



# **USDA Civil Rights Training**

## **For School Nutrition Programs**

# Purpose of Civil Rights Training

- **To inform, educate, and support all staff who interact with Child Nutrition Program (CNP) applicants:**
  - **Staff rights and responsibilities as administrators of CNPs**
  - **General USDA Civil Rights requirements**
  - **Resources and information available to assist staff in carrying out their Civil Rights responsibilities**

# Objectives

- **By the end of the training, participants will be able to:**
  - **Identify four reasons why attention to civil rights is important**
  - **Describe three best practices in program operations to ensure compliance with civil rights**
  - **Discuss two aspects of their specific job duties that deal with civil rights concerns**

# Outline

- **Public Notification Systems**
- **Customer Service**
- **Ethnic and Race Data Collection**
- **Reasonable Accommodations**
- **Complaint Procedures/Conflict Resolution**
- **Resolution of Noncompliance**

# Federal Protected Classes for Child Nutrition Programs:

- Race
- Color
- National Origin
- Sex
- Disability
- Age



# Question

- **Q: But the nondiscrimination statement covers more classes than are listed, which is correct?**
- **A: The federal Civil Rights statement covers more programs than just child nutrition. The classes listed on the previous slide are those covered under the child nutrition programs.**

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# Public Notification

## Purpose:

- **To inform surrounding area that your school agency participates in the CNPs**
- **To reach as many applicants, participants, and potentially eligible persons as possible**
- **To ensure program access**



# Public Notification

## Must include information on:

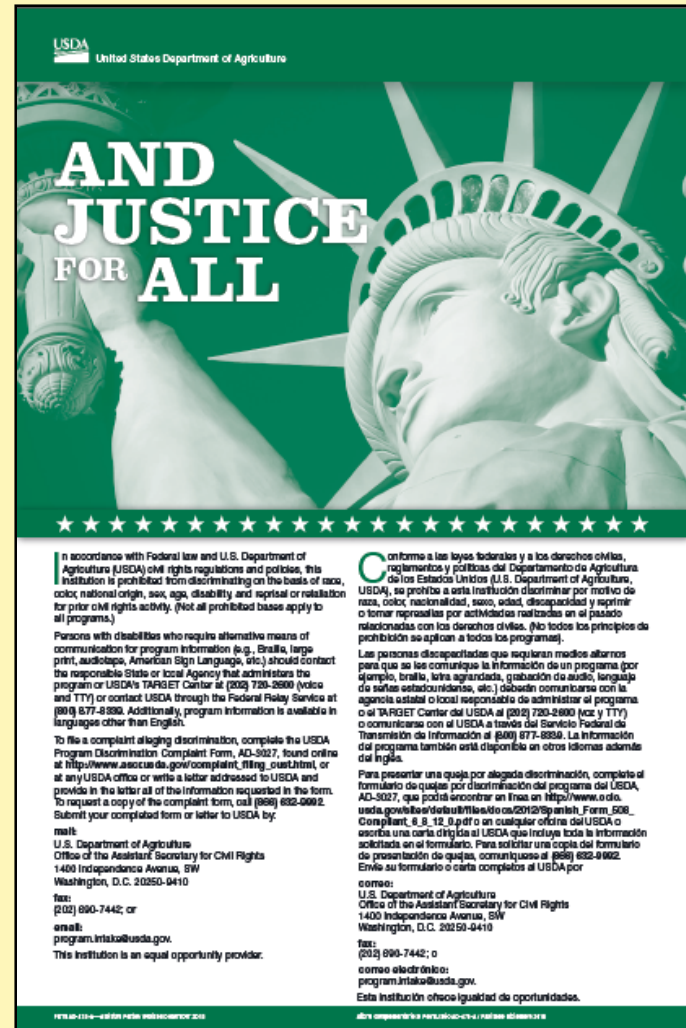
- **Eligibility**
- **Benefits and Services**
- **Program availability**
- **Applicant rights and responsibilities**
- **Procedures for filing a complaint**
- **Non-discrimination policies**
- **Any programmatic changes**

