

CIVIL RIGHTS TRAINING



SCHOOL NUTRITION PROGRAMS
SCHOOL YEAR 2019-2020

OBJECTIVES

- Define civil rights and understand legal history
- State protected classes under Child Nutrition Programs
- Define discrimination and provide examples as it applies to School Nutrition Programs (SNP)
- Understand civil rights requirements for the Administrative Review
- Describe civil rights requirements for SNP
 - Civil rights assurances
 - Civil rights training
 - Collecting and reporting participant data
 - Public notification systems
 - Reasonable accommodations for disabilities and Limited English Proficiencies (LEP)
- Know how to handle a civil rights complaint

CIVIL RIGHTS DEFINITION

“The nonpolitical rights of a citizen; the rights of personal liberty guaranteed to U.S. citizens by the 13th and 14th Amendments to the U.S. Constitution and by acts of Congress.”

FNS Instruction 113-1

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 PROGRAM AUTHORITIES

Title VI of the Civil Rights Act of 1964

- Race, color, 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

- Disability

Americans with Disabilities Act (ADA) of 1990/Americans with Disabilities Act Amendments Act (ADAAA) of 2008

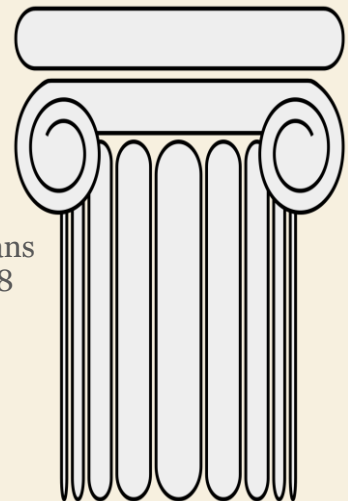
- Disability

Title IX of the Education Amendments of 1972

- Sex

Age Discrimination Act of 1975

- Age



USDA NONDISCRIMINATION POLICY

- The U.S. Department of Agriculture prohibits discrimination in all its programs and activities.
- Child Nutrition Programs include the following protected classes:
 - Race
 - Color
 - National Origin
 - Age
 - Sex
 - Disability



DEFINITION OF DISCRIMINATION

“The act of distinguishing one person or group of persons from others, either intentionally, by neglect, or by the effect of actions or lack of actions based on their protected bases.”

FNS Instruction 113-1

Some examples of discrimination as it applies to SNP 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

CIVIL RIGHTS ASSURANCE

- A Civil Rights assurance must be incorporated in all agreements between State and local agencies.
 - This is included in the SNP SFA Agreement, which is certified in SNEARS application packet

Civil Rights Attestation

Pursuant to FNS 113-1 Civil Rights Compliance and Enforcement, Civil Rights training must be provided on an annual basis to all frontline staff and those employees who supervise frontline staff. "Frontline staff" are defined as all employees who interact with Child Nutrition program applicants or participants.

I certify that I have read the [Civil Rights Self-Study Guide for Child Nutrition Programs](#) and understand the Civil Rights Requirements.

[← Back To Summary Screen](#)

****New**
SY 2019-2020**



Civil Rights Self-Study Guide for Child Nutrition Programs
New Jersey Department of Agriculture
Division of Food & Nutrition
School Nutrition Programs

ADMINISTRATIVE REVIEWS

- The following is reviewed during an AR to assess civil rights compliance:
 - A copy of sign-in sheets and agenda, or attendance certificates from the SFA's civil rights training for staff
 - A copy of the SFA's racial/ethnic data collection form
 - A copy of the non-discrimination statement that is used for program materials and review of materials that must contain the statement
 - A description of procedures for receiving and handling civil rights complaints
 - Information on the number and description of complaints alleging discrimination in the current and prior school year, if applicable
 - A review of what services the SFA provides to households comprised of persons with Limited English Proficiency (LEP)
 - A review of the procedures in place for accommodating students with disabilities
 - A review of denied applications to determine if a disproportionate number were submitted by minority households
 - Review if the "And Justice for All" posters are displayed in the appropriate areas
 - Observe meal service to ensure all children are receiving equal benefits without discrimination

PUBLIC NOTIFICATION SYSTEMS

All SFA's are required to notify the public, annually, of their participation in School Nutrition Programs

The public notification must include the following:

1. Program Availability
 - Annual Public Announcement
2. Complaint Information
 - Display "And Justice For All" poster in meal service delivery points (cafeteria, kiosks, classrooms)
 - Distribute Free and Reduced Price School Meals Application
3. Non-discrimination statement
 - Include on all information materials and sources, including Web sites, that reference FNS programs and are made available to the public
 - Must not be modified (language and format)
 - Must be in a font no smaller than the font size smallest on the document (rec'd no smaller than 8pt)
 - Shorten version is for limited use only



