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This guidance memorandum provides information on accommodating special dietary needs that are the result of a disability, as well as those that are non-disability requests.

ADC participants mentioned throughout the GM refers to adults who are enrolled in an Adult Day Care (ADC) program.

E-LEARNING

For more information and training on the requirements in this Guidance Memorandum refer to the *Special Dietary Needs Requests* lesson in the applicable CACFP E-Learning Course for your program:

- [Child Care Centers, Outside of School Hours, Emergency Shelters, and Head Starts](#)
- [Adult Day Centers](#)
- [At-Risk Afterschool Centers](#)

Resources

[Special Dietary Needs and the CACFP](#): Provides an overview of requirements on how to accommodate special dietary needs in the CACFP and includes a What to Do Next checklist.

[Special Dietary Needs Tracking Form](#): **REQUIRED** – All programs (except School Food Authorities operating the At-Risk Afterschool Program) must complete the *Special Dietary Needs Tracking Form* for each participant served menu substitutions. This is required to:

- Document accommodations made to meals
- Demonstrate the program is offering participants with disabilities a modification that effectively accommodates the disability
- Ensure substitutions for non-disability special dietary requests meet meal pattern requirements

DISABILITIES

Programs must make reasonable modifications to meals/snacks, including providing special meals at no extra charge, to accommodate disabilities that restrict a participant’s diet. This is required only when supported by a written medical statement from a state licensed healthcare professional.



What is a Disability?

A disability is a physical or mental impairment that substantially limits one or more “major life activities” including caring for oneself, performing manual tasks, eating, breathing, digestive, bowel and bladder, neurological, respiratory, circulatory, and endocrine functions.

- Most physical or mental impairments will constitute a disability, it does not need to be life threatening. It is enough that the impairment limits a major life activity.

Example: Digestion is a major life activity; therefore, a participant whose digestion is impaired by lactose intolerance may be a person with a disability, regardless of whether or not consuming milk causes severe distress.

Medical Statements for a Disability

A disability must be supported by a medical statement completed and signed by a state licensed healthcare professional who is authorized to write medical prescriptions under state law. In Wisconsin, this is a Physician, Physician Assistant, Nurse Practitioner (APNP), Dentist, Optometrist, and Podiatrist. Statements from other health care professionals (e.g., registered nurse, dietitian, or chiropractor) **cannot** be accepted as a valid statement for a disability requesting foods that do not meet meal pattern requirements.

Wisconsin Licensed Healthcare Professionals Authorized to Write Medical Prescriptions:

- Physician (Medical Doctor, MD; and Doctor of Osteopathy, DO)
- Physician Assistant
- Advanced Practice Nurse Prescriber (APNP)
- Dentist
- Optometrist
- Podiatrist

A **valid medical statement** for a disability **must** include the following information:

1. Description of impairment (reason for request)
2. How to accommodate the impairment (e.g., items(s) to be avoided and recommended substitution(s))

Programs must seek clarification if a medical statement is unclear or lacks sufficient detail so that a proper and safe meal can be provided. The [Medical Statement Template](#) is an optional form that captures all required elements.

- After a medical statement for a disability is obtained, complete *Section I* of the [Special Dietary Needs Tracking Form](#)

Accommodating Disabilities

Programs must accommodate participants with disabilities with an appropriate modification. This includes when the disability requires modifications to more than one meal component. Programs may never require the family or ADC participant to provide the accommodation. Accommodations do not have to meet meal pattern requirements.

- The modification must be related to the disability or limitation caused by the disability.
- The medical statement from a state licensed healthcare professional identifying how to accommodate the disability and/or recommended substitution(s) must be followed.
- Programs are not required to provide the exact substitution or modification requested, however, must work with the family or ADC participant to determine a reasonable modification that effectively accommodates the disability.
 - For example, a family or ADC participant may request a particular brand name substitute. While a program is not required to provide the brand name item identified, it must offer a substitute that does not contain the specific allergen that affects the participant.
- Once a reasonable modification has been offered, families or ADC participants may:
 - Choose to accept it and then the program must supply the item(s), or
 - Decline the item and choose to provide a different substitution (ex. a specific brand). In addition, families or ADC participants may choose to provide more than one food component if the disability requires such modifications.

