

# Civil Rights Training Child Nutrition and Food Distribution programs

Presented by Child & Adult Nutrition Services  
SD Department of Education

Based on presentation by USDA Food and  
Nutrition Services May 2018



Welcome to the Child & Adult Nutrition Services Webinar on Civil Rights Training for child nutrition and food distribution programs.

The intent and goal of this training is to provide a general overview of the Civil Rights requirements that State and local agencies should know about their Civil Rights requirements for administering the program.

This is based on a presentation by the Civil Rights Division, USDA Food and Nutrition Service, May 2018 and more recent instructions/policies.

## Presentation topics:

- Civil Rights coverage and legal authorities
- Areas of compliance
  - Assurances
  - Public notification requirements
  - Racial and ethnic data collection
  - Limited English Proficiency (LEP)/English Language Learners (ELL)
  - Disability Discrimination
  - Equal Opportunities for Religious Organizations
  - Civil Rights Training
  - Complaints of Discrimination
  - Compliance Reviews
  - Resolution of Noncompliance

We will touch upon every subject matter but spend a little more time on others.

LEP is now referred to in education circles as English Language Learners (ELL)

## Abbreviations

- ▶ CACFP- Child and Adult Care Food Program
- ▶ CFR = Codified Federal Regulation
- ▶ CR = Civil Rights
- ▶ DOJ = Department of Justice
- ▶ ELL- English Language Learners
- ▶ FDP- Food Distribution Program
- ▶ FNS = Food and Nutrition Services
- ▶ NSLP = National School Lunch Program
- ▶ SBP = School Breakfast Program
- ▶ SD = South Dakota
- ▶ SDCL = SD Codified Law
- ▶ SFSP- Summer Food Service Program
- ▶ SMP = Special Milk Program
- ▶ USDA = United States Department of Agriculture

This is a list of several abbreviations that will be used. If you are not familiar with them, you can reference this slide.

## Civil Rights Program Authorities

- Title VI of the Civil Rights of 1964
  - ▶ race, color, and national origin
- Civil Rights Restoration Act of 1987
  - ▶ clarifies the scope of the Civil Rights Act of 1964
- Sections 504 & 508 of the Rehabilitation Act of 1973 and Americans w/ Disabilities Act
  - ▶ disability
- Title IX of the Education Amendments of 1972
  - ▶ sex
- Age Discrimination Act of 1975
  - ▶ age

Title 6 of the Civil Rights of 1964 put into place non-discrimination based on race, color, and national origin

The Civil Rights Restoration Act of 1987 clarifies the scope of the Civil Rights Act of 1964

Sections 504 & 508 of the Rehabilitation Act of 1973 and Americans w/ Disabilities Act dealt with discrimination due to disability

Section 508 was enacted to eliminate barriers in information technology to make available new opportunities for people with disabilities, and to encourage development of technologies that will help achieve these goals. The law applies to all Federal agencies when they develop, procure, maintain, or use electronic and information technology.

Title 9 of the Education Amendments of 1972 states that discrimination based on sex is not allowed

Lastly, the Age Discrimination Act of 1975 prohibits discrimination of age

## Civil Rights Program Authorities

- 7 CFR Parts 15, 15a & 15b
- 7 CFR Part 210 (NSLP)
- 7 CFR Part 215 (SMP)
- 7 CFR Part 220 (SBP)
- 7 CFR Part 225 (SFSP)
- 7 CFR Part 226 (CACFP)
- 7 CFR Part 245 (NSLP/SMP/SBP) [Eligibility Regs]
- 7 CFR Part 247 and 250 (CSFP)(Donated Foods)
- 7CFR Part 251 (TEFAP)

15-15a-15b- This part is to effectuate the provisions of title VI of the Civil Rights Act of 1964. This applies to any program or activity of an applicant or recipient of Federal financial assistance.

Part 210 (NSLP): Requirements set forth for participation in the National School Lunch and Commodity School Programs

Part 215 (SMP): General regulations with respect to the Special Milk Program for Children, under the Child Nutrition Act of 1966

Part 220 (SBP): Regulations necessary to carry out the provisions of section 4 of the Child Act of 1966 which authorizes payments to states to assist nonprofit breakfast programs in schools

Part 225 (SFSP): Establishes the regulations under which the Secretary will administer a Summer Food Service Program

Part 226 (CACFP): Regulations under which the Secretary of Agriculture will carry out the Child and Adult Care Food Program.

Part 245 (NSLP/SMP/SBP): Responsibilities under the acts with respect to the establishment of income guidelines, determination of eligibility of children for free and reduced price meals, and assurances there is no discrimination of children unable to pay full price.

Part 247 and 250 (CSFP)(Donated Foods): The Department provides nutritious commodities to help State and local agencies meet needs of women, infants, and children who were certified to receive benefits. The Department purchases foods and donates them to State distributing agencies for further distribution and use in food assistance programs.

Part 251 (TEFAP): Announces the policies and prescribes the regulations necessary to carry out certain provisions of the Emergency Food Assistance Act of 1983

## Civil Rights Program Authorities

- 28 CFR Part 42: Nondiscrimination in Federally Assisted Programs
- FNS Instruction 113-1 Appendix B (NSLP, SMP, SBP); and C (Commodities)- Provides information on Civil Rights compliance and enforcement
- Executive Order 13166 - addresses/improves access requirements for persons with limited English Proficiency
- 7 CFR Part 16, “Equal Opportunity for Religious Organizations” - allows religiously affiliated organizations to compete equally for USDA assistance.

