

Chardon Local School District

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Josephine Culliton, SNS – Director of Nutrition Services

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Dear Parent or Guardian:

The following guidelines outline what the policy (USDA Memo SP-02 2009 and USDA Memo SP-35 2009) is for milk substitutions starting with the 2010-11 school year:

Does your child have a life-threatening allergy/disability related to consuming milk (anaphylaxis)?

- **If the answer is YES:** We are required to accommodate the child with a disability, but a medical statement from a licensed physician describing your child's condition must be obtained by you (see below for statement guidelines). This note must be submitted to the Nutrition Services Department at the above address, email address or fax number. The beverage that the physician prescribes as a milk substitution must be served, which may be juice or water.
- **If the answer is NO:** Milk substitution is not allowed for this non life-threatening condition. Children who purchase or receive a free school meal may refuse components of the meal. In the case that consuming milk is not a life-threatening condition, refusing the milk component of the meal is permitted and does not change the price of the meal. Cups are being made available at all cashier stands for students to fill with water from the drinking fountain in order to have a beverage with their meals.

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 major 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;
- cerebral palsy;
- epilepsy;
- muscular dystrophy;
- multiple sclerosis;
- cancer;
- heart disease;
- metabolic diseases, such as diabetes or phenylketonuria (PKU);
- food anaphylaxis (severe food allergy);
- mental retardation;
- emotional illness;

- drug addiction and alcoholism;
- specific learning disabilities;
- HIV disease; and
- tuberculosis.

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 substituted.

In Cases of Food Allergy

Generally, children with food allergies or intolerances do not have a disability as defined under either Section 504 of the Rehabilitation Act or Part B of IDEA, and the school food service may, but is not required to, make food substitutions for them. However, when in the licensed physician's assessment, food allergies may result in severe, life-threatening (anaphylactic) reactions, the child's condition would meet the definition of "disability," and the substitutions prescribed by the licensed physician must be made.

Please feel free to contact me if you have further questions or need more information.

Sincerely,

Josephine Culliton , SNS
Director of Nutrition Services