medical prescriptions or (2) a registered dietician.
2. The statement must include sufficient information about how the child's impairment(s) restrict the child's diet so that the District can appropriately accommodate and meet the nutritional needs of the child. To the extent applicable to the child, this includes:
 - a. Identifying foods/ingredients to be omitted.
 - b. Identifying recommendations for substitutions/alternatives.
3. The medical statement may be supplied on Form PI-6314, as published by the Department of Public Instruction (DPI).

- a. The form is available on the DPI website. Upon request, a copy of the form can also be obtained from the staff in the main administrative office of each District school.
 - b. Use of the DPI form is not mandatory provided that any alternative form or other written record includes the information that is required for a valid medical statement.
4. If a record that is already in the possession of the District contains all of the information required for a valid medical statement for meal modifications (e.g., a signed record from a healthcare provider or dietician that is part of the records relating to a child's individualized education program (IEP)), then a separate medical statement will not be required.

As additional information regarding disability-related meal modifications and supporting medical statements:

1. The District requires a medical statement in support of disability-related meal modifications regardless of whether the modified meals meet, or do not meet, applicable USDA meal pattern requirements.
2. If a medical statement is unclear or lacks sufficient detail, District staff will seek appropriate clarification from the parent or guardian and/or from the healthcare professional or registered dietician who signed the statement so that a proper and safe meal can be provided.
3. To the extent permitted by law, the District retains discretion to offer or not offer modified meals while the District is waiting to receive a sufficient medical statement. This discretion shall be exercised in a manner consistent with the District's legal obligations (i.e., any IEP provision relating to school meal service generally must still be implemented) and giving due consideration to a child's health and safety.
4. Unless stated on the medical statement itself, a medical statement does not automatically expire or require annual resubmission. However, the District may periodically seek confirmation that there have been no changes to a student's dietary requirements.
5. 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.
6. In addition to planning appropriate meal modifications, District staff will collaborate with parents/guardians and the student's healthcare team to address other issues that may relate to the child's disability, such as safety monitoring, strategies for avoiding contact with allergens, staff notifications related to the student's needs, etc.

Non-Disability Meal Variations (other than Non-Disability Milk Substitutions)

In connection with the District's participation in federally-supported Child Nutrition Programs, District food service managers make efforts to consider children's diverse dietary preferences when planning and preparing meals and any snacks.

Federal regulations prohibit the District from approving individualized student/household requests for non-disability meal variations if the requested variation would be inconsistent with the applicable federal meal pattern requirements.

For requested non-disability variations that would be consistent with the federal meal pattern requirements, the District will approve the request if the District determines that it is obligated to do so under any applicable law. When no legal obligation applies, the District may approve such a request if the Director of Food Services or a designee determines that all of the following apply: (1) the request would have, at most, a negligible impact on the food service program's operational efficiency; (2) the expense incurred in implementing the requested variation would not materially exceed the cost of providing the affected student(s) with the planned meal; and (3) based on a reasonable forecast of the number of other students who would be likely to submit requests for variations based on dietary preferences, the District would be likely to be able to approve other similarly-situated requests. The District also retains discretion to revoke any discretionary approval of such non-disability meal variations for any lawful reason.

Non-Disability Milk Substitutions

Federal Child Nutrition Program regulations limit the circumstances under which the District may offer fluid milk substitutes to students who have dietary needs or preferences that are not disabilities. Although the District has taken the step of notifying the Department of Public Instruction that District schools may offer non-disability fluid milk substitutes, the following additional requirements and conditions apply:

1. Prior to providing a fluid milk substitute to a student for a non-disability reason, a **written request** must be submitted to the District on behalf of the student from the student's parent or guardian, a State licensed healthcare professional who is authorized to write prescriptions, or a registered dietitian. The written request must identify the reason for the substitute.
2. The request must be for a milk substitute that is consistent with applicable federal nutrition standards (including meeting fortification guidelines) and that the District is willing to procure and provide within the District food service program. Milk substitute must be able to be procured by Food Service Department within all contracted suppliers.
3. The District retains all lawful discretion to cease offering any specific milk substitute, to revoke the prior approval of a milk substitute for an individual student, and/or to cease providing all non-disability milk substitutes.

Procedural Safeguards, District Complaint Procedures, and Civil Rights Complaints

The parent or guardian of a student or any adult student may contact the District's Section 504 Coordinator with questions about the application of Section 504 and other laws that establish the rights of individuals with disabilities or for additional information about submitting any complaints related to meal modification or other accommodations within the District's food service program. As applicable to the individual student and other specific circumstances, a parent or guardian or adult student may utilize the procedural safeguards and impartial hearing and review procedures that apply under Section 504 or, if applicable, under the federal Individuals with Disabilities Education Act, to address issues surrounding the identification, evaluation, and provision of accommodations (including meal modifications) and other aspects of a free appropriate public education for a student with a disability.

The use or non-use of any of the District's local complaint resolution policies and procedures shall not prevent any person, including any student's parent or guardian, from pursuing a civil rights complaint with relevant state or federal authorities regarding possible unlawful discrimination within the District's food service program. Such civil rights complaints do not have to be initially filed with the School District and may be submitted directly to (1) the U.S. Department of Agriculture (see the nondiscrimination statement, below), or (2) to the Director of School Nutrition Programs at the Wisconsin Department of Public Instruction. However, if the District receives any such civil rights complaint in connection with District's food service program, then the District's designated Civil Rights Coordinator for the food service program or a designee shall promptly (i.e., within 5 days) forward the civil rights complaint to the DPI's Director of School Nutrition Programs for processing.

Notification to Students, Parents, and Guardians

The District's designated Section 504 Coordinator for student matters and the Director of Food Services have administrative responsibility for ensuring that the District provides appropriate notice to parents, guardians, and students of (1) the procedure for requesting meal modifications for disabilities and (2) the procedural safeguards available in connection with meal modifications for disabilities.

LEGAL REFERENCES:

Wisconsin Statutes

[Section 118.13](#) [student nondiscrimination]

Wisconsin Administrative Code

[PI 9.03\(1\)\(i\)](#) [policy requirement to address nondiscrimination in relation 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 from the U.S. Department of Agriculture; for requirements relating to a coordinator and grievance procedures and procedural safeguards, see especially sections 15b.6, and 15b.25]

[7 C.F.R. §210.10\(m\)](#)

[meal substitutions for children with disabilities and non-disability meal variations]

[7 C.F.R. §210.10\(d\)\(2\)](#)

[fluid milk substitutions in cases other than a disability; written statement required; see also [7 C.F.R. §215.7a\(b\)](#)]

[7 C.F.R. §220.8](#)

[addressing meal modifications and fluid milk substitutions in the school breakfast program; see especially subsections 220.8(d) and 220.8(m)]

[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 [7 C.F.R. Part 15b](#), [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, audiotope, 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/ad-3027.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.

First Reading: November 11, 2024
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