

**FLORIDA DEPARTMENT OF
AGRICULTURE AND CONSUMER
SERVICES
CIVIL RIGHTS POLICY AND
PROCEDURES
FOR PROGRAM ACCESS
(CIVIL RIGHTS GUIDE
AND
TOOL KIT)**

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FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

CIVIL RIGHTS POLICY AND PROCEDURES FOR PROGRAM ACCESS

I. PURPOSE

This documents the nondiscrimination policy of the Florida Department of Agriculture and Consumer Services (hereinafter referred to as “FDACS” or “the Department”), Division of Food, Nutrition and Wellness (hereinafter “Division”) and provides requirements for nondiscrimination in the administration of the Department’s child nutrition (hereinafter “CN”) programs, activities and services. This document specifies the responsibilities, requirements and procedures necessary to ensure FDACS and its local education agencies/school food authorities, subrecipients and contractors comply with federal civil rights statutes and regulations which prohibit discrimination on the basis of race, color, national origin, sex, disability, age, or reprisal or retaliation for prior civil rights activity.

II. POLICY

FDACS is committed to equality in opportunity, meaningful and equally effective communication, and quality customer service for all persons without basis of race, color, national origin, sex, disability, age, or reprisal or retaliation for prior civil rights activity.

III. SCOPE

This FDACS Civil Rights Policy and Procedures covers FDACS and local education agencies/school food authorities, subrecipients and contractors (“Covered Entities”). This policy addresses program access, not employment matters.

IV. AUTHORITIES

Citations: 7 CFR 15; 28 CFR 35; USDA Departmental Regulation (DR) 4300-003, Equal Opportunity Public Notification Policy (October 17, 2019) (DR 4330-003); USDA Guidance to Federal Financial Assistance Recipients Regarding the Title VI Prohibition Against National Origin Discrimination Affecting Persons with Limited English Proficiency, 79 FED. Reg. 70771 (Nov. 28, 2014) (USDA LEP Guidance); FNS Meaningful Access for Persons with Limited English Proficiency (LEP) in the School Meal Programs: Guidance and Q&As (SP37-2016); FNS Policy Memorandum on Modifications to Accommodate Disabilities in the School Meal Programs September 27, 2016 (SP59-2016); FNS Accommodating Children with Disabilities in the School Meal Programs, July 25, 2017 (SP26-2017); FNS State Agency Complaints Processing Memorandum of Understanding (October 4, 2016); FNS Federal State Agreement (Form FNS-74); and FNS Instruction 113-1 and Appendix B. Title VI of the Civil Rights Act of 1964, as amended, 42 USC 2000d (Title VI), Section 504 of the Rehabilitation Act of 1973, as amended, 29 USC § 794 (Section 504), Title II of the Americans with Disabilities Act of 1990 (ADA), as amended by the ADA Amendments Act of 2008, 42 U.S.C. § 12101 et seq., the Age Discrimination Act of 1975, 42 USC § 6101 et seq. (Age Act), Title IX of the Education Amendments of 1972 and Federal and Departmental regulations which prohibit discrimination in FNS programs and activities.

V. STAFF RESPONSIBILITIES

FDACS is responsible for coordinating and monitoring the implementation of this policy and procedure guide. The Division's Compliance Review Team and the Training and Technical Assistance team in conjunction with the Program Eligibility team ("program areas") will provide technical assistance and oversight regarding civil rights compliance statewide. The Senior Management Analyst II position serves as the Division's Civil Rights Coordinator.

The Civil Rights Coordinator will ensure each program-specific policy or operational procedure coincides with these policies and procedures. The program area and Civil Rights Coordinator will convene meetings with all program areas annually and will provide technical assistance as requested. The Civil Rights Coordinator will also work with a Division designee for Section 504/ADA Coordinator and/or Language Access Coordinator.

Each program area will ensure civil rights compliance in all FDACS CN programs, activities and services. The Division's Civil Rights Coordinator will refer civil rights complaints to the USDA FNS Civil Rights Division (CRD) in accordance with FNS Instruction 113-1 and the Memorandum of Understanding between the USDA FNS CRD and the Department.

VI. CIVIL RIGHTS ASSURANCE STATEMENT

A civil rights assurance statement must be incorporated in all agreements between the federal and state agencies, the state agencies and their local agencies or subrecipients, and the local agencies and their subrecipients. Except for retailers and vendors, the agreement must state that the entity involved will compile data, maintain records, and submit reports as required to permit effective enforcement of nondiscrimination laws, regulations, policies, instructions, and guidelines. This agreement must also contain language which permits authorized USDA personnel to review such records, books, and accounts as needed during hours of program operation to ascertain compliance.

The Department will ensure the appropriate assurance of civil rights compliance statement appears in all FDACS contracts, agreements, and template contracts for local education agencies/school food authorities, subrecipients and contractors.

VII. PUBLIC NOTIFICATION

Covered Entities shall have a public notification system to inform participants, applicants, potentially eligible persons and the general public of the program availability or changes in programs, their program rights and responsibilities, the policy of nondiscrimination and the procedures for filing a discrimination complaint. The public notification system will:

- a. Use forms of communication such as letters, brochures, bulletins, newspapers, posters, face-to-face contacts, radio and television announcements to disseminate information about CN programs, activities, services and applicable civil rights requirements and protections. The nondiscrimination statement should be on all written materials, websites, and services used for FNS programs.
- b. Ensure that a copy of the FDACS public notification will be posted on the Department's website to all applicants for services or any other benefits provided by the Department.

- c. Ensure that a copy of the “And Justice for All Poster” is prominently displayed in all the Division’s waiting areas and employee break areas.
- d. Ensure that all program materials used to provide program information display participants of different races, colors, sexes, and national origins.
- e. Ensure that, in waiting areas that offer USDA Food and Nutrition Service programs, the appropriate USDA “And Justice for All” poster is prominently displayed.
- f. Ensure that translated information and materials are provided in areas with a significant proportion of persons with limited English proficiency (LEP) or as needed.
- g. Ensure local education agencies/school food authorities, subrecipients and contractors post multilingual notices informing persons with limited English proficiency (LEP) about the availability of free interpreter services and how to request these services in a language that LEP persons can understand. The Department has developed multilingual notices/taglines (Exhibit 1) regarding the availability of language assistance services, and reasonable modifications and auxiliary aids and services. This notice/tagline should be posted on websites and included in orientation/informational materials provided to parents, guardians and students.
- h. Ensure local education agencies/school food authorities, subrecipients and contractors post multilingual notices informing persons with disabilities about the availability of free auxiliary aids and services and reasonable modifications and how to requests these services in an alternative format, when necessary, that persons with disabilities can understand.
- i. Ensure that program regulations and guidelines are made available to the public upon request.
- j. Provide specific program information that is pertinent to participation to clients during the initial visit.

The Department has developed outreach materials that are translated into Spanish and Haitian Creole that can be used to inform participants, applicants, potentially eligible persons and the general public of the program availability (Exhibit 2). The Department has also developed a process to raise awareness regarding FNS Child Nutrition Programs among Florida’s multicultural families (Exhibit 3).

VIII. RACE AND ETHNICITY DATA COLLECTION

FDACS must ensure that the appropriate data is collected and maintained by the Department and its local agencies, subrecipients and contractors when required by federal and state statutes, regulations and directives. This includes collection of race and ethnicity data in accordance with the U.S. Office of Management and Budget (“OMB”) and each federal or state agency requirements. This data will be used to determine how effectively the Department’s CN programs, activities and services are reaching potential eligible persons and beneficiaries, identify areas where additional outreach is needed, assist in the selection of locations for civil rights compliance reviews, and the completion of reports as required.

~~The preferred method of collecting race and ethnicity data is self-identification and self-reporting.~~

However, in instances where individuals fail to self-identify, the local agencies school food authorities and subrecipients will still be responsible for attempting to collect this data. Examples of alternative means to obtain race or ethnicity data include utilizing data from other sources in which the participant has self-identified race or ethnicity, such as school databases.

When collecting race and ethnicity data, all free and reduced-priced applications and online application platforms must, at a minimum:

- a. Notify the applicant that collection of race and ethnicity data is voluntary;
- b. Notify the applicant that another data collection method will be used if they decline to self-identify.
- c. Provide the applicant with the reason for collecting this data, such as to determine how effectively the CN programs are reaching potentially eligible persons and beneficiaries and to monitor the Civil Rights compliance;
- d. Notify the applicant that their response will not affect consideration of their application and may be protected by the Privacy Act;
- e. Inform the applicant that race and ethnicity information is kept confidential;
- f. Collect information about ethnicity before race;
- g. Notify the applicant that they may only choose one category for ethnicity; and
- h. Provide an option to select one or more races.

The Department has developed a Policy and Procedure to provide instruction for the analysis of race and ethnicity data (Exhibit 4). This data should be analyzed to ensure equal opportunity participation for potentially eligible individuals.

The Department will analyze the race and ethnicity data annually (each October) and update marketing materials, marketing campaigns, outreach materials, and educational materials based on the outcome of the analysis. The Department and local education agencies/school food authority, subrecipients and contractors must have procedures for taking necessary steps to alleviate gaps in language assistance service resources when identified through this assessment process or during an Administrative Review, as appropriate. Local education agencies/school food authority, subrecipients and contractors must submit the data captures by the “four-factor analysis” described within the USDA LEP Guidance and SP37-2016 and this Civil Rights Policy and Procedures.

