

# Children with Disabilities and Special Dietary Needs

## DEFINITIONS OF DISABILITY AND OF OTHER SPECIAL DIETARY NEEDS

**Rehabilitation Act of 1973** and the **Americans with Disabilities Act** Under Section 504 of the *Rehabilitation Act of 1973*, and the *Americans with Disabilities Act (ADA)* of 1990, a “person with a disability” means any person who has a physical or mental impairment which substantially limits one or more life activities, has a record of such an impairment, or is regarded as having such an impairment. The term “physical or mental impairment” includes many diseases and conditions, a few of which may be:

Orthopedic, visual, speech, and hearing impairments;	Metabolic diseases, such as diabetes or phenylketonuria (PKU)
Cerebral palsy;	Heart disease
Epilepsy;	Food anaphylaxis (severe food allergy)
Muscular dystrophy;	Mental retardation;
Multiple sclerosis	Emotional illness
Cancer	Drug addiction and alcoholism
Specific learning disabilities	HIV disease
Tuberculosis	

Please refer to the Acts noted above for a more detailed explanation. Major life activities covered by this definition include caring for one’s self, eating, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

**Individuals with Disabilities Education Act** The term child with a “disability” under Part B of the *Individuals with Disabilities Education Act (IDEA)* means a child evaluated in accordance with IDEA as having one or more of the recognized thirteen disability categories and who, by reason thereof, needs special education and related services. IDEA recognizes thirteen disability categories which establish a child’s need for special education and related services. These disabilities include:

Autism	Deaf-blindness
Deafness or other hearing impairments	Mental Retardation
Orthopedic impairments	Emotional disturbance
Specific learning disabilities	Speech or language impairment
Traumatic brain injury	Multiple disabilities
Other health impairments due to chronic or acute health problems, such as asthma, diabetes, nephritis, sickle cell anemia, a heart condition, epilepsy, rheumatic fever, hemophilia, leukemia, lead poisoning, tuberculosis	Visual impairment; including blindness , which adversely affects a child’s educational performance.

Attention deficit disorder or attention deficit hyperactivity disorder may fall under one of the thirteen categories. Classification depends upon the particular characteristics associated with the disorder and how the condition manifests itself in the student, which determines the category. The Individualized Education Program or IEP means a written statement for a child with a disability that is developed, reviewed and revised in accordance with the IDEA and its implementing regulations. The IEP is the cornerstone of the student’s educational program that contains the program of special education and related services to be provided to a child with a disability covered under the IDEA.

### Physician’s Statement for Children with Disabilities

USDA regulations 7 CFR Part 15b require substitutions or modifications in school meals for children whose disabilities restrict their diets. A child with a disability **must** be provided substitutions in foods when that need is supported by a statement signed by a licensed physician. The physician’s statement must identify:

- The child’s disability;
- An explanation of why the disability restricts the child’s diet;
- The major life activity affected by the disability;
- The food or foods to be omitted from the child’s diet, and the food or choice of foods that must be submitted.

### Other Special Dietary Needs

The school food service **may** make food substitutions, at their discretion, for individual children who do not have a disability, but who are medically certified as having a special medical or dietary need. Such determinations are only made on a case-by-case basis. This provision covers those children who have food intolerances or allergies but do not have life-threatening reactions (anaphylactic reactions) when exposed to the food(s) to which they have problems.

**Reference: Accommodating Children with Special Needs: Guidance for School Foods Service Staff, United States Department of Food and Nutrition Service, Fall 2001; <http://www.fns.usda.gov/cnd/Guidance/default.htm>**