



Civil Rights for School Nutrition Programs
Office of School Nutrition
North Carolina Department of Public Instruction

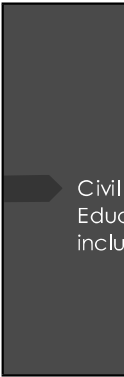
This presentation is not Diversity, Equity, Inclusion, & Accessibility (DEIA) training. This presentation explains the current state of federal civil rights laws and regulations.



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.



Civil Rights Education includes:

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

Why Civil Rights Training?



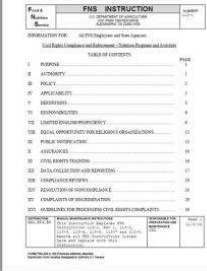
Civil Rights Training required for all individuals involved in all levels of administration.

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

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>

- 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

Assurances

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



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 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)

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.



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

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

Equal Opportunity for Religious Organizations

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**.

Race

Color

National Origin

Age

Sex (including gender identity and sexual orientation)

Disability

Six Protected
Bases of
Discrimination
School
Nutrition
Programs

Required
Public
Notification
System

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

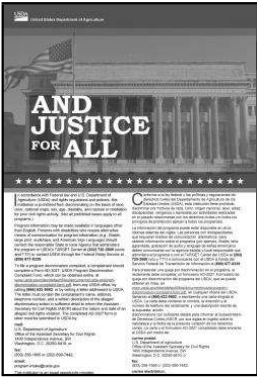
- program availability
- program rights and responsibilities
- the policy of nondiscrimination
- the procedure for filing a complaint

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.




AND JUSTICE FOR ALL

Methods of Public Notification

Display the Poster!

AD-47 5A

This is the required version



Nondiscrimination Statement

In accordance with the 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), creed, religion, or age, or receipt of assistance 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, a videotape, a screen reader, a sign language interpreter, or a telephone relay service) should contact the USDA National Relay Center at (800) 877-8339.

To file a program discrimination complaint, a complainant should complete a Form A-2022, USDA Program Discrimination Complaint form which can be obtained online at <https://www.fns.gov/programs/foodandnutritionassistance/complaint> from any USDA office, by printing, filling, and mailing to the USDA, or by writing a letter to the USDA. The letter must contain the complainant's name, address, telephone number, and a written statement of the alleged discriminatory act(s) in sufficient detail to inform the Assistant Secretary for Civil Rights (ASACR) of the nature and date of and legal citations, via letter. The completed A-2022 form or letter must be submitted to the USDA by:

mail:
U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20259-6414; or

fax:
(833) 284-1466 or (202) 697-1462; or

email:
Program@ns.kelrud.gov

This institution is an equal opportunity provider.

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.

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





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

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

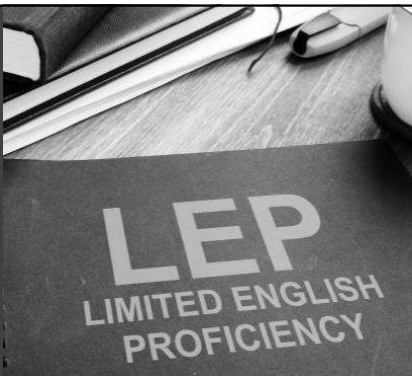


Collecting
and
Reporting
Participation
Data

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)

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.



Limited English Proficiency (LEP)

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



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>

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

Post-Award Requirement

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





COMPLIANCE
REVIEW

Compliance Reviews
"For Cause"

Conducted upon:

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

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.



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

Noncompliance may result from:

- Management Evaluation or Civil Rights Compliance Review
- Special Review
- Investigation
- AR or other local level review

Noncompliance



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



