

## Chapter 18: Accommodating Children with Disabilities in the School Meal Programs

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### **State Agency and School Food Authority’s Agreement**

The National School Lunch Program (NSLP) and School Breakfast Program (SBP) aims to provide all participating children, regardless of background, with the nutritious meals they need to be healthy. In order to operate the Programs, school food authorities (SFAs) must enter into an agreement with their respective State agency. As part of this agreement, SFAs must comply with the United States Department of Agriculture (USDA) regulation *Non Discrimination on the Basis of Handicap in Programs or Activities Receiving Federal Financial Assistance* [7 CFR 15b]. This includes ensuring children with disabilities have an equal opportunity to participate in and benefit from the NSLP and SBP.

### **SFA Responsibilities**

SFAs should be aware that while the school food service is specifically responsible for providing the necessary meal modifications for children participating in the School Meal Programs, the overall responsibility for accommodating children with disabilities rests with the school district. State agencies are ultimately responsible for ensuring school districts comply with disability law requirements. In addition, schools are reminded that they may have additional obligations to children with disabilities under Federal law, beyond the scope of FNS guidance.

Consistent with Federal law and Program regulations, SP 59-2016 requires SFAs to make reasonable modifications to accommodate children with disabilities. This includes providing special meals, at no extra charge, to children with a disability, which restricts their diet.

To view SP 59-2016, [click here](#).

To better align with Congressional intent, the memorandum incorporated important changes to the interpretation of the term “disability” included in the Americans with Disabilities Act (ADA) Amendments Act of 2008. Additionally, the memorandum emphasized the necessity for SFAs to work collaboratively with families so that children with disabilities have an equal opportunity to participate in and benefit from the NSLP and SBP. SFAs and local educational agencies (LEAs) should not engage in weighing medical evidence against legal requirements in order to determine if a medical or physical condition meets the definition of a disability. After the passage of the ADA Amendments Act, most physical and mental impairments constitute a disability.

### **Additional Resources**

The following guidance and other additional resources are available for SFAs to assist students and families with meal modification:

- SP 26-2017: *Accommodating Disabilities in the School Meal Programs: Guidance and Questions and Answers (Q&As)*. To view SP 26-2017, [click here](#).
- USDA has published *USDA FNS Accommodating Children with Disabilities in the School Meal Programs Guidance for School Food Service Professionals*. To access and views, [click here](#).