

# FOOD ALLERGIES *and* 504s *for* Schools

Section 504 of the Rehabilitation Act of 1973 prohibits agencies, institutions, and programs that receive federal financial assistance from discriminating against or excluding an individual solely on the basis of his/her disability. Public schools are one type of institution that receives federal financial assistance, and thus are required by Section 504 to provide “free and appropriate public education” (or FAPE) to all students, regardless of disability. Additionally, when a student has an identified disability, the student must be included (allowed to safely participate) in all programs and activities provided by the school. Both the U.S. Department of Education, Office for Civil Rights, and the U.S. Department of Justice have determined that food allergies may sufficiently meet the legal definition of disability to require accommodation under federal disability laws and regulations, including Section 504.

## ***Why should school districts and staff be aware of Section 504 in regards to food allergies?***

A 504 Plan can provide staff with helpful information about each of their students with food allergies. As the parent(s), student (when age appropriate), and school staff work together to craft the 504 Plan – including accommodations that meet the student’s specific, individual needs – the plan provides school staff with tailored instructions on how to manage the student’s educational environment to keep the student safely included in all programs and activities.

## ***How else is Section 504 important?***

To minimize risks to the allergic student, the 504 Plan can identify risk areas and provide school staff with the appropriate accommodations necessary for the allergic student. The ultimate goal is to minimize risk in order to provide a safe and inclusive environment.

When the environment of the food-allergic student is safe, the student has the ability to focus on his/her academics. When the environment is unsafe, the student may be left worrying about whether or not he/she will have an allergic reaction. Additionally, it may help lower the incidents that an allergic student may need medical attention, thus lowering the student’s absentee rate as a result.

Lifting the barriers to learning can assist with a student’s academic as well as developmental goals. School staff play a large part in these goals for food-allergic students. Students with health impairments, like food allergies, just want to fit in. However, many find it difficult to be part of the classroom and/or school environment. Creating this safe and inclusive environment not only provides food-allergic students with proper tools to become successful but it may save lives – and this is something school districts and staff can feel proud of.