Minimum Categories for Race and Ethnicity

Although the categories of race and ethnicity collected may vary by program, the minimum OMB categories that must be collected are as follows:

Ethnicity:

- a. ~~Hispanic or Latino. A person of Cuban, Mexican, Puerto Rican, South or Central~~

American, or other Spanish culture or origin, regardless of race. The term “Spanish origin” can be used in addition to “Hispanic or Latino.”

b. *Not Hispanic or Latino.*

Race:

- a. *American Indian or Alaska Native.* A person having origins in any of the original peoples of North and South America (including Central America), and who maintains tribal affiliation or community attachment.
- b. *Asian.* A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent, including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.
- c. *Black or African American.* A person having origins in any of the black racial groups of Africa. A term such as “Haitian” can be used in addition to “Black or African American.”
- d. *Native Hawaiian or Other Pacific Islander.* A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.
- e. *White.* A person having origins in any of the original peoples of Europe, the Middle East, or North Africa.

Maintenance of Race and Ethnicity Data

FDACS’s Florida Automated Nutrition (FANS) system will be used for maintaining race/ethnicity participation data and must ensure that:

- a. Data is collected on an aggregate level.
- b. Documentation for the data collected must be collected and retained at the service delivery point for each program. Documentation must be maintained for five (5) years plus current for Public Schools, and three (3) years plus current for private schools. Access to the data must be limited to authorized personnel.
- c. The civil rights module in the FANS application is used to report the racial and ethnicity data for the local education agencies/school food authorities, subrecipients and contractors.

IX. LANGUAGE ACCESS

Covered Entities must take reasonable steps to ensure that persons with limited English proficiency (“LEP”) have meaningful access and an equal opportunity to participate in CN program services and activities. LEP refers to individuals who do not speak English as their primary language and who have limited ability to read, speak, write, or understand English because of their national origin. Persons with LEP may be competent in English for certain types of communication (e.g., speaking or understanding) but may still be LEP for other purposes (e.g., reading or writing).

Meaningful access is language assistance that results in accurate, timely, and effective communication at no cost to the person with LEP. For persons with LEP, meaningful access denotes access that is not unduly restricted, delayed or inferior as compared to CN programs or activities provided to English-proficient individuals.

The program area is responsible for implementation and coordination of the program’s language assistance services statewide.

Program-Specific Language Access Coordinators

Local education agencies/school food authorities, subrecipients and contractors at the local-level must designate a Language Access Coordinator to consult with the food service department in the development or implementation of any program-specific language access plan to ensure consistency with the FDACS and USDA Civil Rights Policy and Procedures. The language access plan is a written plan of action to ensure meaningful access for commonly encountered languages spoken by individuals with LEP and for languages that fall outside the scope of identified common languages.

FDAC's program eligibility and training and technical assistance team will oversee each local education agencies/school food authorities, subrecipients and contractors; monitor data collection; maintain the current list of each county's resources and answer any questions posed by local education agencies/school food authorities, subrecipients and contractors. Civil Rights complaints related to language access must be handled in accordance with the Civil Rights Complaint Procedures.

The Department's Language Coordinator will monitor county offices for compliance with the FDACS and USDA Civil Rights Policy and Procedures and with Title VI by incorporating compliance into its review process. Language assistance deficiencies cited during a school meals administrative review, self-assessment evaluation, quality assurance review or any other compliance review will be handled in accordance with FNS Instruction 113-1, Section XIV – Resolution of Noncompliance.

The Department's Language Access Coordinator will forward complaints to the Civil Rights Coordinator within the Division. The Division's Civil Rights Coordinator will forward civil rights complaints to the USDA FNS CRD in accordance with FNS Instruction 113-1 and the Memorandum of Understanding between the USDA FNS CRD and the Department.

FDACS must take appropriate corrective action, subject to state personnel law, when it is determined that a particular office or employee is not complying with Title VI of the Civil Rights Action of 1964, the USDA LEP Guidance, or need corrective action.

Lower-level Language Access Plans (School Level)

Child nutrition programs in local agencies, subrecipients or contractors shall determine if the LEP plans coincide with the FDACS Civil Rights Policy and Procedures and with federal Civil Rights statutes and regulations. The local education agencies/school food authorities, subrecipients and contractors must review and approve lower-level plans before issuance to staff and the public.

Self-Assessment of Language Access Needs

The local education agencies/school food authorities, subrecipients and contractors shall conduct a self-assessment of language assistance needs and the availability of resources to assist them within six (6) months of issuance of this Civil Rights Policy and Procedures, and every school year thereafter. This assessment will follow the federally recommended four-factor analysis, which determines the following on a local level basis:

- a. The number or proportion of LEP persons eligible to be served or likely to be encountered within the area serviced by the recipient agency;

- b. The frequency with which LEP persons come in contact with the program or activity;
- c. The nature and importance of the program, activity, or service to people's lives; and
- d. The resources available to the recipient and costs.

Determining the Language Assistance Needs of Individuals with LEP

It is critical that the program staff determine if language assistance is needed, especially if program clients are unable to understand the program terminology. Making this determination is vital to ensure meaningful access, responses, and assessment of the household's circumstances and needs. A qualified interpreter must be provided when a staff member determines that language assistance is necessary to ensure meaningful access and effective communication. A qualified interpreter is an employee, contractor or volunteer who has demonstrated their competence to provide interpretation services at a level of fluency, comprehension, impartiality, and confidentiality appropriate to the specific nature, type and purpose of the information at issue.

In-Person Communications

If the LEP person cannot read or recognize any of the languages utilizing the Communication Assistance Poster, the staff member must use a telephonic interpreting service to identify the individual's primary language. A staff member, under no circumstances, can deny a request for an interpreter based solely on whether an LEP individual can answer short questions by nodding or by using questions to which the answers are simply "yes" or "no."

Telephone Communication and Customer Service Lines

When a staff member places or receives a telephone call and cannot determine the language spoken by the person on the line, the staff member must contact a telephonic interpreter service to identify the language spoken by the other party and to assist the other party as necessary. Department Language Access Coordinators must ensure that all staff within their region are trained to use telephone interpretation.

Additionally, customer service lines must be accessible to persons with LEP. Therefore, customer service lines must provide menu options that are translated into the identified common languages. The translated menu options should occur within approximately 10 seconds from the beginning of the voicemail message.

Recording and Tracking Language Assistance Services.

Each program area must develop a method for tracking and recording a participant's request for interpreters and program materials in alternate forms and languages, as well as the provision of the requested service. The primary language of each LEP individual must be documented in the individual's record/file to alert other staff members that encounter the individual that language assistance services must be provided. Staff must also document the type of language assistance provided to the person with LEP at each contact. This recording and tracking method must ensure that staff follow the Department's policies regarding the use of family and friends as interpreters to communicate with persons with LEP. The Department has developed a template to track request from limited English proficient individuals (Exhibit 5).

Language Assistance Services

Oral Interpretation is the act of listening to a communication in one language (source language) and orally converting it to another language (target language) while retaining the same meaning.

- a. The Department will provide qualified, contracted interpreter services for in-person interpretation as well as telephone interpretation for individuals that need interpreter assistance.
- b. In some instances, FDACS, local education agencies/school food authorities, subrecipients and contractors may utilize multilingual staff or volunteer interpreters who are deemed qualified and competent to interpret for or communicate directly in person with LEP program customers.

Each local education agencies/school food authorities, subrecipients and contractors must have a method for determining whether multilingual staff and/or volunteers are qualified to interpret in the Department's CN programs, activities and services.

Regardless of the type of language assistance provider utilized, the language assistance provider must be competent to transfer efficiently and effectively the information from one language to another.

Interpreter Competency

The Division and Covered Entities will take reasonable steps to ensure that all individuals providing interpretation and translation services are qualified and capable of facilitating effective communication between LEP persons and staff. The use of untrained individuals and/or minors under the age of 19 as interpreters should be avoided. Applicants and participants cannot be asked to bring their own interpreters. Standards to establish interpreter competency are the same regardless of whether the interpreter is a staff member, contractor, volunteer or family member.

The staff must ensure that all individuals who provide interpretation and translation services are qualified and capable of facilitating effective communication between persons with LEP. Food service staff are not responsible for assessing the competency of the interpreter. The local education agencies/school food authorities, subrecipients and contractors' staff must ensure that paid interpreters and vendors contracted for services meet competency standards outlined by the Department.

The local education agencies/school food authorities, subrecipients and contractors must ensure it takes reasonable steps to ensure an interpreter can:

- a. Demonstrate proficiency in and ability to communicate information accurately in both English and in the other language;
- b. Identify and employ the appropriate mode of interpreting (e.g., consecutive, simultaneous, summarization, or sight translation);
- c. Communicate in both English and the LEP individual's primary language accurately, effectively, and impartially;

- d. Possess appropriate knowledge in both languages of specialized terms and concepts used frequently in services and child nutrition programs;
- e. Understand and follow the obligation to maintain confidentiality; and,
- f. Understand the roles of interpreters and the ethics associated with being an interpreter.

Translator Competency

FDACS and local education agencies/school food authorities, subrecipients and contractors must use qualified translators when translating documents, materials and information for the public. A qualified, competent translator is a highly trained individual who can render text from a source language into a target language while preserving meaning and adhering to generally accepted translator ethics and principles, including confidentiality. This requires the ability to understand the cultural context of the source and target languages. A qualified, competent translator has demonstrated his or her competence to translate through an independent language assessment.

