

SECTION 504 PLANS FOR STUDENTS WITH FOOD ALLERGIES

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TO: Chief School Administrators/Charter School Lead Persons

FROM: Barbara Gantwerk, Assistant Commissioner
Division of Student Services

SUBJECT: Clarification-504 Plans for students with food allergies

Earlier this year, the department released two documents in response to statutory requirements at N.J.S.A. 18A:40-12.3 through 12.6, Training Protocols for the Emergency Administration of Epinephrine and Guidelines for the Management of Life-Threatening Food Allergies in Schools. Both documents provided guidance to districts on policies and procedures concerning the care of food allergic students.

Since the release of these documents, it has come to our attention that some districts are using the development and implementation of an Individualized Healthcare Plan and Individualized Emergency Healthcare Plan (IEHP) to replace a plan of accommodations under Section 504 of the Rehabilitation Act of 1973. Please be advised that the IHP and IEHP do not relinquish the district from its responsibility to evaluate students who need services under Section 504 and make individual placement determinations. Districts must continue to follow their standard operating procedures to identify and determine the food allergic student's eligibility for services under section 504.

The department recognizes the challenges inherent in the provision of medical services to children in the school setting and appreciates your persistence in creating policies and procedures to address the medical needs of students. Technical questions pertaining to Section 504 and the implementation of Section 504 plans can be directed to the U.S. Department of Education, Office for Civil Rights at (646) 428-3900. You may also visit the Office of Civil Rights website at <http://www.ed.gov/about/offices/list/ocr/index.html>.