USDA Civil Rights Training
For School Nutrition Programs
In Minnesota
To inform, educate, and support all staff who interact with Child Nutrition Program (CNP) applicants:

• Staff rights and responsibilities as administrators of CNPs

• General USDA Civil Rights requirements

• Resources and information available to assist staff in carrying out their Civil Rights responsibilities
By the end of the training, participants will be able to:

• Identify four reasons why attention to civil rights is important
• Describe three best practices in program operations to ensure compliance with civil rights
• Discuss two aspects of their specific job duties that deal with civil rights concerns
1. Public Notification Systems
2. Customer Service
3. Ethnic and Race Data Collection
4. Reasonable Accommodations
5. Complaint Procedures/Conflict Resolution
6. Resolution of Noncompliance
Federal Protected Classes for CNP

- Race
- Color
- National Origin
- Sex
- Disability
- Age
Q: But the nondiscrimination statement covers more classes than are listed, which is correct?

A: The federal Civil Rights statement covers more programs than just child nutrition. The classes listed on the previous slide are those covered under the child nutrition programs.
Public Notification: Systems

- Customer Service
- Ethnic and Race Data Collection
- Reasonable Accommodations
- Complaint Procedures/Conflict Resolution
- Resolution of Noncompliance
Public Notification: Purpose

• To inform surrounding area that your school agency participates in the CNPs
• To reach as many applicants, participants, and potentially eligible persons as possible
• To ensure program access
Must include information on:

• Eligibility
• Benefits and Services
• Program availability
• Applicant rights and responsibilities
• Procedures for filing a complaint
• Non-discrimination policies
• Any programmatic changes
Public Release

• Inform the general public that your school participates in the CNPs and that free and reduced price meals are offered.

• State Agency completes this for you in August

Post “And Justice for All” Poster
“And Justice for All” Poster

Display in a prominent area where participants have access

- Cafeteria is best

Must be visible to all students during at least one of their meals.

Use 11” x 17” format
"And Justice for All" poster is available to download from the USDA website for temporary use (https://www.fns.usda.gov/cr/and-justice-all-posters-guidance-and-translations).

The State Agency provides posters to schools free of charge.

mde.fns@state.mn.us
The USDA required non-discrimination statement must be included on ALL forms of communication and program materials

- Including all materials for public information, education, or distribution that mention USDA programs
- Last updated by USDA in October 2014
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.
If the material or document is too small to permit the full statement (long) to be included, the material MUST, at a minimum, include:

“This institution is an equal opportunity provider.”
• Wording for either statement must be exact and cannot be changed in any way.

• Print size for either statement shall be no smaller than the text of the material.

• Shorter version of non-discrimination statement may be used for broadcast advertisements/public service announcements.
Materials that Require Statement

Print Advertisements
• Flyers
• Brochures
• Posters

Agency Publications
• Parent/Student Handbooks
• Employee Handbooks
• Newsletters

School Websites

Letters

Broadcast Advertisements/Announcements
• Internet
• Radio
• TV

Enrollment Forms

Menus, if made public
Other Things to Consider...

To convey the message of equal opportunity—reflect diversity and inclusion in all program or program-related information, photos and graphics.
Respectful Language

Put the person first

• Example: USE “person with a disability”, NOT “disabled person”

Use culturally sensitive language

• Example: USE “Asian”, NOT “Oriental”

Use inclusive/respectful terms

• Example: USE “chairperson”, NOT “chairman”
Take the Project Implicit Test to determine underlying biases that may contribute to discrimination

http://www.tolerance.org/activity/test-yourself-hidden-bias
All students must be allowed equal opportunities to participate in CN programs regardless of race, color, national origin, sex, age, or disability.

All participants must be treated in the same manner

- Seating arrangements, serving lines, assignment of eating periods, methods of selection for application approval and verification processes
Children must not be required to use a separate dining room, serving line, or serving time based on eligibility for free/reduced meals, sex, national origin, race/color, etc.

USDA Memo SP 31-2013
All students within the same grade grouping must be offered the same selection of menu items in the same amounts regardless of their eligibility, sex, national origin, race/color, etc., including when a school offers:

- A selection of more than one type of meal that is claimed for reimbursement
- A variety of foods and fluid milk for choice within the meal requirements
USDA policy prohibits the denial of meals as a disciplinary action against any student who is enrolled in a school that participates in the Child Nutrition Programs, including:

- Disciplinary actions that directly result in loss or denial of meals
- Requiring a child to work for his/her meals
Free/Reduced-Price Applications

• Denied Free/Reduced-Price applications shall not be disproportionately composed of minority groups

• Admission procedures must not restrict minority persons from enrolling in school or participating in the meal/snack programs

• Students may not be required to participate in the Child Nutrition Programs
Confidentiality: Applications

• The USDA authorizes schools to release only student Free/Reduced-Price eligibility status to entities as stated in the
  • *Eligibility Manual for School Meals*
  • Household waiver of confidentiality may be required
  • No other information on application may be released
Waiver Requirements

• Clearly informs households of the waiver’s purpose
• Authorizes release of free and reduced-price eligibility information
• Identifies who will use the information and how it will be used
• Is signed by parent or guardian
Overt Identification

Identifying information must not be used for any purpose other than determining and verifying eligibility for Free/Reduced-Price meals.

