



Civil Rights

Idaho School Nutrition Reference Guide

OVERVIEW

Maintaining a civil rights process and having annual training on civil rights is a United States Department of Agriculture (USDA) mandated regulation for Child Nutrition Programs (CNP). This section focuses on broad USDA civil rights requirements as well as specifics pertaining to the National School Lunch Program (NSLP), School Breakfast Program (SBP), Special Milk Program (SMP), and Afterschool Snack Program (ASSP).

Understanding civil rights involves training on the following topics:

- Purpose
- Training requirements
- Describe/define discrimination
- Protected classes
- Collections and use of data
- Public notification systems
- Non-discrimination statement
- Complaint procedure
- Compliance review and resolution
- Requirements for reasonable accommodations for those with disabilities and language assistance
- Conflict resolution
- Customer service

Please see the Idaho State Department of Education Civil Rights webpage for an in-depth video training that discusses the above listed topics.

TERMS TO KNOW

Complaint procedure - USDA defined procedure for handling discrimination complaints. A copy of the procedure, complaint log and complaint forms must be on file at all sites operating Child Nutrition Programs.

Civil rights - Includes processes that ensure program recipients are being treated without discrimination while participating in Child Nutrition Programs; the benefits of Child Nutrition Programs must be made available to all eligible people in a non-discriminatory manner. Includes the annual civil rights training, complaint process, non-discrimination statements, and accommodations to ensure all students have equal access to the meal program, regardless of race, color, national origin, age, sex, or disability.

Discrimination - Different treatment of one person or a group of persons either intentionally, by neglect or by the effect of actions or lack of actions based on race, color, national origin, sex, age, or disability. This includes denied benefits or services that others receive, delayed receiving benefits or services that others receive, or being treated differently than others resulting in a disadvantage.

Disability - A person who has a physical or mental impairment which substantially limits one or more major life activities, has a record of such impairment, or is regarded as having such impairment. Physical or mental impairment includes many diseases and conditions.

Overt identification - Any action that may result in a child being recognized as potentially eligible to receive or certified to receive free or reduced-price school meals.

Ethnic categories – “Not Hispanic or Latino” and “Hispanic or Latino.”

Non-discrimination statement - The USDA statement that must be present on all publications, websites, and media announcements mentioning USDA Child Nutrition Programs. The non-discrimination statement must be listed on all printed material.

Protected classes - The protected classes recognized by the USDA include race, color, national origin, sex, age, and disability.

Public notification systems - The means by which sponsors make public, via public announcement, their program availability. This is a USDA requirement.

Racial categories – These include: Black or African American, White, Asian, Native Hawaiian or Other Pacific Islander, and American Indian or Alaskan Native.

WHAT ARE CIVIL RIGHTS?

Civil rights in CNP school meal programs involve ensuring compliance with all applicable laws, regulations, and policies for Food and Nutrition Service (FNS) customers and employees regardless of race, color, national origin, sex, age, disability, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA. Civil rights also ensure equal and timely access to all FNS programs and services for all customers. Note that the protected classes that apply specifically to FNS nutritional assistance programs are race, color, national origin, sex, age, and disability.

Any School Food Authority (SFA) administering the NSLP, SBP, SMP and/or ASSP has specific responsibilities related to civil rights. Brief descriptions of these responsibilities are listed below.

Training

Annual training must be provided to all food and nutrition staff, including frontline staff, supervisors, administrators, and any other staff involved in the implementation and monitoring (including Determining, Confirming, and Hearing Officials for free and reduced income applications) of any Child Nutrition Programs. An agenda and attendance sheet from the training are required to be on file and will be reviewed by the State agency (SA) during an administrative review. See the Idaho State Department of Education, Child Nutrition Program Civil Rights webpage for an in-depth video training module as well as a training agenda and a sign in sheet available for download.

Please use the handout Civil Rights Training for Frontline Staff (available in MyIdahoCNP under Download Forms) for non-food service staff, such as front office staff and teachers who help facilitate breakfast in the classroom. This training involves having non-food service staff read the entire handout, front and back, and sign a training log to certify that they have read the information in its entirety and understand the civil rights responsibilities.

Complaint Procedure, Form and Annual Log

A copy of the complaint procedure (may be in the form of a district civil rights policy), complaint forms (in both English and Spanish, if appropriate), and an annual complaint log must be available at each participating site (kitchen) and at the main Child Nutrition/Food Service office. At the end of the program year, if the site has had no complaints, best practice is to note “No Complaint” on the log along with the date and then begin a fresh log for the new upcoming program year. All these items should be kept in a designated place known to all Food Service staff (e.g., civil rights binder or file) at each site. The complaint procedure, a sample complaint form, and complaint log can be found on the State Department of Education, Child Nutrition Programs Resource Center page under the Training tab.

Information in the civil rights binder or file must be annually updated and maintained for three years plus the current year.

The steps in a civil rights complaint procedure are as follows: Any person alleging discrimination based on a protected class has the right to file a complaint within 180 days of the discriminatory action. All complaints must be documented on the complaint log and the information forwarded to the State agency within three days. If a person makes a verbal complaint and refused or is not inclined to place allegations in writing, the person to whom the allegations are made must write up the complaint and forward to the State agency within three days.

