COLORADO
Department of Education

Civil Rights Self-Study Guide for Child Nutrition Programs

Colorado Department of Education/ School Nutrition Unit

201 E. Colfax Ave, Denver, CO 80203

Civil Rights Overview

Civil rights are laws that make sure everyone is treated fairly in government programs. Several civil rights laws apply to Child Nutrition Programs, including Title VI of the Civil Rights Act of 1964.
These laws help:

- Remove barriers that prevent individuals from receiving benefits from government-funded programs.
- Provide equal and respectful treatment for all applicants and participants.
- Make sure people understand their rights
- Promote fairness for everyone

Protected Classes

In Child Nutrition Programs, discrimination is not allowed based on:

- Race
- Age
- Color
- Sex
- National Origin
- Disability

Discrimination means treating someone unfairly because they belong to one of these groups. Examples of discrimination:

- Giving certain groups larger or extra helpings of food
- Treating students differently during service
- Not providing meal accommodations for a student with a dietary disability
- Not sharing program information to all eligible families

What Staff Must Do

All staff must:

- Treat everyone with fairness, dignity, and respect
- Follow the same rules for all students
- Provide equal access to meals and services
- Know how to handle complaints
- Complete civil rights training every year

Collecting and Reporting Participant Data

All schools that participate in a USDA Child Nutrition Program must have a system to collect the racial and ethnic data of program participants. This data is used to determine the state's compliance with Federal Civil Rights laws.

When collecting this information, schools must use a two-question format.

1. Ethnicity (ask first)
    a. Hispanic or Latino
    b. Not Hispanic or Latino
2. Race (select one or more)
    a. American Indian or Alaska Native
    b. Asian

c. Black or African American
d. Native Hawaiian or Other Pacific Islander
e. White

Important rules:

- Ask families to self-identify whenever possible
- Keep all data private and accessible only to authorized school, state or federal personnel when requested
- Keep records for 3 years plus the current year
- Use the data only for reporting- not for eligibility

How to Inform the Public

Schools must tell the public each year about their participation in a child nutrition program. Notification to must include information regarding program availability, program rights and responsibilities, the procedure for filing a complaint and the policy of nondiscrimination.

The public notification system must include the following elements:

- **Public Release**: CDE School Nutrition Unit sends out a public release for the state. The SFA is required to know where to access the statewide public release on CDE Communications website.
- **"And Justice for All" poster**: Each school must display the "And Justice" poster in the correct size (11"x17") in a prominent location, such as the school cafeteria or entrance, where it is visible to all participants in the program. The poster provides the USDA address and phone numbers that the public can use to file a complaint if they think their civil rights have been violated. Applicants and participants must be advised of their right to file a discrimination complaint, how to file a complaint, and the complaint procedures.
- **Nondiscrimination statement**: all informational materials, including websites used by schools to inform the public about FNS programs, must contain the nondiscrimination statement. The nondiscrimination statement must be included, in its entirety, on all program materials. Examples of materials requiring the statement include, but are not limited to:
    - Public Release
    - Notification letter for free/reduced-price meals
    - Outreach materials
    - Websites
    - Menus

If there is not enough space, use: "This institution is an equal opportunity provider." This statement must be printed in a font size no smaller than the rest of the text on the document.

It is also important to use photos and images that reflect diversity and inclusion.

Reasonable Accommodations for Disabilities

Some students need meal changes due to a disability. School must:

- Provide meal modifications when supported by a medical statement
- Make sure students can physically access the program (entrances, seating, etc.)

Schools are encouraged, but not required, to make changes for preferences (religious or cultural). Medical Statement forms are available on the CDE Special Dietary Needs webpage.

- Medical statements must be signed by:
    - Doctor (MD or DO)
    - Physician Assistant (PA)
    - Nurse practitioner (APN/RXN)
    - Registered Dietitian (RD or RDN)

- The dietary preference form can be completed and signed by the parent or guardian.

Reasonable Accommodations for People with Limited English (LEP)

Some families may not speak or understand English well and schools must help them access the program. To determine the appropriate level of language support, schools should consider:

- How many people need help
- How often they need help
- The importance of the program or services
- Available resources

Examples of ways to support LEP individuals are:

- Providing program applications or information in other languages
- Using bilingual staff or interpreters to assist participants

Limited resources or costs do not remove the responsibility to provide language assistance. Schools should work to find the most effective and practical ways to ensure individuals with LEP can access program information and services

Customer Service

Food service staff must treat all students, families and program participants with fairness, dignity and respect. Good customer service means:

- Treating everyone the same
- Listening carefully to concerns
- Giving clear and helpful answers
- Applying rules fairly

Complaints and Conflict Resolution

Everyone has the right to file a civil rights complaint. Staff must never stop someone from filing a complaint or ignore a complaint.

If someone wants to file a complaint:

- Accept the complaint
- Write it down (even if it's verbal)
- Do not investigate
- Send it to your supervisor or the proper agency (USDA Office of Civil Rights, FNS Office of Civil Rights, USDA Mountain Plains Regional Office or CDE School Nutrition Unit)

All sponsors should have a written complaint procedure, and the procedure should outline accepting a complaint, documenting a complaint and forwarding a complaint. Any person who believes they have been

discriminated against based on protected classes has a right to file a complaint within 180 days of the alleged discriminatory action.

A complaint may also be anonymous, and anonymous complaints should be handled the same as any other complaint. If the complaint is made verbally and the person does not wish to submit it in writing, the staff member who receives the complaint must document the complaint on the individual's behalf.

Compliance Reviews

Schools are reviewed to make sure they follow civil rights rules. All instances of noncompliance are considered equally. The CDE School Nutrition Unit determines compliance with civil rights regulations during Administrative Reviews. During reviews, schools must show:

- The required poster is displayed
- The nondiscrimination statement is used correctly
- Program information is shared with all families
- Race and ethnicity data is collected and stored
- Staff receive civil rights training
- Complaint procedures are in place
- Meal accommodations are provided when needed

If problems are found, schools must fix them and show how they will prevent them in the future.

Civil Rights Quick Checklist

Staff must:

- Treat everyone fairly and with respect
- Serve the same meal to all students
- Display the "And Justice for All" poster
- Include the nondiscrimination statement on materials
- Provide meal accommodations for disabilities
- Help families who need language support
- Accept and report complaints right away
- Complete annual civil rights training

Additional Resources:

- CDE School Nutrition Unit Civil Rights Webpage
- CDE School Nutrition Unit Special Dietary Needs Webpage

Statement of Certification:

I certify that I have read this Civil Rights Self-Study Guide for Child Nutrition Programs and understand the requirements.

Name:_____ Signature:_____ Date:_____

In accordance with federal civil rights law and USDA civil rights regulations and policies, the USDA, its agencies, offices, employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident. 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 state or local agency that administers the program or contact USDA through the Telecommunications Relay Service at 711 (voice and TTY). Additionally, program information may be made available in languages other than English.
To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at How to File a Program Discrimination 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:

1. **Mail**: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Mail Stop 9410, Washington, D.C. 20250-9410;
2. **Fax**: (202) 690-7442; or
3. **Email**: program.intake@usda.gov