Overt identification of any of the children is prohibited.

No overt identification may be used when ordering meals for special functions.
Responsibility to take “reasonable steps” to ensure meaningful access to programs and activities by persons with Limited English Proficiency (LEP).
Reasonable steps, consider...

- Number and proportion of LEP persons encountered in eligible population
- Frequency with which LEP individuals come in contact with program
- Nature and importance of program, activity, or service
- Resources available to the recipient/costs
Language Translations

Make Child Nutrition Program information available to all persons in their language

• Provide informational materials in the appropriate translation concerning the availability and nutritional benefits of the meal programs

Spanish, Hmong, Somali and several other language translation of application for educational benefits available on the Minnesota Department of Education (MDE) or USDA websites
Children should not be used as interpreters

Volunteers may be used, but should understand ethics for using interpreters

• Example: Spanish teacher could assist a household in completing an application but would need to be trained on the importance of keeping all information received from the household confidential

See www.lep.gov for more information and resources
Suggestions:

• Share resources to save money:
  ▪ Use interpreter from another area
  ▪ Train bilingual staff to be interpreters
  ▪ Contact grassroots organizations to discuss translation or assistance from within the community

• Language line phone services may be available for a subscription fee through your local telephone service provider
Why collect racial/ethnic data?

Racial/ethnic data is used to determine how effectively your program is reaching potentially eligible children and where outreach may be needed.
Ethnicity and Race Categories

Ethnicity categories:
  • Hispanic or Latino
  • Non-Hispanic or Non-Latino

Race categories (may mark one or more)
  • American Indian or Alaskan Native
  • Asian
  • Black or African American
  • Native Hawaiian or other Pacific Islander
  • White
Obtain racial/ethnic data through:

- Voluntary self-identification or self-reporting (*preferred method*)
  - Free/Reduced-Price meal application: optional section for the household to identify their racial and ethnic data
- Visual identification by a school official
- Personal knowledge, records or other documentation your agency possesses that identifies household racial/ethnic data
  - Such as enrollment or Minnesota Automated Reporting Student System (MARSS) data
What is a disability?

Physical or mental impairment which substantially limits one or more of an individual’s major life activities, has a record of such and impairment, or is regarded as having such an impairment.

Disabilities are defined based on the Sect 504 of the Rehabilitation Act/Americans with Disabilities Act and Part B of Individuals with Disabilities Education Act (IDEA).
What is a school’s responsibility?

Provide accessible facilities

• Example: accessible parking lots, entrances and exits, halls, elevators, rest rooms, service animals

Provide appropriate information in alternative formats

• Example: Braille program materials, sign language interpreters

Provide food substitutions for students with disabilities when documented in writing by a licensed physician
Providing Menu Substitutions

• Only required to make substitutions or modifications for children whose disabilities restrict their diets based on a licensed physician’s assessment

  Example: food allergies causing life-threatening anaphylactic reactions

• Must be documented by a physician’s statement

  Including the disability, how it limits major life activities, foods the child cannot have and foods to be substituted

• Generally, children with food allergies/intolerances do not have a disability.

  Example: lactose intolerance, sensitivity to food additives

• Special rules that apply to milk substitutions
Special Dietary Needs

The Minnesota Department of Education (MDE) Food and Nutrition Service (FNS) provides resources for School Food Authorities to help meet the special dietary needs of infants and children and maintains records to document compliance with meal requirements. Several federal regulations and state statutes apply to accommodating students with special dietary needs.

U.S. Department of Agriculture (USDA) records contain additional information on special dietary needs.

Forms and Templates

Special Dietary Statement - 3/11/13
Form to request a special diet for a participant with a disability.

Letter to the Minnesota Department of Education About the Use of Fluid Milk Substitutes - 3/11/13
A required form used to notify the state agency if offering fluid milk substitutes.

Resources

Special Dietary Guidelines - 4/30/15
The guidelines provide a summary of special diet requirements to help sponsors and providers understand when and what type of accommodations they must make for participants who request a special diet. It also includes many key resources, including the special diet request form, a list of approved fluid milk substitutes, a summary chart of allowable beverage options for each Child Nutrition program.

