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This guidance memorandum explains the CACFP requirements for accommodating special dietary needs that are the result of a disability as well as those that are non-disability requests. It includes the documentation requirements and criteria for claiming meals for participants with special dietary needs.

### Training

[CACFP E-Learning Course: Special Dietary Needs Requests](#) lesson

### Handouts:

- [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** - CACFP staff 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 provider 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

Providers 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, and Nurse Practitioner (APNP). Statements from non-licensed 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.

<p style="text-align: center;"><b><u>Wisconsin Licensed Healthcare Professionals:</u></b></p> <ul style="list-style-type: none"><li>• Physician (Medical Doctor, MD; and Doctor of Osteopathy, DO)</li><li>• Physician Assistant</li><li>• Advanced Practice Nurse Prescriber (APNP)</li></ul>
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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))

Providers must seek clarification if a medical statement is unclear or lacks sufficient detail so that a proper and safe meal can be provided.

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

### Accommodating Disabilities

Providers must accommodate participants with disabilities with an appropriate modification. This includes when the disability requires modifications to more than one meal component. Providers may never require the family 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.
- Providers are not required to provide the exact substitution or modification requested, however, must work with the family to determine a reasonable modification that effectively accommodates the disability.
  - For example, a family may request a particular brand name substitute. While a provider 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.
- Providers 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). Every situation must be evaluated



on a case-by-case basis to determine if the modification is appropriate (i.e. the participant's symptoms are relieved by drinking lactose-free milk).

- Once a reasonable modification has been offered, families may:
  - Choose to accept it and then the provider must supply the item, or
  - Decline the item and choose to provide a different substitution (ex. a specific brand). In addition, families may choose to provide more than one food component if the disability requires such modifications.

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

### Serving Creditable Meals

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 non-licensed 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 provider has made a reasonable modification to accommodate the disability in accordance with the medical statement; and
- The provider provides the modification, or the family 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 chooses to provide these modifications, the provider 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. Providers may not charge for substituted food item(s). Substitutions that exceed program reimbursement are at the provider's expense.*

### Accommodating Disabilities Not Supported by a Valid Medical Statement

Providers 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:

- Informs the provider that their child has an impairment that requires a meal modification
  - A written statement from the family 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 to the right.

**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 a family preference, a written statement from the family 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 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 family's dietary preference, not a disability (e.g. statement indicates participant may drink rice milk per parent)

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

### Accommodating Non-Disability Special Dietary Needs

Providers 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 may choose to provide one creditable component towards a reimbursable meal. It is the responsibility of the provider 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 provider supplies all components or the family 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 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 table to the right. Non-dairy beverages are not required to be low-fat or fat-free, and when served to children 1-5 years old, they must be 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.

Milk Substitute Nutrition Standards	
Nutrient	Per Cup
Calcium	276 mg
Protein	8 g
Vitamin A	500 IU
Vitamin D	100 IU
Magnesium	24 mg
Phosphorus	222 mg
Potassium	349 mg
Riboflavin	.44 mg
Vitamin B-12	1.1mcg (µg)

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 (if it is not one of the soymilks in the *Creditable Non-Dairy Beverages* above) follow the steps below:

1. Obtain documentation of a product’s nutrient levels for all nutrients listed in the table above. They may be located on the product manufacturer’s website or by contacting the product manufacturer and requesting documentation.
2. Compare nutrient levels to those listed in the table above.
3. If a product’s levels of required nutrients equal or exceed requirements, it is nutritionally equivalent to cow’s milk.
4. 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 provider or family, may only be claimed when all of the following conditions are met:

- A written statement from the family 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 provider 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 provider.

### Non-dairy beverages NOT nutritionally equivalent to cow’s milk

Meals/snacks containing a non-creditable non-dairy beverage, supplied by either the provider or family, 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 provider and on file; and
- All other required meal components served to the participant are supplied by the provider.



## FDCH Sponsor Documentation and Monitoring Requirements

For CACFP purposes and as specified in this guidance memo, a participant is considered as having a SDN when he/she is served different foods (*supplied by either the provider or family*) other than on the provider's menus to the other enrolled children because of a family or medical request. Based on this definition of a participant with SDN, sponsors must assure that all participants receive proper accommodations and that providers are only reimbursed for compliant meals.

### **The sponsor's procedures must assure that:**

- (1) The provider obtains a written family request or valid medical statement and completes the [Special Dietary Needs Tracking Form](#) for each participant having a SDN, as specified in this guidance memorandum.
- (2) The provider submits copies of the written request/medical statements and completed *Special Dietary Needs Tracking Forms* to the sponsor for all participants having SDN.
- (3) Participants with SDN are identified as such within the sponsor's management system in order for the sponsor to use this information at the administrative level to implement checks and balances necessary for monitoring providers for compliance.
- (4) The sponsor reviews each participant's submitted SDN documentation for complete and valid information. Subsequently, once determined as complete and valid, the sponsor assesses the information to determine whether the provider is properly accommodating a participant with a disability-related SDN and whether the provider can claim the participant's meals for reimbursement.
- (5) During home visits, the sponsor verifies that all enrolled participants with SDN have the required SDN documentation and for any discrepancies between the SDN documentation on file and meals actually served to participants with SDN.
- (6) The sponsor takes appropriate action and properly follows up with the provider when:
  - The provider is not reporting all participants with SDN and/or following the SDN documentation requirements
  - A participant's SDN documentation is incomplete or invalid, thus not making it possible to determine compliance;
  - The provider is not making the necessary accommodations for disability-related SDN;
  - The participant's meals are non-reimbursable according to the conditions specified within this guidance memo.