

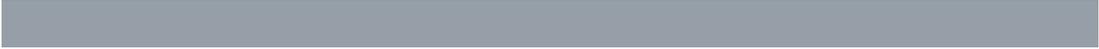
Civil Rights In USDA Child Nutrition Programs



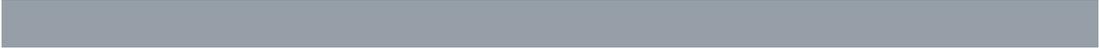
Welcome to the Crash Course with CANS Civil Rights webinar

The purpose of this training is to educate schools and institutions on the USDA Civil Rights requirements and increase awareness of resources and information available to assist in carrying out Civil Rights responsibilities.

Since this is only a 30-minute webinar this training will not meet the annual civil rights training requirements because it does not cover all the necessary content for annual training.



Presentation Topics

- Compliance and Enforcement
 - Civil Rights Laws
 - Public Notification
 - Racial/Ethnic Data Collection
 - Accommodations
 - Noncompliance
 - Complaints
- 

Here are the topics that we will discuss during our webinar today. We will discuss all of them but will spend more time on some than others. Please be sure to ask questions if you have them at any time either by unmuting or putting questions in the chat box. Mikayla will be helping me today with monitoring the chat.

Compliance and Enforcement

- FNS Instruction 113-1
 - National School Lunch Program (NSLP)
 - School Breakfast Program (SBP)
 - Special Milk Program (SMP)
 - Summer Food Service Program (SFSP)
 - Child & Adult Care Food Program (CACFP)

Schools and institutions receiving federal funds must follow Civil Rights regulations and policies. These regulations Direct sponsors on the proper procedures to follow so that benefits of Child Nutrition Programs are made available to all eligible persons in a non-discriminatory manner. All sponsors receiving federal money must implement Civil Rights requirements to be eligible for all Child Nutrition Programs. The Food and Nutrition Service instruction 113-1 is the Federal Regulation governing Civil Rights in the Child Nutrition Programs.

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 the acts of Congress.”

Civil rights refer to the rights of “personal liberty” guaranteed by the 13th and 14th Amendments to the US Constitution and Acts of Congress and to the fair and equitable treatment of all customers and employees. There are numerous civil rights acts and laws that were enacted over the course of the last 50 years and it began with Title VI of the Civil Rights Act of 1964. This act led the way and addressed discrimination in relation to race, color, and national origin in programs and activities that receive federal financial assistance.

Goals of Civil Rights

1

Eliminate
barriers to
program
benefits

2

Provide equal
treatment to
all

3

Explain rights
and
responsibilities

4

Show respect
and dignity to
all

The goals of civil rights are:

1. To eliminate barriers that prevent or deter people from receiving benefits of a government-sponsored or funded program
2. To provide equitable treatment in the delivery of programs and services to all applicants, participants, and beneficiaries of a federal program
3. To ensure that all applicants and participants understand their rights and responsibilities
4. To show respect and dignity to all

Civil Rights Laws

Title VI – Civil Rights Act of 1964

Prohibits discrimination based on race, color, sex, and national origin

Title IX of the Education Amendments of 1972

Prohibits discrimination based on sex under any education program or activity that is receiving federal financial assistance

Section 504 of the Rehabilitation Act of 1973

Prohibits discrimination based on disability

Civil Rights Laws

Age
Discrimination
Act of 1975

Prohibits discrimination based on age in programs or activities receiving Federal financial assistance

Civil Rights
Restoration
Act of 1987

Clarifies the scope of the Civil Rights Act of 1964

Americans
With
Disabilities Act
of 1990

Prohibits discrimination based on disability in all services, programs, and activities provided to the public by State and local governments

What is discrimination?



DEFINITION:

Different treatment which makes a distinction of one person or a group of persons from others; either intentionally, by neglect, or by the actions or lack of actions based on.....

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Protected
Classes For
FNS
Child
Nutrition
Programs

Race

Color

National Origin

Age

Sex

Disability

There are 6 Protected classes for FNS Child Nutrition Programs:

Race

Color

National Origin

Age

Sex

Disability

Civil Rights Training

- Specific subject matter:
 - Collection and use of data
 - Effective public notification systems
 - Compliant procedures
 - Compliance review techniques
 - Resolution of noncompliance
 - Requirements for reasonable accommodation of persons with disabilities
 - Requirements for language assistance
 - Conflict resolution
 - Customer service
- Retain training records of civil rights training

All staff who work with Child Nutrition Programs must receive training on all aspects of civil rights compliance annually. Here is a list of the subject matter that the training must address.

