



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

OFFICE OF SUPERINTENDENT

June 16, 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: Dr. Christina M. Kishimoto
Superintendent

A handwritten signature in blue ink, appearing to read "Christina M. Kishimoto", written over a light blue circular stamp.

SUBJECT: Accommodating Children with Special Dietary Needs

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. 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 staff member who is able to fulfill such responsibilities. Once the principal has designated the staff member assigned as the SDD, the school 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.

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. Obtain the following information from the parent(s)/legal guardian(s).
 - Consent for the Public Health Nurse (PHN) to:
 - Contact the student’s primary care physician to clarify dietary needs (Attachment A [Provider]).
 - Share information with the Hawaii State Department of Education (HIDOE) (Attachment B).
 - Exchange information with the HIDOE regarding the student’s condition to create an Emergency Action Plan (EAP) (Attachment C).

- Request that the parent(s)/legal guardian(s) and the required medical authority complete Attachment D: “Accommodating Children with Special Dietary Needs in School Nutrition Programs, Attachment J” and return the form to the SDD as soon as possible.

Note: The SDD will ensure that the following individuals receive copies of the completed documents listed after the position title:

- PHN:
 - Attachment A: Authorization for Use or Disclosure of Protected Health Information (Provider)
 - Attachment B: Authorization for Use or Disclosure of Protected Health Information (HIDOE)
 - Attachment C: Request for Individualized Health Care Procedures in School
 - Attachment D: Accommodating Children with Special Dietary Needs in School Nutrition Programs, Attachment J
- SFSB:
 - Attachment B: Authorization for Use or Disclosure of Protected Health Information (HIDOE)
 - Attachment D: Accommodating Children with Special Dietary Needs in School Nutrition Programs, Attachment J
- Cafeteria Manager, Section 504/IDEA Care Coordinator, and the School Health Assistant:
 - Attachment D: Accommodating Children with Special Dietary Needs in School Nutrition Programs, Attachment J

2. Notify the SFSB and the Cafeteria Manager.

- The SDD must send an email to SFSB (specialdiets@k12.hi.us) concerning the student’s special dietary needs. The SFSB will support the Cafeteria Manager with the dietary accommodation. The Cafeteria Manager will implement a tentative dietary accommodation until Attachment D: Accommodating Children with Special Dietary Needs in School Nutrition Programs, Attachment J is completed.

3. Notify the Section 504 Coordinator at the student’s school.

- The SDD must notify the Section 504 Coordinator of the student’s 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 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.
- For students with an Individualized Education Program (IEP), the Section 504 Coordinator will notify the student's Individuals with Disabilities Education Act (IDEA) Care Coordinator of the student's special dietary needs. The IEP team, including the PHN, must meet to discuss and determine the student’s special dietary needs, its impact on student’s ability to access his/her education and determine whether a revision to the IEP is required.
- 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 IDEA eligibility.

- Section 504 and IDEA Care Coordinators must upload all supporting documents (such as medical forms, 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.

School 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 implement a special diet for students going through the dietary accommodations process. Temporary dietary accommodations should be provided until the dietary accommodations process is completed.

Accommodating Children with Special Dietary Needs Checklist (Attachment E) and a link to a training video (http://bit.ly/HIDOE_Dietary_Needs) are included to assist schools with the training staff. Training on this topic is mandatory for all school staff. For School Year 2020-2021, school staff must complete this training by Friday, August 27, 2021. This training will be available on the HIDOE intranet.

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

CMK: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 (HIDOE)
Attachment C: Request for Individualized Health Care Procedures in School
Attachment D: Accommodating Children with Special Dietary Needs in School Nutrition Programs, Attachment J
Attachment E: 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