

**Mount Sinai UFSD**  
**Meal Modification Plan Accommodating Individuals with**  
**Disabilities in the Child Nutrition Program**

Schools must make substitutions for students who are considered to have a disability under 7 CFR 15b.3 and whose disability restricts their diet. 7CFR 210.10(m).

The Civil Rights Authorities that pertain to this plan are as follows:

- Title VI of the Civil Rights Act of 1964; Civil Rights Restoration Act of 1987; Section 504 of the Rehabilitation Act of 1973; ADA of 1990; ADA of 2008; Title IX of the Education Amendments of 1972; Age Discrimination Act of 1975; 7 CFR Parts 15, 15a, 15b and 15c; FNS 113-1; Executive Order 12250; Executive Order 13166; 28 CFR 41; USDA Departmental Regulation 4330-2; 2017 Edition of Accommodating Children with Disabilities in the School Meal Programs

ADA Amendments Act of 2008: Implementation

- **The term “substantially limits” requires a lower degree of functional limitation than the standard previously applied by the courts.** An impairment does not need to prevent or severely or significantly restrict a major life activity to be considered “substantially limiting.” Nonetheless, not every impairment will constitute a disability.
- **The term “substantially limits” is to be construed broadly** in favor of expansive coverage, to the maximum extent permitted by the terms of the ADA.
  - The determination of whether an impairment substantially limits a major life activity **requires an individualized assessment**, as was true prior to the ADA.
  - With one exception (“ordinary eyeglasses or contact lenses”), the determination of whether an impairment substantially limits a major life activity shall be **made without regard to the ameliorative effects of mitigating measures**, such as medication or hearing aids.
  - **An impairment that is episodic or in remission is a disability** if it would substantially limit a major life activity when active.
  - In keeping with Congress’s direction that the primary focus of the ADA is on whether discrimination occurred, **the determination of disability should not require extensive analysis.**

The expanded definition of DISABILITY:

Major Life Activities:

- Seeing, hearing, walking, speaking, learning, eating, breathing
- Caring for oneself; Performing manual tasks; Seeing, Hearing, speaking; Eating, Sleeping, Walking; Standing; Lifting, bending; Bathing; Reading, Learning, thinking; Communicating; Working

Major Bodily Functions:

- Digestive immune system, respiratory, circulatory, neurological/brain
- Functions of the immune system; Normal Cell Growth; Digestive, Bowel, Bladder; Neurological, Brain; Respiratory; Circulatory; Endocrine; Reproductive

## **Reasonable Modification**

Definition: A change or alteration in policies, practices and procedures to accommodate a disability which will be determined on a case-by-case basis. Program accessibility: ensure all food service areas are accessible, and provide auxiliary aids and services, such as: adaptive feeding equipment, or food service aids.

## **Integrated Environment**

Section 504 contains an integration clause: applies to food allergies and balance safety versus stigma.

NOTE: Health concerns or preferences that a child eat a specific diet because the parent/guardian believes it is healthier for the child are not disabilities and do not require a modification.

## **Modification provided:**

- Should be related to the disability or limitations caused by the disability
- Does not have to be the modification requested
- Must (generally) be free of charge
- Should be implemented even when the person requesting the modification believes more should be done

**Food Allergies:** Many food allergies fall under the definition of disability.

In order to be considered for a meal modification plan, a medical statement is required, which can be completed by any State-licensed healthcare professional. The form is included in Appendix A of this plan.

## **Medical statement requirements**

- Provides information about impairment-DIAGNOSIS NOT REQUIRED
- States how diet is restricted
- States how to accommodate condition

If the medical statement relates to a food allergy, the following are the three essential components:

1. The food to be avoided (allergen)
2. Brief explanation of how exposure affects the student
3. Recommended substitute(s)

## **Food Service Department Role**

- Food safety/sanitation, and tracking special circumstances:
- Portion Sizes
- Brand Name Requests
- Offer vs. Serve
- Procurement of Special Meal

Federal regulations governing the operation of Child Nutrition Programs, Part B of the Individuals with Disabilities Education Act, and Section 504 of the Rehabilitation Act of 1973 require that children with disabilities

be offered the opportunity to participate in all academic and nonacademic activities including school nutrition programs. The district will make reasonable accommodations to those children whose disabilities restrict their diets, such as providing substitutions or modifications in the regular meal patterns. These meal substitutions will be offered at no extra charge. A student with a disability must be provided substitutions in food when that need is supported by a statement signed by a physician attesting to the need for the substitutions and recommending alternative foods.

However, the school food service is not required to provide meal services (for example, School Breakfast Program) to students with disabilities when the meal service is not normally available to the general student body, unless a meal service is required under the student's individualized education program (IEP) or Section 504 Accommodation Plan as mandated by a physician's written instructions.

#### Food Substitutions for Nondisabled Students

Though not required, the district will also allow substitutions for non-disabled students who are unable to consume the regular meal because of medical or other special dietary needs if the request is supported by a statement signed by a recognized medical authority.

The District may also allow substitutions for fluid milk with a non-dairy beverage that is nutritionally equivalent (as established by the Secretary of Agriculture) to fluid milk and meets nutritional standards for students who are unable to consume fluid milk because of medical or other special dietary needs if the request is supported by a statement signed by a recognized medical authority or by the student's parent/legal guardian.

This meal modification plan will be available to all parents/guardians on our district website. It will also be provided to any parent upon request made to a teacher or building principal.