New employees should be trained on Civil Rights requirements before participating in Program activities or within the first 30-days of hiring.

Training records need to be kept on file. Training records include the agenda, sign-in of staff who received the civil rights training, and presentation, if applicable.

Public Notification

All FNS assistance programs must include a public notification system.



The purpose of this system is to inform applicants, participants, and potentially-eligible persons of:

program availability,

program rights and responsibilities,

the policy of nondiscrimination

the procedure for filing a complaint.

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Methods Of Public Notification

State agency and/or Local Agency must:

- Prominently display the “And Justice for All” poster.
- Inform potentially-eligible persons, applicants, participants and grassroots organizations of programs or changes in programs.
- Convey the message of equal opportunity in all photos and other graphics that are used to provide program or program-related information.
- Provide appropriate information in alternative formats for persons with disabilities and in the appropriate languages for Limited English Proficiency (LEP) persons.

To notify the public, the state and/or local agency must:

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- Inform potentially-eligible persons, applicants, participants and grassroots organizations of programs or changes in programs.
- Convey the message of equal opportunity in all photos and other graphics that are used to provide program or program-related information.
- And Provide appropriate information in alternative formats for persons with disabilities and in the appropriate languages for LEP persons.

Nondiscrimination Statement

At a minimum, the full Nondiscrimination Statement should be on:

Application Form(s)

Notification of Eligibility or Ineligibility

Expiration of Certification Notification

Discontinuance Notification

Program (Home) Web Page

Public Information materials including media

At a minimum, the full Nondiscrimination Statement should be on:

- Application Form(s)
- Notification of Eligibility or Ineligibility
- Expiration of Certification Notification
- Discontinuance Notification
- Program (Home) Web Page
- and Public Information materials including media

It does not have to be on menus that are sent home.

Use of our prototypes assures that the nondiscrimination statement is on everything it needs to be on.

If you are using a computer-developed prototype, be sure the statement is included. Work with the software company to get it updated.

If you notice the statement is missing from documents, please contact our office for clarification.

Nondiscrimination Statement



The Nondiscrimination Statement should be used as is. Do not move it into paragraph format.



You may shrink the spacing between the lines a little bit.



If the material is too small then “This institution is an equal opportunity provider”, must be included in a print size no smaller than the text.



Can be found in 21 Non-English Languages at <https://www.fns.usda.gov/cr/fns-nondiscrimination-statement>

The Nondiscrimination Statement should be used as is. Do not move it into paragraph format.

You may shrink the spacing between the lines a little bit.

If the material is too small to permit the full statement to be included, the material will at a minimum include the statement, in print size no smaller than the text, that “This institution is an equal opportunity provider.”

Can be found in 21 Non-English Languages at <https://www.fns.usda.gov/cr/fns-nondiscrimination-statement>

Racial/Ethnic Data Collection NSLP, SBP, CACFP, CFSP, SFSP, And SMP:

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 regulation.

The Local Agency or other program recipient agency will:

- (1) Develop a method for data collection.
- (2) Maintain information on file for 3 years.
- (3) Keep data secure and confidential

It is required to collect and report the data on the actual number of children applying for free and reduced-price meals or free milk by ethnic/racial group. The local agency needs to develop a method for collecting this data. Methods include determination of the information by a school official through observation, personal knowledge or voluntary self identification by the applicant on their application. The agency may also use data or information collected by other federal or state agencies, (DOE, DSS, ect.) This information needs to be on file for 3 years and the Local agency needs to establish procedures to ensure that the information is made available to only authorized personnel.

Racial/Ethnic Data Collection

Purpose: To determine how effectively FNS programs are reaching potentially eligible persons and beneficiaries

Applicants shall be assured that the information is required for and used for statistical purposes only and has no effect on eligibility criteria.

The data should be collected at the point of application.

Ensure that access to data is limited to authorized personnel.

The purpose of collecting Racial/Ethnic data is to find out how effective FNS programs are in reaching potentially eligible people and beneficiaries. Applicants should be assured that this information is used for statistical purposes only and has no effect on their eligibility criteria. The data should be collected on the application and the access to this data needs to be limited to authorized personal.