Programs can accommodate multiple participants with the same type of disability by offering one type of substitution (e.g., lactose-free milk for all participants that are lactose intolerant). However, every situation must be evaluated on a case-by-case basis to determine if the modification is appropriate (i.e., participant’s symptoms are relieved by drinking lactose-free



milk). If the general substitution offered by the program will not effectively accommodate the disability, the program must follow the substitution indicated on the medical statement.

Programs are not required to make modifications that may be so financially burdensome that they would make continued operation of the CACFP unfeasible. Programs faced with a very expensive request should engage in further dialogue with the family or ADC participant. As discussed above, program operators are not required to provide the exact substitution or other modifications requested. However, they must work with the family or ADC participant to offer a reasonable modification that effectively accommodates the participant's disability and provides equal opportunity to participate in the CACFP.

Serving Meals That Do Not Meet the CACFP Meal Pattern

Meals served to participants with disabilities do not have to meet meal pattern requirements when the substitution is supported by a valid medical statement from a licensed health care professional specifying the item(s) to be avoided and recommended substitution(s). For example:

- Serving a non-creditable beverage, such as almond milk, in place of milk to a participant with a dairy allergy
- Serving gluten-free foods, which may not be creditable, to a participant with celiac disease

Statements from other health care professional (ex. registered nurse, dietitian, or chiropractor) **cannot** be accepted as a valid statement for a disability requesting foods that do not meet meal pattern requirements.

Claiming Meals Served

Meals served for a disability may be claimed when:

- A valid medical statement is on file;
- The program has made a reasonable modification to accommodate the disability in accordance with the medical statement; and
- The program provides the modification, or the family or ADC participant has declined the modification and has chosen to provide one or more modifications. When the disability requires modifications to more than one meal component and the family or ADC participant chooses to provide these modifications, the program must provide at least one component of the meal/snack.
 - Meals do not have to meet meal pattern requirements.

Note: Meals served for disabilities are reimbursed at the same rate as meals that meet the meal pattern. Programs may not charge for substituted food item(s). Substitutions that exceed program reimbursement are at the program's expense.

Accommodating Disabilities Not Supported by a Valid Medical Statement

Programs may choose to accommodate requests not supported by a valid medical statement if the requested modifications can be accomplished by serving creditable foods and beverages for all required meal components. This may occur when the family or ADC participant:

- Informs the program that the participant has an impairment that requires a meal modification. A written statement from the family or ADC participant must be on file including foods to be omitted and allowable substitutions.
- Provides a medical statement from a non-licensed health care professional (e.g. registered nurse, dietitian, or chiropractor).

For example, participants who cannot drink regular milk may be served a creditable beverage. A list of creditable and non-creditable beverages is in the box below.

Creditable beverages: Low-fat or fat-free lactose-reduced or lactose-free milk, kefir and soymilk (with nutrient levels equaling or exceeding cow's milk, refer to the *Non-Dairy Beverages* section).

Non-creditable beverages: Almond, cashew, coconut, hemp, oat, rice and 2% milks, juice and water, etc. When served in place of cow's milk, the meal cannot be claimed.



NON-DISABILITY SPECIAL DIETARY NEEDS (SDN)

A non-disability special dietary need is:

- Eating certain foods or eliminating foods from the diet due to a general health concern and/or preference such as eating organic, vegetarian or for religious or ethnic preferences.
- Includes medical-related requests that are not a disability or not supported by a valid written medical statement.

Examples:

- A request that a participant is not served cow's milk due to eating vegetarian, not because the participant has lactose intolerance.
- A request that a participant be served gluten-free foods based on the belief that a gluten-free diet is healthier, not because the participant has celiac disease.

Written Statements for a Non-Disability Special Dietary Need

Documentation must be on file to support requests for a non-disability special dietary need.

For a non-disability SDN request that is for a preference, a written statement from the family or ADC participant or the DCF Health History and Emergency Care Plan must be on file, and must include:

- The non-disability dietary need including foods not to be served and allowable substitutions.
- A statement that the family or ADC participant chooses to provide foods (if applicable) and the foods that will be provided.