The Department and local education agencies/school food authorities, subrecipients and contractors are responsible for ensuring that paid vendors contracted for translation services are qualified. The skill of translating is very different from the skill of interpreting, and a person who is a competent interpreter may not be competent to translate. Those providing written translations must be able to translate written documents accurately and effectively. Competence can often be achieved by using certified translators and proofreaders, though certification or accreditation may not always be possible.

Multilingual Employees

A multilingual employee authorized to provide language assistance services is an employee who has demonstrated proficiency in English and reading, writing, speaking, or understanding at least one other language through an independent language assessment. Multilingual employees must receive approval from a supervisor to provide language assistance services. If used to interpret or speak “in-language” with a client, the multilingual employee must adhere to generally accepted interpreter ethics and principles, including client confidentiality. Note: Direct in-language communication is monolingual communication in a language other than English between a multilingual staff and an LEP person (e.g., speaking in Vietnamese to an LEP person who speaks Vietnamese). Likewise, multilingual employees used as translators must adhere to generally accepted translator ethics and principles, including client confidentiality.

Many individuals have some proficiency in more than one language but are not completely bilingual. They may be able to greet or have standard conversation in English but are unable to conduct the Department’s business in English. These multilingual staff must not interpret for others or attempt to convey vital information to clients.

Use of Family and Friends as Interpreters

FDACS and local education agencies/school food authorities, subrecipients and contractors should not plan to rely on a LEP person’s family, friends or other informal interpreters to provide meaningful access to clients. Staff members must not require an LEP individual to utilize family members or friends to provide interpretation or translation services and must make the LEP individual aware that he or she is entitled to language assistance services free of charge.

Where LEP persons so desire, they should be permitted to use, at their own expense, an interpreter of their own choosing (whether a professional interpreter, family member, friend, or other person of their choosing) in place of or as a supplement to the free language services expressly offered by FDACS or subrecipients. Informal interpreters may be used in the event of an emergency. However, friends and family members that are serving as interpreters must not be LEP themselves.

If the LEP individual declines the Department or its subrecipient's offer to provide language services free of charge, staff should note the individual's decision in the case file. For each LEP individual who declines the offer for staff to provide an interpreter free of charge, staff must document the following in the LEP individual's case file or record:

- a. An offer was made by FDACS or local education agencies/school food authorities, subrecipients and contractors to provide an interpreter to the individual free of charge;
- b. The offer was declined (and note who declined the offer); and,
- c. The name of the family member or friend who provided language assistance at the LEP individual's request, if any.

For each LEP individual who declines the offer for FDACS or local education agencies/school food authorities, subrecipients and contractors to provide an interpreter free of charge, staff should inform the LEP individual who has declined the offer, that he or she may reconsider and request a free interpreter at any time.

The individual must be informed that confidential information and delicate issues may be discussed. The individual must confirm whether he/she would like to continue with the friend or family member as an interpreter. If an LEP individual elects to use a family member or friend to provide interpretation services after staff has offered free language assistance in his or her primary language, staff should take reasonable steps to determine whether the individual providing the interpretation is competent to provide this service and whether a conflict of interest, confidentiality issues or other concerns makes use of the friend or family member inappropriate as an interpreter.

If the family member or friend is not competent or appropriate under the circumstances, staff must provide interpreter services in place of, or if appropriate, in addition to the person selected by the LEP individual.

Use of Minor Children as Interpreters

Reliance on minor children **under the age of 19** is allowable only in cases of extreme emergency and no preferable qualified interpreters are available.

Translation of Vital Documents and Information

The Department, local education agencies/school food authorities, subrecipients and contractors must prioritize translation of vital documents by qualified translators to ensure meaningful access to LEP persons.

Classification of a document (or the information it solicits) as "vital" depends upon the importance of the program or activity, information, encounter, service or benefit involved, and the consequence to the LEP person if the information in question is not provided accurately or in a timely manner.

Vital documents are not limited to hard copy brochures, forms or applications. Vital documents may also include, but is not limited to, text on webpages and automated free and reduced-price online systems and platforms (see below). Vital documents contain information that affects access to, retention in, or termination or exclusion from program services or benefits.

Vital documents can be classified into two broad categories: (1) specific communication regarding a case or matter between an individual and the Department, local education agencies/school food authorities, subrecipients and contractors; and (2) documents primarily geared towards the general public or a broad audience. Information that may be considered “vital” may include, but are not limited to:

- a. Applications for program benefits or services,
- b. Procedural Safeguards,
- c. Consent forms, complaint forms, intake forms, and letters containing important information related to participation,
- d. Written notices pertaining to eligibility requirements, rights and responsibilities, denials, waivers, decreases in benefits or services, or terminations of services or benefits and/or the right to appeal such actions,
- e. Notices advising LEP persons of the availability of free language assistance,
- f. Outreach materials and public education materials,
- g. Any documents that require a response from applicants, beneficiaries, and other participants.

FDACS Language Access Coordinators must ensure each program area has a method for identifying vital documents for translation and the languages in which these documents should be translated. One guide is to translate text for each eligible LEP language group that constitutes 5 percent or 1,000, whichever is less, of the population of persons eligible to be served or likely to be affected or encountered. Any revisions to English versions of vital documents must also be translated into the target language in a timely manner.

Translations on Websites and Online Automated Systems

Department and local education agencies/school food authorities, subrecipients and contractors, in consultation with the Language Access Coordinator, must ensure that LEP individuals have meaningful access to its program websites and online free and reduced-price automated systems, including, but not limited to, applications, EBT account management platforms, forms and brochures. If a webpage or online free and reduced-price platform is translated into a non-English language, all vital information and hyperlinks to vital information within these online automated systems and webpages must be accurately translated into the target language. This includes hyperlinks to vital information, dropdown boxes, attachments, disclaimers, disclosures, warnings, and other notices that may impact how an individual proceeds on an online platform.

If a webpage or online platform displaying vital information is not translated into frequently encountered languages, multilingual tagline notices offering free language assistance services (interpretation and translated materials) must be visible on the program website or online platform. The multilingual tagline notices posted on the website must be in all languages that are frequently encountered.

Monitoring Language Access

All review or monitoring tools used to evaluate the Department’s CN programs, services and

activities must contain criteria that determines if staff are taking reasonable steps to ensure meaningful access for persons with LEP at the point of contact. The reviewer will follow the procedures in “Section VII Resolution of Noncompliance” to remedy instances of noncompliance determined during the review.

X. DISABILITY ACCESS

Policy

The Americans with Disabilities Act (“ADA”) prohibits discrimination on the basis of disability in employment, State and local government, public accommodations, commercial facilities, transportation, and telecommunications. Section 504 of the Rehabilitation Act (Section 504) states that “no qualified individual with a disability in the United States shall 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. Therefore, no qualified individual with a disability shall, on the basis of disability, be excluded from participation in or be denied the benefits of the services. To this end, the Department and local education agencies/school food authorities, subrecipients and contractors must:

- a. Make reasonable modifications in policies, practices, or procedures when necessary to avoid discrimination on the basis of disability, unless the Department or local education agencies/school food authorities, subrecipients and contractors can demonstrate that making the modifications would fundamentally alter the nature of the service, program, or activity. This includes providing individuals with disabilities with an equal opportunity to participate in the most integrated setting.
- b. Ensure that communication with people with visual, hearing or speech disabilities is equally effective as communication with people without disabilities when accessing its CN programs, services and activities.
- c. Notify persons with disabilities about the Department’s grievance procedures and about the availability of reasonable modifications and auxiliary aids and services in an alternative format that they can understand.
- d. Ensure accessibility to its facilities, websites and online systems for persons with disabilities.

The Department’s local agencies, subrecipients and contractors (“Covered Entities”) also must not discriminate against individuals with disabilities and, therefore, must adopt policies and procedures that ensure individuals with disabilities are provided with an equal opportunity to participate and receive equally effective communication when accessing the Department’s CN programs, services and activities.

Section 504/ADA Coordinators

Local education agencies/school food authorities, subrecipients and contractors employing 15 or more individuals must designate at least one person to coordinate compliance with the disability requirements of Section 504 of the Rehabilitation Act of 1973 at 7 CFR 15b.6. Additionally, Sponsors that are state or local governments that employ 50 or more people must designate at least one person to ensure compliance with Title II of the Americans with Disabilities Amendments Act

of 2008 at 28 CFR 35.107. One person can assume the role of the Section 504/ADA Coordinator. The Section 504/ADA Coordinator or their designee(s) will handle the grievance procedure and ensure personnel are equipped with necessary auxiliary aids and services to meet the needs of individuals with communication disabilities. They will also collect/maintain requests for reasonable modifications and auxiliary aids and services from applicants and collaborate with Food Service Personnel to ensure necessary assistance is provided for those students accessing the meals programs.

One person may coordinate implementing regulations, directives and guidance for both statutes. The name, office address, and telephone number of the Section 504/ADA Coordinator must be provided to all interested persons. The program coordinators described in “Section V Staff Responsibilities” above may assume responsibility for coordinating compliance with Section 504 and the ADA.

Self-Evaluation of Services

Within one (1) year of the effective date of this policy and procedure, the Department, its local education agencies/school food authorities, subrecipients and contractors must evaluate all current services, policies and practices to determine if they ensure equal participation through provision of reasonable modifications and equally effective communication for persons with disabilities. These Covered Entities must provide an opportunity to interested persons and individuals with disabilities or organizations representing persons with disabilities to participate in the self-evaluation process by submitting comments.

