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Civil Rights

What is Discrimination?

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

Protected Class

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A protected class is any person or group of people who are protected against discrimination:

- Race
- Color
- National origin
- Age
- Sex
- Disability
- Reprisal
- Political beliefs
- Marital status
- Familial or parental status
- Sexual orientation
- Income from public assistance
- Employment or activity funded by the department

Annual Civil Rights Training

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- Annual Civil Rights Training is Mandatory.
- School Food Authorities (SFAs) must annually complete training for all staff that interacts with program applicants or participants and their supervisors.

Mandatory Training Topics

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- Applicable Policies
- Collection and Use of Data
- Public Notification
- Complaint Procedures
- Compliance Review Techniques
- Requirements of Reasonable Accommodations of Persons with Disabilities
- Requirements of Language Assistance
- Conflict Resolution
- Customer Service

Assurances

Schools that participate and are approved as Child Nutrition Program sponsors will:

- not discriminate based on race, color, national origin, age, sex, or disability;
- operate in compliance with all non-discrimination laws, regulations, instructions, policies, and guidelines;
- collect data and maintain records; and
- allow reviews and access to program records.

Annual Collection and Use of Data

The Household Application for Free and Reduced Price Meals is required to collect data using two separate questions:

1. Ethnicity – Individuals must indicate if Hispanic or Latino.
2. Race – Individuals may select as many as applicable.

Completing this information by the household is optional.

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- All households are encouraged to self declare their ethnic and racial categories.
- If households do not include the ethnic/racial information, record the information based on visual observation.
- The collection of this data is NOT optional at the school level, but the school can use information from other sources.

Public Notification

The School Food Authority (SFA) is required to inform the general public about program availability annually.

- PDE releases a statewide press release each year.
- If you want to advertise locally, the press release is available on PEARS-Download Forms, in the Resource section.

If you advertise your program and mention the SNP, you must include the non-discrimination statement and complaint procedures.

Nondiscrimination Statement and Complaint Procedures

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Nondiscrimination 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. E-mail:
program.intake@usda.gov

This institution is an equal opportunity provider.

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- If the material is too small to permit the full statement you may use:
  "This institution is an equal opportunity provider."

- The most recent nondiscrimination state and complaint procedures are always available on PEARS-Download Forms.

And Justice for All Poster

- All SFAs must display the "And Justice for All" poster in a prominent location where meals/snacks are served.



And Justice for All Poster

- The “And Justice for All” posters are due for revision; however, the re-printing has been delayed indefinitely.
- In the interim, sponsors may print copies of the poster from: http://www.fns.usda.gov/sites/default/files/475C.pdf.

Complaint Procedures

Discrimination is prohibited in programs that receive federal financial assistance through USDA.

1. A complaint may be made against these Programs on the basis of race, color, national origin, age, sex, or disability.

2. Allegations can be made verbally or in writing. If they are made verbally, the person to whom the allegations are made must write up the elements of the complaint for the complaintant, including contact information.

3. All allegations/complaints must be submitted to the contact information on the Nondiscrimination Statement and Complaint Procedures.

Compliance Review Techniques

- To evaluate civil rights compliance, the state agency will ensure that the SFA procedures, as described in the Off-site Assessment Tool, meet civil rights requirements.

Compliance review questions on civil rights include:

- Was the most recent non-discrimination statement used for appropriate program materials?
- Is there a need for services for Limited English Proficient (LEP) households?
- What is the SFA's procedure for receiving and processing complaints alleging discrimination within FNS school meal programs?
- Has the School Food Authority received any written or verbal complaints alleging discrimination in FNS programs in the current or prior school year?
- How are students with special dietary needs accommodated?
- When was the SFA's most recent civil rights training for staff who interact with program applicants or participants and their supervisors?
- How does the SFA collect racial/ethnic data? How often is this information collected?

Reasonable Accommodations

- Child nutrition programs are required to make substitutions or modifications to meal patterns for participants identified with a disabling dietary need.

- A disability determination can only be made by a state-recognized medical professional. In Pennsylvania, this includes:
  - Licensed physician
  - Licensed physician assistant
  - Certified registered nurse practitioner
  - Licensed dentist

- Schools must make substitutions or modifications in the reimbursable meal for students whose disability prevents them from consuming the school meal as prepared.

Reasonable Accommodations

- For students with non-disabling special dietary needs, the accommodation is optional and at the discretion of the school.

For specific details, see Managing Food Allergies in School Nutrition Programs on *PEARS-Download Forms*.

Language Assistance

- Reasonable effort must be made to accommodate participants with Limited English Proficiency (LEP).
- Non-English Free and Reduced Price Household Meal Applications can be found at the following USDA website: http://www.fns.usda.gov/cnd/Application/translatedapps.html
- Although many schools have resources to provide translation services to families, the Division of Food and Nutrition has access to oral interpretation services, if needed.

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- **Have a written and posted policy dealing with unacceptable behavior and conflicts**
- **Try to remain calm**
- **Try to explain situation**
- **Get help, especially if there are threats or if violence is possible**

Customer Service Requirements and Suggestions

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- Treat everyone with respect and dignity
- Promptly respond to concerns and requests
- Approach difficult/tense situations with a calm tone
- Avoid casual comments involving race, color, national origin, sex, age or disability, and reprisal
- Ask for assistance when needed
- Provide complete and written explanations on eligibility (especially if adverse action is anticipated)
- Adopt exceptional customer service
- Use other known effective customer service ideas not listed

For more information on civil rights, contact
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The mission of the department is to academically prepare children and adults to succeed as productive citizens. The department seeks to ensure that the technical support, resources and opportunities are in place for all students, whether children or adults, to receive a high quality education.

The following slide may be printed and used for recordkeeping purposes to document trainings for Professional Standards for school nutrition personnel. Please complete the top line with the name of the person completing the training. This person must then sign and date the bottom of the certificate to attest to their completion of the training.

Certificate of Completion

_____ *attests that*

they have completed review of/participated in the following training:

Civil Rights PowerPoint training

Name/Title of Session

1.0

Number of Training Hours

Administration/3400

Key Area/Key Topic

3420 Policies & Procedures

Learning Topic & Code



_____

Participant's Signature

_____

Date of Completion