# Civil Rights for School Nutrition Programs (Make-Up Session) NC Department of Public Instruction Office of School Nutrition May 21, 2025 This presentation is not Diversity, Equity, Inclusion, & Accessibility (DEIA) training. This presentation explains the current state of federal civil rights laws and regulations.

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### **Overview and Objectives**

- · Defining civil rights
- Legal authorities
- Protected bases
- Assurances
- Public notification
- Data collectionReasonable accommodations
- Language assistance
- Compliance reviews
- Resolution of noncompliance
- Complaint procedures
- Conflict resolution
- Customer service



**Objective:** To understand civil rights and implement civil rights expectations and requirements.

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Why study civil rights?



What are civil rights?

- Legal rights
- Guarantees of equal opportunities and protection
- Secured by legal action

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### **Legal Authorities for Civil Rights**

- Title VI of the Civil Rights Act of 1964
   Race, Color, and National Origin
- Civil Rights Restoration Act of 1987
   Clarifies the scope of the CR Act of 1964
- Section 504 of the Rehabilitation Act of 1973
- Americans with Disabilities Act of 1990 (ADA);
- ADA Amendments Act of 2008
   Disability



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### The Age Discrimination Act of 1975

• Title IX of the Education Amendments of 1972

### Sex

Legal Authorities for Civil Rights (continued)

- 7 CFR Parts 15, 15a and 15b Nondiscrimination, Education and Disability
- Executive Order 13166 Improving Access to Services for Persons with Limited English Proficiency" (August 11, 2000)
- USDA LEP Policy Guidance (79 Fed. Reg. No. 229. Friday, November 28, 2014)

# FNS Instruction 113-1

Food & Nutrition Service		FNS INSTRUCTION		NUMBER 113-1	
		3101 PARK CENTER DRIVE ALEXANDRIA, VA 22302-1500			1000000
INFO	RMATIC	N FOR: All FNS Em	ployees and State Agencie		
	Civil	tights Compliance and Enfo	ccement - Nutrition Progr	ams and Activities	
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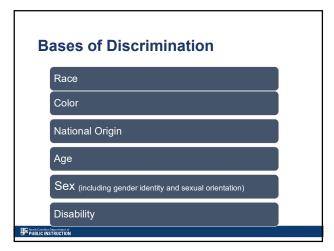
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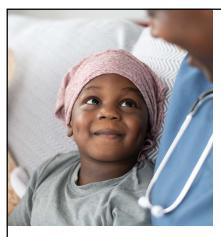


## What is Discrimination?

Different treatment which makes a distinction of one person or a group of persons from others; either intentionally, by neglect, or by the actions or lack of actions, based on six protected bases.

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# Definition of Disability

- Physical or Mental Impairment
- Limits one or more *major life* activities
- Has a record of such an impairment; or
- Is regarded as having such an impairment.

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### **Disability and Major Life Activity**



Major life activity means functions such as:

- · Caring for oneself
- Performing manual tasks
- Walking
- Seeing
- Hearing
   Speaking
- SpeakingBreathing
- Learning
- Working

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### Equal Opportunity for Religious Organizations

Ensure equality for participation of faith-based organizations and other community organizations in USDA programs.



### **Assurances**

- A Civil Rights
   Assurance must be
   incorporated in all
   agreements between
   State and local
   agencies and their
   subrecipients.
- See FNS Instruction 113-1, Appendix B and form FNS-74 for Program-specific assurance language

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### **Public Notification**



Must inform applicants, participants, and potentially eligible persons of:

- program availability
- program rights and responsibilities
- the policy of nondiscrimination
- the procedure for filing a complaint

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### Three Elements of Public Notification

Program Availability – Inform applicants, participants, and potentially eligible persons of their program rights and responsibilities and the steps necessary for participation.

Complaint Information – Advise applicants and participants at the service delivery point of their right to file a complaint, how to file a complaint, and the complaint procedures.

Nondiscrimination Statement – Must be included on all information, materials, and resources used to inform the public about FNS programs.



### **Nondiscrimination Statement**

In accordance with federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, this institution is prohibited from discriminating on the basis of race, color, national origin, sex (including gender identity and sexual orientation), disability, age, or reprisal or retaliation for prior civil rights activity.

Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication to obtain program information (e.g., Braille, large print, audiotape, American Sign Language), should coflact the responsible state or local agency that administers the program or USDAS TARGET Center at (2021) 725-2500 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339.

