

Guidance on How To Accommodate the Dietary Needs of Children With or Without a Disability

Does the participant **have a disability** that restricts their diet and have they submitted a Special Diet Statement completed by a licensed physician that supports their request for a special diet? If so, the Child and Adult Care Food Program (CACFP) facility **must** provide the prescribed food substitutions or modifications at no charge as described below. Federal civil rights law defines a **person with a disability** 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.

A CACFP facility **may**, but is not required to, make food substitutions for a participant who **does not have a disability**, but who is medically certified as having a special medical or dietary need. A Special Diet Statement must be completed by a “recognized medical authority” (as described below) and submitted to the CACFP facility. Each special dietary request should be evaluated on a case-by-case basis. Although not required in this situation, CACFP facilities should consider accommodating reasonable requests.

A special dietary request may also be submitted for a participant who has a food allergy or intolerance. Generally, a participant with a food allergy or intolerances **does not have a disability**. However, when the licensed physician’s assessment states that the food allergy may result in a severe, life-threatening (anaphylactic) reaction, the participant’s condition would meet the definition of a “disability” and food substitutions prescribed by a licensed physician must be made.

Participant with a Disability

Accommodations must be provided at no charge to a participant with a disability when the need is supported by a signed Special Diet Statement or diet order from a licensed physician.

The Special Diet Statement For a Participant With a Disability must include all of the following:

- The participant’s disability that meets the federal definition of “person with a disability” including the major life activity affected by the disability.
- An explanation of how the disability restricts the participant’s diet.
- Food(s) to be omitted and food(s) that must be substituted* or modified.**
- Signature of physician.

Participant without a Disability

Accommodations may be provided to a participant who has a special dietary need, but not a disability, when the dietary need is supported by a statement from a “recognized medical authority” (licensed physician, physician assistant, certified nurse practitioner, registered dietitian, licensed nutritionist or chiropractor).

The Special Diet Statement For a Participant Without a Disability must include all of the following:

- Identification of the medical or special dietary condition that restricts the participant’s diet.
- Food(s) to be omitted and food(s) that must be substituted.*
- Signature of recognized medical authority.

*Generic food descriptions are preferred but specific brands may be listed.

**Written instructions are recommended for texture modifications (for example, soft, chopped, ground, pureed).

Additional considerations:

- *Food items supplied by families:* Generally, meals can only be claimed for program reimbursement when **all** food items, including food substitutions, have been supplied by the CACFP sponsor. Exception: If the Special Diet Statement is for a participant with a disability and the physician **specifies** that one or more substituted food items will be **supplied by the family**, then the meal can be claimed for reimbursement by the sponsor even though the sponsor has not provided all the required food items.
- Meals served in the CACFP that have been modified or include food substitutions as prescribed in the Special Diet Statement with a disability can be claimed for program reimbursement even if the modifications or substitutions result in a meal that does not fully meet CACFP meal pattern requirements.
- A Special Diet Statement does not need to be renewed on a yearly basis but must reflect the current dietary needs of a participant.
- Sponsors of the CACFP may not interpret, change or revise a Special Diet Statement or diet order due to the potential for liability.