Minnesota Department of Education

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 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.