USDA Departmental Regulation 4330-2 - prohibits discrimination in programs and activities funded in whole or part by the USDA.

28 CFR Part 42: Nondiscrimination in Federally Assisted Programs

FNS Instruction 113-1 Appendix B (NSLP, SMP, SBP); and C (Commodities)- Provides information on Civil Rights compliance and enforcement

Executive Order 13166 - addresses/improves access requirements for persons with limited English Proficiency

7 CFR Part 16, “Equal Opportunity for Religious Organizations” – allows religiously affiliated organizations to compete equally for USDA assistance.

USDA Departmental Regulation 4330-2 – prohibits discrimination in programs and activities funded in whole or part by the USDA.

# 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...



7

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...

## Protected Bases for FNS Child Nutrition Programs

- 1) Race
- 2) Color
- 3) National Origin
- 4) Age
- 5) Sex
- 6) Disability

There are 6 Protected Bases for FNS Child Nutrition Programs:

Race

Color

National Origin

Age

Sex

Disability

All persons working within the program should be aware of the legal basis which an applicant or participant can file a complaint.

## Civil Rights Compliance Areas

- Assurances
- Public Notification
- Civil Rights Training
- Racial/Ethnic Data Collection
- Compliance Reviews
- Complaints of Discrimination
- Resolution of Noncompliance
- Customer Service
- Conflict Resolution
- Serving Clients with Disabilities
- Serving Clients with Limited English Proficiency

The Areas of Compliance are

- Assurances
- Public Notification
- Civil Rights Training
- Racial/Ethnic Data Collection

Note that the racial/ethnic data collection and submission requirements vary by program.

- Compliance Reviews
- Complaints of Discrimination
- Resolution of Noncompliance
- Customer Service
- Conflict Resolution
- Serving Clients with Disabilities
- Serving Clients with Limited English Proficiency

## Assurances

- To qualify for Federal financial assistance, the program application must be accompanied by a written assurance that the program or facility will be operated in compliance with all nondiscrimination laws, regulations, instructions, policies, and guidelines.
- A civil rights assurance statement must be incorporated in all agreements between State and local agencies.

The Assurance Agreement is the document that gives FNS and the State agency right to visit your offices, review your records and enforce Civil Rights laws.

To qualify for Federal financial assistance, the program application must be accompanied by a written assurance that the program or facility will be operated in compliance with all nondiscrimination laws, regulations, instructions, policies, and guidelines.

The States are required to include the standardized Civil Rights language in each agreement that is renewed. It is important that we explain the Civil Rights obligations with program sponsors (schools, institutions, sponsors) so that you are aware of your obligations under Title VI.

# Assurances

- State agencies must obtain assurance from each school or local agency. FNS will obtain a written assurance from each State agency.
- Vendor agreements and any other contracts must also include an assurance of nondiscrimination.

Contract with Food Service Management Companies (FSMC) to provide food service to students. Thus, the Local Agency or responsible individual would be charged with ensuring that their FSMC is in compliance with CR requirements.

- This assurance is binding on the program applicant and its successors, transferees, and assignees, as long as they receive assistance or retain possession of any assistance from USDA.

State agencies must obtain assurance from each school or local agency. FNS will obtain a written assurance from each State agency.

Vendor agreements and any other contracts must also include an assurance of nondiscrimination.

Contract with Food Service Management Companies (FSMC) to provide food service to students. Thus, the Local Agency or responsible individual would be charged with ensuring that their FSMC is in compliance with CR requirements.

This assurance is binding on the program applicant and its successors, transferees, and assignees, as long as they receive assistance or retain possession of any assistance from USDA.

## Title VI requires that....

“No person in the United States shall, on the ground 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 receiving federal financial assistance.”

-Civil Rights Act of 1964, Title VI, 42 U.S.C. §  
2000d

Title 6 requires that:

No person in the United States shall, on the ground 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 receiving federal financial assistance.

This is the foundation and the Heart of the law!

**...SHALL ON THE GROUND OF RACE,  
COLOR, OR NATIONAL ORIGIN...**

**We now go beyond the obvious  
that was in the original law:**

**“[R]ace, color or national origin”  
includes any perceived race, color, or  
national origin.**



The original law only covered Race, Color and National Origin.

We now go beyond the obvious that was in the original law:

“[R]ace, color or national origin” includes any perceived race, color, or national origin.

## ...ANY PROGRAM OR ACTIVITY

### Program or activity means:

“[A]ll of the operations of...

State and local governments

Educational institutions

Corporations & private organizations

**...that receive federal financial assistance.”**

This means all Child Nutrition and Food Distribution Programs

### Program or activity means:

“[A]ll of the operations of...

State and local governments

Educational institutions

Corporations & private organizations

...that receive federal financial assistance.”

This means this applies to all Child Nutrition and Food Distribution Programs

**...BE EXCLUDED FROM PARTICIPATION IN,  
BE DENIED THE BENEFITS OF, OR  
BE SUBJECTED TO DISCRIMINATION...**

- Recipients may not administer their programs or activities in a manner that “den[ies] any individual any . . . benefit provided under the program,” or “restrict[s] an individual **in any way** in the enjoyment of any advantage or privilege enjoyed by others receiving any . . . benefit under the program.”
- Recipients may not “utilize criteria or methods of administration **which have the effect** of subjecting individuals to discrimination because of their race, color, or national origin”

• *Title VI Regulation*

Recipients may not administer their programs or activities in a manner that “den[ies] any individual any . . . benefit provided under the program,” or “restrict[s] an individual in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any . . . benefit under the program.”

