



MEMORANDUM

TO: All Institutions Participating in the Child and Adult Care Food Program (CACFP) and the Summer Food Service Program (SFSP)

FROM: *Norma Birckhead*
Norma Birckhead, CACFP Manager

SUBJECT: Guidance Related to the Americans with Disabilities Act Amendments Act

DATE: May 8, 2013

STATE AGENCY MEMO: CACFP #9-13
SFSP #2-13

The purpose of this memorandum is to provide schools, institutions, facilities, sites, and sponsors participating in the Child Nutrition Programs (CNP), i.e., Child and Adult Care Food Program (CACFP) and Summer Food Service Program (SFSP) with additional clarifications on making dietary accommodations for participants with disabilities as required under Section 9(a) of the Richard B. Russell National School Lunch Act, 42 USC 1758(a), CNP regulations and in accordance with the Americans with Disabilities Act Amendments Act of 2008 (ADAAA), P.L. 110-325. The ADAAA, as explained in further detail in the next paragraph below, amended the Federal definition of disability, broadening it to cover additional individuals. Because of this broader definition, it is reasonable that CNP operators may see more participants identified by their licensed physician as having a food-related disability than were identified previously. Program operators should note, however, that the process for identifying participants with disabilities requiring an accommodation has not changed. The CNPs continue to require that participants seeking an accommodation for a disability that is food-related must provide a statement from a licensed physician (as defined by the State) identifying the food-related disability and indicating the required meal accommodation.

The ADAAA broadened the list of “Major Life Activities” for purposes of identifying individuals with disabilities and added a new category called “Major Bodily Functions”, 42 USC 12102(2)(B). This law continues to include as “Major Life Activities”: “caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating and working.” As amended by the ADAAA, Major Life Activities now also includes “Major Bodily Functions” such as: “functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, and reproductive functions.” It is important to note that individuals who take mitigating measures to improve or control any of the conditions recognized as a disability, are still considered to have a disability and require an accommodation.

USDA is updating the guidance, *Accommodating Children with Special Dietary Needs in the School Nutrition Programs, Guidance for School Food Service Staff*. Please see http://www.fns.usda.gov/cnd/guidance/special_dietary_needs.pdf to reflect the broadened definition of disabilities. Institutions participating in the CACFP and SFSP should also refer to this resource until more specific guidance is made available.

If you have questions regarding the information contained in this guidance, please contact your CACFP Specialist or me at (202) 442-4010 or norma.birckhead@dc.gov.

