



STATE OF MICHIGAN
DEPARTMENT OF EDUCATION
LANSING

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GOVERNOR

MICHAEL P. FLANAGAN
STATE SUPERINTENDENT

FOOD SERVICE

**ADMINISTRATIVE POLICY NO. 3
SCHOOL YEAR 2013-2014**

SUBJECT: Civil Rights Compliance Requirements for Participation in the National School Lunch Program, School Breakfast Program, Afterschool Snack Program, and Special Milk Program

DATE: August 1, 2013

Civil rights are the nonpolitical rights of a citizen: the rights of personal liberty guaranteed to United States citizens by the 13th and 14th amendments to the United States Constitution and Acts of Congress. All School Food Authorities (SFAs) participating in the National School Lunch Program (NSLP), School Breakfast Program, Afterschool Snack Program, and/or Special Milk Program must on a yearly basis:

1. Ensure effective public notification systems by prominently displaying the United States Department of Agriculture (USDA) "And Justice for All" poster and using the nondiscrimination statement to convey equal opportunity in all photos and other graphics on websites and publications that are used to provide program-related information.

The updated nondiscrimination statement is:

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

If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, found online at http://www.ascr.usda.gov/complaint_filing_cust.html, or at any USDA office, or

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call (866) 632-9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter to us by mail at U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, by fax (202) 690-7442 or email at program.intake@usda.gov.

Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339; or (800) 845-6136 (Spanish).

USDA is an equal opportunity provider and employer.

2. Provide information in other languages for the availability and benefits of the NSLP to individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English.
3. Provide appropriate information in alternative formats for persons with disabilities.
4. Include the nondiscrimination statement on all appropriate Food and Nutrition Service (FNS) publications, websites, posters, and informational materials including the instructions for filing a discrimination complaint with the Secretary of Agriculture.
5. Guarantee that all children have equal access to services and facilities at the site, regardless of race, color, national origin, sex, age, or disability.
6. Establish and maintain systems for collecting and reporting racial and ethnic data. FNS requires recipients of federal financial assistance to ask all program applicants and participants to identify all the racial categories that apply. Respect for individual dignity should guide the process for collecting data on race and ethnicity. Respondent self-identification or self-reporting is the preferred method. If the applicant refuses, the institution staff will code data based on perception. All material must be filed in an area with restricted access and retained for three years.
7. Follow complaint procedures that are established to accept complaints or grievances based on race, color, national origin, sex, age, or disability. Participants must be advised of their right to file a complaint and the complaint procedures. If there are complaints, the institution must alert the Michigan Department of Education (MDE).
8. Complete Civil Rights Compliance reviews:
 - School Food Authorities (SFAs) conduct self-assessments annually for each building to ensure civil rights requirements are met.

- SFAs complete the pre-award civil rights information in their official application for Program funds, which is in MEGS+.
 - The State Agency (MDE) evaluates Civil Rights Compliance for SFAs during the Administrative Review every three years.
9. Conduct civil rights training annually for all current/new staff responsible for administering the NSLP, including frontline staff.
10. Conduct civil rights training for staff. Specific subject areas include:
- *Collecting and Using Data* - Data is being collected on ethnicity and race. Parent self-declares. If he/she refuses, institution staff will code based on perception. All material must be filed in an area of restricted access and retained for three years.
 - *Effective Public Notification Systems* - Display the "And Justice for All" poster, use the nondiscrimination statement, provide information in other languages and alternative formats as needed, and convey equal opportunity in all photos and other graphics on websites, publications, etc.
 - *Complaint Procedures* - Procedures must be established to accept complaints or grievances based on race, color, national origin, sex, age, or disability. Participants must be advised of their right to file a complaint, how to file a complaint, and the complaint procedures. If there are complaints, the institution must alert MDE.
 - *Compliance Review Techniques* - Ensure civil rights requirements are being followed during the review process.
 - *Resolution of Non-Compliance* - Inappropriate actions must cease. A corrective action plan is required and appropriate procedures must be implemented.
 - *Requirements for Reasonable Accommodation of Persons with Disabilities* - Entrances and exits to accommodate the disabled, Braille signage, and alternative arrangements for service must be available, when needed.
 - *Requirements for Language Assistance* - Bilingual materials and translation must be provided.
 - *Conflict Resolution* - Use alternative dispute resolution techniques when necessary. Treat others with respect.
 - *Customer Service* - Treat others the way they want to be treated (or at least be aware of what that means).

For more information on the USDA Civil Rights Laws, Regulations, Executive Orders and related Other Guidance, visit <http://www.fns.usda.gov/cr/crregulation.htm>.

Additional Resources

The Food and Nutrition Instruction 113-1 Civil Rights Compliance and Enforcement Nutrition Programs and Activities is available at <http://www.fns.usda.gov/cr/Documents/113-1.pdf>.

"And Justice for All" posters can be downloaded at <http://www.fns.usda.gov/cr/justice.htm>.

Limited English Proficiency (LEP) information can be found at <http://www.lep.gov/>.

The School Nutrition Programs website at www.michigan.gov/schoolnutrition contains the following resources related to civil rights:

- *Civil Rights Fact Sheets and Link to USDA* – Under Guidance section on Civil Rights.
- *PowerPoint and Training Manual* – Under Training section on School Meals Program Requirements Training Manual.

Questions regarding this Administrative Policy may be directed to the School Nutrition Programs Unit by email to MDE-schoolnutrition@michigan.gov.