Recipients may not “utilize criteria or methods of administration which have the effect of subjecting individuals to discrimination because of their race, color, or national origin”

## Subrecipient Pre-award

- Prior to signing an agreement with a sub recipient, a pre-award review must be conducted.
- These reviews are conducted by the State Agency and are usually done as desk reviews of information provided by applicants in their official application to operate an FNS Federally-assisted program.
- No Federal funds shall be made available to a State or an entity until a Pre-Award Compliance Review has been conducted and the applicant has been determined to be in compliance with Title VI requirements.

It is critically important that State Agencies conduct a pre-award Civil Rights review of each entity that is interested in participating in the program to ensure that they have not been found to be discriminatory prior to apply for federal funds, or that they have practices in place that may cause different treatment so those can be changed prior to starting on the program.

These reviews are conducted by the State Agency and are usually done as desk reviews of information provided by applicants in their official application to operate an FNS Federally-assisted program.

No Federal funds shall be made available to a State or an entity until a Pre-Award Compliance Review has been conducted and the applicant has been determined to be in compliance with Title VI requirements.

## 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 and
  - ▶ the procedure for filing a complaint.

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.

## Elements of Public Notification

### 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.

### Nondiscrimination Statement

- ▶ All informational materials and sources, including websites, used by FNS, State agencies, local agencies, SFAs or other sub recipients to inform the public about FNS programs must contain a Nondiscrimination Statement. The statement is not required to be included on every page of the program Web site. At a minimum, the Nondiscrimination Statement or a link to it must be included on the home page of the program information.

\*\*Filing a complaint for nutrition programs are part of US Department of Agriculture and is different than the one for education programs, which are Part of US Department of Education.\*\*

### 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.

### Nondiscrimination Statement

All informational materials and sources, including websites, used by FNS, State agencies, local agencies, SFAs or other sub recipients to inform the public about FNS programs must contain a Nondiscrimination Statement. The statement is not required to be included on every page of the program Web site. At a minimum, the Nondiscrimination Statement or a link to it must be included on the home page of the program information.

Does your local agency website have the new statement on it?

This would most likely be where the food service page is located.

Note that the nondiscrimination statement and how to file a complaint for nutrition programs, which are part of US Department of Agriculture, is different than the one for education programs, which are part of US Department of Education.

## 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 LEP persons.

The Equal Opportunity Public Notification policy have been updated by the Department.

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

- Prominently display the “And Justice for All” poster.

The posters are in development for printing and will be reprinted.

We don't have a time line at this point, and will distribute them when they come to us.

Make sure you have some type of poster with the nondiscrimination statement on it until the new poster is available. It is not acceptable to not have a poster because you are waiting for the new one.

- The State and/ or Local agency must also: 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

September 2019

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: [How to File a Complaint](#), 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:

mail: U.S. Department of Agriculture  
Office of the Assistant Secretary for Civil Rights  
1400 Independence Avenue, SW  
Washington, D.C. 20250-9410;  
fax: (202) 690-7442; or  
email: [program.intake@usda.gov](mailto:program.intake@usda.gov).  
This institution is an equal opportunity provider.

This is the statement from the Department. It can be found on the CANS website.

All complaints should be forwarded to the Office of the Assistant Secretary for Civil Rights.

# 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

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

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

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

Use of our prototypes should assure it the nondiscrimination statement is on everything it needs to be on.

But, 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.
- ▶ 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>

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>

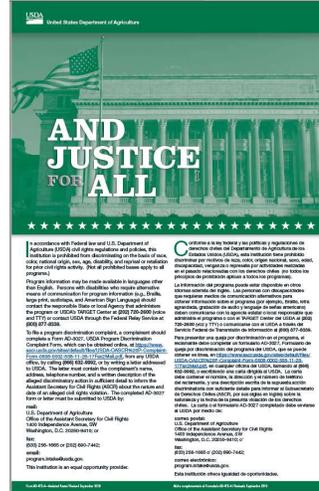
# “And Justice For All...” Poster

All sites must display the poster in a prominent location for all to view.

Display in classrooms if students don't visit the cafeteria.

Local reproduction is not authorized.  
USDA provides copies of poster to State agencies for distribution.

This is current poster.



All sites must display the poster in a prominent location for all to view.

Display in classrooms if students don't visit the cafeteria.

Local reproduction is not authorized.

USDA provides copies of poster to State agencies for distribution.

The current poster is shown on this slide.

## Racial/Ethnic Data Collection

“...State agencies, local agencies, and other sub recipients are required to obtain data by race and ethnic category on potentially-eligible populations, applicants, and participants in their program service area...Systems for collecting actual racial and ethnic data must be established and maintained for all programs.”

24

“...State agencies, local agencies, and other sub recipients are required to obtain data by race and ethnic category on potentially-eligible populations, applicants, and participants in their program service area...Systems for collecting actual racial and ethnic data must be established and maintained for all programs.”