# Methods of Public Notification

- **Public Release**
  - Inform the general public that your school participates in the CNPs and that free and reduced price meals are offered.
  - State Agency completes this for you in August
- **Post “And Justice for All” Poster**

# “And Justice for All” Poster

- Display in a prominent area where participants have access
  - Cafeteria is best
- Must be visible to all students during at least one of their meals.
- Use 11” x 17” format



# Obtaining “And Justice For All” Posters

- "And Justice for All" poster is available to download from the USDA website for temporary use ([www.usda.gov/cr/justice.htm](http://www.usda.gov/cr/justice.htm)).
- The State Agency provides posters to schools free of charge.

# Non-Discrimination Statement

- **A USDA required non-discrimination statement must be included on ALL forms of communication and program materials**
  - **Including all materials for public information, education, or distribution that mention USDA programs**
  - **Last updated by USDA in October 2014**

# Required Non-Discrimination Statement

- In accordance with federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, sex, disability, age, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA.
- Persons with disabilities who require alternative means of communication for program information (e.g. Braille, large print, audiotape, American Sign Language, etc.), should contact the Agency (State or local) where they applied for benefits. Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.
- To file a program complaint of discrimination, complete the [USDA Program Discrimination Complaint Form](#), (AD-3027) [found online](#) at: [http://www.ascr.usda.gov/complaint\\_filing\\_cust.html](http://www.ascr.usda.gov/complaint_filing_cust.html), and at any USDA office, or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by:
  - (1) Mail:  
U.S. Department of Agriculture  
Office of the Assistant Secretary for Civil Rights  
1400 Independence Avenue, SW  
Washington, D.C. 20250-9410;
  - (2) Fax: (202) 690-7442; or
  - (3) Email: [program.intake@usda.gov](mailto:program.intake@usda.gov).
- This institution is an equal opportunity provider.

# Required Non-Discrimination Statement Language

**If the material or document is too small to permit the full statement (above) to be included, the material MUST, at a minimum, include:**

**“This institution is an equal opportunity provider.”**

# Non-Discrimination Statement

- **Wording for either statement must be exact and cannot be changed in any way.**
- **Print size for either statement shall be no smaller than the text of the material.**
- **Shorter version of non-discrimination statement may be used for broadcast advertisements/public service announcements.**



# Examples of Informational Materials that Require the Non-Discrimination Statement

- **Print Advertisements**
  - Flyers
  - Brochures
  - Posters
- **Agency Publications**
  - Parent/Student Handbooks
  - Employee Handbooks
  - Newsletters
- **School Websites**
- **Letters**
- **Broadcast Advertisements/Announcements**
  - Internet
  - Radio
  - TV
- **Enrollment Forms**
- **Menus, if made public**

# Other Things to Consider...

**To convey the message of equal opportunity—  
reflect diversity and inclusion in all program or  
program-related information, photos and graphics.**

# Understanding Differences: Respectful Language

## Put the person first

- ❖ Example: USE “person with a disability”, NOT “disabled person”

## Use culturally sensitive language

- ❖ Example: USE “Asian”, NOT “Oriental”

## Use inclusive/respectful terms

- ❖ Example: USE “chairperson”, NOT “chairman”

# Understanding Differences: Test for Bias

- Take the Project Implicit Test to determine underlying biases that may contribute to discrimination
- <http://www.tolerance.org/activity/test-yourself-hidden-bias>



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# Customer Service

- **All students must be allowed equal opportunities to participate in CN programs regardless of race, color, national origin, sex, age, or disability.**
- **All participants must be treated in the same manner**
  - **seating arrangements, serving lines, assignment of eating periods, methods of selection for application approval and verification processes**

# Meal Service

**Children must not be required to use a separate dining room, serving line, or serving time based on eligibility for free/reduced meals, sex, national origin, race/color, etc.**

