

# Civil Rights

School Meals Program Requirements Training  
Office of School Support  
October, 2014

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### The FNS website for civil rights

<http://www.fns.usda.gov/cr/justice.htm>

The FNS website for civil rights provides information about civil rights regulations:

*The non-political rights of a citizen; the rights of personal liberty guaranteed to U.S. citizens by the 13<sup>th</sup> and 14<sup>th</sup> Amendments to the U.S. Constitution and Acts of Congress*

- 1964: Title VI prohibits discrimination based on race, color, or national origin.
- 1972: Title IX prohibits discrimination based on sex.
- 1973: Americans with Disabilities Act Title II which prohibits discrimination on the basis of disability.
- 1975: Title IX amendments to 1972 act to include section 504 prohibiting discrimination based on disability.
- 1975: Age Discrimination Act which prohibits discrimination based on age.

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### FNS Instruction 113-1

Food and Nutrition Service (FNS) Instruction 113-1  
Civil Rights Compliance and Enforcement

Civil Rights FNS Instruction 113-1 provides more detailed guidance for civil rights regulations in the specific FNS program appendices. Protected Categories for School Nutrition Programs:

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



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### Civil Rights Compliance Goals

- Equal treatment for all applicants and beneficiaries under the law
- Knowledge of rights & responsibilities
- Elimination of illegal barriers that prevent or deter people from receiving benefits
- Dignity and respect for all



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### Types of Discrimination

- Disparate Treatment
- Disparate Impact
- Reprisal/Retaliation



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### Discrimination: 4 D's

....When an individual or group of individuals are:



- D**elayed receiving benefits or services that others receive
- D**enied benefits or services that others receive
- Treated **D**ifferently than others to their disadvantage
- Given **D**isparate treatment something which does not seem discriminatory, but has a discriminatory impact in practice

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**Civil Rights Training**

- The SFA is required to provide civil rights training annually. This is for all staff that interact with program applicants or participants (i.e. cafeteria staff, F/R application approval staff) and their supervisors.  
**Provide the dates of training**
- Who attended these trainings?  
**Provide attendance/sign in sheet**
- What topics were covered by the training?  
**Provide supporting documentation such as agenda/outline for training .**

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**Civil Rights Training for Staff**

**Documentation for civil rights training must show the following subjects were covered:**

- Collection and Use of Data
- Effective Public Notification Systems
- Complaint Procedures
- Compliance Review Techniques
- Resolution of Noncompliance
- Requirements for Reasonable Accommodations of persons with disabilities
- Requirements for Language Assistance
- Conflict Resolution
- Customer Service

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**Resources for Civil Rights Training**  
[www.michigan.gov/schoolnutrition](http://www.michigan.gov/schoolnutrition)

 **Training**

- SNAM Pre-Conference Education Session - October 23-26, 2014
- School Meals Overview Training Materials
- Second Annual School Nutrition Programs June Conference "Apples and Spinach and Regulations, Oh My!"
- School Meals Program Requirements Training Manual with Videos (2013)
- 6 Cent Certification PDF

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### Collection and Use of Data

- Maintain on file the estimated number of potential eligible beneficiaries by ethnic/racial category for the area served by the provider/district
- Outreach efforts can be targeted
- Collect and maintain the ethnic/racial category of each beneficiary annually
- In general, any data collected about beneficiaries should be kept secure and confidential
- Maintain all records for three years

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### Na Na Na Na Hey Hey Hey Goodbye

POST AWARD CIVIL RIGHTS COMPLIANCE REVIEW

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### Data Collection and Reporting

- The SFA must have a means of collecting the racial and ethnic data.
- Keep records of the documentation
- Record how often this data is collected

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**How is the racial identity and ethnic identity data computed?**

- The racial identity and ethnic identity data can be computed from:
- actual information
  - visual observation
  - applying a percentage from the 4<sup>th</sup> Friday count to the free and reduced applicants  
or
  - a combination of two or more of these methods.

