


Food Allergies at School

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Agenda

- Opening Activity: Poll
- Federal laws for students with disabilities
- Rights and responsibilities of stakeholders
- Emergency Medical Plans in school
- Food Allergy accommodations in a 504 Plan
- Food Allergies in an Individualized Education Program
- School lunches
- Extracurriculars
- Self-Advocacy and Safety Awareness





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Poll

- What is your student allergic to, and is the allergy life-threatening?
- Does your student have an emergency medical plan, a 504 Plan, and/or an Individualized Education Program (IEP)?



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Education Laws and Rules

Federal laws

- The Americans with Disabilities Act (ADA)
- Individuals with Disabilities Education Act (IDEA)
- Section 504 of the Rehabilitation Act of 1973

State Rules

- Michigan Administrative Rules for Special Education (MARSE)

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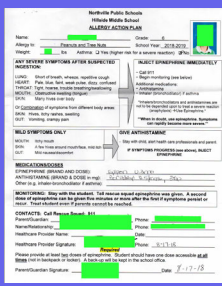
Rights and Responsibilities

School	Parents	Student
<ul style="list-style-type: none"> • Comprehensive Food allergy policy is in place and is implemented • Provide training to staff • Ensure emergency medication is accessible • Prepare for and respond to allergy emergencies • Ensure eligible students receive supports and services under Section 504 or the IDEA 	<ul style="list-style-type: none"> • Inform school staff • Educate the student about their medical condition • Follow school procedures • Provide emergency medication • Ask what type of training is provided to school staff • Communicate in writing 	<ul style="list-style-type: none"> • Self-Advocacy • Learn how to use emergency medication, if appropriate • Safe Behaviors





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Emergency Medical Plan



- Also called a Health Care Plan or Medical Action Plan or other names
- May be combined with a Medication Authorization Form
- Explains what to do/who to call in case of emergency
- Agreement between school and family
- Signed by student's physician and student's parent
- Typically does not cover accommodations in the classroom



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Section 504 of the Rehabilitation Act of 1973

What is it?


Section 504 of the Rehabilitation Act of 1973 is a civil rights statute which **prohibits discrimination against individuals with disabilities.**

What does it do?

Section 504 ensures eligible students with disabilities have **equal access to education** through the development of a Section 504 Plan.

What does it mean for me?

Under Section 504, a student with a food allergy can be a student with a disability for purposes of Section 504 **if the student's food allergy substantially limits one or more of the student's major life activities.**





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Who qualifies under Section 504?

Section 504 covers qualified students with disabilities who attend schools receiving federal financial assistance. To be protected under Section 504, a student must be determined to:

1. have a physical or mental impairment that substantially limits one or more major life activities; or
2. have a record of such an impairment; or
3. be regarded as having such an impairment.

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What does "substantially limit" mean?



Americans with Disabilities Act (ADA), Amendment of 2008, specifies:

The beneficial effects of mitigating measures (other than ordinary eyeglasses or contact lenses) must not be considered when determining whether an impairment substantially limits.

An impairment need not prevent or severely or significantly restrict a major life activity to be considered substantially limiting.

An impairment that is episodic or in remission is a disability if, when in an active phase, it would substantially limit a major life activity.



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What does "a major life activity" mean?

Major life activities include functions such as:

- Working
- Learning
- Breathing
- Eating
- Sleeping
- Standing
- Lifting
- Bending
- Reading
- Concentrating
- Thinking
- Communicating
- Walking
- Seeing
- Hearing
- Speaking
- Caring for one's self
- Performing manual tasks



This list is not exhaustive!



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504 Evaluation and Eligibility

The decision to conduct an evaluation is governed by the **individual circumstances** in each case.

504 team will evaluate and determine if eligible under Section 504 and will also determine if the student requires accommodations and/or services at **no cost**.

If the student is eligible and requires accommodations or services, the district **must develop a 504 Plan** for the student.

Eligibility should be revisited **periodically** to identify changes in student needs and supports.



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Special Education Laws and Rules

The Individuals with Disabilities Education Act (**IDEA**) is a law that makes available a free appropriate public education to eligible children with disabilities throughout the nation and ensures special education and related services to those children.



The Michigan Administrative Rules for Special Education (**MARSE**) outlines specific requirements regarding how special education is implemented in Michigan.



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What is an Individualized Education Program (IEP)?



- ✓ Each eligible child with a disability is entitled to a free appropriate public education (FAPE) that emphasizes special education and related services designed to meet the *child's unique needs and that prepare the child for further education, employment, and independent living.* 20 U.S.C. §1400(d)(1)(A).
- ✓ Under the Individuals with Disabilities Education Act (IDEA), the primary vehicle for providing FAPE is through an appropriately developed IEP that is based on the individual needs of the child.