Resource for Managing Food Allergies in Your School - 9/26/15
This document includes multiple resources designed to assist schools in meeting the needs of their students who require accommodations for food allergies.

Fluid Milk Substitutions in the Child Nutrition Programs - 10/24/14
Non-dairy beverages that meet USDA’s fluid milk substitution criteria.

Videos

Special Dietary Request in School Nutrition Programs (Training Tool) - 1/2/18
This video provides an overview of special diet requirements to students requesting menu modifications in School Nutrition Programs.
Any person who believes he or she or someone he/she knows has been discriminated against based on Federal protected classes has a right to file a complaint within *180 days* of the alleged discriminatory action.

Complainants may register a complaint with:

1. USDA: U. S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, SW, Washington, DC 20250-9410, (866) 632-9992 (toll free), (202) 260-1026, (202) 401-0216 (TDD)

2. Minnesota Department of Education: Supervisor, School Nutrition Programs, 1500 Highway 36 West, Roseville, MN 55113 (800) 366-8922
Forms of Civil Rights Complaints

May be written, verbal, or observed

• If receiving a verbal complaint, *listen politely*

• Complaints can be made via phone, letter, email, fax or any other form of communication

May be anonymous

• Anonymous complaints should be handled as any other complaint

Can be related to any area of CNP operation

• Program administration, food service, employment
1. Document the Complaint

- Name, address, and phone number of complainant.
- Specific name and location of entity delivering the benefit or service.
- The nature of the incident, action, or method of administration that led the complainant to feel discriminated against.
- The basis on which the complainant feels discrimination exists (race, color, national origin, sex, etc.).
- The names, titles, business addresses, and phone numbers of persons who may have knowledge of the discriminatory action.
- The date(s) during which the alleged discriminatory actions occurred, or if continuing, the duration of such actions.
2. Contact USDA or MDE

All verbal or written complaints must be forwarded to the Civil Rights Division of USDA Food and Nutrition Service within three days of receiving a complaint.
3. Maintain Records

Have a central location where copies of Civil Rights complaints will be documented and kept

- Agencies should consider documenting all complaints in Complaint Log or on Complaint Forms

Agencies may provide complaint form to:

- Any individual wishing to make a complaint
- Person receiving verbal or phone complaint
The USDA recommends using an Alternative Dispute Resolution (ADR) program

ADR Definition: use of a neutral third party (usually a person acting as a facilitator) to resolve informally a complaint of discrimination through use of various techniques such as fact finding, mediation, peer panels, facilitation, ombudsman support, or conciliation.

Visit the following website for more information:
https://www.fns.usda.gov/cr/alternative-dispute-resolution
A factual finding that any civil rights requirement, as provided by law, regulation, policy, instruction, or guidelines is not being adhered to.

There are no “minor” or “major” categories of noncompliance. All instances of non-compliance are considered equally.

• No matter the level or severity of noncompliance, it must be reported.
Examples of Non-compliance

• Denying an individual or household the opportunity to apply for Food and Nutrition Service (FNS) program benefits or services on the basis of Federal or State protected classes

• Providing FNS program services or benefits in a dissimilar manner on the basis of race, color, national origin, age, or sex.

  Example: Serving lunch to a child of one race but serving a snack/modified meal to a child of another race.

• Selecting FNS program sites or facilities in a manner that denies an individual access to FNS program benefits, assistance, or services on the basis of Federal or State protected classes (race, color, national origin, etc.)

  Example: Serving breakfast in some schools, but not at schools located in areas with a high proportion of children with disabilities or a high proportion of minority students.
Resolution of Non-Compliance

• If non-compliance is indicated, a corrective action plan must be implemented immediately to achieve voluntary compliance within 60 days.

• Corrective Action Plan: Plan describing the agency’s actions to be taken to resolve non-compliance with civil rights requirements.
Civil Rights Coordinator

Agencies must designate an employee who is responsible for USDA Civil Rights issues.

- This individual must be designated to receive complaints
- This individual should be identified to all employees
- The designated person should know who to contact if Civil Rights issues arise
Direct Civil Rights Questions to:

Minnesota Department of Education
Nutrition, Health and Youth Development

Phone: 651-582-8540
1-800-366-8922 (toll free)

Email: mde.fns@state.mn.us

**Parts of this presentation have been adapted from several states, including Wisconsin, Iowa, Illinois, Indiana, Missouri, and Texas.**
• Retain records indicating that all staff members who are involved in the school nutrition programs have received civil rights training.

• Annually, ensure employees sign and date that they received this training.
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Thank you!