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**Pre-Award Civil Rights Compliance**

- Race and ethnicity enrollment are actual numbers *not percentages*.
- The total Race Enrollment *does not* have to equal the total Ethnic Enrollment.
- Students may declare more than one race*

*If Students and/or staff identify as more than one race then the race enrollment will be greater than the ethnicity enrollment*

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**Racial and Ethnic Categories are two separate questions**

- **Ethnicity : Choose one or the other**
  - ✓ Hispanic or Latino
  - ✓ Not Hispanic or Latino
- **Race: Individuals can choose more than one race**
  - ✓ American Indian or Alaskan Native
  - ✓ Asian
  - ✓ Black or African American
  - ✓ Native Hawaiian or Other Pacific Islander
  - ✓ White

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**Resources for Racial and Ethnic Identity Data**

United States Department of Commerce  
United States Census Bureau  
<http://quickfacts.census.gov/qfd/states/26000.htm>

Michigan Department of Technology, Management and Budget  
Census Statistics and Demographic Data  
<http://michigan.gov/cgi/0,1607,7-158-54534---,00.html>

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**Public Notification** 

- Prominently display the "And Justice for All" poster
- Inform potentially eligible persons, applicants, participants and grassroots organizations of programs or changes in programs
- Provide appropriate information in alternative formats for persons with disabilities

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**Public Notification**

- Include the required nondiscrimination statement on all FNS and agency publications, web sites, posters and informational materials
- Convey the message of equal opportunity in all photos and other graphics that are used to provide program or program-related information

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**Effective Public Notification**

- ▶ Outreach to underserved populations
- ▶ Use appropriate media – be creative
- ▶ Civil Rights Information
- ▶ Display non-discrimination poster
- ▶ Use other languages as needed and diverse graphics

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**Nondiscrimination Statement**

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

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**Nondiscrimination statement**

- It is **acceptable** to use the short version of the non-discrimination statement in certain cases, such as the menus. The statement should read:  
**“USDA is an equal opportunity provider and employer”**
- Please note that the print size cannot be smaller than the text in the document.
- In all other cases materials regarding school nutrition programs that are produced for public information, public education, or public distribution, (this includes websites), must include the complete nondiscrimination statement from the previous slide.

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## “And Justice for All”

The poster must be placed in a prominent area where participants and potential participants have ready access.



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<http://www.fns.usda.gov/cr/and-justice-all-posters>

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### Limited English Proficiency

- Is there a need for services for Limited English Proficient (LEP) households?
- If so, what services does the SFA provide?
- **document your SFA's information about their LEP services.**

Reference FNS Memo SP 42-2012

[www.lep.gov](http://www.lep.gov) for more information and resources

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### Language Assistance

See [www.lep.gov](http://www.lep.gov) for more information and resources



A word cloud of various languages with a magnifying glass over the word 'bienvenido'.

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### Language Assistance

- Children should not be used as interpreters
- Volunteers may be used, but make sure they understand interpreter ethics – particularly confidentiality



A semi-circular arrangement of various national flags.

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<http://www.fns.usda.gov/school-meals/translated-applications>  
<http://www.cdss.ca.gov/civilrights/PG584.htm>



A screenshot of a website with a table of information.

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### Accommodating Students with Special Dietary Needs

How are students with special dietary needs accommodated?

**Provide documentation**

[http://www.michigan.gov/mde/0,4615,7-140-43092\\_50144-194549--,00.html](http://www.michigan.gov/mde/0,4615,7-140-43092_50144-194549--,00.html)

**Special Dietary Needs**

The federal regulations state that "schools **shall make** substitutions in foods . . . for students who are considered handicapped . . . and whose handicap restricts their diet. Schools **may** also make substitutions for non-handicapped students who are unable to consume the regular lunch (breakfast) because of medical or other special dietary needs."



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### Complaints Alleging Discrimination

Update the SFA procedure for receiving and processing complaints alleging discrimination within FNS School Meal Programs.

