



Civil Rights Training – School Nutrition Program – Note Pages

This document accompanies the Civil Rights Training PowerPoint presentation and is to be used by the presenter when providing Civil Rights training to staff.

This presentation includes speaker notes. The presenter will use the notes to explain the slides the trainees will be viewing.

Civil Rights Training

School Nutrition Programs (SNP)

Minnesota Department of
Education

Slide 1

Welcome to a training session on civil rights for sponsors that administer and participate in Child Nutrition Programs including School Lunch, Breakfast, Special Milk, and Snack.

The U.S. Department of Agriculture (USDA) requires that any program receiving federal financial assistance provide annual training to its staff on civil rights. Specifically, USDA states that all “frontline” staff who interact with program applicants or participants and those who supervise “frontline” staff are required to receive civil rights training; Training must be completed and documented on an annual basis.

Training is required so that people involved (including volunteers) in all levels of program administration understand civil rights related laws, procedures and directives.

What are Civil Rights?

Civil Rights refer to the:

- Rights of “personal liberty” guaranteed by the 13th and 14th Amendments to the U.S. Constitution and Acts of Congress.
- Fair and equitable treatment of all customers and employees

Slide 2

What are civil rights?

Civil rights refer to the rights of “personal liberty” guaranteed by the 13th and 14th Amendments to the U.S. 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. It began with Title VI of 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 received federal financial assistance.

Title IX of the Education Amendments of 1972 addressed the issue of **sex** discrimination while Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act prohibited discrimination based on **disability**.

In 1975, Congress enacted the Age Discrimination Act which prohibited discrimination based on **age**. The Civil Rights Restoration Act of 1987 clarified the intent of Congress as it related to the scope of Title VI of the Civil Rights Act of 1964, again prohibiting discrimination based on race, color and national origin.

Goals of Civil Rights

- **Eliminate barriers to program benefits.**
- **Provide equal treatment to all.**
- **Explain rights and responsibilities.**
- **Show respect and dignity to all.**

Slide 3

What are the goals of civil rights?

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

What is a Protected Class?

A protected class refers to any person or group of people who have a characteristic for which discrimination is prohibited by law.

Protected classes in the SNP include:

- Race
- Age
- Color
- Sex
- National origin
- Disability

Slide 4

What is a protected class?

A protected class refers to any person or group of people who have characteristics for which discrimination is prohibited based on a law, regulation or an executive order.

Protected classes in the SNP are: race, age, color, sex, national origin, and disability.

Note: There are specific laws and regulations that provide for the six protected classes in Food and Nutrition Services (FNS) Programs (for example, SNP). Protected classes may vary somewhat between federal programs. For example, other federal programs may include the following protected classes: sexual orientation, marital or family status, parental status and protected genetic information.

Civil Rights

A Sponsor's Responsibilities

- 1. Collection and use of racial/ethnic data.**
- 2. Public notification system.**
- 3. Equal access to programs.**
- 4. Reasonable accommodation of person with disabilities.**
- 5. Reasonable accommodation-language assistance.**
- 6. Complaint procedures.**

Slide 5

Civil Rights – ! Sponsor's Responsibilities

All sponsors must have an understanding of their responsibilities to ensure that the civil rights of all applicants and participants are protected. These responsibilities include:

- The collection and use of racial/ethnic data.
- The development of an effective public notification system.
- A plan for equal access.
- The requirements for reasonable accommodation of persons with disabilities.
- Requirements for language assistance.
- A plan for conflict resolution which includes the development of a complaint procedure.

We will now examine each one of these responsibilities.

Collection and Use of Racial and Ethnic Data

5 Racial Categories:

- American Indian or Alaskan Native
- Asian
- Black or African American
- Native Hawaiian or Other Pacific Islander
- White

2 Ethnic Categories:

- Hispanic or Latino
- Not Hispanic or Latino

Slide 6

Collection and Use of Racial and Ethnic Data

All schools who participate in a USDA Child Nutrition Program must have a system to collect the racial and ethnic data of program participants in accordance with FNS policy. The data is typically collected at the time of student enrollment and becomes part of the Minnesota Automated Reporting Student System (MARSS) or other student data systems used by schools. The data is used to determine the state's compliance with Federal Civil Rights Laws;

There are five racial categories, which are: American Indian or Alaskan Native, Asian, Black or African American, Native Hawaiian or Other Pacific Islander and White.