Zoou (voice afto TTT) of contact USDA illifolding the rederial relay service at (600) 677-6359. To file a program discrimination complaint, a Complaint at should complete a Form AD-3027, USDA Program Discrimination Complaint Form which can be obtained online at: https://www.bda.dov/siigicefeatultisedocuments.ddf? df. Complained Complained

mail: U.S. Department of Agriculture Office of the Assistant Secretary for Civil Rights 1400 Independence Avenue SW Washington, D.C. 20250-9410; or

fax: (833) 256-1665 or (202) 690-7442; or

email: Program.Intake@usda.gov

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## Which Version Do I Use?

- Include the full statement where space permits.
- Use shortened version in special circumstances only where space is limited:

"This institution is an equal opportunity provider."

• For electronic communications use the full statement.

### Scenario: Missing "And Justice for All" Poster

During a State agency review, it is noted that the required "And Justice for All" poster is missing from the dining area.

- What is the concern?
- What is the correct response?



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### Missing "And Justice for All" Poster

Civil Rights Concern:
Non-compliance with USDA civil rights requirements.

### Response:

- Ensure the poster is **visibly posted** where services are provided.
- · Conduct regular compliance checks.
- · Request and display replacement posters promptly. Currently, print posters.
- Provide documentation of compliance and train staff.





### **Racial and Ethnic Data Collection** and Reporting

- Must obtain data by race and ethnic category on potentially eligible participants in area
- Establish and maintain data collection systems
- Ask for identification of racial categories that apply
- · Self-reported data is preferred



### Reasonable Accommodations . Medical Statement

- Rehabilitation Act of 1973 (Section
- · Americans with Disabilities Act (ADA)
- Dietary Preference may but is not required to be accommodated.

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### Scenario - Disability and Meal **Modification**

### Scenario:

A student with a milk allergy is told to bring lunch from home because the cafeteria "can't offer alternatives."

- · What is the civil rights concern?
- What should the School Nutrition employee have done?

# Scenario – Disability and Meal Modification (continued)

### **Civil Rights Concern:**

Discrimination based on **disability** – failure to provide a **reasonable meal accommodation**.

### Response:

- Request and review the medical statement.
- Work with the school nurse or director to offer a safe and reasonable resolution.
- · Never exclude a child because of a disability.

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### **Limited English Proficiency (LEP)**



Individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English should be provided access to federally funded programs.

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### **Limited English Proficiency**



Must take reasonable steps to ensure meaningful access to programs and activities by persons with limited English proficiency.

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# Limited English Proficiency – F&R Applications



Free & Reduced Application templates are available in many languages on the USDA website



https://www.fns.usda.gov/schoolmeals/translated-applications

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# Scenario: Limited English Proficiency

### Scenario:

A Spanish-speaking parent asks questions about the lunch menu and allergy information. Staff become frustrated and dismiss them due to the language barrier.

- · What is the civil rights concern?
- What should School Nutrition do?

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# Scenario: Limited English Proficiency (continued)

### **Civil Rights Concern:**

Discrimination based on **national origin** – failure to provide meaningful access for individuals with **limited English proficiency** (LEP).

### Response:

- · Be respectful and patient.
- Use translation services or translated materials.

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Compliance Review	S
State agencies review local agencies	
Local agencies review sub-recipients	
3 types of review:	
Pre-Award Post-Award Special Review	
Must report findings	
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Pre-Award Requirement	for new School Food A Please submit the following in Chief Nutrition Program(s). Ti this information is received an Public Instruction.  1. SFA Name: Address:	Child Nutrili Ghild Nutrili Ghild Nutrili Child Nutrili Child Nutrili formation with your SFA will not be A will not be SFA receive of the SFA receive r of students enro- selow. Also, indice tents in each grou eapproximate ra eapproximate ra	Compliance Checi applying to applying to applying to applying to approved to admin string approved to admin string approved from the string applying the string applying the string applying applying the string applying the string applying applying the string applying applying the string applying the string applying applying the string applying applying the string applying ap	ruction kilist ster Federally-funded ement to administer t nister these programs on the NC Departmer  Phone:	he s until nt of
		ENROLLED	ENROLLED %	SERVICE AREAS	
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	Hispanio or Latino				
	Not Hispanic or Latino				
	Recial Identity		1		
	Asian				
	American Indian or Alaska Native				
	Black or African American				
	Native Hawaiian or Pacific Islander				

# Administrative Review selection may be based on one of the following concerns: Post-Award Requirement Unusual fluctuation in racial/ethnic participation If there are discrimination complaints and the frequency Reported information Unresolved findings

### Post-Award Requirement – SA Review

- State Agency (SA) evaluates:
- Equal opportunity to participate;
- Case records coded properly
- Posters displayed as required
- Appropriate use of nondiscrimination statement

Requirements



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# Post-Award Requirement – SA Review (continued)

- Availability of program information
- Data maintained for three years + current year
- Complaint processing
- Continuing education

Requirements





### Non-Compliance

A factual finding that any civil rights requirement, as provided by law, regulation, policy, instruction, or guidelines, is not being adhered to by a State agency, local agency, or other subrecipient.