CIVIL RIGHTS TRAINING

- SFA's are responsible for training all "frontline staff" who interact with program applicants or participants and those persons who supervise "front line staff"
- Training required annually
- Topics to include in training:
 - Assurances
 - Public notification
 - Procedures for complaints of discrimination
 - Civil Rights training
 - Racial and ethnic data collection
 - Requirements for language assistance (Limited English Proficiency -LEP)
 - Requirements for reasonable accommodation of persons with disabilities
 - Compliance review techniques and resolution of noncompliance
 - Conflict Resolution
 - Customer Service

COLLECTION AND REPORTING PARTICIPANT DATA

- Mandatory to obtain racial and ethnic data
- System for collecting data must be established
- Data is used to:
 - determine how effectively FNS programs are reaching potential eligible persons and beneficiaries
 - identify areas where additional outreach is needed
 - assist in the selection of locations for compliance reviews
 - complete reports as required
- Data must be maintained for 3 years

Example

Form 886
Revised 7/16

CIVIL RIGHTS COMPLIANCE

School Food Authority: Anytown BOE School Site: School No. 1

Complete the sections below based on the ethnicity and race of students who are directly certified or who fall under the free, reduced or denied categories based on approved applications submitted to the SFA. This form must be completed by **October 15th** of each school year and maintained on file.

Method of Collection: Observation Personal Knowledge Voluntary Self ID

Ethnicity:

- Divide the total enrollment into "Hispanic or Latino" and "Not Hispanic or Latino". Report and total the number of students in each category.

| ETHNICITY | Enrollment | Free | Reduced Price | Denied |
|--|------------|------|---------------|--------|
| Hispanic or Latino: A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origins, regardless of race. The term "Spanish origin" can be used in addition to "Hispanic or Latino" | 25 | 5 | 5 | 5 |
| Not Hispanic or Latino: Person who does not meet the description above. | 25 | 5 | 5 | 5 |
| Total: | 50 | | | |

Race:

- Report and total the number of students in each category. Remember that a student may be in more than one race.
- The sum of these boxes must be equal to or greater than your school's total enrollment.
- Please note: All students listed in the "ethnicity" section must also be included in one of the categories under "race". If the applicant declines to identify a race, the person recording must select a race based on visual observation.

| RACE | Enrollment | Free | Reduced Price | Denied |
|---|------------|------|---------------|--------|
| AMERICAN INDIAN OR ALASKAN NATIVE - A person having origins in the original peoples of North, Central, or South America and who maintains cultural identification through tribal affiliation or community recognition. | 25 | 5 | 5 | 5 |
| ASIAN - A person having origins in any of the original peoples of the Far East, Southeast Asian, or the Indian subcontinent. This area includes, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam. | 25 | 5 | 5 | 5 |
| BLACK or African American - A person having origin in any of the black racial groups of Africa. | 25 | 5 | 5 | 5 |
| Native Hawaiian or Other Pacific Islander - A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands. | 25 | 5 | 5 | 5 |
| WHITE - A person having origins in any of the original peoples of Europe, North Africa or the Middle East. | 25 | 5 | 5 | 5 |
| Total: | 125 | | | |

Sign and Date **Leave blank**

Name and Title of SFA Representative _____ School Nutrition Program Specialist _____
Date _____ Date _____

Race Total must be greater than or equal to Ethnicity Total

****New****

AND JUSTICE FOR ALL

In accordance with Federal law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, disability, marital status, or genetic information in any of its programs or activities. (Not all prohibited bases apply to all programs.)

Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, and American Sign Language) should contact the responsible State or local Agency that administers the program or USDA's TARGET Center at (800) 795-3889 (voice and TDD) 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 from any USDA office, by calling (800) 845-6040, 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. This completed AD-3027 form or letter must be submitted to USDA 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
fax:
(202) 744-7400 or (202) 680-7442;
email:
program.intake@usda.gov

This institution is an equal opportunity provider.

U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410 or
fax:
(202) 680-7442 or
email:
program.intake@usda.gov

This institution is an equal opportunity provider.

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, 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.

- Examples of informational materials to include the full non-discrimination statement on:

- Annual Public Announcement
- Free and Reduced Price School Meals Application
- Direct Certification and Eligibility Notification Letters
- Notice of Adverse Action Letter
- Verification Letters
- Program Web site (Home Page)

- Examples of information materials that may include the shorten non-discrimination statement:

- School Breakfast Program and School Lunch Program Menus
- Policies (Local Wellness Policy and Unpaid Meal Charge Policy)

Translations available at:

<https://www.fns.usda.gov/cr/fns-nondiscrimination-statement>

REASONABLE ACCOMMODATIONS FOR STUDENTS WITH DISABILITIES

- SFA's must provide reasonable accommodations in policies and practices to applicants and participants with disabilities when necessary
- Reasonable accommodations:
 - Must be funded through SFA's and not by applicants and participants
 - Require good communication between all parties involved
 - Provide the same level of service to applicants and participants in an alternative way

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.

