




**STATE OF HAWAII**  
**DEPARTMENT OF EDUCATION**  
P.O. BOX 2360  
HONOLULU, HAWAII 96804

OFFICE OF THE SUPERINTENDENT

November 4, 2021

**ACTION REQUIRED**

**TO:** Complex Area Superintendents, Principals (All), District Educational Specialists, Hawaii State Public Charter School Commission Executive Director, Public Charter School Directors (All), Counselors, Student Services Coordinators, Cafeteria Managers, and School Health Assistants

**FROM:** Keith T. Hayashi   
Interim Superintendent

**SUBJECT: REVISED Accommodating Children with Special Dietary Needs**

This supersedes the memorandum dated June 16, 2021 titled "Accommodating Children with Special Dietary Needs" due to procedural changes within the dietary accommodation process.

The Americans with Disabilities Act (ADA) Amendments Act of 2008 clarifies the term "disability" under the ADA, and Section 504 of the Rehabilitation Act of 1973 states anything that substantially limits a major life activity (most physical and mental impairments) constitutes a disability. This includes conditions that impair immune, digestive, neurological, and bowel functions, and many others. General health concerns, such as a parent(s)/legal guardian(s)' preference that a child eat a gluten-free diet because the parent(s)/legal guardian(s) believes it is healthier for the child, are not disabilities and do not require a modification. All disability considerations must be viewed on a case-by-case basis. The purpose of this memorandum is to ensure that all schools are appropriately trained and have assigned duties to designated staff when responding to a student who is suspected of having special dietary needs.

**Special Dietary Designee**

The principal must understand the responsibilities of the Special Dietary Designee (SDD) and designate a school staff member who is able to fulfill such responsibilities. Once the principal has designated the staff member assigned as the SDD, the principal must inform the School Food Services Branch (SFSB) of the SDD designation by sending an email to the following email address: [specialdiets@k12.hi.us](mailto:specialdiets@k12.hi.us).

When any school employee is told that a student has or may have special dietary needs, the employee must immediately notify the SDD. Upon notification by the employee, the SDD must do the following:

1. Contact the parent(s)/legal guardian(s) for confirmation of the student's dietary need.
  - Request that the parent(s)/legal guardian(s) and the Required Medical Authority complete Attachment C: "Accommodating Children with Special Dietary Needs in School Nutrition Programs, Attachment J" and return this form to the SDD as soon as possible.
  - When the parent(s)/legal guardian(s) notify the school requesting a meal modification, the school may not delay providing the modification while awaiting the Attachment C. Instead, the school should begin providing a reasonable dietary accommodation to keep the child safe, and request the family to provide a completed Attachment C, signed by a Required Medical Authority to support the meal modification as soon as possible:
    - If the school does not receive the completed Attachment C, the SDD should follow up with the family and maintain a record of this contact.
    - The SDD should continue to follow up until the family submits Attachment C, supporting the need for a modification.
    - Inform the parent(s)/legal guardian(s) that the Public Health Nurse (PHN) will contact them to obtain consent to:
      - Exchange information with the student's Primary Care Physician (Attachment A (Provider)),
      - Exchange of Public Health Nursing Consultation Report and information with the Department (Attachment B (Department)),
      - If applicable, create an Emergency Action Plan (EAP) per the assessments conducted by the PHN.
      - For questions pertaining to "reasonable dietary accommodations," please consult with the SFSB.
  - The SDD will ensure that the following individuals receive copies of Attachment C:
    - PHN,
    - SFSB,
    - Cafeteria Manager,
    - Section 504/Individualized Education Program (IEP) Care Coordinator, and
    - School Health Assistant
2. Contact the PHN once confirmation from the parent(s)/legal guardian(s) that the student has a special dietary need.
3. Notify the SFSB and the Cafeteria Manager.
  - The SDD must send an email to the SFSB ([specialdiets@k12.hi.us](mailto:specialdiets@k12.hi.us)) concerning the student's special dietary needs. The SFSB will support the Cafeteria Manager with the dietary accommodation.



4. Notify the Section 504 or IEP Care Coordinator at the student's school.
  - The SDD must notify the Section 504 Coordinator of the student's special dietary needs.
  - The Section 504 Coordinator must then begin the Section 504 referral process. If the student is already receiving accommodations through a Section 504 Plan, the Section 504 team (including the PHN) must meet to discuss and determine the student's special dietary needs and whether a revision to the Section 504 Plan is required:
    - The SDD should be a part of the Section 504 team, when appropriate.
    - PHNs should be notified to attend a meeting at least two (2) weeks prior to that date. If the PHN is unable to attend the meeting, the PHN will provide a Consultation Report and Recommendations prior to the meeting.
  - The SDD must notify the IEP Care Coordinator of the student's dietary needs.
  - The IEP Care Coordinator must convene a meeting with the IEP team, including the PHN, to discuss and determine the student's special dietary needs, its impact on the student's ability to access his/her education and determine whether a revision to the IEP is required:
    - The SDD should be a part of the IEP team, when appropriate.
    - PHN should be notified to attend a meeting at least two (2) weeks prior to that date. If the PHN is unable to attend the meeting, the PHN will provide a Consultation Report and Recommendations prior to the meeting.
  - The Procedural Safeguards Notice must be provided and reviewed with the parent(s)/legal guardian(s) throughout this process through their respective Section 504 or Individuals with Disabilities Education Act eligibility.
  - Section 504 and IEP Care Coordinators must upload all supporting documents (such as Attachment C, reports, EAP, etc.) into the electronic Comprehensive Student Support Systems (eCSSS) under the Supports Tab. Please see the eCSSS announcement page for more details regarding the maintenance of medical records.
  
5. If the dietary accommodation is not needed, the SDD will inform the SFSB about the change to the student's dietary accommodation.

School Section 504 and IEP teams must expeditiously initiate and complete the process set forth above to ensure that necessary accommodations are provided to the student. Schools should not wait to provide a special diet for students going through the process. Temporary dietary accommodations should be provided based on Attachment C until the process is completed.

Accommodating Children with Special Dietary Needs Checklist (Attachment D) and a link to a training video ([http://bit.ly/HIDOE\\_Dietary\\_Needs](http://bit.ly/HIDOE_Dietary_Needs)) are included to assist schools with the training school staff. Training on this topic is mandatory for all school staff. This training is available on the Department intranet.

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Should you have any questions, please contact your complex area's Section 504 Coordinator, and/or District Special Education Educational Specialist.

KTH:ds

Attachments: Attachment A: Authorization for Use or Disclosure of Protected Health Information (Provider)  
Attachment B: Authorization for Use or Disclosure of Protected Health Information (Department)  
Attachment C: Accommodating Children with Special Dietary Needs in School Nutrition Programs, Attachment J  
Attachment D: Accommodating Children with Special Dietary Needs Checklist

c: Deputy Superintendent  
Assistant Superintendents  
School Food Services Branch  
Monitoring and Compliance Branch  
Hawaii State Public Charter School Commission  
Office of Student Support Services