

**Regulation 5141.27: Food Allergies/Special Dietary Needs**

**Status:** ADOPTED

**Original Adopted Date:** 03/01/2007 | **Last Revised Date:** 12/01/2014 | **Last Reviewed Date:** 12/01/2014

**Definitions**

Special dietary needs include food intolerances, allergies, and other medical needs that may require avoidance of specific foods.

Food allergies are abnormal responses of the body's immune system to certain foods or ingredients.

Anaphylaxis is a potentially life-threatening hypersensitivity to a substance and may be caused by a food allergy. Symptoms may include shortness of breath, wheezing, difficulty breathing, difficulty talking or swallowing, hives, itching, swelling, shock, or asthma. (Education Code 49414)

Epinephrine auto-injector is a disposable drug delivery system with a spring-activated needle that is designed for emergency administration of epinephrine to provide rapid, convenient first aid for persons suffering a potentially fatal reaction to anaphylaxis. (Education Code 49414)

**Notification by Parent/Guardian**

The parents/guardians of any student who has a known food allergy or other special dietary need shall notify the Superintendent or designee, in writing, and provide written medical documentation, signed by the student's health care provider, that describes the nature of the student's condition, instructions, and necessary medications. If the student's condition requires food substitutions or modifications in school meals, the written statement shall also describe the specific foods to be restricted and the foods that should be substituted.

**Health Plan**

Upon receiving notice of a student's food allergy or other special dietary need, the Superintendent or designee shall ensure that a written health plan is developed, in consultation with the student's parents/guardians and health provider, to manage the student's needs while at school or at a school-sponsored activity. The plan shall seek to minimize the student's risk of exposure to the allergen and address actions to be taken if exposure occurs.

As appropriate, the plan may include specific food prohibitions and substitutions, an identification of common school rooms where the student may be exposed, staff responsibilities, information and training to be provided to staff, accommodations and services to facilitate the student's participation in the educational program, and medical/emergency protocols.

When a student with a food allergy or other special dietary need has been identified as disabled pursuant to Section 504 of the Rehabilitation Act of 1973 or the Individuals with Disabilities Education Act, necessary accommodations and services shall be identified as part of the student's Section 504 services plan or individualized education program, as appropriate.

## Prevention Strategies

To minimize students' exposure to foods to which they are allergic, the Superintendent or designee shall, at a minimum, implement the following preventive measures:

### 1. Notification to District Staff

When notified by the parent/guardian that a student has a food allergy, the Superintendent or designee shall inform the student's principal, teacher(s), bus driver, school nurse, coach, and/or any other personnel responsible for supervising the student.

The principal or designee shall notify substitute staff of the identity of any students with known food allergies and the school's response plan.

### 2. Food Services

The district's food services program shall make food substitutions in breakfasts, lunches, and after-school snacks when students are considered to have a disability under Section 504 that restricts their diet and when a health care provider has signed a statement of need that includes recommended alternate foods. (7 CFR 210.10, 220.8)

Substitutions may be made on a case-by-case basis for students who do not have a disability under Section 504 but who cannot consume the regular breakfast, lunch, or after-school snack because of medical or other special dietary needs, when supported by a statement of need signed by a health care provider. (7 CFR 210.10, 220.8, 225.16)

The district's food services staff shall check food labels or specifications to ensure that foods do not contain traces of substances to which the student is allergic.

Under no circumstances shall food services staff prescribe nutritional requirements or revise a diet order prescribed by a health care provider.

Food substitutions shall not result in any additional cost to the student.

### 3. Class Parties/School Activities

Without identifying the student, the principal or teacher may notify parents/guardians of other students in the class that a student is allergic to a specific food and may request that certain foods not be provided at class parties or other school events.

Whenever the ingredients in any food served at class parties or other school activities are unknown, the student shall be encouraged to avoid the food.

### 4. Sanitation and Cleaning

To avoid spreading allergens, cafeteria tables and classroom surfaces shall be cleaned with fresh cloth or disposable paper towels utilizing cleaning products known to effectively remove food proteins, excluding waterless cleaners or instant hand sanitizers that do not involve a wet-wash step. Cross-contact from a sponge or cloth used to clean allergen-containing tabletops shall be avoided.

Staff shall use and promote hand-washing using soap and water before and after food handling.

Students shall be notified that exchanging meals or utensils is prohibited.

#### 5. Professional Development

Schoolwide professional development shall be provided to appropriate staff on the identification and management of food allergies, including avoidance measures, typical symptoms, the proper use of epinephrine auto-injectors, documentation and storage of medication, and emergency drills.

#### 6. Supervision of Students

When available, staff who are trained and knowledgeable about symptoms of anaphylaxis and actions to take in an emergency shall provide supervision in the classroom and cafeteria, on the playground, and on field trips or other school activities whenever students known to have a food allergy are present.

#### 7. Health Education

The district's health education curriculum may include instruction on food allergies in order to assist food-allergic students in taking responsibility for monitoring their diet and to teach other students about the dangers of sharing foods or utensils with others.

### Emergency Response

Epinephrine auto-injectors or other medicine provided for use in the event of an anaphylactic shock reaction shall be stored and used in accordance with law and BP/AR 5141.21 - Administering Medication and Monitoring Health Conditions.

In addition, staff shall call 911 and seek immediate medical attention for a student experiencing an anaphylactic shock reaction.

As soon as possible, school staff shall contact the student's parents/guardians or other person identified as an emergency contact.

When a student with a known allergy will be off school grounds, such as on a field trip, he/she shall be accompanied by a kit containing at least two doses of epinephrine, other medications as noted by the student's health care provider, and, as appropriate, the student's individualized food allergy plan.