Racial/Ethnic Data Collection

If an applicant does not consent to the self-identification method, the individual taking the application will, through visual observation, determine the applicant's race or ethnicity and mark the appropriate category.

Children are not to be surveyed.

State and local agencies should compare their participant data with potentially eligible persons within their service areas.

Conduct outreach as needed.

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Bilingual Requirements And Program Access

LEP (Limited English Proficiency)- Individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English.

Applicants and participants cannot be asked to bring their own interpreters

Children should not be used as interpreters

LEP (Limited English Proficiency) refers to Individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English.

Applicants and participants cannot be asked to bring their own interpreters

Children should not be used as interpreters. Qualified, competent language resources should be used.

Definition Of Disability

Any 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.

To constitute a “disability” a condition must substantially limit a major life activity.

A major life activity means functions such as caring for one’s self, performing manual tasks, walking, talking, seeing, hearing, speaking, eating, breathing, learning and working.

Disability is defined as: Any 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.

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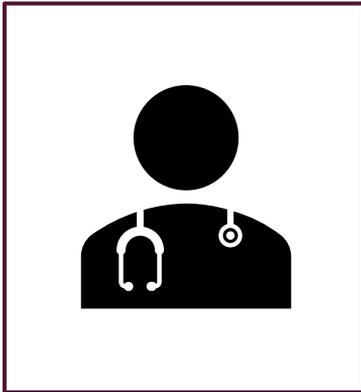
A major life activity means functions such as caring for one’s self, performing manual tasks, walking, talking, seeing, hearing, speaking, eating, breathing, learning and working.

The Americans with Disabilities Act Amendments Act of 2008 (P.L. 110-325) impacts NSLP, SMP, SBP, CACFP and SFSP as it expands the definition of “disability”.

Major Life Activities now also include: “Major Bodily Functions”, such as “...function of the immune system,...digestive, bowel, bladder functions and reproductive systems”

Individuals who take mitigating measures to improve or control any of the conditions recognized as a disability, are still considered to have a disability and require an accommodation.

Diet Modification



- The Diet Modification form/statement must be signed by a medical authority
 - This may include a doctor, a nurse practitioner, or a physician's assistant.
- Modifications for non-disabled participants is permitted, but not required

Federal regulations that govern diet modifications in child nutrition programs require sponsors to provide modifications to the standard meal for participants who are considered disabled and whose disability restricts their diets.

Each recipient shall serve special meals, at no extra charge, to students whose disability restricts their diet. Child nutrition programs are required to modify a participant with disabilities meals and snacks when supported by a statement signed by a licensed medical authority. This may include a doctor, a nurse practitioner, or a physician's assistant.

Federal regulations permit modifications for other participants who are not disabled but it is not required.

Individuals With Physical Disabilities

Accessibility to:

- The cafeteria and meal choices
- Websites, and online applications systems



Services shall be provided in the most integrated setting appropriate to the needs of the disabled individual

Accommodations for children or adults with physical disabilities include accessibility to the cafeteria as well as access to the same meal choices as other students and the ability to be seated with other students. Examples include entrances and exits wide enough for a wheelchair, tables that accommodate a wheelchair, and accommodations so the child can access the serving line. Other examples include program aides that can help with feeding and adaptive tableware.

- At times, different or special treatment may actually be necessary in order to ensure effective aids, benefits, and services are adequate.
- Programs must permit service animals to accompany people with disabilities in all areas where the public is allowed to go.

Services shall be provided in the most integrated setting appropriate to the needs of the disabled individual. The school/agency is responsible for assisting disabled students where assistance is needed.

Noncompliance

- Factual finding that any civil rights requirement is not being adhered to

- There are no minor or major categories

Examples:

- Denying an individual the opportunity to apply for program benefits or services

- Providing program services or benefits in a dissimilar manner

- Selecting sites or facilities in a manner that denies an individual access

Noncompliance is a factual finding that any civil rights requirement as provided by federal and state law, regulation, policy, instruction or guideline is not being adhered to.

There are no minor or major categories of noncompliance. No matter the level or severity, noncompliance must be reported.

Some examples of non-compliance

- Denying an individual or household the opportunity to apply for program benefits or services.
- Or, providing services in a dissimilar manner.
- OR selecting program sites or facilities in a manner that denies an individual access to the program benefits, assistance, or services based on a protected class.