There are two distinct ethnic categories: Hispanic or Latino **OR** Not Hispanic or Latino.

Racial and ethnic data is usually collected on the Application for Educational Benefits form for free and reduced-priced meals as part of a voluntary Civil Rights Survey. Parents or a family member or guardian of a participant are asked to identify the racial and ethnic group of the participant after it has been explained that the collection of this information is strictly for statistical reporting requirements and has no effect on the determination of their eligibility to receive program benefits. Since this information is collected through the enrollment process in public schools, this section may be eliminated, if desired, from the application when printed for family distribution. This would also apply to private schools if racial and ethnic data is collected elsewhere.

The person who completes the form is asked to self-identify or self-report the racial and ethnic make up of the participant. They must be offered the option of selecting one or more racial categories and one of the two ethnic categories. Keep in mind that racial and ethnic data is considered private data – be sure to maintain the data in a confidential file and do not use the data for non-civil rights purposes.

Racial and Ethnic Data

- **Maintained for three years plus the current year.**
- **Access restricted to authorized school personnel.**

Slide 7

Racial and Ethnic Data

This data must be maintained on file for three years. It is important to note that access to this information is restricted to authorized school personnel and is available only to authorized state and federal personnel when requested.

Public Notification

- **Public Release:** Inform potentially eligible persons, applicants, participants and grassroots organizations of the availability of the SNP.
- **Display the “And Justice for All” poster.**
- **Include the nondiscrimination statement on all informational materials and websites that describe the SNP.**

Slide 8

Public Notification

All schools who operate an FNS-assistance program, like SNP, must notify the public annually of their participation in the program. The State Agency sends out a state-wide public release annually for existing schools participating in child nutrition programs. New schools to the SNP, must send a public release to notify the public. In addition, notification to applicants and participants must include information regarding program availability, program rights and responsibilities, the policy of nondiscrimination, and the procedure for filing a complaint. The public notification system must include the following basic elements:

- **Public Release:** Schools must take specific actions to inform the public of their program rights and responsibilities and the steps necessary for participation in the SNP.
- **Display the “And Justice for All” poster:** Schools must display the “And Justice for All” poster in a prominent location where it is visible to all participants of Child Nutrition programs. 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. Posters are available from the Minnesota Department of Education Food and Nutrition Service upon request.
- **Nondiscrimination Statement:** All information materials including websites used by schools to inform the public about FNS programs (like SNP) must contain the nondiscrimination statement.

Public Notification

The U.S. Department of Agriculture (USDA) prohibits discrimination against its customers, employees, and applicants for employment on the bases of race, color, national origin, age, disability, sex, gender identity, religion, reprisal and, where applicable, political beliefs, marital status, familial or parental status, sexual orientation, or all or part of an individual's income is derived from any public assistance program, or protected genetic information in employment or in any program or activity conducted or funded by the Department. (Not all prohibited bases will apply to all programs and/or employment activities.)

If you wish to file a Civil Rights program complaint of discrimination, [complete the USDA Program Discrimination Complaint Form](http://www.ascr.usda.gov/complaint_filing_cust.html), found online at http://www.ascr.usda.gov/complaint_filing_cust.html, or at any USDA office, or call (866) 632-9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter to us by mail at U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, by fax (202) 690-7442 or email at program.intake@usda.gov.

Individuals who are deaf, hard of hearing, or have speech disabilities and wish to file either an EEO or program complaint please contact USDA through the Federal Relay Service at (800) 877-8339 or (800) 845-6136 (in Spanish).

Persons with disabilities who wish to file a program complaint, please see information above on how to contact us by mail directly or by email. If you require alternative means of communication for program information (e.g., Braille, large print, audiotape, etc.) please contact USDA's TARGET Center at (202) 720-2600 (voice and TDD).

USDA is an equal opportunity provider and employer.

