



Civil Rights for School Nutrition Programs
Why we do what we do!

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Overview and Objectives

1. Assurances
2. Authorities
3. Protected Bases
4. Public Notification
5. Complaint Procedures
6. Racial and Ethnic Collection
7. Language Assistance
8. Compliance Reviews

Objective: To understand and implement Civil Rights expectations and requirements.

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Civil Rights Education includes:

- Data collection and use
- Public Notification
- Complaints
- Compliance and noncompliance
- Accommodation
- Resolving conflict

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Why Civil Rights Training?



Civil Rights Training required for all individuals involved in all levels of administration.

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Civil Rights Training

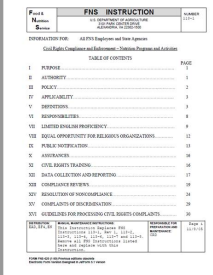
- State agencies are responsible for training subrecipient agencies on an annual basis.
- Subrecipient agencies are responsible for training their local sites, including "frontline staff" who interact with applicants or participants on an annual basis.
- New employees before participating in Program activities

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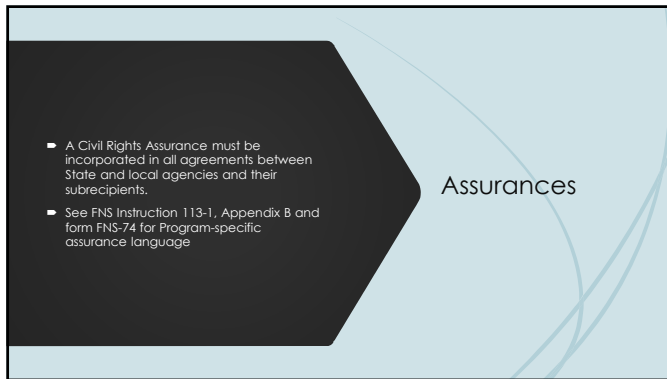
Applicability

Food and Nutrition (FNS) Instruction 113-1 is applicable to all programs and activities of a recipient of Federal financial assistance, regardless of those programs and activities being Federally-funded in part or whole.

<https://fns-prod.azureedge.us/sites/default/files/resource-files/FNS-113-1.pdf>



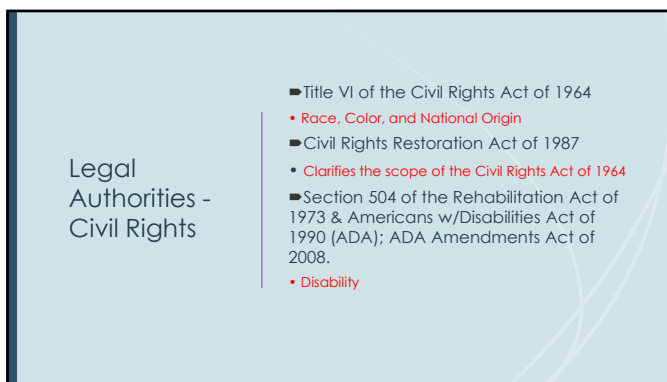
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Assurances

- 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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Legal Authorities - 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 Civil Rights Act of 1964
- Section 504 of the Rehabilitation Act of 1973 & Americans w/Disabilities Act of 1990 (ADA); ADA Amendments Act of 2008.
 - Disability

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Legal Authorities - Civil Rights

- The Age Discrimination Act of 1975 - Age
- Title IX of the Education Amendments of 1972 - Sex
- 7 CFR Parts 15, 15a and 15b Nondiscrimination, Education, Disability
- Executive Order 13146 - 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)

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Definition of Disability

- A person who has a physical or mental impairment which substantially 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
 - Breathing
 - Learning
 - Working

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

Equal Opportunity for Religious Organizations

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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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Race

Color

National Origin

Age

Sex (including gender identity and sexual orientation)

Disability

Six Protected
Bases of
Discrimination
School
Nutrition
Programs

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Required Public Notification System

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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3 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.

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Methods of Public Notification

Display the Poster!

AD-475A
This is the required version

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Nondiscrimination 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 (including gender identity and sexual orientation), 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.asc.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.

This institution is an equal opportunity provider.

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Nondiscrimination Statement (Spanish)

De acuerdo con la ley federal de derechos civiles y las normas y políticas de derechos civiles del Departamento de Agricultura de los Estados Unidos (USDA), esta entidad está prohibida de discriminar por motivos de raza, color, origen nacional, sexo (incluyendo identidad de género y orientación sexual), discapacidad, edad, o represalia o retorsión por actividades previas de derechos civiles.

La información sobre el programa puede estar disponible en otros idiomas que no sean el inglés. Las personas con discapacidades que requieren medios alternos de comunicación para obtener la información del programa (por ejemplo, braille, letra grande, cinta de audio, lenguaje de señas americano (ASL), etc.) deben comunicarse con la agencia local o estatal responsable de administrar el programa o con el Centro TARGET del USDA al (202) 720-2600 (voz y TTY) o comuníquese con el USDA a través del Servicio Federal de Reclamación al (800) 877-8337.