# Racial/Ethnic Data Collection

## NSLP, SBP, CACFP, CFSP, SFSP, and SMP

DATA COLLECTION : NSLP, SBP, CACFP, CFSP, SFSP, FDP 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 DOJ Regulations, 28 CFR Part 42, and 9 AR.
- ▶ (a) The Local Agency 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 (e.g., Department of Education).
  - ▶ (2) Maintain information on file for 3 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.

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 state and federal personnel.

## Racial/Ethnic Data Collection

- ▶ (b) The State agency, or FNSRO where applicable, will:
  - ▶ (1) Ensure that each Local Agency or other program recipient agency under its jurisdiction complies with the requirements set forth in the above paragraph.
  - ▶ (2) Review and evaluate the data during the civil rights compliance phase of the monitoring and review activities required by program regulations; and identify Local Agencies or other program recipient agencies that need closer review to determine their compliance with the CR laws and with the requirements of this Instruction

The state agency needs to ensure that each local agency or other program recipient under its jurisdiction complies with these requirements. They also need to review and evaluate the data during the civil rights compliance phase of the monitoring and review activities required by the program regulations. The state agency must also identify those local agencies that need closer review to determine their compliance with the CR laws and with the requirements of this instruction.

## 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.

27

Why do programs have to collect racial/ethnic data? The purpose is to find out how effective our 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/parent 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.

28

If an applicant/parent 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.

The data must be protected from unauthorized use and must be maintained on file for 3-years.

# Race and Ethnic Categories - Two Question Format

1. Ethnicity
  - ▶ *Hispanic or Latino*
  - ▶ *Not Hispanic or Latino*
  
2. Race (one or more of the following)
  - ▶ *American Indian or Alaskan Native*
  - ▶ *Asian*
  - ▶ *Black or African American*
  - ▶ *Native Hawaiian or Other Pacific Islander*
  - ▶ *White*

29

State agency may have categories for race in addition to the ones required by FNS; however, the additional categories must be mapped and extracted to the required categories.

We have a two question format, first asks about ethnicity –whether or not the person is Hispanic or Latino.

The second question asks to select one or more of the following races: American Indian or Alaskan Native, Asian, Black or African American, Native Hawaiian or Other Pacific Islander, or White

The preference is for staff to ask the applicant/participant what their racial & ethnic make-up is. If the applicant/participant chooses not to identify, then the program staff member has an obligation to decide based on visual identification.

The two question format is used because race and ethnicity are similar, but different things.

Race is A social category based on similar physical appearance. It is intended to identify those people who have origins in particular parts of the world.

Ethnicity is A social category based on shared culture or cultural heritage. It is another classification that attempts to recognize that although persons may have origins in certain parts of the world, they may identify as being of part of another subset.

## Bilingual Requirements and Program Access

- Title VI and its regulations require State agencies, local agencies, or other sub recipients to take reasonable steps to assure “meaningful” access to their programs and activities by English Language Learners.
- This requirement applies to Program information used by state and local agency staff.
- The State agency shall also ensure that all rights and responsibilities are written in a language appropriate and understood by a ELL applicant or participant.

30

Title VI and its regulations require State agencies, local agencies, or other sub recipients to take reasonable steps to assure “meaningful” access to their programs and activities by English Language Learners.

This requirement applies to Program information used by state and local agency staff.

The State agency shall also ensure that all rights and responsibilities are written in a language appropriate and understood by a ELL applicant or participant.

All Local Agencies must have the capability of providing informational materials in the appropriate translation concerning the availability and nutritional benefits of the Nutrition Assistance program.

## Bilingual Requirements and Program Access

- Factors to consider when ensuring “meaningful” access:
  - Number or proportion of ELL persons served or encountered in the eligible population.
  - Frequency with which ELL individuals come in contact with the program.
  - Nature and importance of the program, activity, or service provided by the program.
  - Resources available to the recipient and costs.
  - State agencies must conduct assessments to determine language profile for their state, taking into account regional differences and updating as appropriate.
  - Translation of vital documents is required.
  - Oral translation and notification of free interpretation services is required.
  - Staff training regarding how to provide ELL populations with meaningful access is paramount (frontline staff).

Title VI requires State and local agencies to take reasonable steps to assure “meaningful” access to the information and services they provide. What constitutes reasonable steps will be contingent on a number of factors. They include:

- 1) One factor in determining what language services participants should provide is the number or proportion of ELL persons from a particular language group served or encountered in the eligible service population. The greater the number of ELL persons, the more likely language services are needed.
- 2) Recipients should assess how frequently with which they have or should have contact with an ELL individual from different languages seeking assistance. Reasonable steps for a recipient that serves an ELL person on a one-time basis will be very different from those expected from a recipient that ELL persons daily.
- 3) The more important the activity, information, service, or program, or the greater the possible consequences of the contact to the ELL individuals, the more likely language services are needed. Communicating program eligibility requirements can serve as a good example of such. (The obligations to communicate program rights to an individual or a group is different than say communicate rules to how to play volleyball or operate a DVD player.)
- 4) A recipient’s level of resource and the costs may have an impact on the various steps to take. Smaller recipients with limited budgets are not expected to provided similar language services with larger budgets. At the same time, reasonable steps may cease to be reasonable if the costs exceed the benefits.

State agencies must conduct assessments to determine language profile for their state, taking into account regional differences and updating as appropriate.

Translation of vital documents is required.

Oral translation and notification of free interpretation services is required.

Staff training regarding how to provide ELL populations with meaningful access is paramount (frontline staff).