Prototype forms are available at [www.michigan.gov/schoolnutrition](http://www.michigan.gov/schoolnutrition) under Guidance and Civil Rights

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### Civil Rights Complaint Procedure

1. Civil Rights Complaint Received by Sponsor
2. (Verbal or Written)
3. Civil Rights Complaint Documented in Civil Rights Complaint Log
4. Sponsor gives Complainant Civil Rights Complaint Form and/or Sponsor Completes Civil Rights Complaint Form with Complainant
5. Complainant Returns Civil Rights Complaint Form to Sponsor.
6. Sponsor Forwards Civil Rights Complaint Form to MDE within 5 Working Days
7. List address of (State Agency) MDE contact on the complaint form.

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### Resources for writing a Procedure for Complaints Alleging Discrimination

FNS Instruction 113-1 (Pages 30 – 35)

Include:

- Complainant alleges discrimination:
  - ✓ Complainant completes form
  - ✓ When the complaint is given verbally the recipient of the call transcribes complaint.
- Anonymous complaints are accepted
- All complaints alleging discrimination must be reported to the State Agency (MDE)
- MDE must process within 90 days

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### Quick Quiz

#### SFA's complaint procedures:

- The SFA has a student handbook which states that all complaints are handled by the principal. If the parent disagrees with the outcome, they may forward the complaint next to the assistant superintendent. The final decision will be made by the assistant superintendent.

#### Compliant or Noncompliant???




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### Conflict Resolution

- ▶ Try to remain calm
- ▶ Try to explain situation
- ▶ Get help, especially with threats or violence
- ▶ Use alternative dispute resolution (ADR) techniques




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**Situation**

A household member comes to orientation and wants to complete an application. They do not speak English. You cannot understand them and have no idea what language they are speaking. You write a note to give to someone saying that they need to return with an interpreter.

Is this proper or should something else be done?



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**Situation**

A complaint is received from a school that someone who came to conduct a review was rude and disrespectful. The complaint states that the reviewer's tone was demeaning and generally unpleasant.

Are there civil rights issues here and if so, what? Does it make a difference if the site and reviewer are different races, national origins or genders?

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**Situation**



A school designates a "Polish Table" so that the children whose first language is Polish can sit together and feel comfortable.

Should the SFA get an award for being innovative or be counseled for possible civil rights problems?



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Situation

A parent of a child alleges program discrimination by a school site and wants to file a complaint. You don't think that the school site discriminates. What should you do?

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Situation



A food service director is very angry that someone filed a frivolous discrimination complaint and took up a lot of her time and made her look bad. She tells her co-workers to watch out for this "troublemaker." The next time the person visits, he encounters "attitude" from the food service director and the lunch room monitors. What are the civil rights violations described here?

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Situation

A local Hmong group wants only children whose parents are Hmong to enroll in an afterschool program and provide snacks. The group describes the admission policy as non-negotiable. Since the Hmong are a minority group, may the school provide this group with afterschool snacks and exclude other students.

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### Situation

A parent complains about the choices provided during breakfast and demands that gluten-free products be provided for her child.

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



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### Situation

Representatives from an ethnic minority group contact you and insist a sponsor provides ethnic food choices. Is their complaint legitimate and why?



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### Technical Assistance/Resources

[www.michigan.gov/schoolnutrition](http://www.michigan.gov/schoolnutrition)

MDE > MDE PROGRAMS > SCHOOL NUTRITION PROGRAMS

#### Civil Rights Guidance

- [Civil Rights Fact Sheet](#)
- [USDA FNS Civil Rights Instruction 113-1](#)
- [And Justice for All Poster](#)
- [How to Recognize a Civil Rights Complaint](#)
- [Civil Rights Complaint Overview](#)
- [School Food Authority Civil Rights Complaint Log](#)

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**Questions?**

School Nutrition Programs

- 517-373-3347
- [MDE-schoolnutrition@michigan.gov](mailto:MDE-schoolnutrition@michigan.gov)



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