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#### Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

#### State

5 CCR 15562

5 CCR 600-611

Ed. Code 234.1

#### Description

[Reimbursement for meals; substitutions](#)

[Administering medication to students](#)

[Student protections relating to discrimination,](#)

|                                                 |                                                                                                                                                       |
|-------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                 | <a href="#">harassment, intimidation, and bullying</a>                                                                                                |
| Ed. Code 49407                                  | <a href="#">Liability for treatment</a>                                                                                                               |
| Ed. Code 49408                                  | <a href="#">Student emergency information</a>                                                                                                         |
| Ed. Code 49414                                  | <a href="#">Emergency epinephrine auto-injectors</a>                                                                                                  |
| Ed. Code 49423                                  | <a href="#">Administration of prescribed medication for student</a>                                                                                   |
| <b>Federal</b>                                  | <b>Description</b>                                                                                                                                    |
| 20 USC 1232g                                    | <a href="#">Family Educational Rights and Privacy Act (FERPA) of 1974</a>                                                                             |
| 20 USC 1400-1482                                | <a href="#">Individuals with Disabilities Education Act</a>                                                                                           |
| 29 USC 701-795a                                 | Rehabilitation Act                                                                                                                                    |
| 29 USC 794                                      | <a href="#">Rehabilitation Act of 1973; Section 504</a>                                                                                               |
| 42 USC 12101-12213                              | <a href="#">Americans with Disabilities Act</a>                                                                                                       |
| 42 USC 1751-1769j                               | <a href="#">School Lunch Program</a>                                                                                                                  |
| 42 USC 1771-1791                                | Child nutrition                                                                                                                                       |
| 42 USC 1773                                     | <a href="#">School Breakfast Program</a>                                                                                                              |
| 7 CFR 210.1-210.33                              | <a href="#">National School Lunch Program</a>                                                                                                         |
| 7 CFR 220.1-220.21                              | National School Breakfast Program                                                                                                                     |
| 7 CFR 225.16                                    | <a href="#">Meal programs; individual substitutions</a>                                                                                               |
| <b>Management Resources</b>                     | <b>Description</b>                                                                                                                                    |
| California Department of Education Publication  | Training Standards for the Administration of Epinephrine Auto-Injectors, December 2004                                                                |
| Food Allergy Research and Education Publication | School Guidelines for Managing Students with Food Allergies                                                                                           |
| National School Boards Association Publication  | Legal and Practical Issues Relating to Accommodating Students with Peanut Allergies, Inquiry and Analysis, April 2009                                 |
| U.S DOE, Office for Civil Rights Publication    | Dear Colleague Ltr & Questions & Answers on ADA Amendments Act of 2008 for Students with Disabilities Attending Public Elem & Secondary Schools, 2012 |
| U.S. Department of Agriculture Publication      | Accommodating Children with Special Dietary Needs in the School Nutrition Programs: Guidance for School Food Service Staff, 2001                      |
| Website                                         | <a href="#">CSBA District and County Office of Education Legal</a>                                                                                    |

## Services

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|---------|----------------------------------------------------------------------------------------|
| Website | <a href="#">U.S. Department of Agriculture</a>                                         |
| Website | <a href="#">Food Allergy Research and Education</a>                                    |
| Website | <a href="#">National School Boards Association</a>                                     |
| Website | <a href="#">California Department of Education, Health Services and School Nursing</a> |
| Website | <a href="#">U.S. Department of Education, Office for Civil Rights</a>                  |

## **Cross References**

| <b>Code</b> | <b>Description</b>                                                        |
|-------------|---------------------------------------------------------------------------|
| 3550        | <a href="#">Food Service/Child Nutrition Program</a>                      |
| 3550        | <a href="#">Food Service/Child Nutrition Program</a>                      |
| 3552        | <a href="#">Summer Meal Program</a>                                       |
| 3552        | <a href="#">Summer Meal Program</a>                                       |
| 3554        | <a href="#">Other Food Sales</a>                                          |
| 3554        | <a href="#">Other Food Sales</a>                                          |
| 3555        | <a href="#">Nutrition Program Compliance</a>                              |
| 3555-E(1)   | <a href="#">Nutrition Program Compliance</a>                              |
| 4231        | <a href="#">Staff Development</a>                                         |
| 5030        | <a href="#">Student Wellness</a>                                          |
| 5125        | <a href="#">Student Records</a>                                           |
| 5125        | <a href="#">Student Records</a>                                           |
| 5131.2      | <a href="#">Bullying</a>                                                  |
| 5131.2      | <a href="#">Bullying</a>                                                  |
| 5141        | <a href="#">Health Care And Emergencies</a>                               |
| 5141        | <a href="#">Health Care And Emergencies</a>                               |
| 5141.21     | <a href="#">Administering Medication And Monitoring Health Conditions</a> |
| 5141.21     | <a href="#">Administering Medication And Monitoring Health Conditions</a> |
| 5141.23     | <a href="#">Asthma Management</a>                                         |

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|---------|-----------------------------------------------------------------------|
| 5141.23 | <a href="#"><u>Asthma Management</u></a>                              |
| 5141.24 | <a href="#"><u>Specialized Health Care Services</u></a>               |
| 5145.3  | <a href="#"><u>Nondiscrimination/Harassment</u></a>                   |
| 5145.3  | <a href="#"><u>Nondiscrimination/Harassment</u></a>                   |
| 5148    | <a href="#"><u>Child Care And Development</u></a>                     |
| 5148    | <a href="#"><u>Child Care And Development</u></a>                     |
| 5148.2  | <a href="#"><u>Before/After School Programs</u></a>                   |
| 5148.2  | <a href="#"><u>Before/After School Programs</u></a>                   |
| 6164.6  | <a href="#"><u>Identification And Education Under Section 504</u></a> |
| 6164.6  | <a href="#"><u>Identification And Education Under Section 504</u></a> |