In addition, the following statements would be considered a non-disability SDN request:

- Medical statement from a non-licensed health care professional (e.g., registered nurse, dietitian, or chiropractor)
- Statement from a licensed health care professional that specifies a dietary preference, not a disability (e.g., statement indicates participant may drink rice milk per family or ADC participant)

- After a statement for a non-disability request is obtained, complete *Section II*, [Special Dietary Needs Tracking Form](#).

Accommodating Non-Disability Special Dietary Needs

Programs are not required but may choose to accommodate non-disability SDN requests. When accommodating non-disability SDNs, modifications must meet CACFP meal pattern requirements (i.e. all required components are served and substituted food(s) and/or beverage(s) are creditable).

Families or ADC participants may choose to provide **one creditable** component towards a reimbursable meal. It is the responsibility of the program to ensure that food substituted meets meal pattern requirements.

Claiming Meals Served for a Non-Disability Special Dietary Need

Meals **may be claimed** when accommodation(s) meet all of the following CACFP meal pattern requirements:

- The meal contains all required components
- The substitution(s) are creditable foods and/or beverages
- The program supplies all components, or the family or ADC participant provides only one creditable component

Meals **cannot be claimed** when accommodation(s) do not meet one of more of the following CACFP meal pattern requirements:

- The meal does not contain all required components
- The substitution(s) are not creditable foods and/or beverages
- The family or ADC participant provides two or more components



NON-DAIRY BEVERAGES

Non-dairy beverages nutritionally equivalent to cow's milk are creditable and can be served as a milk substitute for a disability or non-disability special dietary need. To be nutritionally equivalent, non-dairy beverages must have, at a minimum, the levels of the nutrients listed in the [Creditable Non-Dairy Beverages](#) handout. Non-dairy beverages are not required to be low-fat or fat-free. When served to children 6 years and older and to ADC participants, non-dairy beverages may be flavored or unflavored.

- **Creditable non-dairy beverages:** Several soymilks nutritionally equivalent to cow's milk are listed in the [Creditable Non-Dairy Beverages](#). When served in place of cow's milk, the meal may be claimed.
- **Non-creditable non-dairy beverages:** Almond, cashew, coconut, hemp, oat and rice milks, juice, and water, etc. are not nutritionally equivalent to cow's milk. When served in place of cow's milk, the meal cannot be claimed.

Participants who cannot consume cow's milk due to a disability may be served any non-dairy beverage when supported by a valid medical statement signed by a state licensed healthcare professional. The beverage does not need to be nutritionally equivalent to cow's milk.

To determine if a non-dairy beverage is nutritionally equivalent to cow's milk follow the steps below:

1. Check to see if the soymilk is listed as one of the creditable soymilks in the [Creditable Non-Dairy Beverages](#) handout.
2. If not, obtain documentation of the product's nutrient levels for all nutrients listed in the *Creditable Non-Dairy Beverages* handout. They may be located on the product manufacturer's website or by contacting the product manufacturer and requesting documentation.
3. Compare nutrient levels to those listed in the *Creditable Non-Dairy Beverages* handout.
4. If a product's levels of required nutrients equal or exceed requirements, it is nutritionally equivalent to cow's milk.
5. Retain product information on file.

Documentation and Claiming Meals with Non-Dairy Beverages

Non-dairy beverages nutritionally equivalent to cow's milk

Meals/snacks containing a **creditable** non-dairy beverage, supplied by either the program, family or ADC participant, may only be claimed when all of the following conditions are met:

- A written statement from the family or ADC participant that identifies the non-disability dietary need and the non-dairy beverage to be substituted is on file;
- The [Special Dietary Needs Tracking Form](#) is completed by the program and on file;
- Documentation is on file that the non-dairy beverage meets the required nutrient standards; and
- All other required meal components served to the participant are supplied by the program.

Non-dairy beverages NOT nutritionally equivalent to cow's milk

Meals/snacks containing a **non-creditable** non-dairy beverage, supplied by either the program, family, or ADC participant, may only be claimed when all of the following conditions are met:

- The participant's special dietary need is the result of a disability;
- There is a valid medical statement signed by a state licensed healthcare professional on file;
- The [Special Dietary Needs Tracking Form](#) is completed by the program and on file; and
- All other required meal components served to the participant are supplied by the program.