



Food and
Nutrition
Service

Park Office
Center

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DATE: July 25, 2017

MEMO CODE: SP 40-2017

SUBJECT: 2017 Edition: Accommodating Children with Disabilities in the School Meal Programs

TO: Regional Directors
Special Nutrition Programs
All Regions

State Directors
Child Nutrition Programs
All States

The U.S. Department of Agriculture’s School Meal Programs aim to provide all participating children, regardless of background, with the nutritious meals and snacks they need to be healthy. Consistent with Federal law and Program regulation, this includes ensuring children with disabilities have an equal opportunity to participate in and benefit from the Programs, which are the National School Lunch Program (NSLP), the School Breakfast Program (SBP), the Fresh Fruit and Vegetable Program (FFVP), the Special Milk Program (SMP), and the afterschool snack component of the NSLP.

The Americans with Disabilities Act (ADA) Amendments Act of 2008 made important changes to the meaning and interpretation of the term “disability” under the ADA and under Section 504 of the Rehabilitation Act of 1973. These changes were intended to restore the broad scope of the law by making it easier for individuals to establish that they have a disability. After the passage of the ADA Amendments Act, most physical and mental impairments will constitute a disability. The central concern for school food authorities (SFAs) should be working collaboratively with families to ensure equal access to Program benefits for children with disabilities.

The attached guide, *Accommodating Children with Disabilities in the School Meal Programs*, provides additional guidance on how the broader vision of the ADA can be implemented in school cafeterias nationwide.

The guide includes nine major sections: Introduction; Statutory and Regulatory Requirements; Making a Meal Modification; Reimbursement for Modified Meals; Meal Modifications and Substitutions; Meal Service Accommodations; Procedural Safeguards and Training; Non-Disability Situations; and Appendices.

Additional Guidance

This guide is a companion piece to recently issued Food and Nutrition Service (FNS) policy memoranda, including the following:

- SP 59-2016: *Policy Memorandum on Modifications to Accommodate Disabilities in the School Meal Programs*, September 27, 2016, <http://www.fns.usda.gov/policy-memorandum-modifications-accommodate-disabilities-school-meal-programs>
- SP 26-2017: *Accommodating Disabilities in the School Meal Programs: Guidance and Questions and Answers (Q&As)*, April 25, 2017, <https://www.fns.usda.gov/school-meals/accommodating-disabilities-school-meal-programs-guidance-and-qas>

These resources will be updated as needed to reflect changes to policy and to incorporate clarifications requested by State agencies and FNS Regional Offices.

State agencies are reminded to distribute this information to Program operators immediately. Program operators should direct any questions regarding this memorandum to the appropriate State agency. State agency contact information is available at <https://www.fns.usda.gov/school-meals/school-meals-contacts>. State agencies should direct questions to the appropriate FNS Regional Office.

A handwritten signature in dark ink, appearing to read "Angela Kline". The signature is written in a cursive, flowing style.

Angela Kline
Director, Policy and Program Development Division
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Attachment