During the annual renewal of NSLP applications, the Department’s local education agencies/school food authorities, subrecipients and contractors must submit its self-evaluation process that contains:

- a. A list of the interested persons consulted;
- b. A description of areas examined, and any problems identified; and,
- c. A description of any modifications made.

Lower-level Section 504/ADA Plans

Local education agencies/school food authorities, subrecipients and contractors must authorize the development of Section 504/ADA plans by CN programs, local agencies, subrecipients or contractors to determine if these plans coincide with this Civil Rights Policy and Procedures and with federal Civil Rights statutes and regulations. The local education agencies/school food authorities, subrecipients and contractors must review and approve lower-level plans before issuance to staff and the public.

Reasonable Modifications

Covered Entities must make reasonable modifications in policies, practices, or procedures when necessary to avoid discrimination on the basis of disability, unless the entity can demonstrate that making the modifications would fundamentally alter the nature of the service, program, or activity. A reasonable modification is a change or exception to a policy, practice, or procedure that allows people with disabilities to have equal access to CN programs, services and activities. A reasonable modification can also be a structural change made to existing premises, occupied or to be occupied by a person with a disability, in order to afford such a person full enjoyment of the premises. If the modification requested would cause undue financial burden on the program or activity to the level

that it would make continued operation of the program unfeasible, the modification need not be provided. However, denying a modification under the fundamental alteration exception should not result in the denial of access to the program or other benefits or services.

Equally Effective Communication

The Department and its Covered Entities must ensure that communication with individuals with disabilities is equally effective as communication with people without disabilities. This applies to communications ~~in appropriate circumstances~~ with applicants and participants ~~and~~ with their parent, spouse or a companion who have hearing, vision and speech disabilities. A “companion” is a family member, friend, or associate of an individual seeking access to a service, program, or activity of a public entity, who, along with such individual, is an appropriate person with whom the public entity should communicate.

The Department and its Covered Entities must:

- a. Notify individuals with disabilities about the availability of auxiliary aids and services and how to request them in an alternative format that they can understand.
- b. Provide auxiliary aids and services (e.g., qualified sign language interpreters, large print, Braille) in a timely manner when needed to communicate effectively with applicants, participants, potentially eligible persons, and their companions who have communication disabilities at no cost to them.
- c. Take into consideration the nature, length, and complexity of the communication, as well as the person’s normal method(s) of communication when choosing an auxiliary aid or service.
- d. Use qualified sign language interpreters and not require an individual with a disability to bring another individual with them to interpret.
- e. Limit the use of adult or minor child (companions) as interpreters to emergency situations involving an imminent threat to the safety of welfare of an individual or the public when a qualified interpreter is not available.
- f. Only use an adult companion as an interpreter when individuals request this, the accompanying person agrees to interpret, and reliance on the accompanying adult is appropriate under the circumstances.
- g. Require reasonable advance notice from people requesting aids or services, based on the length of time needed to acquire the aid or service, but may not impose excessive advance notice requirements.
- h. Honor “walk-in” requests for aids and services to the extent possible.
- i. Ensure Video Remote Interpreting (VRI) technologies meet ADA performance standards (28 CFR 35 and 28 CFR 36.303(f)).
- j. Accept telephone calls placed through TRS and VRS, and staff who answer the telephone must treat relay calls just like other calls.
- k. Train frontline staff on the requirements for communicating effectively with individuals with disabilities.

FDACS and its local agency staff are required to give primary consideration to the type of auxiliary aid or service requested by the person with the disability. Staff must honor that choice, unless they can demonstrate that another equally effective means of communication is available or that the aid or service requested would fundamentally alter the nature of the program, service, or activity or would result in undue financial and administrative burdens. If the choice expressed by the person with a disability would result in an undue burden or a fundamental alteration, the FDACS and its local agencies still have an obligation to provide another aid or service that provides effective communication, if possible.

Covered Entities that are public accommodations (private entities) should consult with the person with a disability to reach an agreement on the appropriate and effective auxiliary aid or service. Covered entities must provide an aid or service that will be effective, given the nature of what is being communicated and the person's method of communicating, unless doing so would result in an undue burden. In which case, the public accommodation must provide another effective aid or service, if possible, that would not result in an undue burden.

Covered Entities cannot require a person with a disability to bring someone to interpret for him or her. However, if a person with a disability chooses to rely on a companion to interpret for them, the companion can be used in only two situations:

- a. In an emergency involving an imminent threat to the safety or welfare of an individual or the public, an adult or minor child accompanying a person who uses sign language may be relied upon to interpret or facilitate communication only when a qualified interpreter is not available.
- b. In situations not involving an imminent threat, an adult accompanying someone who uses sign language may be relied upon to interpret or facilitate communication when a) the individual with the disability specifically requests that the accompanying adult interpret or facilitate communication, b) the accompanying adult agrees to provide such assistance and there is no reason to doubt the person's impartiality or effectiveness, and c) reliance on the accompanying adult for such assistance is appropriate under the circumstances. This exception does not apply to minor children.

Auxiliary Aids and Services

Covered Entities must furnish appropriate auxiliary aids and services where necessary to afford individuals with disabilities, including applicants, participants, companions, and members of the public, an equal opportunity to participate in, and enjoy the benefits of, a service, program, or activity of a public entity. Auxiliary aids and services include, but are not limited to the following:

Qualified interpreters on-site or through video remote interpreting (VRI) services; notetakers; real-time computer-aided transcription services; written materials; exchange of written notes; telephone handset amplifiers; assistive listening devices; assistive listening systems; telephones compatible with hearing aids; closed caption decoders; open and closed captioning, including real-time captioning; voice, text, and video-based telecommunications products and systems, including text telephones (TTYs), videophones, and captioned telephones, or equally effective telecommunications devices; videotext displays; accessible electronic and information technology; or other effective methods of making aurally delivered information available to individuals who are deaf or hard of hearing.

Qualified Interpreters

Covered Entities must use qualified interpreters when communicating with persons with disabilities. A qualified interpreter is an interpreter who, via a video remote interpreting (VRI) service or an on-site appearance, can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. Qualified interpreters include, for example, sign language interpreters, oral transliterators, and cued-language transliterators.

Video Remote Interpreting (VRI)

The Department and its Covered Entities that choose to provide qualified interpreters via VRI must ensure that it provides:

- a. Real-time, full-motion video and audio over a dedicated high-speed, wide-bandwidth video connection or wireless connection that delivers high-quality video images that do not produce lags, choppy, blurry, or grainy images, or irregular pauses in communication;
- b. A sharply delineated image that is large enough to display the interpreter's face, arms, hands, and fingers, and the participating individual's face, arms, hands, and fingers, regardless of his or her body position;
- c. A clear, audible transmission of voices; and
- d. Adequate training to users of the technology and other involved individuals so that they may quickly and efficiently set up and operate the VRI.

Telecommunications/Relay Services

Covered Entities must receive and respond to calls made by persons with hearing or speech disabilities through the free nationwide telecommunications relay services (TRS), which can be reached by calling 7-1-1. Staff must respond to telephone calls from a TRS in the same manner that it responds to other telephone calls. Staff must be trained on how to receive all forms of TRS, including Text-to-Voice TTY-based TRS, Voice Carry Over, Hearing Carry Over, Speech-to-Speech Relay Service, Shared Non-English Language Relay Services, Captioned Telephone Service, IP Captioned Telephone Service, Internet Protocol Relay Service, and Video Relay Service (VRS).

When the Department or its Covered Entities use an automated-attendant system, including, but not limited to, voicemail and messaging or an interactive voice response system, for receiving and directing incoming telephone calls, that system must provide effective real-time communication with individuals using auxiliary aids and services, including TTYs and all forms of FCC-approved telecommunications relay systems, including Internet-based relay systems.

State and Local Websites

FDACS and its Covered Entities must ensure its websites and online platforms are accessible to persons with disabilities and include accessible features. The Department and its Covered Entities must ensure that in-house staff and contractors responsible for web page and content development are properly trained. These entities must also provide a way for visitors to request accessible

information or services by posting a telephone number or E-mail address on the program's home page.

In the development of program websites and online platforms, the Department and its Covered Entities should periodically enlist disability groups to test pages for ease of use and to increase accessibility.

Service Animals

Under the ADA, a service animal is defined as a dog that has been individually trained to do work or perform tasks for an individual with a disability. The Department and its local agencies, subrecipients and contractors must provide individuals with disabilities that utilize service animals an equal opportunity to participate in FNS programs, services and activities.

Service animals must be allowed in all areas of a facility where the public is allowed except where the dog's presence would create a legitimate safety risk or would fundamentally alter the nature of a public entity's services. Service animals may be excluded only if:

- a. the dog is out of control and the handler cannot or does not regain control; or
- b. the dog is not housebroken.

Where there is a legitimate basis to exclude the service animal, the individual with a disability should be given the opportunity to participate in the program without the service animal.

Staff may not require individuals with disabilities to provide documentation, such as proof that the service animal has been certified, trained, or licensed as a service animal, as a condition for entry. Service animals are not required to wear service animal vests or patches, or to use a specific type of harness.

