

# Meal Substitutions for Medical or Special Dietary Reasons

## I. Handicapped Participants

1. **“Handicapped person”** is defined in 7 CFR Part 15b.3 (I) as 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 an impairment.” **“Major life activities”** are defined to include “functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.” School food authorities, institutions and sponsors participating in the Child Nutrition Programs are required to make substitutions or modifications to the meal patterns for those participants with handicaps who are unable to consume the meals offered to non-handicapped participants.
2. Determination of whether or not a participant has a handicap which restricts his or her diet is to be made on an individual basis by a licensed physician. The physician’s medical statement of the participant’s handicap must be based on the regulatory criteria for “handicapped person” defined in 7 CFR Part 15b.3 (I) and contain a finding that the handicap restricts the participant’s diet. In those cases in which the school food authority, institution or sponsor has consulted with the physician issuing the statement and is still unclear whether the medical statement meets the regular criteria, the school food authority, institution or sponsor may consult the State agency.

3. A participant whose handicap restricts his or her diet shall be provided substitutions in foods only when supported by a statement signed by a licensed physician. The medical statement shall identify:
  - A. The participant's handicap and an explanation of why the handicap restricts the participant's diet;
  - B. The major life activity affected by the handicap; and
  - C. The food or foods to be omitted from the participant's diet, and the food or choice of foods that must be substituted. If the handicap would require caloric modifications or the substitution of a liquid nutritive formula, for example, this information must be included in the statement. If the handicapped participant requires only textural modification(s) to the regular Program meal, as opposed to a meal pattern modification, the medical statement is recommended, but not required. In such cases, the purpose of the statement is to assist the school food authority in providing the appropriate textural modification(s). Unless otherwise specified by the physician, the meals modified for texture will consist only of food items and quantities specified in the regular menus.
4. The school food authority, institution or sponsor should also provide parents or guardians with 7 CFR Part 15b.3, so that their physicians may correctly assess whether an individual's handicap meets the regulatory criteria. School food authorities, institutions and sponsors should use the services of a Registered Dietitian to assist in implementing the medical statement, as appropriate.

5. Generally, participants with food allergies or intolerances, or obese participants are not “handicapped persons,” as defined in 7 CFR 15b.3 (I), and school food authorities, institutions and sponsors are not required to make substitutions for them. However, when in the physician’s assessment food allergies may result in severe, life-threatening reactions or the obesity is severe enough to substantially limit a major life activity, the participant then meets the definition of “handicapped person,” and the foodservice personnel must make the substitutions prescribed by the physician.

## **II. Participants With Other Special Dietary Needs**

1. School food authorities, institutions or sponsors may, at their discretion, make substitutions for individual participants who are not “handicapped persons”, but who are unable to consume a food item because of medical or other special dietary needs.
2. Such substitutions may only be made on a case-by-case basis when supported by a statement signed by a recognized medical authority. In these cases, recognized medical authorities may include physicians, physician assistants, nurse practitioners or other professionals specified by the State agency.

3. For these non-handicapped participants, the supporting statement shall include:
  - A. An identification of the medical or other special dietary need which restricts the participant’s diet; and
  - B. The food or foods to be omitted from the participant’s diet, and the food or choice of foods that may be substituted.

4. School food authorities, institutions and sponsors are not required to make substitutions for participants whose conditions do not meet the definition of “handicapped person” set forth in 7 CFR 15b.3 (I). For example, individuals who are overweight or have elevated blood cholesterol generally do not meet the definition of handicapped person, and thus school food authorities, institutions, and sponsors are not required to make meal substitutions for them. In fact, in most cases, the special dietary needs of non-handicapped participants may be managed within the normal Program meal service when a well-planned variety of nutritious foods is available to children, and/or “offer versus serve” is available and implemented.

### **III. Reimbursement and Availability of Substitutions**

1. Reimbursement for meals served with an authorized substitute food to handicapped participants or to participants with other special dietary needs shall be claimed at the same reimbursement rate as meals which meet the meal pattern. Furthermore, there shall not be a supplementary charge for the substitution food item(s) to either a handicapped participant or to a participant with other special dietary needs.
2. While any additional costs for substituted foods are considered allowable Program costs, no additional Child Nutrition Program reimbursement is available. Source of supplemental funding may include special education funds (if the substituted food is specified in the child’s individualized education program); the general account of the school food authority, institution or sponsor; or, for school food authorities, the nonprofit school foodservice account.