

LODI UNIFIED SCHOOL DISTRICT

Policy 5141.27

Students

Food Allergies/Special Dietary Needs

The Board of Education desires to prevent students' exposure to foods to which they are allergic or intolerant and to provide for prompt and appropriate treatment in the event that a severe allergic reaction occurs at school.

The superintendent or designee shall develop guidelines for the care of food-allergic students. Such guidelines shall include, but are not limited to, strategies for identifying students at risk for allergic reactions, avoidance measures, education of staff regarding typical symptoms, and actions to be taken in the event of a severe allergic reaction.

Parents/guardians shall be responsible for notifying the superintendent or designee, in writing, regarding any food allergies or other special dietary needs of their child in accordance with administrative regulation.

When a student's food allergy or food intolerance substantially limits one or more major life activities, his/her parents/guardians shall be informed of the district's obligation to evaluate the student to determine if he/she requires accommodations pursuant to Section 504 of the Federal Rehabilitation Act. The student shall be evaluated in accordance with law and the procedures specified in AR 6164.6 - Identification and Education, Section 504. If that process results in the development of a Section 504 plan, the district shall provide the accommodations and/or aids and services identified in the plan.

If a student's diet restrictions and needed services are addressed in an individualized education program (IEP), the superintendent or designee shall ensure compliance with the IEP including any necessary food substitutions.

Students shall not be excluded from school activities nor otherwise discriminated against, harassed, intimidated, or bullied because of their food allergy.

Any complaint of alleged noncompliance with this policy shall be addressed through appropriate district complaint procedures.

The district's food services program may, but is not required to, accommodate individual student preferences or diets that are not supported by a signed statement from the student's health care provider.

Legal Reference: Education Code
234.1 Prohibition against discrimination, harassment,
intimidation, and bullying
49407 Liability for treatment
49408 Emergency information
49414 Emergency epinephrine auto-injectors
49423 Administration of prescribed medication for student
Code of Regulations, Title 5
600-611 Administering medication to students
15562 Reimbursement for meals, substitutions
United States Code, Title 20
1232g Family Educational Rights and Privacy Act of 1974
1400-1482 Individuals with Disabilities Education Act
United States Code, Title 29
701-795a Rehabilitation Act, including:
794 Rehabilitation Act of 1973, Section 504
United States Code, Title 42
1751-1769h National School Lunch Program
1771-1791 Child nutrition, especially:
1773 School Breakfast Program
12101-12213 Americans with Disabilities Act
Code of Federal Regulations, Title 7
210.1-210.31 National School Lunch Program
220.1-220.21 National School Breakfast Program
225.16 Meal programs, individual substitutions

Management Resources:

California Department of Education Publications
Training Standards for the Administration of Epinephrine
Auto-Injectors, December 2004
Food Allergy Research and Education Publications
School Guidelines for Managing Students with Food
Allergies

National School Boards Association Publications

Legal and Practical Issues Relating to Accommodating Students with Peanut Allergies, Inquiry and Analysis, April 2009

U.S. Department of Agriculture Publications

Accommodating Children with Special Dietary Needs in the School Nutrition Programs: Guidance for School Food Service Staff, 2001

U.S. Department of Education Office For Civil Rights Publications

Dear Colleague Letter and Questions and Answers on ADA Amendments Act of 2008 for Students with Disabilities Attending Public Elementary and Secondary Schools, January 2012

Web Sites

California Department of Education, Health Services:

<http://www.cde.ca.gov/ls/he/hn>

Food Allergy Research and Education: <http://www.foodallergy.org>

National School Boards Association: <http://www.nsba.org>

U.S. Department of Agriculture: <http://www.fns.usda.gov>

U.S. Department of Education, Office for Civil Rights:

<http://www2.ed.gov/about/offices/list/ocr>

Policy

adopted: 05/19/15