Any grievances regarding a meal modification plan can be directed to the Assistant Superintendent of Finance and Management Services, Linda Jensen, in the Business Office at 631.870-2561. A response will be provided, and every attempt will be made to receive a prompt and equitable resolution. If resolution cannot be reached, a parent/guardian may request and participate in an impartial hearing to resolve the grievance, with the opportunity to be represented by counsel and examine the complete record. Upon resolution, the parent/guardian will receive notice of the final decision and procedure for review.

**Mount Sinai UFSD  
Request for Meal Modifications**

Student/Participant Name/ Date of Birth	
Parent/Guardian Name/ Phone	
Mailing Address City/State/Zip	
School/Center/Site Grade/Classroom	
Signature of Parent/Guardian Date	

**Meal Modification Medical Statement**

Federal law and USDA regulation require nutrition programs to make reasonable meal modifications to accommodate children with disabilities. Under the law, a disability is an impairment that substantially limits a major life activity or bodily function, which can include allergies and digestive conditions, but does not include personal diet preferences.

1. **Describe the impairment and how it restricts the child's diet (i.e., how the ingestion/contact with the food impacts the child):**

## **SELECTION/CLASSIFICATION FOR ATHLETIC PARTICIPATION**

WHEREAS, Section 135.4(c) (7) (ii) (a) (4) of the Regulations of the Commissioner of Education provides for a board of education to permit pupils in grades no lower than seventh grade to compete on interscholastic athletic teams organized for senior high school pupils, or senior high school pupils to compete on interscholastic athletic teams organized for pupils in the seventh and eighth grades; and

WHEREAS, these pupils are to be allowed to compete at levels that are appropriate to their physical maturity, physical fitness, and sport skills in relationship to other pupils in accordance with the standards established by the Commissioner of Education; and

WHEREAS, The State Education Department issues the competition standards for these pupils to compete under a program called the Athletic Placement Process;

THEREFORE BE IT RESOLVED that the Mount Sinai School District Board of Education shall permit pupils to compete after successfully completing the Athletic Placement Process for the requested sport and level.

## **SCHOOL WELLNESS**

It is the policy of the Board of Education, pursuant to the National School Lunch Act and the Child Nutrition Act of 1966, that:

- a) Nutrition education shall be integrated into the district's health curriculum at all academic levels consistent with the State's health education standards. The curriculum shall include the following goals:
  1. Increase students' nutritional knowledge, including, but not limited to, the benefits of healthy eating, essential nutrition, weight management, safe food preparation, handling and storage.
  2. Increase students' understanding of food labels, nutritional information and misinformation as well as commercial food advertising.
- b) The benefits of physical activity shall be integrated into the district's physical education curriculum and health curriculum at all levels and implemented within the school on a regular basis to meet the following goals:
  1. Time in the elementary school day for supervised recess.
  2. Opportunities and encouragement for students to voluntarily participate in before and after school physical activity programs.
- c) The District shall provide food to students in accordance with State and Federal nutritional guidelines and include:
  1. A food service program that employs well prepared staff who serve appealing choices of nutritious food.
  2. A clean, safe, enjoyable meal environment for students.
- d) The Food & Nutrition Services program complies with federal, state and local requirements and is accessible to all children.

- e) The Superintendent (or his/her designee) in conjunction with the building principals will annually monitor and assess compliance. As necessary, future policy recommendations from those charged with compliance will be shared with the policy committee and, subsequently, the Board of Education. Implementation guidelines will be constructed by the Superintendent (or his/her designee). The Superintendent (or his/her designee) shall draw on those resources he/she deems to be of value.

### **BREACH OF SECURITY**

The Superintendent or his designee shall notify the owner of any private information within a reasonable time frame when the District experiences a breach of the security of its computer system. Such notification may occur by either written or electronic notice.

For purposes of this policy, private information means personal information in combination with either a person's social security number, driver's license number or non-driver identification card or account number, credit card or password which would permit access to an individual's financial account.

Breach of security means unauthorized acquisition of computerized data which compromises the security, confidentiality, or integrity of personal information maintained by the District.

### **COMPUTER OPERATIONS POLICY**

In accordance with the requirements of the NYS Comptroller's Office and good business practice, the Board of Education directs the Superintendent or his designee to develop a comprehensive computer operations plan including but not limited to the following areas: disaster recovery, access to financial software and other district software, physical access to the server equipment, security monitoring of the computer system including monitoring of individual access and transactions. Such plan shall be developed within the following guidelines:

- All District employees' access to the computer systems shall be limited in accordance with the scope of the employee's job duties. Complete access as system administrator shall be limited to the Network and Systems Coordinator and/or Assistant Superintendent for Business. It shall be the responsibility of the Network and Systems Coordinator and/or Assistant Superintendent for Business to determine an employee's access to the system based upon job responsibilities.
- It shall be the responsibility of the Network and Systems Coordinator and/or Assistant Superintendent for Business to review existing passwords and account restrictions periodically and make appropriate adjustments.
- Access to the physical server shall be limited to the IT Staff only.
- The computer operations plan shall include the use of any appropriate electronic based or software based monitoring systems included in District software. An example of such monitoring system would be audit reports for transactions. Any automated or manual controls appropriate should be used to reduce the risks to the District's electronic data. The Network and Systems Coordinator, Assistant Superintendent for Business, and Internal Auditor (Internal Audit Function) shall be responsible for the administration of the monitoring system.