

Duarte USD

Board Policy

Food Allergies/Special Dietary Needs

BP 5141.27

Students

The **Governing Board of Education** desires to prevent exposure of students to foods to which they are allergic 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 not be 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.** ~~and other means to manage allergies, education of staff regarding typical symptoms, and actions to be taken in the event of a severe allergic reaction.~~

(cf. 3550 - Food Service/Child Nutrition Program)

(3552 – Summer Meal Program)

(cf. 3554 - Other Food Sales)

(c. 4131 – Staff Development)

(cf. 4231 – Staff Development)

(cf. 4331 – Staff Development)

(cf. 5030 - Student Wellness)

(cf. 5141 - Health Care and Emergencies)

(cf. 5141.21 - Administering Medication and Monitoring Health Conditions)

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.

(cf. 5125 - Student Records)

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 Under Section 504. If that process results in the development of a Section 504 plan, the district shall provide the accommodations and/or aids services identified in the plan.

(cf. 6145 – Extracurricular and Cocurricular Activities)

(cf. 6164.6 – Identification and Education Under Section 504)

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.

(cf. 6159 – Individualized Education Program)

~~Students with serious dietary needs that qualify as a disability under Section 504 of the federal Rehabilitation Act or the Individuals with Disabilities Education Act shall be provided reasonable accommodation or services, as appropriate, in accordance with his/her accommodation plan or individualized education program.~~

~~(cf. 6159 – Individualized Education Program)~~

~~(cf. 6164.6 – Identification and Education Under Section 504)~~

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

(cf. 0410 - Nondiscrimination in District Programs and Activities)

(cf. 5131.2 – Bullying)

(cf. 5145.3 – Nondiscrimination/Harassment)

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

(cf. 1312.3 – Uniform Complaint Procedures)

(cf. 3555 – Nutrition Program Compliance)

The district's food services program may, but is not required to, accommodate individual student preferences or diets that are not supported by a 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
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 AND EDUCATION PUBLICATIONS ANAPHYLAXIS NETWORK
(FAAN) 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, Fall 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

~~American Dietetic Association: <http://www.eatright.org>~~

~~American School Food Service Association: <http://www.asfsa.org>~~

California Department of Education, Health Services and School Nursing:

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

~~Food Allergy and Anaphylaxis Network: <http://www.foodallergy.org>~~

~~International Food Information Council: <http://ific.org>~~

National School Boards Association, School Health Programs: <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 DUARTE UNIFIED SCHOOL DISTRICT

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