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### What are examples of noncompliance?

Denying program benefits or services on protected class basis

Providing services or benefits in a disparate manner

Improper selection of advisory members based on protected class

Selecting program sites in a way that denies access to benefits based on protected class

Over-verification of categorically eligible participants

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# Noncompliance may result from:

- Management Evaluation or Civil Rights Compliance Review
- Special Review
- Investigation
- Administrative Review or other local level review
- Noncompliance is effective on the date of the written notice
- Seek voluntary compliance at the lowest possible level.

**KPO** Is this supposed to be "overt" instead of "over"?

Katrina Perry, 2025-05-21T15:25:28.770

KP1 Also just an FYI - when you take a screen shot (picture) of one of these SmartArt graphics and use it on the slide, the accessibility reader can't read it. It's best to copy and paste the text into a new SmartArt graphic instead of taking a screen shot.

Katrina Perry, 2025-05-21T15:28:41.834





# Discrimination Complaints

- Request key information
- SA forwards complaints to USDA Civil Rights Office
- Complainant receives a letter of acknowledgement
- Age discrimination complaints are referred to Federal Mediation and Conciliation Service (FMCS) within 10 days
- Attempt resolution quickly at the lowest possible level
- If finding(s), quickly implement corrective action

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# Resolving Conflict and Customer Service

Address complaints quickly

Be respectful, fair

Treat students and families as valued participants

Be courteous, helpful and respectful

Ensure equal access to program benefits

Make everyone feel welcome and included

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### **Final Reminders**

- Key Points:
- Treat all students and families fairly and respectfully.
- Know how to handle a civil rights complaint.
- Complete annual training and maintain documentation.
- Ask questions if unsure civil rights compliance is everyone's responsibility!





### **Non-Discrimination Statement**

Program Information may be made available in languages other than English. Persons with disabilities who require alternative means of communication to obtain program information (e.g., Baille, large print, audiclape, American Sign Language), should contact the responsible state or local agency that administent be program or USDA's TARGET Center at (202) 720-2600 (voice and TTV) or contact USDA through the Federal Relay Senice at (800) 877-8339.

To fie a program discrimination complaint, a Complainant should complete a Form AD-3027, USDA Program Discrimination Complaint Form which can be obtained online at: https://www.usda.gov/illes/documents/ad-3027.pdf, from any USDA office, by calling (866) 632-9952, or by writing a letter addressed to USDA. The letter must contain the complainant's name, address, letephone number, and a written exception of the alleged discriminancy action in sufficient feedles for inform the assistant Secretary for UR Rights (ASCR) about the nature and sate of an alleged out rights violation. The completed AD-3027 from or letter must be submitted to USDA by.

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Office of the Assistant Secretary for Cold Rights (ASCR) about the nature and the Agriculture of the Assistant Secretary for Cold Rights (ASCR) about the nature and the Agriculture of the Assistant Secretary for Cold Rights (ASCR) about the nature and the Agriculture of the Assistant Secretary for Cold Rights (ASCR) about the nature and the Agriculture of the Assistant Secretary for Cold Rights (ASCR) about the nature and the Agriculture of the Assistant Secretary for Cold Rights (ASCR) about the nature and the Agriculture of the Assistant Secretary for Cold Rights (ASCR) about the nature and the Agriculture of the Assistant Secretary for Cold Rights (ASCR) about the nature and the Agriculture of the Assistant Secretary for Cold Rights (ASCR) about the nature and the Agriculture of the Rights (ASCR) about the nature and the Agriculture of the Rights (ASCR) about the nature and the Agriculture of the Rights (ASCR) about the nature and the Agriculture of the Rights (ASCR) about the nature and the Agriculture of the Rights (ASCR) about the nature and the Agriculture of the Rights (ASCR) about the nature and the Agriculture of the Rights (ASCR) about the nature and the Agriculture of the Rights (ASCR) and the Rights (ASCR) about the nature and the Rights (ASCR) an

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