# Meal Service

**All students within the same grade grouping must be offered the same selection of menu items in the same amounts regardless of their eligibility, sex, national origin, race/color, etc., including when a school offers :**

- A selection of more than one type of meal that is claimed for reimbursement
- A variety of foods and fluid milk for choice within the meal requirements



# Denial of Meals

**USDA policy prohibits the denial of meals as a disciplinary action against any student who is enrolled in a school that participates in the Child Nutrition Programs, including:**

- **Disciplinary actions that directly result in loss or denial of meals**
- **Requiring a child to work for his/her meals**

# Free/Reduced-Price Application Approval Process

- **Denied Free/Reduced-Price applications shall not be disproportionately composed of minority groups.**
- **Admission procedures must not restrict minority persons from enrolling in school or participating in the meal/snack programs.**
- **Students may not be required to participate in the Child Nutrition Programs.**

# **Confidentiality: Information Provided on Free/Reduced-Price Applications**

**The USDA authorizes schools to release only student Free/Reduced-Price eligibility status to entities as stated in the *Eligibility Manual for School Meals***

**-In many cases a household waiver of confidentiality may be required**

**No other information on application may be released.**

# **Schools must ensure that a written household waiver is on file and:**

- **Clearly informs households of the waiver's purpose**
- **Authorizes release of free and reduced-price eligibility information**
- **Identifies who will use the information and how it will be used**
- **Is signed by parent or guardian**

# Confidentiality of Free/Reduced-Price Eligibility

- **Identifying information must not be used for any purpose other than determining and verifying eligibility for Free/Reduced-Price meals**
- **Overt identification of any of the children is prohibited.**
- **No overt identification may be used when ordering meals for special functions**

# LEP Language Assistance

**Responsibility to take “reasonable steps” to ensure meaningful access to programs and activities by persons with Limited English Proficiency (LEP).**

# **Factors to consider when determining “reasonable steps”**

- **Number and proportion of LEP persons encountered in eligible population.**
- **Frequency with which LEP individuals come in contact with program.**
- **Nature and importance of program, activity, or service.**
- **Resources available to the recipient/costs.**

# Language Translations

- **Make Child Nutrition Program information available to all persons in their language**
  - **Provide informational materials in the appropriate translation concerning the availability and nutritional benefits of the meal programs.**
- **Spanish, Hmong, Somali and several other language translation of application for educational benefits available on the Minnesota Department of Education (MDE) or USDA websites.**



# Language Interpreters

- **Children should not be used as interpreters**
- **Volunteers may be used, but should understand ethics for using interpreters**
  - **Example: Spanish teacher could assist a household in completing an application but would need to be trained on the importance of keeping all information received from the household confidential**
- **See [www.lep.gov](http://www.lep.gov) for more information and resources**

# **A shortage of resources does not eliminate the translation requirement**

## **Suggestions:**

- **Share resources to save money:**
  - Use interpreter from another area
  - Train bilingual staff to be interpreters
  - Contact grassroots organizations to discuss translation or assistance from within the community
- **Language line phone services may be available for a subscription fee through your local telephone service provider.**

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# **Why do I have to collect racial and ethnic data?**

**Racial/ethnic data is used to determine how effectively your program is reaching potentially eligible children and where outreach may be needed.**

# Two Question Format for Collecting Data

**Difference between ethnicity and race:**

## **1. Ethnicity categories:**

- Hispanic or Latino
- Non-Hispanic or Non-Latino

## **2. Race categories (individuals may mark one or more)**

- American Indian or Alaskan Native
- Asian
- Black or African American
- Native Hawaiian or other Pacific Islander
- White

# Obtain racial/ethnic data through

- **Voluntary self-identification or self-reporting (*preferred method*)**
  - Free/Reduced-Price meal application: optional section for the household to identify their racial and ethnic data
- **Visual identification by a school official**
- **Personal knowledge, records or other documentation your agency possesses that identifies household racial/ethnic data**
  - Such as enrollment or Minnesota Automated Reporting Student System (MARSS) data

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# What is a disability?