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9

Slide 9

Public Notification

Schools who participate in the SNP and specifically mention in their promotional and informational materials or on their website that they participate in a USDA child nutrition program, or specifically SNP, must include this nondiscrimination statement:

The U.S. Department of Agriculture (USDA) prohibits discrimination against its customers, employees, and applicants for employment on the bases of race, color, national origin, age, disability, sex, gender identity, religion, reprisal and, where applicable, political beliefs, marital status, familial or parental status, sexual orientation, or all or part of an individual's income is derived from any public assistance program, or protected genetic information in employment or in any program or activity conducted or funded by the Department. (Not all prohibited bases will apply to all programs and/or employment activities.)

If you wish to file a Civil Rights program complaint of discrimination, [complete the USDA Program Discrimination Complaint Form](http://www.ascr.usda.gov/complaint_filing_cust.html), found online at http://www.ascr.usda.gov/complaint_filing_cust.html, or at any USDA office, or call (866) 632-9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter to us by mail at U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, by fax (202) 690-7442 or email at program.intake@usda.gov.

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USDA is an equal opportunity provider and employer.

If space on the publication is extremely limited, a shorter nondiscrimination statement "This institution is an equal opportunity provider and employer" can be used; However, the print size should be no smaller than the text of the document.

Be sure to convey the message of equal opportunity in photos and other graphics that are used to promote program information to applicants or participants. For example, show participants of different races and gender attending or utilizing the services at your facility.

Equal Access

A school must provide equal access to all eligible participants regardless of race, color, national origin, sex, age or disability.

Slide 10

Equal Access

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Reasonable Accommodation for Persons with Disabilities

**A school is required to provide FOOD
SUBSTITUTIONS or MODIFICATIONS if:**

- A. A physician's statement is on file that describes the participant's disability (a disability defined in federal regulations) that prevents the participant from eating the regularly offered foods, and...**
- B. The physician has indicated the substitutions or modifications that the participant needs.**

Slide 11

Reasonable Accommodation of person with disabilities

Schools must make reasonable accommodations for person with disabilities. A school is required to provide FOOD SUBSTITUTIONS or MODIFICATIONS if:

- A. ! physician's statement is on file that describes the participant's disability (a disability defined in federal regulations) that prevents the participant from eating the regularly offered foods, and<
- B. The physician has indicated the substitutions or modifications that the participant needs.

The Special Diet Statement from the physician must be kept on file at the school.

Note: When food or beverage substitutions are requested for a non-disabled participant (for example, a participant who requests a vegetarian diet, a religious-based diet, or a participant with lactose intolerance), the school may decide whether or not to honor the special dietary request. It is **not** considered to be a civil rights issue should the school decide not to honor the special dietary request.

Note: "Reasonable accommodations" also refers to ensuring that participants with a disability have physical access to programs and services – easily accessible entrances, restrooms, etc.

Reasonable Accommodation

Situation: A parent of a student who has been diagnosed with celiac disease demands that gluten-free food items be provided to their child at all meals and snacks.

What must the school do, and how does this relate to civil rights?

Slide 12

Reasonable Accommodation

Situation: A parent of a student who has been diagnosed with celiac disease demands that gluten-free food items be provided to their child at all meals and snacks.

What must the school do, and how does this relate to civil rights?

The school is **required** to provide the gluten-free food items if:

- A physician has determined that the participant has a disability according to federal definitions; and,
- The physician has prescribed gluten-free food items on the “Special Dietary Statement For a Participant With a Disability;”

This situation only becomes a civil rights issue if the participant has a recognized disability and the school has not accommodated the special dietary needs.

If the participant does **not** have a disability, the center **may** make food substitutions, at their discretion when the “Special Diet Statement For a Participant Without a Disability” is completed;

Reasonable Accommodation

Situation: Representatives from an ethnic minority group contact the school and request that ethnic food choices be made available.

Could their request be a civil rights issue?

Slide 13

Reasonable Accommodation

Situation: Representatives from an ethnic minority group contact the school and request that ethnic food choices be made available.

Could their request be a civil rights issue?