Complaints Of Discrimination

- A Civil Right complaint is a verbal or written allegation of discrimination that a Food and Nutrition Services program is administered or operated in a manner that results in disparate treatment or services being provided to persons or groups of persons because of their protected class.
- All civil rights complaints shall be accepted and forwarded to the Office of the Assistant Secretary for Civil Rights. The complainant must file a complaint within 180 days of the alleged act of discrimination.
- Complaints may be written, verbal, or anonymous.
- Confidentiality is extremely important and must be maintained.

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•All civil rights complaints shall be accepted and forwarded to the Office of the Assistant Secretary for Civil Rights. The complainant must file a complaint within 180 days of the alleged act of discrimination.

•Complaints may be written, verbal, or anonymous.

•State agencies or local agencies may develop their own complaint forms, but the use of such forms cannot be a prerequisite for acceptance of a complaint as the use of a complaint form is not required.

•Confidentiality is extremely important and must be maintained.

The Civil Rights Complaint Process



Complaint information should include:

Name, address, and telephone number or other means of contacting the person alleging discrimination;

The location and name of the organization or office that is accused of the discriminatory practices;

The nature of the incident or action or the aspect of program administration that led the person to allege discrimination;

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The Civil Rights Complaint Process

The names, titles, and business addresses 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; and

The basis for the alleged discrimination (race, color, national origin, age, sex, and or disability).

Complaint information should also include:

The names, titles, and business addresses 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; and

The basis for the alleged discrimination (race, color, national origin, age, sex, and or disability).

Quiz!

Which poster is required to be prominently displayed and visible to all child nutrition program participants?

A. My plate

B. Physical Activity Promotion

C. And Justice for All

D. Food Allergy Symptoms

C. And Justice for All poster.

Which is not one of the 6 protected classes?

A. Race

B. Age

C. Color

D. Weight

D. Weight

All complaints of discrimination must be submitted in writing.



TRUE



FALSE

False: Complaints may be written, verbal, or anonymous.

All FNS
assistance
programs must
include a public
notification
system.



TRUE



FALSE

True:

All FNS assistance programs must include a public notification system.

The purpose of this system is to inform applicants, participants, and potentially-eligible persons of:

program availability,
program rights and responsibilities,
the policy of nondiscrimination and
the procedure for filing a complaint.

The full
nondiscrimination
statement must be
on your program
web page.



TRUE



FALSE

True:

The Nondiscrimination Statement should be used as is. Do not move it into paragraph format.

You may shrink the spacing between the lines a little bit.

It may be in a smaller font than other font on the document but must be easily readable.

Can be found in 21 Non-English Languages at <https://www.fns.usda.gov/cr/fns-nondiscrimination-statement>

Racial and Ethnic
Data must be
kept on file for....

A. 2 years

B. 3 years

C. 5 years

D. You do not need to keep it
on file.

B. This information needs to be on file for 3 years.

Racial and Ethnic data is public knowledge.



TRUE



FALSE

False:

The data should be collected on the application and the access to this data needs to be limited to authorized personal.

Who can sign a diet modification form?

A. A doctor

B. A nurse practitioner

C. A physician's assistant

D. All of the above

D.

The Diet Modification form/statement must be signed by a State licensed healthcare professional authorized to write medical prescriptions. This may include a doctor, a nurse practitioner, or a physician's assistant.

New ICN Course!



<https://theicn.docebos.com/learn/catalog>

The Institute of Child Nutrition has a new Civil Rights course.



Questions?



Survey:

[HTTPS://WWW.SURVEYMONKEY.COM/R/KBN2927](https://www.surveymonkey.com/r/kbn2927)

Please be sure to take the time to fill out the survey which is located at this link. It is important to voice your opinions, so we know how to better serve you. Our goal is to provide the training that you want and need.

CONTACT US!



Email:
doe.schoollunch@state.sd.us



Phone:
605-773-3413

Civil Rights Training for Child Nutrition

This training credits for 30 minutes of training in
**Key Area 3 – Administration 3000, 3200 Program
Management**
Professional Standards Training Credit

Print Name:

Date of Training:



Thank you for attending this training! This slide is the certificate of training completion, it credits 30 minutes of training.

Resources

- <https://fns-prod.azureedge.net/sites/default/files/resource-files/CNP-Civil-Rights-Training.pdf>
- <https://fns-prod.azureedge.net/sites/default/files/resource-files/School-Meals-Civil-Rights-Training.pdf>

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.