

Laws Regarding the Management of Food Allergies in Schools

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February 25, 2026 | 2026-R-0047

Issue

Summarize the laws addressing the management of students' food allergies in Connecticut public schools.

Summary

Under [CGS § 10-212c](#), school districts are required to implement a plan to manage students enrolled in their schools who have life-threatening food allergies or glycogen storage disease (GSD). These plans must be based on guidelines that the State Department of Education (SDE) developed in consultation with the Department of Public Health.

By law, districts must (1) annually notify parents of the plan; (2) post the plan on the district's website or make it available by other practicable means if the district does not have a website; and (3) annually attest, through the district superintendent, to SDE that it is implementing the plan in compliance with the law.

Additionally, schools must generally adhere to state and federal nondiscrimination laws and policies requiring meal modifications for children with disabilities, which may include food allergies or other restriction on their diets.

SDE Guidelines

SDE's [guidelines](#) on life-threatening food allergies and GSD provide information on, among other things:

1. education and training for school personnel, including on administering certain medications and dietary supplements;
2. procedures for responding to life-threatening allergic reactions;
3. protocols to prevent exposure to food allergens;
4. identifying students with life-threatening food allergies or GSD and developing individualized action plans for them;
5. emergency response procedures and communication protocols among school staff, health providers, and parents; and
6. protocols consistent with federal disability laws, including Section 504 of the Rehabilitation Act of 1973, the Individuals with Disabilities Education Act (IDEA) ([20 U.S.C. § 1400 et seq.](#)), and the Americans with Disabilities Act (ADA) ([42 U.S.C. § 12101 et seq.](#)).

The law requires SDE to periodically review its [guidelines](#) for managing students with life-threatening food allergies and glycogen storage disease.

School Nutrition Program Meal Modifications

Generally, schools that participate in the U.S. Department of Agriculture's (USDA) [school nutrition programs](#) must make reasonable meal modifications for children with disabilities, which may include food allergies, that restrict their diets. Under the [ADA Amendments Act](#), a food allergy does not need to be life-threatening to be considered a disability. A non-life-threatening food allergy may be a disability and require a meal modification if it affects a major bodily function or other major life activity, such as digestion, respiration, immune response, and skin rash ([42 U.S.C. § 12101](#)).

Other State Laws Addressing Food Allergies in Schools

[CGS §§ 10-212 & 10-212a](#) apply to administering medications in schools, including epinephrine

[CGS § 10-212g](#), regarding a training program for administering first aid to students having allergic reactions

[CGS § 10-212e](#) provides immunity from actions relating to food or dietary supplements

SDE's [Guide to Meal Modifications in School Nutrition Programs](#) provides guidance school food authorities regarding meal modifications for students with special dietary needs based on USDA regulations.

Additional information on requirements, guidance, training, and laws for allergen labeling can be found [here](#).

Section 504 of the Rehabilitation Act of 1973 and Protections for Students With Allergies

Section 504 of the Rehabilitation Act of 1973 prohibits all programs and activities receiving federal financial assistance, including public school meal programs, from discriminating against children with disabilities. The determination of whether a child has a disability is made through a Section 504 meeting, which parents, teachers, or other staff can initiate. A team of professionals (known as the Planning and Placement Team (PPT)) who are knowledgeable about the condition of the child reviews the child's data, determines if more information is needed, and decides if the child qualifies as having a disability under Section 504. The child's parents or guardian are also part of the PPT.

The Section 504 meeting and the PPT determines whether the disability affects the child's diet, and therefore requires a meal modification, according to the SDE Guide to Meal Modifications in School Nutrition Programs. The PPT (1) determines the specific educational needs of a child eligible for a 504 accommodation or special education; and (2) develops an individual education plan (IEP) for the child.

A child with special dietary needs may qualify under [Section 504](#) if the dietary needs significantly impair the child's major life activity of eating. Accommodations to address the child's dietary needs should be written into a Section 504 plan, which can be merged with an individualized health care plan for the child. Additionally, there are situations where a child does not need a Section 504 Plan for his or her diet. The food service entity may agree to make meal modifications for the child, but they are not legally obligated to. The U.S. Department of Education's Office for Civil Rights provides additional information regarding federal civil rights law in education [here](#).

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