**Juniata Valley School District**

**Accommodating Students with Disabilities**

It is the goal of Juniata Valley School District to work collaboratively with families to ensure that children with disabilities have an equal opportunity to participate in and benefit from the National School Lunch Program (NSLP) and School Breakfast Program (SBP). Our focus will not be on attempting to determine if a medical or physical condition meets the definition of a disability; rather, our efforts will be geared toward providing a reasonable accommodation to meet the needs of the student. Circumstances are often different, and each situation will be evaluated on a case-by-case basis.

As a result of passage of the ADA Amendments Act, food service employees should be aware that most physical and mental impairments constitute a disability. Under the Act, the term “disability” includes:

• A physical or mental impairment that substantially limits one or more major life activities of an individual (this includes, but is not limited to: caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working);

• A record of such an impairment; or

• Being regarded as having such an impairment

The ADA definition of major life activities also encompasses “major bodily functions”, including (but not limited to): functions of the immune system; normal cell growth; and digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions. The definition of disability may include temporary disabilities, such as oral surgery, as well as a severe food allergy resulting in anaphylaxis. In addition, physical or mental impairments do NOT need to be life-threatening in order to constitute a disability.

Conversely, colds, the flu, a minor broken bone, general health concerns (such as a parent or guardian’s preference that a child eat a specific diet because they believe that doing so will be healthier for the child), personal preferences, and moral or religious convictions are not disabilities and do not require a modification. If possible, JVSD will attempt to make reasonable accommodations in these situations provided that the resulting meals meet the meal pattern requirements. JVSD will maintain documentation of the parent/guardian request when making menu modifications within the meal pattern requirements.

USDA regulations require substitutions or modifications to the meal pattern or meal service for children whose disability restricts their diet, when supported by a written statement signed by a recognized medical authority (licensed physician, physician assistant, certified registered nurse practitioner, or dentist). A medical statement is required for meals that do not meet the SNP, CACFP or SFSP meal pattern requirements. The medical statement must include: 1) information about the participant’s physical or mental impairment that is sufficient to allow JVSD to understand how it restricts the participant’s diet; 2) an explanation of what must be done to accommodate the participant; and 3) the food or foods to be omitted and recommended alternatives, if appropriate. The participant’s diagnosis or terms ‘disability’/’disabled’ are not required. JVSD personnel cannot request medical records or charts, nor will we question whether an impairment ‘rises to the level of disability’. We will seek clarification if instructions are inadequate or unclear.

Following is a brief synopsis of the two types of accommodations:

Medical Plan of Care

United States Department of Agriculture (USDA) regulations require substitutions or modifications to the meal pattern or meal service for children whose disability restricts their diet, when supported by a written statement signed by a recognized medical authority (licensed physician, physician assistant, certified registered nurse practitioner, or dentist). Any physical or mental impairment that substantially limits one or more major life activities or bodily functions is considered a disability. A physical or mental impairment does NOT have to be life-threatening or cause anaphylaxis in order to constitute a disability.

Request from Parents

SFAs may make food substitutions for individual children who do not have a medical statement on file. Such determinations are made on a case-by-case basis. In the absence of a medical statement, the request must be in writing by the parents. All accommodations must be made within USDA’s meal pattern requirements. Special dietary needs and requests related to general health concerns, personal preferences, and moral or religious convictions, are not disabilities and are optional for school food authorities to accommodate. Meal modifications for non-disability reasons are reimbursable provided that these meals adhere to Program regulations. SFAs opting to offer non-dairy fluid milk substitutes for non-disability reasons must ensure the substitute meets nutrient requirements at 7 CFR 210.10(d)(3).