Requirements allow a school to decide what foods will be served on a menu as long as the menus meet meal pattern requirements in terms of food components and required quantities. Therefore, this request is **not** considered to be a civil rights issue.

However, it would seem reasonable for the school to consider the group's request and offer some/more ethnic foods on the menu.

Reasonable Accommodation Language Assistance

Sponsors must take reasonable steps to assure “meaningful” access to the information and services they provide...especially for people with Limited English Proficiency (LEP).

Meaningful access could include:

- The distribution of SNP meal benefit forms (Applications for Educational Benefits, household letter and Approval/Denial letter) in 34 different languages.
- Hiring a bilingual interpreter to assist applicants or participants.

Slide 14

Reasonable Accommodation – Language Assistance

Sponsors must take reasonable steps to assure “meaningful” access to the information and services they provide... especially for people with Limited English Proficiency (LEP).

Reasonable steps would include an evaluation of the following factors:

- The number or proportion of LEP persons to be served or likely to be encountered by the sponsor or program.
- The frequency with which LEP individuals come in contact with the program.
- The nature and importance of the program, activity, or service provided by the program to people’s lives and<
- The resources that are available and the costs to provide these services (for example, what support is available in the area for translations?)

Providing services to LEP individuals might include:

- The distribution of SNP meal benefit forms in 34 different languages.
- The hiring of a bilingual interpreter to assist program applicants or participants.

A shortage of resources or anticipated costs to provide these services to individuals with LEP does not eliminate the requirement to do so. Sponsors must explore the most cost-effective means of delivering services and information to people with Limited English Proficiency.

Complaint Procedures

If a participant has a civil rights complaint in regard to their participation in the School Nutrition Programs, advise them to send the complaint to:

USDA, Director, Office of Adjudication, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410 or call toll free (866) 632-9992 (Voice). Individuals who are hearing impaired or have speech disabilities may contact USDA through Federal Relay Service at (800) 877-8339; or (800) 845-6136 (Spanish)

Slide 15

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The address of where to send a civil rights complaint can also be found on the “Ind Justice for !!” poster;

Complaint Procedures

- **The school is encouraged to discuss the civil rights issue with the person who has filed the complaint in an effort to resolve the problem at the lowest level as expeditiously as possible.**
- **Whether or not the issue is resolved at the school level, a person alleging discrimination has a right to file a complaint within 180 days of the discriminatory action and must be advised of confidentiality.**

Slide 16

Complaint Procedures

The school is encouraged to discuss the civil rights issue with the person who has filed the complaint in an effort to resolve the problem at the lowest level as expeditiously as possible.

Whether or not the issue is resolved at the school level, a person alleging discrimination has a right to file a complaint within 180 days of the discriminatory action and must be advised of confidentiality.

Complaint Procedures

- If the complaint is verbal and the person alleging discrimination is not inclined to put the allegation in writing, the person to whom the complaint was made must write up the complaint on behalf of the complainant.
- The complaint write-up should be kept on file for 180 days from the dates of the alleged discriminatory action.

Slide 17

Complaint Procedures

If the complaint is verbal and the person alleging discrimination is not inclined to put the allegation in writing, the person to whom the complaint was made must write up the complaint on behalf of the complainant.

The complaint write-up should be kept on file for 180 days from the dates of the alleged discriminatory action.

Civil Rights Compliance Assessment Form

- **School Civil Rights Compliance Assessment Form — Schools**
- **Federal regulations for School Nutrition Programs require a School Food Authority (SFA) to complete this assessment annually by October 31 and maintain on file.**

Slide 18

Civil Rights Compliance Assessment Form

The School Civil Rights Compliance Assessment Form for Schools can be found at <http://education.state.mn.us/MDE/SchSup/FNS/CivilRights/index.html>.

Federal regulations for School Nutrition Programs require a School Food Authority (SFA) to complete this assessment annually by October 31 and maintain on file.

Civil Rights Questions

If you have any questions about meeting civil rights requirements for School Nutrition Programs, contact the Minnesota Department of Education, Food and Nutrition Service.

Phone: 651-582-8526

Toll-free: 800-366-8922

E-mail: mde.fns@state.mn.us

Slide 19

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