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Eligibility for an Individualized Education Program (IEP)

- A full and individual first (initial) evaluation is the first step in the special education process to determine whether a child has a disability and may be eligible for special education and related services.
- Michigan Administrative Rules for Special Education (MARSE) defines 13 disability categories.
- Multidisciplinary Evaluation Team reviews test results, observations and information provided by parents to make a recommendation regarding eligibility to the IEP team.
- The IEP team, including the parent, decides eligibility for special education services.
- Student with food allergies may be eligible under the IDEA if the student needs special education and related services because the allergies adversely affect their learning, and they need specially designed instruction to meet their unique needs.

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Section 504 Plan	Individualized Education Program (IEP)
Eligibility: <ul style="list-style-type: none"> • Qualified individual with a disability • Section 504 defines an individual with a disability as: <ul style="list-style-type: none"> ◦ Having a physical or mental impairment that substantially limits one or more major life activities; or ◦ Has a record of such an impairment; or ◦ Is regarded as having such an impairment 	Eligibility: <ul style="list-style-type: none"> • MARSE defines 13 disability categories
Evaluation: <ul style="list-style-type: none"> • Individual circumstances determine evaluation data needed • No timeline for completion of evaluation process • Parental permission for initial evaluations • Section 504 Plan not required to be in writing (suggested it is in writing to document accommodations, supports and services being provided) 	Evaluation: <ul style="list-style-type: none"> • Requires a full, comprehensive (initial) evaluation completed by a Multidisciplinary Evaluation Team (MET) • MET makes a recommendation regarding eligibility • IEP team, including the parent, makes the determination of eligibility or ineligibility for special education and related services • Evaluation process from parental consent to evaluate to offer of a FAPE or determination of ineligibility must be within 30 school days • IEP must be a written document
Review: <ul style="list-style-type: none"> • Requires "periodic" review 	Review: <ul style="list-style-type: none"> • Annual review required • Requires reevaluation at least once every three years (or as warranted or requested)
Free Appropriate Public Education (FAPE) <ul style="list-style-type: none"> • Education that is comparable to the education provided to students who are not disabled 	Free Appropriate Public Education (FAPE) <ul style="list-style-type: none"> • Special education and related service designed to meet the child's unique needs and prepare them for further education, employment, and independent living
Funding <ul style="list-style-type: none"> • Specialized instruction, related services, and accommodations paid for by local school district 	Funding <ul style="list-style-type: none"> • Special education and related services paid for through funding under the Individuals with Disabilities Education Act (IDEA)

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How do food allergies affect a student's school experience?

Source: [U.S. Department of Education Office for Civil Rights](#), February 2024

- Absence from school due to medical appointments
- Social isolation at mealtimes to avoid exposure to allergens
- Discomfort due to an allergic reaction such as itchiness, dry throat, or watery eyes
- Ongoing sense of fear or stress about the possibility of a life-threatening reaction
- Incidents, such as anaphylaxis, which can be life-threatening, while at school





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Food Allergy Accommodations in a 504 Plan or IEP

Examples:



- Student carries an epi-pen at all times
- Hand-washing stations outside classroom
- Cleaning schedule for surfaces
- Storage and preparation of snacks and lunch
- Allergy table in cafeteria
- Allergens banned from student's classroom
- Non-food rewards in class
- Use of food in art projects and class assignments
- Protocol for field trips, bus rides, school parties, extracurriculars, and special events

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School Lunches and Food Allergies



1. Ask the principal if the school has a policy on allergies during lunch or snack time
2. Check the IEP or 504 plan for accommodations specific to food allergies
3. Schools that receive federal funding for any type of Child Nutrition program must make reasonable accommodations for food allergies
4. Ask the student's physician to sign the completed [Medical Statement form](#) on the Michigan Department of Education (MDE) website
5. Then, turn in the Medical Statement form at school and write a letter to the principal requesting a school meal that is safe for the student

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Extracurriculars and Food Allergies

- School districts must afford qualified students an equal opportunity to participate in athletics and special interest groups and clubs that are sponsored by the school district, in an integrated manner to the maximum extent appropriate to the needs of the student.
- School must make reasonable modifications to its policies, practices or procedures to ensure equal opportunity, unless doing so would fundamentally alter the nature of the activity.
- School districts may require a level of skill or ability of a student for the student to participate in a selective or competitive program or activity, so long as the selection or competition criteria are not discriminatory.

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Self-Advocacy



I speak up


I understand

I make things right




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Safety Awareness



- ✓ Start early
- ✓ Don't share!!
- ✓ Personal space
- ✓ Identify trusted adults
- ✓ Read labels
- ✓ Grocery shopping
- ✓ Cooking and meal preparation
- ✓ Learn to use medication
- ✓ Ask lots of questions about **every** snack and meal



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Summary


Medical
Team

Family

Student

School
Team

- ✓ Safety first
- ✓ Self-Advocacy
- ✓ Proactive communication
- ✓ Follow written policies



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Michigan Alliance for Families is an IDEA Grant Funded Initiative of the Michigan Department of Education, Office of Special Education, and Michigan's federal Parent-Training and Information Center (PTIC) funded by U.S. Department of Education, Office of Special Education Programs (OSEP).

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