



Georgia Department of Early Care and Learning

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MEMORANDUM

To: All Child and Adult Food Service Program (CACFP) and Summer Food Service Program (SFSP) Participants

From: Marissa Hamm, Program Manager 
Nutrition Services

Date: May 24, 2013

Subject: Bright from the Start's Policy Memo "Guidance Related to the ADA Amendments Act".

Legal Authority: United States Department of Agriculture Memoranda SP 36-2013, CACFP 10-2013, SFSP 12-2013

The purpose of this memorandum is to provide, institutions, facilities, sites, and sponsors participating in the Child and Adult Care Food Program (CACFP) and Summer Food Service Program (SFSP) with additional clarifications on making dietary accommodations for children 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, amended the Federal definition of disability, broadening it to cover additional individuals. Because of this broader definition, it is reasonable that CACFP and SFSP participants may see more children 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 children with disabilities requiring an accommodation has not changed. The CACFP and SFSP participants seeking an accommodation for a disability that is food-related are required to provide a statement from a licensed physician 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 ADA, 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 point out 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.

The Food and Nutrition Service is working to update the guidance, Accommodating Children with Special Dietary Needs in the School Nutrition Programs, Guidance for School Food Service Staff (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 participating institutions have questions concerning information in this memorandum, please contact the Policy Administrator at 404.651.7181.