

Civil Rights Assurances & Attestation Statement 2019-2020 Original Agreement

"The program applicant hereby agrees that it will comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq.), Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681 et seq.), Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794), the Age Discrimination Act of 1975 (42 U.S.C. § 6101 et seq.); all provisions required by the implementing regulations of the Department of Agriculture; Department of Justice Enforcement Guidelines, 28 CFR Part SO.3 and 42; and FNS directives and guidelines, to the effect that, no person shall, on the grounds of race, color, national origin, sex, age, or disability, be excluded from participation in, be denied benefits of, or otherwise be subject to discrimination under any program or activity for which the program applicant receives Federal financial assistance from FNS; and hereby gives assurance that it will immediately take measures necessary to effectuate this agreement."

"By accepting this assurance, the Program applicant agrees to compile data, maintain records, and submit reports as required, to permit effective enforcement of nondiscrimination laws and permit authorized USDA personnel during hours of program operation to review such records, books, and accounts as needed to ascertain compliance with the nondiscrimination laws. If there are any violations of this assurance, the Department of Agriculture, FNS, shall have the right to seek judicial enforcement of this assurance. This assurance is binding on the Program applicant, its successors, transferees, and assignees as long as it receives assistance or retains possession of any assistance from USDA. The person or persons whose signatures appear below are authorized to sign this assurance on the behalf of the Program applicant."

NOTIFICATION REQUIREMENTS

All Food and Nutrition Service (FNS) assistance programs must include a public notification system. The purpose of this 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.

Basic Elements of Public Notification: The public notification system must include the following three basic elements:

1. **Program Availability:** SFA/LEA must take specific action to inform applicants, participants, and potentially eligible persons of their program rights and responsibilities and the steps necessary for participation.
2. **Complaint Information:** Applicants and participants must be advised at the service delivery point of their right to file a complaint, how to file a complaint, and the complaint procedures.
3. **Nondiscrimination Statement:** All information materials and sources, including Web sites, used by the SFA/LEA to inform the public about FNS programs must contain a nondiscrimination statement. It is not required that the nondiscrimination statement be included on every page of the program information Web site. At the minimum, the nondiscrimination statement, or a link to it, must be included on the home page of the Web site or program information. (See the Arkansas Department of Education, Child Nutrition Unit (ADE, CNU) Commissioner's Memo CNU-16-019 for the most current Non-discrimination Statement.)

Methods of Notification: SFA/LEA must take the actions below to inform the general public, potentially eligible populations, community leaders, grassroots organizations, and referral sources about FNS programs and applicable CR requirements.

1. Prominently display the USDA nondiscrimination poster "And Justice for All," or an FNS approved substitute.
2. Inform potentially eligible persons, applicants, participants, and grassroots organizations (particularly those in underserved populations), of programs or changes in programs. This includes information pertaining to eligibility, benefits, and services, the location of local facilities or service delivery points, and hours of service. This information can be communicated by methods such as, but not limited to, Internet, newspaper articles, radio and television announcements, letters, leaflets, brochures, computer-based applications, and bulletins.
3. Provide appropriate information, including web-based information, in alternative formats for persons with disabilities.
4. Include the required non-discrimination statement on all appropriate FNS and agency publications, web sites, posters, and informational materials provided to the public.
5. Convey the message of equal opportunity in all photographic and other graphics that are used to provide program or program-related information.

DATA COLLECTION REQUIREMENTS

The collection and reporting of data on the actual number of children applying for free and reduced-price meals or free milk, by ethnic/racial group, is required by Department of Justice Regulations, 28 CFR Part 42, and 9 AR.

The SFA or other program recipient agency will:

1. Develop a method for data collection. Methods include determination of the information by a school official through observation, personal knowledge, or voluntary self-identification by an applicant on the free and reduced-price meal or free milk application. State agencies may also use data or information collected by other Federal and State agencies.
2. Maintain information on file for 5 years.
3. Establish procedures to ensure that the information is made available only to authorized State and Federal personnel as requested, or as part of Office of Management and Budget (OMB) approved surveys.
4. Have at least annual training of staff who interact with program applicants or participants (cafeteria staff, determining official, verifying official, etc.) and their supervisors. Training must include: Collection and Use of Data, Effective Public Notification Systems, Complaint Procedures, Compliance Review Techniques, Resolution of Noncompliance, Requirements for Reasonable Accommodations of Persons with Disabilities, Requirements for Language Assistance, Conflict Resolution and Customer Service. This training must be documented with appropriate sign in sheets, agendas and/or training summary. Training is available for SFAs on the ADE, Child Nutrition website under the Civil Rights section.

CIVIL RIGHTS POLICY AND PROCEDURE

SFA/LEA must have an approved Civil Rights Policy and Procedure containing the following information available for review with the above information during the ADE, CNU monitoring reviews and at other times as needed during hours of program operation to ascertain compliance.

Local Civil Rights Policy must include:

1. Method for the collection of data for determining the number of students in each racial or ethnic group for those making application for free or reduced price meals.
2. Method for determining whether there is a disproportionate number of denied application by minority groups.
3. Plan for providing bilingual material for households with Limited English Proficiency
4. Plan for displaying the Civil Rights Poster "And Justice For All."
5. Plan for protecting the confidentiality of Civil Rights information.
6. Plan for informing parents or guardians of students in schools participating in the school nutrition programs, as well as local minority and grass roots organizations, of the availability of program benefits and services, the nondiscrimination policy and all significant changes in existing requirements that pertain to program eligibility benefits.
7. Plan for the release of the information concerning school nutrition program.
8. Method for processing Civil Rights Complaints.

ACCOMADATING CHILDREN WITH DISABILITIES POLICY AND PROCEDURE

SFAs should have a Policy and Procedure for accommodating children with disabilities consistent with the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990 as amended, the Individuals with Disabilities Education Act of 1990, and in accordance with 7 CFR 15b Nondiscrimination on the basis of handicap in programs or activities receiving federal financial assistance.

Local Accommodating Children with Disabilities Policy must include:

1. Method used to ensure facilities accessibility
2. Method used to provide meals to children with a disability

Please refer to FNS Instruction 113-1 at <http://www.fns.usda.gov/sites/default/files/113-1.pdf> for more information.

By signing below, you are certifying that all federal requirements related to Civil Rights and Nondiscrimination have been implemented by the SFA/LEA. Compliance will be assessed during Administrative Reviews. Findings will result in the development and implementation of a Corrective Action Plan.

Superintendent Signature

Date

Child Nutrition Director Signature

Date