## Bilingual Requirements and Program Access

- ELL- 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
  - Use qualified, competent language resources
- The term “program or activity” is broadly defined. There is no numerical threshold that must be met before provisions of the Civil Rights Act, prohibiting discrimination based on *national origin*.

ELL (English Language Learners) are 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

Use qualified, competent language resources

The term “program or activity” is broadly defined. There is no numerical threshold that must be met before provisions of the Civil Rights Act, prohibiting discrimination based on national origin.

## Bilingual Requirements and Program Access

- Population data sources
  - US Census Data  
<http://www.census.gov/2010census/data/>
  - American Community Survey  
<http://www.census.gov/acs/>
  - Migration Policy Institute's National Center on Immigrant Integration Policy  
<http://www.migrationpolicy.org/>

School statistics collected by the U.S Department of Education.

33

Population Data Sources – Here are some links that agencies can utilize to view current trends and determine where bilingual services might be needed in their communities.

## 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.

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.

## Definition of Disability Cont.

- Physical or mental impairment means (1) any physiological disorder or condition, cosmetic disfigurement or anatomical loss affecting any one or more of the body systems.
  - ▶ Functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, and reproductive functions.
  - ▶ ADA Amendments Act of 2008

Physical or mental impairment means (1) any physiological disorder or condition, cosmetic disfigurement or anatomical loss affecting any one or more of the body systems.

Functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, and reproductive functions.

ADA Amendments Act of 2008

## Disability Discrimination Prohibited

- Section 504 states that “no otherwise qualified individual with a disability in the United States...shall solely by reason of his or her disability, be excluded from, denied the benefits of, or be subjected to discrimination under” any program or activity that either receives Federal financial assistance or is conducted by any Executive agency or the United States Postal Service.”
- In addition, the Americans with Disabilities Act (ADA), 28 CFR Part 35, Title II, Subtitle A, prohibits discrimination on the basis of disability in all services, programs and activities provided to the public by State and local governments.
- Section 508 states that “Federal agencies to make their electronic and informational technology accessible to people with disabilities.
- These civil rights laws protect persons with disabilities if they are potential applicants or participants in any FNS funded programs.

Section 504 states that “no otherwise qualified individual with a disability in the United States...shall solely by reason of his or her disability, be excluded from, denied the benefits of, or be subjected to discrimination under” any program or activity that either receives Federal financial assistance or is conducted by any Executive agency or the United States Postal Service.”

In addition, the Americans with Disabilities Act (ADA), 28 CFR Part 35, Title II, Subtitle A, prohibits discrimination on the basis of disability in all services, programs and activities provided to the public by State and local governments.

Section 508 states that “Federal agencies to make their electronic and informational technology accessible to people with disabilities.

These civil rights laws protect persons with disabilities if they are potential applicants or participants in any FNS funded programs.

## Disability Discrimination Prohibited

- ▶ There is an obligation to ensure that members of the public are provided with reasonable modifications in order to access program information, applications, and assistance (i.e. Braille, large print, and audio tape).
- ▶ Providing qualified sign language interpreters or other auxiliary aids and services for persons with hearing disabilities may be necessary to effectively communicate with these applicants and participants.
- ▶ In providing food services to any of its students, a recipient may not discriminate on the basis of disability;
- ▶ **FOOD SERVICE:**
  - ▶ Recipients (Local Agencies) shall serve alternative/special meals at no extra charge to students whose disability restricts their diet. Recipients should require students to provide a medical certification from a recognized medical authority that documents a special meal is required due to a dietary disability. (7 CFR 15b.26(d))

There is an obligation to ensure that members of the public are provided with reasonable modifications in order to access program information, applications, and assistance (i.e. Braille, large print, and audio tape).

Providing qualified sign language interpreters or other auxiliary aids and services for persons with hearing disabilities may be necessary to effectively communicate with these applicants and participants.

In providing food services to any of its students, a recipient may not discriminate on the basis of disability;

### FOOD SERVICE:

Recipients (Local Agencies) shall serve alternative/special meals at no extra charge to students whose disability restricts their diet. Recipients should require students to provide a medical certification from a recognized medical authority that documents a special meal is required due to a dietary disability. (7 CFR 15b.26(d))

## Disability Discrimination Visual/Mobile Impairments

- It is imperative that websites, including state and local agency websites, and online application systems are readily accessible to and useable by persons with visual impairments and other disabilities.
- In addition, programs must ensure accessibility to the program, particularly to persons in wheelchairs or other mobility disabilities.
- 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.

38

It is imperative that websites, including state and local agency websites, and online application systems are readily accessible to and useable by persons with visual impairments and other disabilities.

In addition, programs must ensure accessibility to the program, particularly to persons in wheelchairs or other mobility disabilities.

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/center is responsible for assisting disabled students where assistance is needed.

Each recipient shall serve special meals, at no extra charge, to students whose disability restricts their diet...Recipients may require the students to provide a medical certification from a recognized authority that alternative meals are needed, and the statement shall identify the alternative

## Current Memos

### ▶ School Nutrition Programs

- ▶ USDA memo [SP40-2017](#) issued July 25, 2017 and new [Guidance](#) issued same date.
- ▶ [SP 59-2016](#) *Modifications to Accommodate Disabilities in the School Meal Programs*
- ▶ [SP 26-2017](#) *Accommodating Disabilities in the School Meal Programs: Guidance and Questions and Answers*

### ▶ Child & Adult Care & Summer Food Service

- ▶ [Combined](#) CACFP 14-2017, SFSP 10-2017
- ▶ Issued June 22, 2017
- ▶ Supersedes FNS Instruction 783-2, rescinded

The current memos for the School Nutrition Programs include:

USDA memo SP40-2017 issued July 25, 2017 and new Guidance issued same date.