Service animals must be under the control of the handler at all times and be harnessed, leashed, or tethered, unless these devices interfere with the service animal's work or the individual's disability prevents them from using these devices. Individuals who cannot use such devices must maintain control of the animal through voice, signal, or other effective controls. In situations where it is not apparent that the dog is a service animal, staff may ask only two questions:

- a. Is the dog a service animal required because of a disability?
- b. What work or task has the dog been trained to perform?

Staff cannot ask about the person's disability, require medical documentation, require a special identification card or training documentation for the dog, or ask that the dog demonstrate its ability to perform the work or task.

Staff cannot isolate individuals with disabilities who use service animals from other patrons.

Miniature Horses

Although not considered a service animal, the Department and its local agencies, subrecipients and contractors must modify their policies to permit access where reasonable for miniature horses that are individually trained to do work or perform tasks for individuals with disabilities. The following four

assessment factors should be used to assist in determining whether miniature horses can be accommodated in the facility:

1. Whether the miniature horse is housebroken;
2. Whether the miniature horse is under the owner's control;
3. Whether the facility can accommodate the miniature horse's type, size, and weight; and
4. Whether the miniature horse's presence will not compromise legitimate safety requirements necessary for safe operation of the facility.

Wheelchairs and Other Power-Driven Mobility Devices

FDACS and its local agencies, subrecipients and contractors must allow individuals with disabilities who use wheelchairs, mobility aids, or other power-driven mobility devices (OPDMD) into all areas where the public is allowed to go, unless the entity can demonstrate that the particular type of device cannot be accommodated because of legitimate safety requirements. Such safety requirements must be based on actual risks, not on speculation or stereotypes about a particular class of devices or how individuals will operate them.

Staff must consider the following factors in determining whether to permit OPDMDs on their premises:

- a. the type, size, weight, dimensions, and speed of the device;
- b. the volume of pedestrian traffic (which may vary at different times of the day, week, month, or year);
- c. the facility's design and operational characteristics, such as its square footage, whether it is indoors or outdoors, the placement of stationary equipment, devices, or furniture, and whether it has storage space for the device if requested by the individual;
- d. whether legitimate safety standards can be established to permit the safe operation of the device; and,
- e. whether the use of the device creates a substantial risk of serious harm to the environment or natural or cultural resources or poses a conflict with Federal land management laws and regulations.

Clear communication should be provided to the public regarding any OPDMD not permitted in an area where the Department's CN programs, services and activities are offered. Staff may not ask individuals using such devices about the nature and extent of their disability but may ask for a credible assurance that the device is required because of a disability.

If the person presents a valid, State-issued disability parking placard or card, or a State-issued proof of disability it must be accepted as credible assurance on its face. If the person does not have this documentation, but states verbally that the device is being used because of a mobility disability, that must also be accepted as credible assurance unless the person is observed doing something that contradicts the assurance.

Fundamental Alteration/Undue Burden

FDACS and its Covered Entities are not required to modify its policies, practices or procedures if the entity can demonstrate that making the modification would fundamentally alter the nature of the service, program or activity. If the modification requested would cause undue financial burden on the program or activity to the level that it would make continued operation of the program unfeasible, the modification need not be provided. However, denying a modification under the fundamental alteration exception should not result in the denial of an individual's access to the program or other benefits or services. The State agency, local agency, sub recipients and contractors must still provide services to the maximum extent possible.

Physical Access to Buildings and Facilities

FDACS, local agency, subrecipients and contractors shall ensure individuals with disabilities are not excluded from CN programs and services because facilities are unusable or inaccessible to them. These entities must ensure that people with disabilities have access to CN programs and services under the same terms and conditions as other people. These entities shall abide by the [2010 ADA Standards for Accessible Design](#).

Entities are not required to take any action that would result in undue financial and administrative burdens. The decision that an action would result in an undue burden must be made by a high-level official, no lower than a Department head, having budgetary authority and responsibility for making spending decisions, after considering all resources available for use in the funding and operation of the service, program, or activity, and must be accompanied by a written statement of the reasons for reaching that conclusion. If an action would result in an undue burden, a public entity must take any other action that would not result in an undue burden but would nevertheless ensure that individuals with disabilities receive the benefits or services provided by the public entity.

Meal Modifications and Procedural Safeguards

The local education agencies/school food authority and subrecipients must make reasonable modifications in policies, practices, and procedures when necessary to ensure all individuals have equal opportunity access to the school meal environment. This includes the incorporation of procedural safeguards and accommodating meal component offerings.

A meal modification must be related to the disability or limitations caused by the disability. However, the goal of the local education agencies/school food authority and subrecipient is to determine what they can do to accommodate a disability, not determining if the person has a disability.

An individual with a disability is a person with a physical or mental impairment that substantially limits one or more of the major life activities of such individual, a person with a record of such an impairment; or a person who is regarded as having such an impairment. A major life activity includes but is not limited to functions such as caring for self, performing manual tasks, walking, seeing, eating, reading, hearing, speaking, breathing, learning, and working; or major bodily functions such as functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine and reproductive functions.

Meal modifications requested by the parent or guardian do not always have to be the modification provided, as meal modifications can be negotiated; however, a simple “no” at initial request is

almost never acceptable. The local education agencies/school food authority and subrecipient must obtain a medical statement (Exhibit 6) from the parent or guardian if the meal modification requested is not within the meal pattern requirements. A copy of the medical statement should be included in orientation/informational materials provided to parents, guardians and students.

The local education agencies/school food authority and subrecipient must also have procedural safeguards to ensure parents, guardians and children have notice of the procedure for requesting reasonable modifications in the school meal program, and the prompt process for resolving disputes in a language and format that they can understand. These safeguards provide program participants an opportunity to know the decision of their request, understand the reasoning behind the decision, and provide the opportunity to appeal the decision unburdened.

The procedural safeguard notice (Exhibit 7) must explain the parent's or guardian's right to:

- a. File a grievance if they believe a violation has occurred regarding the request for a reasonable modification;
- b. Receive a prompt and equitable resolution of the grievance;
- c. Request and participate in an impartial hearing to resolve their grievances;
- d. Be represented by counsel at the hearing;
- e. Examine the record; and
- f. Receive notice of the final decision and a procedure for review, i.e., right to appeal the hearing's decision.

In certain situations, additional meal modifications must be provided, such as adaptive feeding equipment or food service aides, to assist the individual with eating. The local education agencies/school food authority and subrecipient is responsible for providing the necessary aid and services to accommodate children with disabilities.

The Department has developed a decision tree and Special Dietary Do's and Don't's to assist local education agencies/school food authority and subrecipients in assessing meal modification requests and the associated documentation requirements (Exhibits 8 and 9).

Local education agencies/school food authority and subrecipients should distribute the procedural safeguards, to parents, guardians, and their children to ensure their understanding of the process to request meal modifications and how to file a grievance.

Staff Training

It is important that staff, especially front-line staff, who routinely interact with the public understand the requirements on modifying policies and practices, communicating with and assisting customers, accepting calls placed through the relay system, and identifying alternate ways to provide access to CN programs and services when necessary to accommodate individuals with a mobility disability.

Recording and Tracking Reasonable Modifications and Auxiliary Aids and Services

The Department and local education agencies/school food authority, subrecipients and contractors must develop a method for recording and tracking requests for reasonable modifications and auxiliary aids and services at the point of contact with any person with disabilities. This system must also provide a method for staff to document what modification, aid or services was provided in response to each request to ensure equal participation and equally effective communication.

This recording and tracking method must ensure that staff follow the Department's policies regarding the use of family and friends as interpreters to communicate with persons with disabilities.

XI. COMPLAINT PROCEDURES

All written or verbal complaints alleging discrimination on the basis of race, color, national origin, sex, disability age, or reprisal or retaliation for engaging in prior civil rights activity in any of the Department's CN programs, activities or services are processed by the Department in accordance with FNS Instruction 113-1 and the Memorandum of Understanding between the USDA FNS CRD and the Department.. The Department and its local education agencies/school food authorities, subrecipients and contractors must forward all discrimination complaints immediately upon receipt to the Division's Civil Rights Coordinator without any investigation into the matter.

Right to File A Complaint

Any person alleging discrimination on the basis of race, color, national origin, sex, disability, age, or reprisal or retaliation for engaging in prior civil rights activity in any of the Department's CN programs, activities or services has a right to file a complaint within 180 days of the alleged discriminatory action. Only the Secretary of Agriculture retains the write to dismiss civil rights complaints made after the 180-day post-incident deadline. For this reason, all civil rights complaints must be forwarded regardless of its age. The Division's Civil Rights Coordinator will forward all complaints, regardless of age, to the USDA FNS CRD.

The Department and its local education agencies/school food authorities, subrecipients and contractors must notify complainants of their right to file a complaint directly with the appropriate federal agency:

mail:

U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410; or

fax:

(833) 256-1665 or (202) 690-7442; or

email:

Program.Intake@usda.gov

Communication Assistance

When communicating with individuals who have limited English proficiency (LEP), individuals with disabilities, or individuals who are illiterate regarding any aspect of the complaint process, the Department and its local education agencies/school food authorities, subrecipients and contractors must provide communication assistance, other modifications or accommodations and/or alternative formats when necessary to ensure equally effective communication.

Written Complaints

The Department and its local education agencies/school food authorities, subrecipients and

contractors shall accept written complaints via letter, email, facsimile, or hand-delivery. Although recommended, complainants are not required to complete the USDA's Program Discrimination Complaint Form.

