

## Special Needs Meals in the CCFP Meal Modifications due to Disability or Preference

Reasonable modifications **must** be made for children with disabilities that restrict their diet. **Section 504 of the Americans with Disabilities Act (ADA) 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.”** Major life activities are broadly defined and include, but are not limited to, eating, digestion, and feeding skills.

*Most physical and mental impairments will constitute a disability.* Examples of a disability may include **diabetes, food allergy or intolerance, developmental delay, or autism.**

A physical or mental impairment does not need to be life-threatening to constitute a disability. For example, a food allergy does not need to cause anaphylaxis to be considered a disability. A non-life-threatening allergy may be considered a disability and require a meal modification if it impacts a major bodily function or other major life activity.

A child’s impairment also may be considered a disability even if medication or other mitigating measures reduce the impact of the impairment.

***CCFP providers that fail to make appropriate meal modifications for children with disabilities could be found in violation of Federal civil rights laws.***

***CCFP providers must make reasonable modifications due to disability regardless of whether the participating facility prepares meals on site or receives catered meals.***

When substitutions are made, and the meal pattern is **not** met, a medical statement **is required** and must be signed by a physician, physician’s assistant (PA), or nurse practitioner (ARNP). Please note, providers may not unduly delay providing the modification while awaiting the medical statement but should begin providing a reasonable modification to keep the child safe.

*Meals with substitutions that meet all meal pattern requirements are reimbursable and no medical statement is needed.* A note from the parent/guardian should be on file. (Example, child does not eat meat due to religious preference, but meat will be substituted with a creditable meat alternate such as tofu or beans). CCFP providers are not required, but strongly encouraged, to make meal modifications due to parent or child preference.

### **Modifications Outside of the Meal Pattern**

When substitutions are made, and the meal pattern is **not** met, a medical statement **is required**. In this situation, the medical statement must include the following:

- ✓ Description of the child’s physical or mental impairment that restricts diet.
- ✓ An explanation of what must be done to accommodate the disability, e.g., listing food(s) to be omitted and the food(s) to be substituted or any necessary adaptive feeding equipment.
- ✓ Signature of a licensed physician, physician’s assistant (PA), or nurse practitioner (ARNP).

A parent/guardian may supply **one or more** components of the reimbursable meal as long as the child care provider provides at least one required meal component.

Providers **cannot require** parents to bring in the substitute(s).

**\*Catered Centers (under Family Central’s blanket catering contract):** The caterer is required to substitute food components of the meal for children with disabilities when the disability restricts their diet.

Substitutions are made on a case-by-case basis and must be supported by a statement of the need for substitution that includes the recommended alternate foods. (The Medical Statement for Meal Modifications must be submitted to Family Central and not the caterer! Keep a copy on file at your center. Family Central will coordinate with the caterer to ensure substitutions are delivered).

**\*Catered Centers with Independent Catering Contracts:** Your caterer is required to substitute food components of the meal for children with disabilities when the disability restricts their diet. Substitutions are made on a case-by-case basis and must be supported by a statement of the need for substitution that includes the recommended alternate foods. (The Medical Statement for Meal Modifications must be kept on file at your center and a copy provided to Family Central). You are responsible to work with your caterer to ensure the substitution is provided.

**\*Family Child Care Home Providers and Self -Prep Centers:** You are required to make reasonable modifications/substitutions for children with disabilities. A parent or guardian may supply one or more components of the reimbursable meal and the center provide at least one component. However, you cannot require a parent to bring the substitution(s).

***CCFP providers that fail to make appropriate meal modifications for children with disabilities could be found in violation of Federal civil rights laws.***

### **Modifications Within the Meal Pattern**

*Meals with substitutions that meet all meal pattern requirements are reimbursable and no medical statement is needed.* A note from the parent/guardian should be on file. CCFP providers are not required, but strongly encouraged, to make meal modifications due to parent or child preference.

Requests for modifications can be made due to preference (e.g. religious preference or vegetarianism). Providers are strongly encouraged to accommodate requests due to preference but are not required to do so. For example, the child care provider can substitute lactose-free milk in place of “regular” cow’s milk or substitute meat alternates for a child who does not eat meat.

A parent/guardian may supply *only one* component of the reimbursable meal as long as the child care provider provides all other required components. Any parent-provided component must be creditable.

Providers *cannot require* parents to bring in a food substitute.

#### **Milk substitutions due to preference - soy milk:**

Child care providers *or* parents may provide a non-dairy beverage (e.g., soy milk) that is nutritionally equivalent to the fluid milk component of the meal pattern. For the meal to be reimbursable, the beverage must be listed on the current *CCFP Approved Milk Substitution List for Children Ages 1 and Older* (attached)

The following must be maintained on file:

- ✓ A letter from the parent/guardian requesting a nutritionally equivalent milk substitute (e.g. soymilk) is required if no medical statement is on file. The letter must state whether the parent/guardian or the center will provide the milk substitute.

If parent/guardian *prefers* to provide the approved soy milk, it must be in the original container and labeled with the child’s name. Providers cannot require parents to bring in the substitute.

**All other milk substitutes (e.g., almond milk, rice milk, coconut milk):** These milks are not nutritionally equivalent to fluid cow’s milk and require a medical statement to be served as part of a reimbursable meal.