SP 59-2016 Modifications to Accommodate Disabilities in the School Meal Programs

SP 26-2017 Accommodating Disabilities in the School Meal Programs: Guidance and Questions and Answers

The current memo for the child & Adult Care & Summer Food Service is the Combined CACFP 14-2017, SFSP 10-2017

Issued on June 22, 2017

This memo Supersedes FNS Instruction 783-2 which was rescinded

## South Dakota specifics

- ▶ See SD numbered memo “Special Diet Statements in Child Nutrition Programs (Revised)”

[CACFP-240.1/ CACFPDCH-240.1](#)

[NSLP – 232-1 / SFSP – 240.1-](#) refers to Special Diet Orders- Required and Special Diet Orders-Optional

- ▶ It is on CANS website at <http://www.doe.sd.gov/cans/> under numbered memos

See SD numbered memo “Special Diet Statements in Child Nutrition Programs (Revised)”

CACFP-240.1/ CACFPDCH-240.1

NSLP – 232-1 / SFSP – 240.1- refers to Special Diet Orders- Required and Special Diet Orders-Optional

It is on CANS website at <http://www.doe.sd.gov/cans/> under numbered memos

## Equal Opportunity for Religious Organizations

- Ensures a level playing field for the participation of faith-based organizations and other community organizations in USDA programs.
- Prohibiting discrimination for or against an organization on the basis of religion, religious belief, or religious character in the administration & distribution of Federal funds;
- Allowing religious organizations that participate in USDA programs to retain its independence and continue to carryout its mission, provided that direct USDA funds do not support any inherently religious activities such as worship, religious instruction, or <sup>41</sup> proselytization;

Faith-based and community organizations have a long history of involvement with Federal nutrition assistance programs. These organizations are important to USDA's efforts to provide nutrition assistance to those in need. 7 CFR Part 16, "Equal Opportunity for Religious Organizations," ensures that no organization will be discriminated against in a USDA-funded program on the basis of religion and that USDA-funded programs are available to all regardless of religion.

Prohibiting discrimination for or against an organization on the basis of religion, religious belief, or religious character in the administration & distribution of Federal funds;

Allowing religious organizations that participate in USDA programs to retain its independence and continue to carryout its mission, provided that direct USDA funds do not support any inherently religious activities such as worship, religious instruction, or proselytization;

South Dakota has a long history of working with faith-based agencies successfully operating the child nutrition programs.

## Equal Opportunity for Religious Organizations

- Clarifying that faith-based organizations can use space in their facilities to provide USDA-funded service without removing religious art, icons, scriptures, or other religious symbols; and
- Ensuring that no organization that receives direct Federal financial assistance can discriminate against a program beneficiary, or prospective beneficiary, on the basis of religion or religious beliefs.

42

The Equal Opportunity for Religious organizations is a two-way protection (program side vs. religious side) because anyone who participates in USDA programs agree not to discriminate.

It Clarifies that faith-based organizations can use space in their facilities to provide USDA-funded service without removing religious art, icons, scriptures, or other religious symbols; and Ensures that no organization that receives direct Federal financial assistance can discriminate against a program beneficiary, or prospective beneficiary, on the basis of religion or religious beliefs.

In essence, a faith-based organization cannot provide a benefit only to members of your own church or religion. It must be same treatment for all participants.

## Civil Rights Training

- State agencies are responsible for training staff, and beneficiaries/sub recipients whom hold an agreement with the State Agency on an annual basis.
- Beneficiaries/sub recipients are responsible for training their staff working with the program including supervisors and “frontline staff” who interact with applicants or participants on an annual basis.
- New employees should be trained on Civil Rights requirements before participating in Program activities or within the first 30-days of hiring.

State agencies are responsible for training staff, and beneficiaries/sub recipients whom hold an agreement with the State Agency on an annual basis.

Beneficiaries/sub recipients are responsible for training their staff working with the program including supervisors and “frontline staff” who interact with applicants or participants on an annual basis.

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

## Civil Rights Training

*Specific subject matter required, but not limited to:*

- ▶ Collection and use of data;
- ▶ Effective public notification systems;
- ▶ Complaint procedures;
- ▶ Compliance review techniques;
- ▶ Resolution of noncompliance;
- ▶ Requirements for reasonable accommodation of persons with disabilities;
- ▶ Requirements for language assistance;
- ▶ Conflict resolution; and
- ▶ Customer service.

Specific subject matter required, but not limited to:

- Collection and use of data;
- Effective public notification systems;
- Complaint procedures;
- Compliance review techniques;
- Resolution of noncompliance;
- Requirements for reasonable accommodation of persons with disabilities;
- Requirements for language assistance;
- Conflict resolution; and
- Customer service.