Verbal Complaints

In the event a complainant makes allegations of discrimination verbally and refuses or is not inclined to place such allegations in writing, the person to whom the allegations are made must write up the elements of the complaint for the complainant. Every effort should be made to have the complainant provide the following information:

- Name, address, and telephone number or other means of contacting the complainant;
- The specific location and name of the agency, subrecipient or contractor delivering the service or benefit;
- The nature of the incident or action that led the complainant to believe discrimination was a factor, and an example of the method of administration that is having a disparate effect on the public, potential eligible persons, applicants, or participants;
- The basis on which the complainant believes discrimination exists (race, color, national origin, sex, disability, age, or reprisal or retaliation for engaging in prior civil rights activity);
- The names, telephone numbers, titles, and business or personal addresses of persons who may have knowledge of the alleged discriminatory action; and
- The date(s) during which the alleged discriminatory actions occurred or, if continuing, the duration of such actions.

The complainant or the complainants' authorized representative should be asked to sign the written complaint.

Anonymous Complaints

Anonymous complaints will be handled in the same manner as any other complaint to the extent feasible based on the information provided.

Procedures for Recording and Maintaining Complaints of Discrimination

The Division's Civil Rights Coordinator maintains a confidential system (i.e., log) for tracking complaints of discrimination based on race, color, national origin, sex, disability, age, or reprisal or retaliation for prior civil rights activities. The system is in electronic format and captures information required by FNS Instruction 113-1 and the Memorandum of Understanding between the USDA FNS CRD and the Department.

Other than the Department, no local education agencies/school food authorities, subrecipients and contractors may maintain records of discrimination complaints received by the entity. The Division's Civil Rights Coordinator will maintain a copy of any correspondence regarding the complaint for at least five (5) years after the date the complaint is closed. The discrimination

complaint log (Exhibit 10) and complaint documentation will be maintained separate from program complaints and will be made accessible only to authorized personnel.

Procedures for Processing Complaints of Discrimination

For all complaints, the Civil Rights Coordinator must:

- a. Provide the complainant with written acknowledgement that the Department has received the complaint and that the complaint has been referred to the USDA's FNS CRD (Exhibit 11).
- b. If the discrimination complaint is referred back from the USDA to the Department for resolution, the Department will ensure that the individual(s) assigned to investigate the discrimination complaint is a neutral party. A person named in the complaint is not considered a neutral party.

XII. COMPLIANCE REVIEWS

There are three types of Civil Right Reviews:

- Preapproval/Pre-Award
- Post-Award/Routine Compliance Review
- Special Compliance Reviews

Preapproval/Pre-Award

The preapproval/ pre-award civil rights review is conducted by the Department. The Department reviews the Civil Rights Compliance Questionnaire that is completed and submitted by the applicant. In addition, the Department developed a Supplemental Civil Rights Self-Assessment Worksheet (Exhibit 12) and Four-Factor Analysis (Exhibit 13) to be completed by the applicant to assess compliance with, and to ensure the applicant is aware of and prepared to meet, the civil rights requirements. A Four-Factor Analysis Checklist was also developed which can be used by the Department and the applicant to ensure the Four-Factor Analysis was completed in sufficient detail (Exhibit 14). In addition, a video was developed to explain the Four-Factor analysis process. This video has been made available online.

The Department will evaluate the local education agencies/school food authority, subrecipient and contractor civil rights compliance during the application approval process for child nutrition programs each school year. The local education agencies/school food authority, subrecipient and contractor will be required to submit the civil rights module with the required supporting documentation listed in the FANS.

The Department and local education agencies/school food authority, subrecipients and contractors must evaluate all CN programs for civil rights compliance in accordance with federal requirements.

Post Award/Routine Compliance Review

The Child Nutrition Program Reviewers will review all civil rights criteria captured within the Department's program management evaluations, quality assurance reviews, compliance reports, and civil rights reviews of local education agencies/school food authority, subrecipients and contractors and ensure resolution of noncompliance is accomplished within federal guidelines. The Department and local education agencies/school food authority, subrecipient and contractor CN programs must work together to resolve noncompliance matters in a timely manner.

The post award/routine compliance review is conducted by the Department every three years by way of a School Meals Administrative Review (SMAR). During the review, the Department will review the local education agencies/school food authority, subrecipient and contractor's documentation and observe meal service to determine compliance with civil rights requirements. The Supplemental Civil Rights Self-Assessment Worksheet will be used to assess the entities compliance with the civil rights requirements (Exhibit 12).

Noncompliance is a factual finding that any civil rights requirement, as provided by law, regulation, policy, instruction, or guidelines, is not being adhered to by the Department, local education agencies/school food authority, subrecipient and contractor.

The effective date of the finding of noncompliance is the date a written notice of noncompliance is provided to the entity under review. All local education agencies/school food authority, subrecipients and contractors must cooperate with the Department to resolve civil rights findings or concerns within the establishment timeframe of the effective date.

The Department must:

- a. Ensure that nondiscrimination policies and procedures are being followed for all CNP programs and activities;
- b. Evaluate CN program delivery processes, policies, and functions for civil rights compliance;
- c. Provide direction, guidance, and technical assistance to the Department's managers and supervisors to correct any civil rights compliance deficiencies; and,
- d. Coordinate with the appropriate federal agency when technical assistance is necessary to obtain corrective action.

Special Civil Rights Compliance Reviews

The Department may conduct special civil rights compliance reviews to assist the local education agencies/school food authorities, subrecipients and contractors to determine if its CN programs are administered in a nondiscriminatory manner and that program services and benefits are provided equally in a courteous and professional manner. When conducting special compliance reviews, Department staff will make every effort to make one face-to-face contact, at a minimum, with a civil rights group, grassroots organizations, community leaders and/or other appropriate groups which provide services to low-income households within local service areas. During the Department's interviews, information is provided regarding the local education agencies/school food authorities, subrecipients and contractors CN programs and its policy of equal opportunity.

If any civil rights or access issues are identified when conducting these special compliance

reviews, the Department will notify the USDA and division director and follow the resolution of noncompliance steps as outlined below.

XIII. RESOLUTION OF NONCOMPLIANCE

Once noncompliance is determined, steps must be taken immediately to obtain compliance. The effective date of the finding of noncompliance is the date of the written notice of noncompliance to the entity under review. After a finding of noncompliance, the Department will take the following actions:

- a. Provide immediate written notice to the local education agencies/school food authorities, subrecipients and contractors indicating the areas of noncompliance and the action required to correct the situation.
- b. Consult with the local education agencies/school food authorities, subrecipients and contractors to achieve compliance.
- c. For all CN programs, the program compliance team will follow the standard operating procedure for “Appropriate Follow-Up Action Taken for Division’s Civil Rights Deficiencies Noted in Program Compliance Reviews” (Exhibit 15).
- d. Complete the Civil Rights Deficiency Significant Deficiency Reporting Tool (Exhibit 16) to assess whether any significant civil rights deficiencies were identified during the review. If significant civil rights deficiencies were identified, the Division’s Civil Rights Coordinator will create a report in letter format detailing the significant civil rights findings. This report will be submitted to the FNS Regional Civil Rights Office via email and will include all supporting documentation in accordance with FNS Instruction 113-1.

Additionally, for USDA FNS CN programs, the Department must submit to the FNS Regional Civil Rights Officer a report in letter format detailing civil rights related findings of noncompliance in which corrective action has not been completed within 60 days of notifying the local education agencies/school food authorities, subrecipients and contractor of the finding. The Division’s Civil Rights Coordinator will prepare the report to include all applicable attachments as outlined in FNS Instruction 113-1.

XIV. CIVIL RIGHTS TRAINING

FDACS requires all Department, local agency, subrecipient and contractor staff that are involved in administering or delivering the Department’s CN programs, activities and services to meet all civil rights training requirements. It is imperative that managers, supervisors and frontline staff who routinely interact with the public understand the requirements for reasonable modifications, equally effective communication for individuals with disabilities, communication with and assisting individuals with LEP, accepting calls placed through the relay system, and identifying alternate ways to provide access to CN programs and services to accommodate individuals with a disability.

All staff shall receive annual training on all aspects of civil rights compliance, including:

- Assurances of nondiscrimination language in contracts and agreements;
- Effective Public Notification Systems;
- Collection and use of Race and Ethnic Data;

- Civil Rights Complaint Policy and Procedures;
- Compliance Review Techniques;
- Requirements for Reasonable Modifications and Equally Effective Communication for Individuals with Disabilities;
- Resolution of Noncompliance;
- Civil Rights Training Requirements;
- Requirements for Language Assistance for Persons with Limited English Proficiency;
- Conflict Resolution; and
- Customer Service.

The following training modules have been developed by the Department and are available online:

- Civil Rights Training (Exhibit 17)
- Language Access Requirements for Individuals with limited English proficiency (LEP) (Exhibit 18)
- Disability Access Requirements in School Meal Programs (Exhibit 19)

All new program employees must take the department-wide training as a part of new employee orientation no later than 30 days after their hire date. All other employees must take this training annually. The department-wide online training is accessible in the Department's Learning, Education and Training System.

The Department developed a training SOP to ensure trainings provided by the Department complies with federal regulations and FNS Instruction 113-1 (Exhibit 20).