When documenting a civil rights complaint, the following information should be included:

- Name, address, and telephone number of the complainant
- Specific location delivering the service
- Nature of the incident that led to the complainant to feel discrimination was a factor

- The basis on which the complainant believes that discrimination exists
- Names and titles, phone numbers, and business or personal addresses of persons who may have knowledge of the discriminatory action
- Date(s) the action occurred

Racial and Ethnic Data

All SFAs are required to maintain and report racial and ethnic data of program participants annually. This data is reported during the annual NSLP renewal process. Public schools are required to report racial and ethnic data in the Idaho System for Educational Excellence (ISEE) data system. Schools must keep racial and ethnic data on file for three years plus the current year.

Reasonable Accommodations for those with Disabilities and Language Assistance Needs

Reasonable accommodations must be made for persons with disabilities. Examples of reasonable accommodations include providing wheel chair ramps to access the food service area or making menu substitutions for those with food allergies. Please see the Special Dietary Needs section of the Idaho School Nutrition Reference Guide for more information.

Provisions must be made for non-English speaking program participants. For example, Free and Reduced Income Applications or menus may need to be translated into the appropriate language for areas with non-English speaking communities. Providing braille or large print documents for visually impaired participants are other examples of language assistance.

Notice of provision of reasonable accommodations and language assistance must be included in the notification letters to families about the school nutrition programs.

Public Notification

All programs must contain a public notification system. The purpose of the system is to inform applicants, participants, and potentially eligible persons of the program availability, program rights and responsibilities, the policy of nondiscrimination, and the procedure for filing a complaint. The public notification system, at the minimum, must include:

- Information about what FNS programs are available
- Complaint information about the right to file, how to file, and the procedure for filing complaints
- The appropriate nondiscrimination statement on all materials and sources used to inform the public, including websites

Actions must be taken to inform the general public, potentially eligible populations, community leaders, grassroots organizations, and referral sources about FNS programs. At the minimum, the below methods must be used:

- Prominently display the USDA “And Justice for All” poster in all areas where reimbursable meals/snacks are served and where payments are accepted. If food is

served in multiple locations, (e.g., breakfast in the classroom), a poster should be placed in the front entryway of the site, visible to all persons who enter the building.

- Communicate to the public, particularly those in underserved populations, new programs or changes in programs. Include information pertaining to eligibility, benefits, services, the location of facilities, and hours of service. This information can be communicated by methods such as the school website, newspaper articles, radio and television announcements, letters, leaflets, brochures, computer-based applications, and bulletins. The State agency provides a template that may be used for public notification.
- Information must be provided in alternate formats for persons with disabilities.
- The full nondiscrimination statement must be used on all printed material with the appropriate amount of room to include and in all instances, materials over one page in length, publications, web-based information, etc. The font size must match the text in the document.
- The message of equal opportunity must be conveyed in all photographic and other graphics used to provide program information.

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 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/USDA-OASCR%20P-Complaint-Form-0508-0002-508-11-28-17Fax2Mail.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.

Confidentiality

Maintaining the confidentiality of a child's free, reduced, or paid status is of the highest importance. There may be no discrimination or different treatment of children receiving free or reduced-price meal benefits. The following must be adhered to at all times:

- The names of children cannot be published, posted, or announced in any manner or used for any purposes other than determining and verifying eligibility for free and reduced-price meals.
- Children cannot be required to work for their meals.
- Children cannot be required to use a separate dining room, separate serving line, or separate serving time based on their eligibility status.

The above examples would allow overt identification of a student's meal benefit status. Overt identification can be a challenge at the Point of Service (POS). Schools must ensure to the maximum extent practicable, that the method of payment or POS system does not result in children being inadvertently identified as receiving free or reduced-price meal benefits.

Disclosure of Eligibility Determination

Distribution and processing of free and reduced meal applications *solely for information about household income* to determine the funding or benefits for programs other than school meal programs is not permitted. Multi-use applications can be provided to households in order to obtain both meal program benefits as well as non-meal benefits but the process must allow submission of an application exclusively for meal benefits.

There must be a legitimate "need to know" in regards to who has access to student data. Even if a program or person is authorized to view or receive free and reduced-price eligibility information, access must be limited to individuals directly connected with administration or enforcement of the Federal or State program or activity.

Waiver/Consent Statement

Children’s parents or guardians may provide consent for the disclosure of any or all the information related to their children’s eligibility status or the information the household provided through the free and reduced-price meal eligibility process.

WHY IS CIVIL RIGHTS IMPORTANT?

Customer service involves treating all program participants and their families fairly and equally. Civil rights requirements allow the USDA to ensure that CNP participants are free from discrimination. Civil rights in CNP ensure participants are provided equal access to program benefits and that all participants are treated equally based on the six protected classes. The annual collection and reporting of race and ethnic data allows for the evaluation of 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, and complete reports as required.

RESOURCES

Additional resources may be available for this topic. Please check the Idaho School Nutrition Reference Guide website for copies of manuals, user guides and helpful links to relevant subject matter.

For Questions Contact

Child Nutrition Programs
Idaho State Department of Education
650 W State Street, Boise ID 83702
208 332 6820 | www.sde.idaho.gov

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