## Civil Rights Training

- ▶ Staff should be able to identify a civil rights complaint if received;
- ▶ They should know what to do if they receive a complaint; and
- ▶ Understand that it is the basic right of the individual to file a complaint.
- ▶ Have sign in sheets to document all training. These will be assessed during administrative reviews. CR training also counts toward the professional standards training requirements

Staff should be able to identify a complaint and know what to do if they receive one. Staff should understand that filing a complaint is a basic right of the individual. It is important to have a sign in sheets in order to document all training as these will be assessed during administrative reviews. It is important to not that Civil Rights training also counts toward the professional standards training requirement.

## 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.
- 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.

•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.

•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.

Please Refer age complaints to Federal Mediation and Conciliation Service (FMCS); Remember to review and evaluate facts of investigation; and Write decision informing complainant of follow-up or closure action and provide appeal information.

## 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;

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;

## 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).

## Compliance Reviews

- To examine the activities of State agencies, Local agencies, and Sub recipients to determine Civil Rights compliance.
- FNS Civil Rights and Program staffs review both State and local agencies.
  - Local agencies review their sub recipients holding agreements. (such as FMCS)
- State agencies must report significant findings to the reviewed entity and to FNS.

49

To examine the activities of State agencies, Local agencies, and Sub recipients to determine Civil Rights compliance.

FNS Civil Rights and Program staffs review both State and local agencies.

Local agencies review their sub recipients holding agreements. (such as FMCS)

State agencies must report significant findings to the reviewed entity and to FNS.

## Compliance Reviews

- There are three types of compliance reviews completed by State and federal agencies:
  1. Pre-Award Compliance Reviews
  2. Routine (Post-Award) Compliance Reviews
  3. Special Compliance Reviews

50

•There are three types of compliance reviews completed by State and federal agencies:

1. Pre-Award Compliance Reviews
2. Routine (Post-Award) Compliance Reviews
3. Special Compliance Reviews

## Pre-Award Compliance Reviews

- These reviews are conducted by the State Agency and are usually done as desk reviews of information provided by applicants in their official application to operate an FNS Federally-assisted program.
- No Federal funds shall be made available to a State or an institution until a Pre-Award Compliance Review has been conducted and the applicant has been determined to be in compliance with Title VI.

51

The Pre-Award Compliance reviews are conducted by the State Agency and are usually done as desk reviews of information provided by applicants in their official application to operate an FNS Federally-assisted program.

No Federal funds shall be made available to a State or an institution until a Pre-Award Compliance Review has been conducted and the applicant has been determined to be in compliance with Title VI.

## Routine(Post- Award) Compliance Reviews

- FNS and State agencies must conduct routine compliance reviews as identified by FNS Instruction 113-1 and program-specific regulation and policies.
- The office performing the review must advise the reviewed entity, in writing, of the review findings and recommendations.
- Sample post-award review questions:
  - Do printed materials contain the nondiscrimination statement?
  - Is the “And Justice For All” poster displayed appropriately?
  - Are program informational materials available to all?
  - Is data on race and ethnicity collected appropriately?
  - How are applicants and participants advised of their rights to file a Civil Rights complaint of discrimination?
  - Are reasonable modifications appropriately made for people with disabilities?

52

FNS and State agencies must conduct routine compliance reviews as identified by FNS Instruction 113-1 and program-specific regulation and policies.

The office performing the review must advise the reviewed entity, in writing, of the review findings and recommendations.

Sample post-award review questions:

- Do printed materials contain the nondiscrimination statement?
- Is the “And Justice For All” poster displayed appropriately?
- Are program informational materials available to all?
- Is data on race and ethnicity collected appropriately?
- How are applicants and participants advised of their rights to file a Civil Rights complaint of discrimination?
- Are reasonable modifications appropriately made for people with disabilities?

## Post-Award Compliance Reviews

- 1) Review of lower-level agencies;
- 2) Data collection process and that records have restricted access;
- 3) Program requirements are applied uniformly;
- 4) Public notification;
- 5) Complaint process;
- 6) Training of agency personnel;
- 7) Nondiscrimination Statement usage;
- 8) Participation in State agency training of local agencies;
- 9) Analysis of denied applications;
- 10) Vendor compliance;
- 11) Serving students with dietary disabilities and;
- 12) Language assistance for Limited English proficiency students and applicants.

53

Post-Award Compliance Reviews cover the follow areas:

- Review of lower-level agencies;
- Data collection process and that records have restricted access;
- Program requirements are applied uniformly;
- Public notification;
- Complaint process;
- Training of agency personnel;
- Nondiscrimination Statement usage;
- Participation in State agency training of local agencies;
- Analysis of denied applications;
- Vendor compliance;
- Serving students with dietary disabilities and;
- Language assistance for Limited English proficiency students and applicants.

## Special Compliance Reviews

- A Special Compliance Review may be conducted by the USDA Office of the Assistant Secretary for Civil Rights staff and/or FNS when there are significant Civil Rights concerns which have a direct impact on the delivery of FNS program services and/or benefits.
- Statistical data indicates that a particular minority group is not participating in or benefiting from the Program to an extent indicated by the population of potentially-eligible to participate in or benefit from the Program.
- Reports of noncompliance made by other agencies need to be substantiated.
- Patterns of complaints of discrimination have developed that require follow-up.

Special Reviews are conducted by the USDA's Office of the Assistant Secretary for Civil Rights, Office of Adjudication, independently or in conjunction with FNS staff.

Statistical data indicates that a particular minority group is not participating in or benefiting from the Program to an extent indicated by the population of potentially-eligible to participate in or benefit from the Program.