XV. CONFLICT RESOLUTION / CUSTOMER SERVICE

FDACS requires all Department and local education agencies/school food authority, subrecipients and contractors that are involved in administering or delivering the Department's CN programs, activities and services to train on conflict resolution and customer service. It is imperative that managers, supervisors and frontline staff who routinely interact with the public, understand how to handle complaints and provide customer service. For this reason, it is extremely important that those persons responsible for monitoring civil rights compliance receive training to assist them in performing their responsibilities.

XVI. ACRONYMS, TERMS, AND DEFINITIONS

Below is a list of civil rights acronyms and terms that are used most frequently in day-to-day activities. Employees responsible for monitoring civil rights compliance should become familiar with these terms and should learn how to apply them appropriately.

ACRONYMS

CAP	Corrective Action Plan
CFR	Code of Federal Regulations
CR	Civil Rights
CRD	Civil Rights Division
CN	Child Nutrition
EECRD	Equal Employment Civil Rights Division
FANS	Florida Automated System

FFA	Federal Financial Assistance
FFY	Federal Fiscal Year
FLS	Foreign Language Service
FMCS	Federal Mediation and Conciliation Service
FDACS	Florida Department of Agriculture and Consumer Services
FNS	Food and Nutrition Service
FNW	Food Nutrition and Wellness
HHS	United States Health & Human Services
HRA	Human Resource Agency
LAP	Language Access Plan
LEP	Limited English Proficiency
ME	Management Evaluation
NSLP	National School Lunch
NDS	Nondiscrimination Statement
OASCR	Office of the Assistant Secretary for Civil Rights, USDA
PAR	Program Access Review
RFI	Request for Information
SMAR	School Meals Administrative Review
TRS	Telecommunications Relay Service
TTY/TDD	Text Telephone/Telecommunication for the Deaf (Hearing Impaired)
USDA	United States Department of Agriculture
VRS	Video Relay Service
VRI	Video Remote Interpreting

XVII. DEFINITIONS

Americans with Disabilities Act (ADA) of 1990: The civil rights law that prohibits discrimination against individuals with disabilities in all areas of public life, including jobs, schools, transportation, and all public and private places that are open to the general public. The purpose of the law is to make sure that people with disabilities have equal rights and opportunities as everyone else. The ADA gives civil rights protections to individuals with disabilities like those provided to individuals on the basis of race, color, sex, national origin, age, and religion. It guarantees equal opportunity for individuals with disabilities in public accommodations, employment, transportation, state and local government services, and telecommunications.

Title II of the ADA and its implementing regulations at 28 CFR 35 prohibit public entities (state and local governments) from unlawfully discriminating on the basis of disability.

Title III of the ADA and its implementing regulations at 28 CFR 36 prohibit public accommodations from unlawfully discriminating against individuals with disabilities.

ADA Amendments Act of 2008: Congress passed the ADA Amendments Act (ADAAA) in response to several Supreme Court decisions that had narrowly interpreted the Americans with Disabilities Act's (ADA) definition of disability. This narrow interpretation resulted in the denial of the law's protection for many individuals with impairments such as cancer, diabetes, and epilepsy who had been the subject of adverse actions due to their disabilities. The law made several significant changes to the ADA definition of "disability" to ensure that it would be easier for individuals seeking the protection of the ADA to establish that they have a disability that falls

within the meaning of the statute. The ADA Amendments Act of 2008 was signed on September 25, 2008, and took effect on January 1, 2009.

Applicant: A person who applies in writing, electronically, verbally, or through a designated representative for participation in an FNS federally assisted or conducted program.

Auxiliary Aids and Services: Auxiliary Aids and Services includes - (1) Qualified interpreters on-site or through video remote interpreting (VRI) services; note takers; real-time computer-aided transcription services; written materials; exchange of written notes; telephone handset amplifiers; assistive listening devices; assistive listening systems; telephones compatible with hearing aids; closed caption decoders; open and closed captioning, including real-time captioning; voice, text, and video-based telecommunications products and systems, including text telephones (TTYs), videophones, and captioned telephones, or equally effective telecommunications devices; videotext displays; accessible electronic and information technology; or other effective methods of making aurally delivered information available to individuals who are deaf or hard of hearing; (2) Qualified readers; taped texts; audio recordings; Braille materials and displays; screen reader software; magnification software; optical readers; secondary auditory programs (SAP); large print materials; accessible electronic and information technology; or other effective methods of making visually delivered materials available to individuals who are blind or have low vision; (3) Acquisition or modification of equipment or devices; and (4) Other similar services and actions.

Beneficiaries: Individuals who receive assistance, services, or benefits under an FNS program (e.g., persons receiving SNAP, WIC benefits, and/or commodities). Some CN programs commonly refer to these individuals as participants.

Bias: A prejudice or preference that inhibits impartial judgement.

Civil Rights (CR): The nonpolitical rights of a citizen; the rights of personal liberty guaranteed to U.S. citizens by the 13th and 14th Amendments to the U.S. Constitution and by acts of Congress.

Civil Rights Statutes: Title VI of the Civil Rights Act of 1964 and other authorities as outlined in FNS Instruction 113-1, Section II Authority, and in the program-specific appendices.

Civil Rights Act of 1964 (Section 601 of Title VI, 42 U.S.C. 2000d *et seq.*): Declares 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. The USDA's implementing regulation for Title is at 7 CFR 15, Subpart A.

Companion: A family member, friend, or associate of an individual seeking access to a service, program, or activity of a public entity, who, along with such individual, is an appropriate person with whom the public entity should communicate. Alabama Department of Human Resources (FDACS) must furnish appropriate auxiliary aids and services where necessary to afford individuals with disabilities, including applicants, participants, companions, and members of the public, an equal opportunity to participate in, and enjoy the benefits of, a service, program, or activity of a public entity.

Complainant: A person or group of persons who allege discrimination in the delivery of program benefits or services by a State agency, local education agencies/school food authority, subrecipient and contractor.

Contractor: A person, group, or company that contacts to perform work, provide supplies, or provide a specific type of service.

Corrective Action Plan: A plan describing the actions to be taken to resolve noncompliance with civil rights regulations, instructions, policies, and guidelines.

Direct In-Language Communication: Monolingual communication in a language other than English between a multilingual staff and an LEP person (i.e., speaking in Vietnamese to an LEP person who speaks Vietnamese).

Disability: With respect to an individual, a disability is a physical or mental impairment that substantially limits one or more major life activities of such individual; a record of such an impairment; or being regarded as having such an impairment.

Discrimination: Actions or practices which show a difference in treatment or reflect partiality, bias, or prejudice directed toward any person or group on the basis of race, color, national origin, sex or disability, political beliefs or religion. It is 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 a protected class. Discrimination can also occur if FDACS uses a neutral procedure or practice that has a disproportionate, adverse impact on a protected class and lacks a substantial legitimate justification for such procedure or practice. These are called disparate impact/effect claims.

Federal Financial Assistance: Federal financial assistance includes, but is not limited to: Any Federal agreement, arrangement, or other contract that has as one of its purposes the provision of assistance; Grants and loans of Federal funds, Grant or donation of Federal property and interests in property; Commodities; Detail of Federal personnel; Sale and lease of, and the permission to use (on other than a casual or transient basis), Federal property or any interest in such property or the furnishing of services without consideration or at a nominal consideration, that is reduced for the purpose of assisting the State agency, local education agencies/school food authority, subrecipient and contractor, or in recognition of the public interest to be served by such sale, lease, or furnishing of services to the State agency, local agency, or other subrecipient.

Federally Assisted Activities and Programs: Includes any program, project, or activity for the provision of services, financial aid, or other benefits to individuals (whether provided through a State agency, local agency, or other subrecipient receiving Federal financial assistance or provided by others through contracts or other arrangements with the State agency, local agency or other subrecipient), and including work opportunities, cash, loans, or other assistance to individuals. For the purposes of this definition, services, financial aid, or other benefits provided to individuals are those provided with the aid of Federal financial assistance or with the aid of any non-Federal funds, property, or other resources required to be expended or made available for the program to meet matching requirements or other conditions that must be met in order to receive the Federal financial assistance, and to include any services, financial aid, or other benefits to individuals provided in or through a facility with the aid of Federal financial assistance or such non-Federal resources.

Finding: Also known as deficiency Identification of non-compliance with program regulations, policies, and procedures where a corrective action is required.

FNS CRD: USDA is responsible for enforcing Civil Rights in programs and activities receiving Federal financial assistance from USDA or in FNS CN programs administered by State and local government agencies under the leadership of the Office of the Assistant Secretary for Civil Rights

(OASCR). USDA has delegated responsibility for enforcing Civil Rights in CN programs receiving Federal financial assistance to the Food Nutrition and Consumer Service (FNCS). The Food and Nutrition Service (FNS), Civil Rights Division (CRD), is charged with ensuring compliance and enforcement. CRD is comprised of staff located at the National Office and within the seven (7) regional offices. As part of this responsibility, there are seven (7) Regional Civil Rights Officers who are the Civil Rights presence in the region.

Grassroots Organization: An organization at the local level that interacts directly with potentially eligible persons or participants, such as an advocacy organization, community action program, civic organization, migrant group, religious organization, neighborhood council, or other similar group.

Interpretation: The act of listening to communication in one language (source language) and orally converting it to another language (target language) while retaining the same meaning. Interpreting is the process of understanding and analyzing a spoken or signed message and re-expressing that message effectively, accurately and impartially, in another language, using any necessary specialized vocabulary, taking the social and cultural context into account.

Investigation: Formal gathering of facts by the Civil Rights Division (CRD) or other authorized government agency or private contractor that will refute or substantiate an allegation of discrimination.