- **Physical or mental impairment which substantially limits one or more of an individual's major life activities, has a record of such and impairment, or is regarded as having such an impairment.**
- **Disabilities are defined based on the Sect 504 of the Rehabilitation Act/Americans with Disabilities Act and Part B of Individuals with Disabilities Education Act (IDEA).**



# What is school's responsibility to children with disabilities?

- **Provide accessible facilities**
  - Example: accessible parking lots, entrances and exits, halls, elevators, rest rooms, service animals
- **Provide appropriate information in alternative formats**
  - Example: Braille program materials, sign language interpreters
- **Provide food substitutions for students with disabilities when documented in writing by a licensed physician**

# Providing Menu Item Substitutions

- **Only required to make substitutions or modifications for children whose disabilities restrict their diets based on a licensed physician's assessment**  
Example: food allergies causing life-threatening anaphylactic reactions
- **Must be documented by a physician's statement**
  - Including the disability, how it limits major life activities, foods the child cannot have and foods to be substituted
- **Generally, children with food allergies or intolerances do not have a disability.**
  - Example: lactose intolerance, sensitivity to food additives
- **Special rules that apply to milk substitutions**

# Resources

MDE > Districts, Schools and Educators > Food and Nutrition > School Nutrition Programs > Nutritional

## Special Dietary Needs

The Minnesota Department of Education (MDE) Food and Nutrition Service (FNS) provides resources for sponsors that help them meet the special dietary needs of infants and children and maintain records to document compliance with meal requirements.

*Accommodating Children with Special Dietary Needs in the School Nutrition Programs* is a U.S. Department of Agriculture (USDA) publication that provides operational guidance for school food service staff serving meals under the National School Lunch Program and the School Breakfast Program to children with special dietary needs. View the publication on the USDA website. Resources are also provided from the National Food Service Management Institute (NFSMI).

### U.S. Department of Agriculture Memorandums

Links to key USDA memorandums on Special Dietary Needs are provided below.

- [Guidance on ADA Amendments Act \(broadens definition of "disability"\) \(SP 36-2013\)](#)
- [Q&A Milk Substitutions for Medical or Non-disability Special Dietary Needs \(SP 07-2010\)](#)

[Special Diet Statement for a Participant Without a Disability - 6/6/16](#)

Form and guidance to assist recognized medical authorities to request a special diet for participants without a disability.

[Fluid Milk Substitutions in the Child Nutrition Programs - 5/31/16](#)

Non-dairy beverages that meet USDA's fluid milk substitution criteria.

[Special Diet Statement to Request Dietary Accommodations - 4/6/16](#)

Form to request a special dietary accommodation for a participant with or without a disability and for a participant without a disability who is requesting a fluid milk substitute. Instructions on how to complete the form are included.

[Special Diet Statement for a Participant With a Disability - 11/19/15](#)

Form to request a special diet for a participant with a disability. An additional document titled Special Diet Statement Guidance is provided to guide a licensed physician in the completion of the special diet statement for a participant with a disability.

[Notification to the Minnesota Department of Education About the Use of Fluid Milk Substitutes - 3/25/15](#)

Required form used to notify the state agency if offering fluid milk substitutes.

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# Right to File a Complaint

**Any person who believes he or she or someone he/she knows has been discriminated against based on Federal protected classes has a right to file a complaint within *180 days* of the alleged discriminatory action.**

**Complainants may register a complaint with:**

- 1. USDA: U. S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, SW, Washington, DC 20250-9410, (866) 632-9992 (toll free), (202) 260-1026, (202) 401-0216 (TDD)**
- 2. Minnesota Department of Education: Supervisor, School Nutrition Programs, 1500 Highway 36 West, Roseville, MN 55113 (800) 366-8922**