Reports of noncompliance made by other agencies need to be substantiated.

Patterns of complaints of discrimination have developed that require follow-up.

## Resolution of Noncompliance

### Definition of “Noncompliance”:

- ▶ A factual finding that any civil rights requirement, as provided by law, regulation, policy, instruction, or guidelines, is not being adhered to by a State agency, local agency, or other subrecipient.

Steps must be taken immediately to obtain *Voluntary* compliance.

A finding’s effective date is the date of notice to the reviewed entity

55

### Definition of “Noncompliance”:

A factual finding that any civil rights requirement, as provided by law, regulation, policy, instruction, or guidelines, is not being adhered to by a State agency, local agency, or other subrecipient.

Steps must be taken immediately to obtain Voluntary compliance.

A finding’s effective date is the date of notice to the reviewed entity

## Voluntary Resolution Agreement

- A Voluntary Resolution Agreement (VRA) is an agreement that recipient(s) are willfully consenting to undertake remedial actions to address identified areas of noncompliance or in violation with applicable civil rights laws and/or regulations.
- The VRA may be between multiple parties such as the officials in authority to regulate civil rights laws (Food and Nutrition Service Civil Rights Division, (FNS CRD)), recipient or sub-recipient (State Agency), and program participants (Complainant).
- Voluntary Resolution Agreements may be used to closeout a Civil Rights Compliance Review at the discretion of FNS CRD in lieu of issuing a written Compliance Review report with findings.

56

A Voluntary Resolution Agreement (VRA) is an agreement that recipient(s) are willfully consenting to undertake remedial actions to address identified areas of noncompliance or in violation with applicable civil rights laws and/or regulations.

The VRA may be between multiple parties such as the officials in authority to regulate civil rights laws (Food and Nutrition Service Civil Rights Division, (FNS CRD)), recipient or sub-recipient (State Agency), and program participants (Complainant).

Voluntary Resolution Agreements may be used to closeout a Civil Rights Compliance Review at the discretion of FNS CRD in lieu of issuing a written Compliance Review report with findings.

## **Civil Rights Training for Child Nutrition**

Based on presentation by the Civil Rights Division,  
USDA Food and Nutrition Service in June 2015, and  
November 2015 instructions/policies.

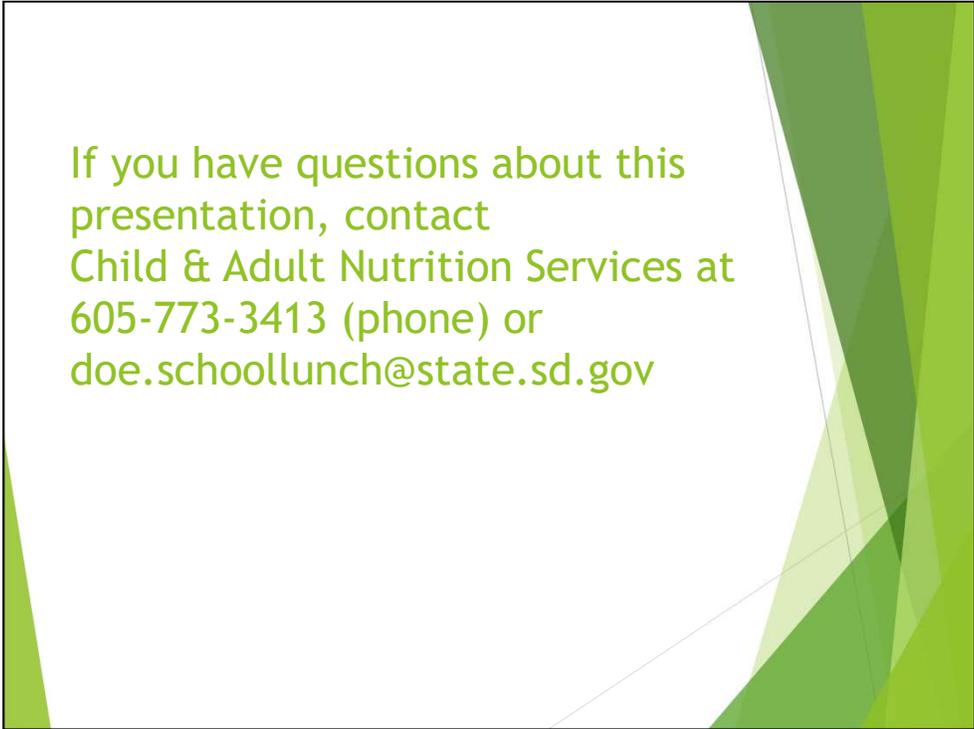
This training credits for 1 hour of training in  
**Key Area 3 – Administration 3000, 3200 Program Management**  
Professional Standards Training Credit

Print Name:

Date of Training:



Thank you for attending this training! This slide is the certificate of training completion, it credits for 1 hour of training in Key Area 3 – Administration .



If you have questions about this presentation, contact  
Child & Adult Nutrition Services at  
605-773-3413 (phone) or  
[doe.schoollunch@state.sd.gov](mailto:doe.schoollunch@state.sd.gov)

If you have questions about this presentation, contact  
Child & Adult Nutrition Services at  
605-773-3413 (phone) or [doe.schoollunch@state.sd.gov](mailto:doe.schoollunch@state.sd.gov)

## 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](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](mailto:program.intake@usda.gov).

This institution is an equal opportunity provider.