

Civil Rights for School Nutrition Programs

Presented to School Nutrition
Managers and Employees

July 2016



What are civil rights?

Civil rights are 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 Acts of Congress.

Civil Rights Education

- All people involved in administering programs receiving federal financial assistance must understand civil rights laws, regulations, procedures and directives.
- Education about civil rights must be provided to all employees every year.

FNS Instruction 113-1 Civil Rights Compliance and Enforcement - Nutrition Programs & Activities

Provides guidance
to prohibit
discrimination in
Food and Nutrition
Service (FNS)
programs.



What is a Protected Class?

Any person or group of people who have characteristics for which discrimination is prohibited based on a law, regulation, or executive order.

Are the Protected Classes for School Nutrition Programs?

Protected classes for the Child Nutrition (CN) Programs are:

- **race,**
- **color,**
- **national origin,**
- **age,**
- **sex, and**
- **disability.**

Race, Color, National Origin

Title VI of the Civil Rights Act of 1964 states that “*no person in the United States shall be discriminated against on the grounds of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity.*”

Age

The Age Discrimination Act of 1975 provides:

No person in the United States shall, on the basis of age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity receiving Federal financial assistance.



Sex (Gender)

Title IX of the Education Amendments of 1972 states:

No person in the United States shall, on the basis of sex, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving Federal financial assistance.



Handicap or Disability

- Section 504 of the Rehabilitation Act of 1973 added disability to Title VI.
- Title II and Title III of the Americans with Disabilities Act of 1990 extended the requirements to all services, programs and activities of State and local governments and prohibits discrimination based on disability in other public services.



Language Assistance

- Serve people with limited English proficiency (LEP)
- Outreach in other languages is important
- Must take reasonable steps to provide access to people with LEP



Access for Persons with Limited English Proficiency

- CNU-17-002
- Meaningful Access for Persons with Limited English Proficiency (LEP) in the School Meal Programs: Guidance and Q & A

3 Elements of Public Notification

1. Program Availability

Inform applicants, participants, and potentially eligible persons of their program rights and responsibilities and the steps necessary for participation.

3 Elements of Public Notification

2. 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.

3 Elements of Public Notification

3. Nondiscrimination Statement

Must be included on all information, materials and sources, used to inform the public about FNS programs.

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, audiotope, 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.

Non-Discrimination Statement

- ADE Commissioner's
Memo CNU-16-019

When to use which version of the Nondiscrimination Statement?

- Include entire statement when space permits
- Use shortened version where space is limited:

“This institution is an equal opportunity provider.”
- For electronic communications use the statement on the previous slide.

Required Public Notification

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

Public Notification

- Inform about programs and changes
- Provide appropriate format for persons with disabilities.
- Include statement on all materials
- Consistently convey the message of equal opportunity

What to do if a complaint is made:

- Notify the School Nutrition Administrator immediately
- Provide forms for written complaints
~ OR ~
- Take detailed notes of oral complaints

Information needed to File Complaint:

- Complainant's name, address, and phone number
- Location where discrimination occurred
- Nature of the incident
- Basis for the claim – which protected class was discriminated against (i.e. race, age, disability, etc.)
- Names of witnesses
- Dates when action(s) occurred

Examples of Civil Rights Non-Compliance?

- Denying the opportunity to apply for program benefits on the basis of a protected class.
- Giving student eligibility information to anyone without receiving permission from the District Child Nutrition Director.

Examples of Civil Rights Non-Compliance?

- Selecting members for planning and advisory committees in such a way as to exclude persons from membership on the basis of a protected class.
- Overtly identifying a student on the basis of a protected class.

Gender Separation

- ADE Commissioner's Memo FIN-15-114
- Separation by Gender is generally not allowed.

Customer Service

“Treat others as you want to be treated.”



QUESTIONS?

Contact the District Child Nutrition

Director



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.