



Civil Rights Self-Study Guide for Child Nutrition Programs

New Jersey Department of Agriculture

Division of Food & Nutrition

School Nutrition Programs

Civil Rights Overview

Civil rights refer to the rights of “personal liberty” guaranteed by the 13th and 14th Amendments to the US Constitution and Acts of Congress and to the fair and equitable treatment of all customers and employees. There are numerous civil rights acts and laws that were enacted over the course of the last 50 years and it began with Title VI of the Civil Rights Act of 1964. This act led the way and addressed discrimination in relation to race, color, and national origin in programs and activities that receive federal financial assistance.

The goals of civil rights include:

- Eliminating barriers that prevent or deter people from receiving benefits of a government-sponsored or funded program
- To provide equitable treatment to all in the delivery of programs and services to all applicants, participants, and beneficiaries of a federal program
- To ensure that all applicants and participants understand their rights and responsibilities
- To show respect and dignity to all

Civil Rights requirements for Child Nutrition Programs can be found in [FNS Instruction 113-1](#).

USDA FNS Protected Classes

A protected class refers to any person or group of people who have characteristics for which discrimination is prohibited based on a law, regulation, or executive order. Protected classes in the Child Nutrition Programs are:

- Race
- Color
- National Origin
- Sex (including gender identity and sexual orientation)
- Disability
- Age

Discrimination is the treatment or consideration of, or making a distinction in favor or against, a person based on the group, class, or category to which that person belongs. Examples of unlawful discrimination include:

- Giving one group or type of participants larger or extra helpings of food
- Separating genders
- Failing to provide children with a dietary disability accommodating meals
- Failing to provide program information to all potential program applicants



Collecting and Reporting Participant Data

All schools that participate in a USDA Child Nutrition Program must have a system to collect the racial and ethnic data of program participants in accordance with FNS Instruction 113-1. This data is used to determine the state's compliance with Federal Civil Rights laws. USDA regulations state that "respect for individual dignity should guide the process and methods for collecting data on race and ethnicity". Therefore, self-identification or self-reporting is the preferred method of obtaining characteristic data. A two-question format must be used when collecting this data and ethnicity is to be asked first followed by race.

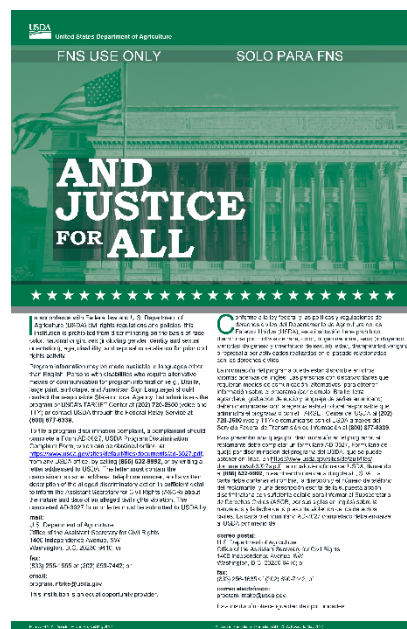
The collection of this information is strictly for statistical reporting requirements and has no effect on the determination of their eligibility to receive program benefits. This data must be maintained in a confidential file for 3 years plus the current year and this information should be restricted to authorized school personnel and other authorized state and federal personnel, when requested.

Effective Public Notification Systems

Schools must notify the public annually of their participation in the program. Notification to applicants and participants must include information regarding program availability, program rights and responsibilities, the procedure for filing a complaint, and the policy of nondiscrimination.

The public notification system must include the following elements:

- **Public Release:** schools must take specific actions to inform the public of their program rights and responsibilities and the steps necessary for participation in the program.
- **Display the "And Justice for All" poster:** schools must display the "And Justice For All" poster in the correct size (11"x17") in a prominent location where it is visible to all participants in the program. The poster provides the USDA address and phone numbers that the public can use to file a complaint if they think their civil rights have been violated. Applicants and participants must be advised of their right to file a discrimination complaint, how to file a complaint, and the complaint procedures.
- **Nondiscrimination statement:** all informational materials, including websites used by schools to inform the public about FNS programs, must contain the nondiscrimination statement. The nondiscrimination statement must be included, in its entirety, on all program materials. Examples of items requiring the statement would include, but are not limited to:
 - Public Release
 - Notification letter for free/reduced-price school meals
 - Promotional literature
 - Websites



If the material is too small to permit the full statement to be included, the material will at a minimum include the statement, in print size no smaller than the text that "This institution is an equal opportunity provider."