Language Assistance Services: Language Assistance Services – oral and written language services needed to assist LEP individuals to communicate effectively with staff, and to provide LEP individuals with meaningful access to, and an equal opportunity to participate fully in, the services, activities, or other CN programs administered by the department.

Limited English Proficiency (LEP): A term that describes a circumstance relating to individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English because of their national origin. LEP individuals may be competent in English for certain types of communication (e.g. speaking or understanding), but still be LEP for other purposes (e.g., reading or writing). Recipients of Federal financial assistance have a responsibility to take reasonable steps to ensure meaningful access to their CN programs and activities by person(s) with limited English proficiency.

Local Agency or Other Subrecipient: Any agency, organization, or corporation that receives Federal financial assistance directly or indirectly from FNS. Examples of local agencies include, but are not limited to, school food authorities, food banks, and county health departments.

Meaningful Access: Language assistance that results in accurate, timely, and effective communication at no cost to the LEP individual. For LEP individuals, meaningful access denotes access that is not unduly restricted, delayed or inferior as compared to CN programs or activities provided to English proficient individuals.

Multilingual Employee: An employee who has demonstrated proficiency in English and reading, writing, speaking, or understanding at least one other language through a language assessment or who has been otherwise authorized to use his or her language skills.

Noncompliance: The finding that any civil rights requirement, as interpreted by regulations, FNS Instruction 113-1, policies, or State agency, local agency, or other subrecipient guidelines has not been satisfied.

Observation: An issue noted during a compliance review that does not rise to the level of a finding, but nonetheless may require the attention of the responsible parties to improve program compliance and civil rights program integrity.

Participants: Individuals who receive assistance, services, or benefits under an FNS program (e.g., persons receiving SNAP benefits, WIC benefits, and/or commodities). Some CN programs commonly refer to these individuals as beneficiaries.

Potentially Eligible Persons: Individuals or households that may be eligible to receive FNS program assistance, benefits, or services, but have not applied.

Program Compliance Review: An evaluation procedure used to determine if State agencies, local agencies, and other subrecipients are administering and operating FNS CN programs in accordance with program regulations, instructions, policies, and guidance.

Project Area: The county or similar political subdivision designated by a State as the administrative unit for program operations. Upon prior FNS approval a State, city, Indian Reservation, welfare district, or any entity with clearly defined geographic boundaries, or any combination of such entities, may be designated as a project area in accordance with regulations or guidelines for the specific program administered.

Protected Class: A protected class is a characteristic/factor, such as race, color, national origin, sex, age, disability, religion or political beliefs that is protected from unlawful discrimination by federal statute, Executive Order and/or federal regulation/policy.

Qualified, Competent Interpreter for Disabilities: Qualified interpreter means an interpreter who, via a video remote interpreting (VRI) service or an on-site appearance, can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. Qualified interpreters include, for example, sign language interpreters, oral transliterators, and cued-language transliterators.

Qualified, Competent Interpreter for LEP: A highly trained individual who mediates spoken or signed communication between people speaking different languages without adding, omitting, or distorting meaning or editorializing. A qualified, competent interpreter adheres to generally accepted interpreter ethics and principles, including confidentiality, and has demonstrated his or her competency through an independent assessment of communication skills. Competency requires more than self-identification as being bilingual or having the ability to sign.

Qualified, Competent Translator: A highly trained individual who can render text from a source language into a target language while preserving meaning and adhering to generally accepted translator ethics and principles, including confidentiality. This requires the ability to understand the cultural context of the source and target languages. A qualified, competent translator has demonstrated his or her competence to translate through an independent language assessment.

Qualified reader: A person who can read effectively, accurately, and impartially using any necessary specialized vocabulary.

Reasonable Modifications: State and local government and subrecipients must make reasonable modifications in policies, practices, or procedures when necessary to avoid discrimination on the basis of disability, unless the entity can demonstrate that making the modifications would fundamentally alter the nature of the service, program, or activity. A reasonable modification is a

change or exception to a policy, practice, or procedure that allows people with disabilities to have equal access to CN programs, services and activities. A reasonable modification can also be a structural change made to existing premises, occupied or to be occupied by a person with a disability, in order to afford such person full enjoyment of the premises.

Recommendations: Statement of actions that address observations made in the compliance review that are not necessarily required but are strongly encouraged to improve Civil Rights program integrity.

Required Corrective Action: Statement of actions that must be taken to correct non-compliance with regulations, and with established policies and procedures. These actions may be prescribed, or the State may be required to determine the actions to be taken.

Retaliation/Reprisal: This is an act of intimidating, threatening, coercing, or unlawfully discriminating against any individual for filing a complaint, testifying, assisting, or participating in any manner in an investigation, proceeding or hearing or any other right or privilege secured by the Civil Rights statutes and regulations enforced by FNS.

Rehabilitation Act of 1973 (Section 504): Section 504 guarantees certain rights to individuals with disabilities. The USDA's implementing regulations for Section 504 prohibit recipients of federal financial assistance from discriminating based on disability. The regulations state, "No otherwise qualified handicapped individual in the United States shall solely by reason of his or her handicap be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance" (7 CFR 15b.1).

Service Delivery Area: The locale serviced by a service delivery point in the administration of FNS assisted CN programs, i.e. a school district or a food service area.

State Agency: The agency of State government, including the local offices thereof, which has the responsibility for the administration of the federally aided public assistance CN programs within such State, and in those States where such assistance CN programs are operated on a decentralized basis, the term shall include the counterpart local agencies administering such CN programs, and the tribal organization of an Indian tribe determined by the Secretary to be capable of effectively administering a food distribution program under section 4(b) of (the Food and Nutrition Act of 2008) or a supplemental nutrition assistance program under section 11(d) of the (this) Act. The term encompasses the comparable jurisdictional entities of the District of Columbia, the Commonwealth of Puerto Rico, Guam, and associated territories of the United States.

Subrecipient: Any agency, organization, or corporation that receives Federal financial assistance indirectly from FNS.

TDD (Telecommunications Device for the Deaf): A device that allows conversation to take place over the telephone by sending typed messages through phone lines to the TDD screen.

TRS (Telecommunication Relay Service): A telephone service that allows persons with hearing or speech disabilities to place and receive telephone calls. TRS is available in all 50 states, the District of Columbia, Puerto Rico and the U.S. territories for local and/or long-distance calls. Other forms of TRS include Text-to-Voice TTY-based TRS, Voice Carry Over, Speech-to-Speech Relay Service, Shared Non-English Language Relay Services, Captioned Telephone Service, IP Captioned Telephone Service, Internet Protocol Relay Service, Video Relay Service (VRS) and

711 Access to TRS.

TTY (Teletypewriter): A precursor to the TDD, is a mechanical teletypewriter for the deaf and speech impaired.

Translation: The replacement of written text from one language (source language) into an equivalent written text in another language (target language).

Transliterater: A person who represents letters or words in the corresponding characters of another alphabet. The term is commonly used to designate a person who transcribes written documents into Braille.

Underserved Group or Community: A group or community whose participation in an FNS program is significantly below the percentage of potentially eligible members of the group or community in the service area.

USDA OASCR: The Office of the Assistant Secretary for Civil Rights that has authority to develop and administer a comprehensive program to ensure equal opportunity and nondiscrimination for all persons in all aspects of USDA CN programs under applicable Civil Rights laws and regulations.

VRS (Video Relay Service): A subscriber-based service for people who use sign language and have videophones, smart phones, or computers with video communication capabilities.

VRI (Video Remote Interpreting): An interpreting service that uses video conference technology over dedicated lines or wireless technology offering high-speed, wide-bandwidth video connection that delivers high-quality video images as provided in § 35.160(d).

Vital Documents and Information: “Vital documents” and information are generally documents that affect access to, retention in, or termination or exclusion from a recipient’s program services or benefits.

Wheelchairs, Mobility Aids and Other Power-Driven Mobility Devices: A device that assists people with mobility, circulatory, respiratory, or neurological disabilities and are ensured access to areas where members of the public are allowed to go.

XVIII. APPENDICES

- Exhibit 1 – Multilingual Notice/Tagline
- Exhibit 2 – Marketing Outreach Translated Materials
- Exhibit 3 – FDACS Multicultural Outreach Accomplishments and Recommendations
- Exhibit 4 – Data Analysis SOP
- Exhibit 5 – LEP Request Tracking Template
- Exhibit 6 – Medical Statement for Meal Modifications
- Exhibit 7 – Procedural Safeguards
- Exhibit 8 – Decision Tree Guide for Meals Modifications for Students with Disabilities
- Exhibit 9 – Special Dietary Needs Dos and Donts
- Exhibit 10 – Civil Rights Compliant Log
- Exhibit 11 – Civil Rights Compliant Acknowledgement Letter
- Exhibit 12 – Supplemental Self- Assessment Worksheet

- Exhibit 13 – Four-Factor Analysis SOP
- Exhibit 14 – Four-Factor Analysis Checklist
- Exhibit 15 – Appropriate Action Taken for Civil Rights Deficiencies Noted
- Exhibit 16 – Civil Rights Deficiency Reporting Tool
- Exhibit 17 – Civil Rights Training
- Exhibit 18 – Language Access Requirements for Individuals with LEP
- Exhibit 19 – Disability Access Requirements in School Meal Programs
- Exhibit 20 – Civil Rights Training SOP