

# SCHOOL LUNCHEES, 504 PLANS AND MORE...



If your child has food allergies, food intolerances, Celiac Disease or other health concerns that require him/her to follow a special diet, you already know how challenging it can be to obtain nutritious and *SAFE* school lunches for your child.

According to a recent study by the American Celiac Disease Alliance (ACDA), over 90% of parents whose children have Celiac Disease send their child to school with gluten-free meals rather than relying on the school to provide them. Many parents aren't sure how to approach the issue with their child's school, while others are told that the school is not required to provide GF meals. We know it's a confusing (but very important) issue so Enjoy Life, together with the ACDA, has created a fact sheet to help educate you and your child's school on the topic of school lunches and special diets.

## **Children with Disabilities**

Section 504 of the Rehabilitation Act of 1973, a federal civil rights statute, is designed to prohibit discrimination on the basis of a disability in an educational program or institution. This prohibition extends to any educational institution accepting federal funds. Students with a disability under this Act are afforded accommodations and modifications to their educational program to ensure equal access. Celiac Disease and food allergies may be considered to be disabilities under this law.

Public schools and other institutions participating in federal programs, like the *National School Lunch Program*, must provide equal access to and participation in, such programs. However, a 504 plan is intended to eliminate barriers that would prevent a student from full participation in programs or services which are available to the general school population. The *National School Lunch Program* is one of those programs.

Celiac Disease is NOT specifically listed under the rules of the *National School Lunch Program*, Section 504, the Americans with Disabilities Act or its implementing regulations.

## **Know your rights**

The Department of Education (ED) Office of Civil Rights regulations define a physical or mental impairment as any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine; or any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. The regulations do not spell out every disease and condition that may constitute physical or mental impairments.

Major life activities, as defined in the Section 504 regulation, include functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working. For these purposes, the ability to learn is the most important.

## What you need to do as a parent...

In order to qualify for special dietary accommodations under the school lunch program a child will have to have his or her disability documented. How do you do that? This will depend on the requirements of the school district and the specific state. The information you should have available to school officials includes documentation stating:

- The child's disability
- Explanation of why the disability restricts the child's diet;
- The major life activity affected
- Foods to be omitted; and
- The food or choice of foods to be substituted.

In addition, you will need to have documentation as to how food allergies and/or Celiac Disease adversely affect the child in the educational setting. Some states have a specific form (*available at [www.americanceliac.org/studentsCD.htm](http://www.americanceliac.org/studentsCD.htm)*) which must be completed by the child's physician, while others will require the physician to detail the information referenced above in a letter. The determination of whether a student has a physical or mental impairment that substantially limits a major life activity must be made on a case-by-case basis according to individual school district guidelines.

Though schools may choose to provide allergy-friendly and/or GF meals without such documentation, they are under no obligation to do so; therefore, it rarely happens. The school or state form detailing the child's disability and medically prescribed diet may be sufficient to obtain allergy-friendly and/or GF lunches.

## Section 504 Plans

Section 504 refers to the part of the Rehabilitation Act of 1973 that prohibits discrimination based upon disability. This section of the civil rights statute requires the needs of students with disabilities to have equal access to programs and services as those who are not disabled.

A 504 plan addresses more than just allergy-friendly and/or gluten-free meals, it outlines a plan of services for students in the general education setting. It identifies reasonable accommodations to help the child succeed in the classroom. For a student with food allergies or Celiac Disease a 504 accommodation plan would address:

- Objectives and goals of the plan
- Meals and snacks
- Bathroom access
- Classroom activities (art projects)
- Field Trips / extracurricular activities
- Communication
- Emergency evacuations / shelter-in-place
- Parental notification
- Emergency contacts

The American Celiac Disease Alliance (ACDA) has prepared a model 504 plan in conjunction with the Disability Rights Education and Defense Fund (DREDF). A family has shared the plan currently in place for their child with Celiac Disease. *The sample plans are available at [www.americanceliac.org/studentsCD.htm](http://www.americanceliac.org/studentsCD.htm).*

The plan also provides accountability. If the school fails to meet the requirements of the plan there are procedures to see that it is enforced. In the absence of a 504 plan, there may be no documentation of the school's responsibility to meet the student's needs.

Parents often raise concerns about their child being labeled as 'disabled' and whether it will be included in student records. The Family Education Rights and Privacy Act of 1974 (FERPA), bars information relating to a child's disability from being included on a student's transcripts. The law also states that specific student information and records may be shared with school personnel only under certain need to know circumstances.

## Requesting a 504 Plan

The process starts with the parent or guardian contacting their child's school and requesting a 504 evaluation. These words, "I am requesting a 504 evaluation for my son / daughter," sets a process in motion which has specific requirements which must be met. Once the evaluation request is made a meeting will be scheduled. Parents are notified of the meeting, but their participation is not required. A multidisciplinary team may be comprised of the principal, a counselor, nurse, and teacher (it may include others) review the request and determine whether or not the child qualifies for a 504 plan, if so, the team will then draft the plan. After the plan is in place, it will be subject to annual review, and can be revised if necessary.

## What is Enjoy Life doing to help?

At Enjoy Life, we're solely dedicated to meeting the needs of people who follow special diets due to food allergies, food intolerances, Celiac Disease, autism and other health concerns. We understand all too well how hard it can be to find delicious, nutritious and, *most importantly*, SAFE foods that you and your loved ones can eat...at home, on the go, and at school. We know that parents are often the best advocates for their children. But we also want to be your advocate, by raising awareness of the issues related to special diets and effecting change among various organizations.

Scott Mandell, CEO, President and founder of Enjoy Life Foods, recently presented comments on behalf of our company and the ACDA at the USDA's public meeting on the *National School Lunch Program*. At the September 10, 2008 meeting, Scott told the USDA representatives that "gluten-free and allergy-friendly food choices are severely limited and/or completely unavailable to the approximately 2.1 million low-income students who need them." He added, "on behalf of the children, their parents and caregivers that are currently excluded from receiving program benefits, I strongly urge the USDA to make the necessary changes to the *National School Lunch Program* to ensure that ALL eligible students are able to benefit from this important, federally assisted meals program." You can find a complete copy of Scott's remarks at [www.enjoylifefoods.com/enjoying\\_life/out\\_about.php](http://www.enjoylifefoods.com/enjoying_life/out_about.php).

Enjoy Life, along with other organizations like the ACDA and the Food Allergy and Anaphylaxis Network (FAAN) will continue our advocacy efforts on behalf of those with food allergies, food intolerances, Celiac Disease and other health concerns that require them to follow a special diet.

Finally, we are always exploring new ways to make allergy-friendly and gluten-free foods more readily available to school food service directors and providers so that there are safe meal options available for students with special dietary needs. We're working to build relationships with food service distributors, school district decision makers and the School Nutrition Association to build awareness of the issues and of available solutions, such as Enjoy Life products.



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### Additional Resources:

American Celiac Disease Alliance

[www.americanceliac.org/studentsCD.htm](http://www.americanceliac.org/studentsCD.htm)

USDA Guidance "Accommodating Students with Special Dietary Needs"

[www.fns.usda.gov/cnd/guidance/special\\_dietary\\_needs.pdf](http://www.fns.usda.gov/cnd/guidance/special_dietary_needs.pdf)