

Children with Special Dietary Needs and Civil Rights

What Does Civil Rights Compliance Mean For an School Food Authority (SFA)?

The main expectation in civil rights is treating everyone with dignity and respect and not discriminating based on race, color, national origin, sex, disability, age, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA.

What Is Discrimination?

Discrimination is defined as different treatment which makes a distinction of one person or a group of persons from others; either intentionally, by neglect, or by the actions or lack of actions based on all the protected classes in the Child Nutrition Programs: race, color, national origin, sex, disability, age, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA.

What Do Civil Rights Have To Do With Special Dietary Needs?

Under The American with Disabilities Act Amendments Act of 2008 (ADAAA), the term for disability was expanded to having any physical or mental impairment impacting major life activities, such as eating, and operation of a major bodily function, including but not limited to, the function of the immune system, digestion, bowel, bladder, respiratory, neurological, brain, normal cell growth, and endocrine functions. Therefore, SFAs are required to provide a reasonable modification for a student's dietary needs. This will need to be done on a case-by-case basis.

What Kinds of Accommodations Are Included Under The ADAAA?

Accommodations can include, but are not limited to, food intolerances, allergies, or sensitivities, texture sensitivities, diabetes carbohydrate counting, high calorie diets, or other dietary changes. Changes for a diet only need to accommodate those with a disability, and SFAs have the option on whether or not they choose to accommodate special dietary needs that do not constitute a disability, including those related to religious or moral convictions or personal preference.

What are Parents' Rights?

A parent may file a complaint with the 504 coordinator as a Civil Rights complaint. Any person alleging discrimination based on any of the protected classes also has a right to file a complaint within 180 days of the alleged discriminatory action. Complaints can be written or verbal. Anonymous complaints should be handled as any other complaints. If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, found [online](#), or at any USDA office, or call (866) 632-9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter to us by mail at U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, by fax (202) 690-7442 or email at program.intake@usda.gov.