Para presentar una queja por discriminación en el programa, el reclamante debe llenar un formulario AD-3027, formulario de queja por discriminación en el programa del USDA, el cual puede obtenerse en línea en: <https://www.fns.usda.gov/files/default/files/resource/files/usda-program-discrimination-complaint-form-spanish.pdf>, de cualquier oficina de USDA, llamando al (866) 632-9992, o escribiendo una carta dirigida a USDA. La carta debe contener el nombre del demandante, la dirección, el número de teléfono y una descripción escrita de la acción discriminatoria alegada con suficiente detalle para informar al Subsecretario de Derechos Civiles (ADC) sobre la naturaleza y fecha de una presunta violación de derechos civiles. El formulario AD-3027 completado o la carta debe presentarse a USDA por:

- (1) correo:
U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410; or
- (2) fax:
(855) 256-1665 o (202) 690-7442; or
- (3) correo electrónico: usda.ad3027@usda.gov.

Esta entidad es un proveedor que brinda igualdad de oportunidades

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Which Version Should I Use?

- Include entire statement when space permits
- Use shortened version in "special circumstances only where space is limited:
"The USDA is an equal opportunity provider."
- For electronic communications use the statement on the previous slide.

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Discrimination Complaints

- Must adhere to timeframes
- File complaint within 180 days of discriminatory action
- May be written, verbal, or anonymous
- Form is provided but not required

Complaints

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Discrimination Complaints

- Request key information
- SA forwards complaints to CRO
- 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), execute corrective action

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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



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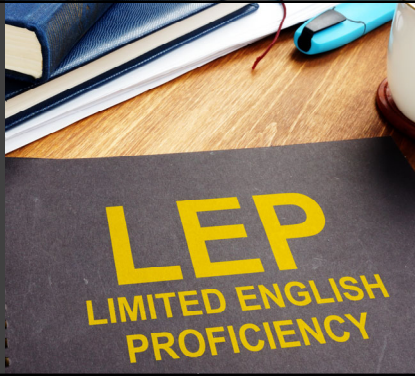
Collecting and Reporting Participation Data

Make	provisions for self identification when data is collected by on-line methods
Collect	and keep data as specified in the program regulations, instructions, and policies.
Retain	records for current year and 3 previous
Restrict	data access to authorized personnel only.
Submit	as requested to Food and Nutrition Service (FNS)

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Limited English Proficiency

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 (LEP)

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



Free & Reduced Application templates are available in many languages on the USDA website
<https://www.fns.usda.gov/school-meals/translated-applications>

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Compliance Reviews

State agencies review local agencies.

Local agencies review sub-recipients.

3 types of Reviews

- Pre-Award
- Post-Award
- Special Review

Must report findings

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North Carolina Department of Public Instruction
Child Nutrition Services
 Grant Application Review Checklist
 for new School Food Authorities (SFA) applying to administer Federally Funded
 Child Nutrition Programs

Please submit the following information with your Application/Agreement to administer the
 Child Nutrition Programs. The SFA will not be approved to administer these programs until
 this information is received and the SFA receives final approval from the NC Department of
 Public Instruction.

1. SFA Name: _____ Phone: _____
 Address: _____ Fax: _____
 _____ Zip Code: _____
 SFA Contact: _____ Title: _____
 E-mail address: _____

2. Please indicate the number of students enrolled in the school/institution from each
 racial/ethnic group shown below. Also, indicate the enrolled percentage by dividing
 the number of enrolled students in each group by the total number of students
 enrolled. Finally, indicate the approximate racial/ethnic composition in the geographic
 area served by the school/institution.

Ethnic/Racial Data	ENROLLED	ENROLLED %	SERVICE AREAS
Hispanic or Latino			
Not Hispanic or Latino			
Asian			
American Indian or Alaska Native			
Black or African American			
Native Hawaiian or Pacific Islander			
White			

Pre-Award Requirement

Conducted when SFA's are being considered to operate a School Nutrition Program

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Post-Award Requirement

Administrative Review selection may be based on one of the following concerns:

- Unusual fluctuation in racial/ethnic participation
- Number of discrimination complaints
- Reported information
- Unresolved findings

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Post-Award Requirement

State Agency (SA) evaluates:

- Equal opportunity to participate;
- Case records coded properly
- Posters displayed as required
- Appropriate use of nondiscrimination statement

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Post-Award Requirement

- Availability of program information
- Data maintained for three years
- Complaint processing
- Education

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Compliance Reviews "For Cause"

Conducted upon:

- Indication of benefits not extended properly
- Documentation of complaint patterns
- Report of alleged noncompliance

COMPLIANCE
REVIEW

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Non-compliance Definition

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 sub-recipient.



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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

AR or other local level review

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Noncompliance

NON-COMPLIANT

- Noncompliance is effective on date of the written notice
- Seek voluntary compliance at the lowest possible level.

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Actions for Voluntary Compliance

COMPLIANCE

SA must:

- Provide immediate written notice
- Negotiate to achieve compliance
- Submit report to FNS Headquarters if no resolution within 60 days

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WHAT'S NEXT?

- FNS makes determination for further efforts
- Possible referral to SA with recommendations
- Civil Rights Office (CRO) will prepare written communication when voluntary efforts are exhausted

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