It is also important to convey the message of equal opportunity through photos and other graphics used to promote the program.



Reasonable Accommodations for Persons with Disabilities

A school is required to provide food substitutions or modifications for all students with a dietary disability when requested. According to the ADA Amendments Act of 2008, most all medical conditions constitute a dietary disability.

A school is not required, but is encouraged, to provide meal modifications and/or substitutions for students with dietary preferences.

- Dietary Accommodations for Meal Modification: must be completed and signed by a medical authority who is a licensed physician (MD or DO), physician assistant (PA), or advanced practice nurse (APN) with prescriptive authority.

Use the Milk Substitution Flow Chart (Form 354) to determine what substitution, if any, needs to be made for fluid milk. Use the Special Dietary Needs Documentation Flow Chart (Form 368) to determine when a medical statement is needed. Both forms are available in SNEARS Resources, under the category heading, Special Dietary Needs.

Reasonable accommodations also refer to ensuring that participants with a disability have physical access to programs and services; such as easily accessible entrances, restrooms, etc.

Reasonable Accommodations for Persons with Limited English Proficiency (LEP)

School Food Authorities must take reasonable steps to assure “meaningful” access to the information and services they provide, especially for people with 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.

Reasonable steps would include an evaluation of the following factors:

- The number or proportion of LEP persons to be served or likely to be encountered
- The frequency with which LEP individuals come in contact with the program
- The nature and importance of the program, activity, or service provided by the program to people’s lives
- The resources that are available and the costs to provide these services

Providing services to LEP individuals may include:

- The distribution of SNP meal benefit forms in alternate languages
- The hiring of a bilingual interpreter to assist program applicants or participants

A shortage of resources or anticipated costs to provide these services to individuals with LEP does not eliminate the requirement to do so. SFAs must explore the most cost-effective means of delivering services and information to people with LEP.

Customer Service

Customer service is defined as effectively communicating with customers, responding to the customer's needs, valuing the customer's worth, and instilling excellence through courtesy, confidence, and enthusiasm. To ensure excellent customer service, SFAs should have standard policies regarding customer service and ensure employees are applying rules, policies, and procedures consistently and equitably.

Treating customers with respect and dignity through excellent customer service saves you time and minimize opportunities for complaints and angry customers. In order to reduce the risk of a civil rights discrimination complaint, ask yourself the following questions each time an applicant and/or participant comes to your program for services:

1. Am I treating this person in the same manner I treat others?
2. Have I given this person the opportunity to ask questions?
3. Have I provided the person with the information he or she needs to make necessary decisions?



Training

Training is required so that people involved in all levels of administration of programs that receive Federal financial assistance understand civil rights related laws, regulations, procedures, and directives. Persons responsible for reviewing CR compliance must receive training to assist them in performing their review responsibilities. This training may be carried out as part of ongoing technical assistance.

The FNS Regional OCR and State agencies will be responsible for training State agency staff. State agencies are responsible for training local agencies. Local agencies are responsible for training their subrecipients, including "frontline staff." **"Frontline staff" who interact with program applicants or participants, and those persons who supervise "frontline staff," must be provided civil rights training on an annual basis.** Specific subject matter must include, but not be limited to:

- Collection and use of data
- Effective public notification systems
- Complaint procedures
- Compliance review technique
- Resolution of noncompliance
- Requirements for reasonable accommodation of persons with disabilities
- Requirements for language assistance
- Conflict resolution
- Customer service

Conflict Resolution

In no way is an SFA to impede with a customer's right to file a civil rights complaint. However, most conflicts are easily resolved by using appropriate tools. Conflict resolution consists of useful skills to assist with the solution of complaints. These skills include:

- Using a win/win approach: change the conflict from an attack and defense to cooperation and avoid the desire to blame.
- Use a creative response: turn problems into possibilities to improve the situation.
- Demonstrate empathy: help others feel that they are understood by being an active listener.
- Appropriate assertiveness: state your case without arousing the defenses of another person. Remember to use "I" statements to communicate your feelings directly.
- Manage emotions: stick strictly to the facts of the complaint and communicate your feelings directly.
- Have a willingness to resolve- identify barriers to a resolution and overcome those barriers. Avoid repeating the situation.

