

## Fresh Picks Café Massachusetts Allergy Protocol

Fresh Picks Café believes all students should have access to nutritious and safe food. We believe a comprehensive approach is necessary in order to best serve our customers. Fresh Picks Café follows the guidance of The Americans with Disabilities Act Amendments Act of 2008 (ADAAA), P.L. 110-325 as well as the Massachusetts Department of Elementary and Secondary Education.

Customers seeking menu modifications are asked to submit a written medical statement. The signed physician's statement must include:

- **The child's allergy, special dietary condition or disability.**
- **The food(s) to be omitted from the child's diet, and the food or choice of foods that must be substituted.**
- **An explanation of why the condition restricts the child's diet (if the condition is classified as a disability).**
- **The major life activity affected (if the condition is classified as a disability).**

Please submit medical statements to your school nurse. Forms will be shared with the Fresh Picks Café Dietitian and your child's school Food Service Manager.

Please provide contact information in the event we need to contact you regarding menu substitutions. Also, should you wish to end your child's menu modifications for any reason we require written and signed documentation from the child's legal guardian.

This community approach allows our children safe access to nutritious and fresh foods daily.

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In accordance with federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, this institution is prohibited from discriminating on the basis of race, color, national origin, sex (including gender identity and sexual orientation), disability, age, or reprisal or retaliation for prior civil rights activity.

Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication to obtain program information (e.g., Braille, large print, audiotope, American Sign Language), should contact the responsible state or local agency that administers the program or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339.

To file a program discrimination complaint, a Complainant should complete a Form AD-3027, USDA Program Discrimination Complaint Form which can be obtained online at:

<https://www.usda.gov/sites/default/files/documents/USDA-OASCR%20P-Complaint-Form0508-0002-508-11-28-17Fax2Mail.pdf>, from any USDA office, by calling (866) 632-9992, or by writing a letter addressed to USDA. The letter must contain the complainant's name, address, telephone number, and a written description of the alleged discriminatory action in sufficient detail to inform the Assistant Secretary for Civil Rights (ASCR) about the nature and date of an alleged civil rights violation. The completed AD-3027 form or letter must be submitted to USDA by:

1. **mail:**

U.S. Department of Agriculture  
Office of the Assistant Secretary for Civil Rights  
1400 Independence Avenue, SW  
Washington, D.C. 20250-9410; or

2. **fax:**

(833) 256-1665 or (202) 690-7442; or

3. **email:**

[program.intake@usda.gov](mailto:program.intake@usda.gov)



This institution is an equal opportunity provider

# Making Accommodations for Children with Disabilities or Special Dietary Needs in Schools



The Americans with Disabilities Act Amendments Act of 2008 (ADAAA), P.L. 110-325 amended the Federal definition of disability, broadening it to cover additional individuals. A "person with a disability" means any person who has a physical or mental impairment which substantially limits one or more "Major Life Activities" and/or "Major Bodily Functions", has a record of such impairment, or is regarded as having such impairment.

**The Eight Major Allergens Include:** Milk, Eggs, Peanuts, Tree Nuts, Wheat, Soybeans, Fish, and Shellfish. These allergens are to blame for 90% of allergic reactions to food. Some food allergies are classified as a disability while others require special dietary accommodations.

<b>Common Food Related</b>	<b>Common Special Dietary Needs</b>
<b>Disabilities in Schools Include:</b>	<b>in Schools Include:</b>
<ul style="list-style-type: none"> <li>• A life-threatening food allergy that results in food anaphylaxis</li> <li>• Celiac disease</li> <li>• Metabolic diseases, such as diabetes or phenylketonuria (PKU)</li> <li>• Swallowing/chewing disorder</li> </ul>	<ul style="list-style-type: none"> <li>• A food allergy that is non-life-threatening and does not result in an anaphylactic reaction</li> <li>• Food intolerances such as lactose intolerance</li> </ul>
<b>Are food substitutions or modifications required? .YES.</b>	<b>Are food substitutions or modifications required? .NO.</b>
<p>Food service staff is required by law<sup>1</sup> to make food substitutions or modifications for children with disabilities.</p> <p><small><sup>1</sup> Section 504 – Rehabilitation Act of 1973 <sup>2</sup> USDA Federal Regulation – 7 CFR 210.10, Part 15b</small></p>	<p>The school food service is encouraged but <b>not required</b> to make food substitutions for individual children who do not have a disability, but who are medically certified as having a special medical or dietary need such as a food intolerance or non-life threatening allergy to food.</p>
<b>Is medical documentation required for children with disabilities? .YES.</b>	<b>Is medical documentation required for children with special dietary needs? .YES.</b>
<p>A written medical statement signed by a licensed physician or a State recognized medical authority must be provided to the school.</p> <p><b>What must the physician's statement include?</b></p> <ol style="list-style-type: none"> <li>1. The child's disability.</li> <li>2. An explanation of why the disability restricts the child's diet.</li> <li>3. The major life activity affected by the disability.</li> <li>4. The food or foods to be omitted from the child's diet, and the food or choice of</li> </ol>	<p>A written medical statement signed by a State recognized medical authority must be provided to the school.</p> <p><b>What must the medical authority's statement include?</b></p> <ol style="list-style-type: none"> <li>1. An identification of the medical or other special dietary condition which restricts the child's diet.</li> <li>2. The food or foods to be omitted from the child's diet.</li> <li>3. The food or choice of foods to be substituted.</li> </ol>