# Forms of Civil Rights Complaints

- **May be written, verbal, or observed**
  - If receiving a verbal complaint, *listen politely*
  - Complaints can be made via phone, letter, email, fax or any other form of communication
- **May be anonymous**
  - Anonymous complaints should be handled as any other complaint
- **Can be related to any area of CNP operation**
  - Program administration, food service, employment

# Handling Civil Rights Complaints

## STEP 1: Document the Complaint

- Name, address, and phone number of complainant.
- Specific name and location of entity delivering the benefit or service.
- The nature of the incident, action, or method of administration that led the complainant to feel discriminated against.
- The basis on which the complainant feels discrimination exists (race, color, national origin, sex, etc.).
- The names, titles, business addresses, and phone numbers of persons who may have knowledge of the discriminatory action.
- The date(s) during which the alleged discriminatory actions occurred, or if continuing, the duration of such actions.

# Handling Civil Rights Complaints

## STEP 2: Contact USDA or MDE

**All verbal or written complaints must be forwarded to the Civil Rights Division of USDA Food and Nutrition Service *within three days* of receiving a complaint.**



# Handling Civil Rights Complaints

- **Step 3: Maintain Records**
- **Have a central location where copies of Civil Rights complaints will be documented and kept**
  - **Agencies should consider documenting all complaints in Complaint Log or on Complaint Forms**
- **Agencies may provide complaint form to:**
  - **Any individual wishing to make a complaint**
  - **Person receiving verbal or phone complaint**

# Conflict Resolution

- **The USDA recommends using an Alternative Dispute Resolution (ADR) program**  
**ADR Definition: use of a neutral third party (usually a person acting as a facilitator) to resolve informally a complaint of discrimination through use of various techniques such as fact finding, mediation, peer panels, facilitation, ombudsman support, or conciliation.**
- **Visit the following website for more information:**  
**<http://www.fas.usda.gov/Admin/civilrights/conflictres.asp>**

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# Resolution of Non-Compliance

- **A factual finding that any civil rights requirement, as provided by law, regulation, policy, instruction, or guidelines is not being adhered to.**
- **There are no “minor” or “major” categories of noncompliance. All instances of non-compliance are considered equally.**
  - **No matter the level or severity of noncompliance, it must be reported.**

# Examples of Non-compliance

- **Denying an individual or household the opportunity to apply for Food and Nutrition Service (FNS) program benefits or services on the basis of Federal or State protected classes (race, color, national origin, age, etc.)**
- **Providing FNS program services or benefits in a dissimilar manner on the basis of race, color, national origin, age, or sex.**  
*Example:* Serving lunch to a child of one race but serving a snack/modified meal to a child of another race.
- **Selecting FNS program sites or facilities in a manner that denies an individual access to FNS program benefits, assistance, or services on the basis of Federal or State protected classes (race, color, national origin, etc.)** *Example:* Serving breakfast in some schools, but not at schools located in areas with a high proportion of children with disabilities or a high proportion of minority students.

# Resolution of Non-Compliance

- **If non-compliance is indicated, a corrective action plan must be implemented immediately to achieve voluntary compliance within 60 days.**
- **Corrective Action Plan: plan describing the agency's actions to be taken to resolve non-compliance with civil rights requirements.**

# **Civil Rights Coordinator within Your School**

**Agencies must designate an employee who is responsible for USDA Civil Rights issues, and:**

- This individual must be designated to receive complaints**
- This individual should be identified to all employees**
- The designated person should know who to contact if Civil Rights issues arise**

# Questions

## Minnesota Department of Education Nutrition, Health and Youth Development

Phone: 651-582-8540  
1-800-366-8922 (toll free)

Email: [mde.fns@state.mn.us](mailto:mde.fns@state.mn.us)

\*\*Parts of this presentation have been adapted from several states, including Wisconsin, Iowa, Illinois, Indiana, Missouri, and Texas.



# Documentation of Compliance with Civil Rights Training

- **Retain records indicating that all staff members who are involved in the school nutrition programs have received training.**
- **Annually, ensure employees sign and date that they received this training.**