If the complainant persists with their complaint, direct them to file their complaint with USDA's Office of Civil Rights by mail:

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

or email: program.intake@usda.gov

Complaint Procedures

Applicants and participants must be advised of their right to file a complaint, how to file a complaint, and complaint procedures. All SFAs should have a written complaint procedure and the procedure should outline: accepting a complaint, transcribing a complaint, and forwarding a complaint. Any person who believes they have been discriminated against based on protected classes has a right to file a complaint within 180 days of the alleged discriminatory action.

Complaints may be written, verbal, or observed. A complaint may also be anonymous and anonymous complaints should be handled the same as any other complaint. If the complaint is verbal and the person alleging discrimination is not inclined to put the allegation in writing, the person to whom the complaint was made must write up the complaint on behalf of the complainant.

The first step is to document the complaint and make an effort to obtain information regarding the complaint. All complaints should then be forwarded to either the USDA Office of Civil Rights, FNS Office of Civil Rights, USDA Mid-Atlantic Regional Office or NJ Department of Agriculture Division of Food & Nutrition, School Nutrition Programs.

Compliance Review Techniques

Compliance reviews examine activities to determine adherence with civil rights requirements. There are no "minor" or "major" categories of noncompliance and all instances of noncompliance are considered equally. School Nutrition Specialists determine compliance with civil rights regulations during Administrative Reviews. During reviews, items are asked such as:

- Is the "And Justice For All" poster prominently displayed at each site as required?
- Is the appropriate non-discrimination statement included as required on all program materials?
- Is program information being made available to potentially eligible persons, program applicants, and participants?
- Is ethnic/racial data being collected and maintained on file as required?
- Has civil rights training been conducted as required for all program staff?
- What is the SFA's procedure for receiving and processing civil rights complaints?
- What procedures are in place for accommodating students with special dietary needs?

Resolution of Noncompliance

During an Administrative Review, non-compliance will be addressed in the corrective action plan and the SFA must indicate the immediate corrective action taken as well as the process or plan in place to ensure future compliance.



Additional Resources

- FNS Instruction 113-1: <http://www.fns.usda.gov/sites/default/files/113-1.pdf>
- USDA FNS Civil Rights webpage: <http://www.fns.usda.gov/civil-rights>
- USDA FNS Accommodating Children with Disabilities in the School Meal Programs - *Guidance for School Food Service Professionals*: <https://www.fns.usda.gov/cn/2017-edition-accommodating-children-disabilities-school-meal-programs>

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 contact the responsible state or local agency that administers the program or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339.

To file 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/sites/default/files/documents/ad-3027.pdf>, from any USDA office, by calling (866) 632-9992, or by writing a letter addressed to USDA. The letter must contain the complainant's name, address, telephone number, and a written description of the alleged discriminatory action in sufficient detail to inform the Assistant Secretary for Civil Rights (ASCR) about the nature and date of an alleged civil rights violation. The completed AD-3027 form or letter must be submitted 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; or
2. **fax:**
(833) 256-1665 or (202) 690-7442; or
3. **email:**
program.intake@usda.gov

This institution is an equal opportunity provider.

Adapted from the Colorado Department of Education Civil Rights Training Self-Study Guide, the Minnesota Department of Education Civil Rights Training for School Nutrition Programs, and the Texas Department of Agriculture Civil Rights Training for Food and Nutrition Division Programs



Statement of Certification:

I certify that I have read the Civil Rights Self-Study Guide for Child Nutrition Programs and understand the Civil Rights requirements.

Name: _____ Signature: _____ Date: _____