*Major life activity means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working and the operation of a major bodily function, such as *functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, and reproductive functions.**
(ADA Amendments Act of 2008)

REASONABLE ACCOMMODATIONS FOR STUDENTS WITH DISABILITIES

- A school is required to provide food substitutions or modifications for all students with a dietary disability when requested. According 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.
- Reasonable accommodations also refer to ensuring that participants with a disability have physical access to programs as services; such as easily accessible entrances, restrooms, etc.

REASONABLE ACCOMMODATIONS FOR PERSONS WITH LIMITED ENGLISH PROFICIENCY (LEP)

- SFA's have a responsibility to take reasonable steps to ensure meaningful access to their programs and activities by person(s) with LEP
- LEP: Individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English
- Failure to provide meaningful access to persons with LEP could be discrimination on the basis of national origin

REASONABLE ACCOMMODATIONS FOR PERSONS WITH LIMITED ENGLISH PROFICIENCY (LEP)

- Reasonable steps:
 1. Identify the language needs of limited English person(s)
 - Use Home Language Survey
 - Share USDA's "I Speak" document available at: <https://www.fns.usda.gov/school-meals/translated-applications>
 2. Provide vital information/materials (school meals application, instructions, and notifications) translated in an understandable language
 3. Provide oral interpretation services using qualified, competent interpreters

CUSTOMER SERVICE

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

COMPLAINT PROCEDURES

- SFAs must advise program applicants and participants of their right to file a complaint, how to file a complaint, and complaint procedures
 - Done by distributing the Free and Reduced Price School Meal Application and displaying the And Justice For All Poster
- SFA's must have a complaint procedure that outlines: accepting a complaint, transcribing a complaint, and forwarding a complaint
 - May use *USDA Program Complaint Form #148* as procedure
- If a applicant or participant conflict arises, the SFA may try to resolve the conflict at the local level before a civil rights complaint is made at a higher level
 - This conflict resolution must not impede the applicant/participant's right to file a complaint
 - If the applicant/participant is in agreement of the resolution, the SFA must still advise them that may file a complaint
- A complaint of discrimination:
 - Must be filed within 180 days of the alleged discriminatory action
 - May be written, verbal, or observed
 - May use *USDA Program Complaint Form #148* or alternate letter with same information
 - May be anonymous
 - Must be kept confidential
 - Send to USDA Office of Civil Rights or FNS Office of Civil Rights

COMPLAINT PROCESSING

- Complaints are not processed at the State Level (NJDA)
- Complaints are processed by the FNS Civil Rights Division within 90 days of receipt
- Complaints are processed in the following stages:
 - Intake Stage
 - Investigation Stage
 - Adjudication Stage



RESOURCES

- **FNS Instruction 113-1**
 - Available at: <https://www.fns.usda.gov/civil-rights-compliance-and-enforcement-%E2%80%93-nutrition-programs-and-activities>
- **USDA-FNS Civil Rights Website**
 - Available at: <http://www.fns.usda.gov/civil-rights>
- **Civil Rights Self Study Guide**
 - Available in SNEARS Resources
- **USDA-FNS *Accommodating Children with Disabilities in the School Meal Programs* Guidance Manual**
 - Available at: <https://www.fns.usda.gov/school-meals/2017-edition-accommodating-children-disabilities-school-meal-programs>
 - or Available in SNEARS Resources

RESOURCES

- **NJ Memos under SNEARS “Resources”**
 - Subject: Civil Rights Updates; Date: January 29, 2016
- **USDA Memos under SNEARS “Resources”**
 - Memo Code: SP 26-2017; Subject: Accommodating Disabilities in the School Meal Programs: Guidance and Questions and Answers (Q&As); Date: April 25, 2017
 - Memo Code: SP 59-2016; Subject: Modifications to Accommodate Disabilities in the School Meal Programs; Date: September 27, 2016
 - Memo Code: SP 37-2016; Subject: Meaningful Access for Persons with Limited English Proficiency (LEP) in the School Meal Programs: Guidance and Q&As; Date: May 25, 2016

THANK YOU FOR ATTENDING THE CIVIL RIGHTS WEBINAR!

This webinar will count toward 2 hours of professional standards training:

**Key Area- Administration
Learning Topic- Human Resources & Staff Training
Topic Code -3420 Policies & Procedures**

**NJ Department of Agriculture
School Nutrition Programs
609.984.0692**

www.nj.gov/agriculture



This institution is an equal opportunity provider.

