

CIVIL RIGHTS

1. Include the following nondiscrimination statement on all materials relating to the National School Lunch Program, School Breakfast Program, Afterschool Snack Program, or Special Milk Program that are available to the public. This includes menus, free and reduced-price meal/milk eligibility documents, and any other materials distributed.

In accordance with Federal Law and U.S. Department of Agriculture policy, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, or disability.

To file a complaint of discrimination, write USDA, Director, Office of Adjudication, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410 or call toll free (866) 632-9992 (Voice). Individuals who are hearing impaired or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339; or (800) 845-6136 (Spanish). USDA is an equal opportunity provider and employer.

2. Display the "And Justice for All" poster in a conspicuous place in each approved site and the administrative office.
3. Train staff on civil rights annually. Specific subject areas include:
 - **Collecting and using data:** Data is being collected on ethnicity and race. Parent self-declares. If they refuse, 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 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 personnel and materials must be provided depending on need, resources available, and cost.
- **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 is)."

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

Coordinated Review Effort (CRE) General Areas of Review

SCHOOL FOOD AUTHORITY (SFA) REVIEW

The Post Award Civil Rights Compliance Review form must be completed and signed prior to the Coordinated Review Effort (CRE). Do not mail the review form to the Michigan Department of Education (MDE). The School Nutrition Programs Analyst will collect the review form during the CRE. If you have any questions regarding the attached review form, please contact a School Nutrition Programs Analyst at 517-373-3347.

FREQUENTLY ASKED QUESTIONS Post Award Civil Rights Compliance Review

Q. How do I compute the racial identity and ethnic identity data?

A. The racial identity and ethnic identity data can be computed from actual information, visual observation, by applying a percentage from the 4th Friday count to the free and reduced applicants, or by a combination of two or more methods.

Q. How do I get the percentages needed to complete the *Racial Identity and Ethnic Identity Data* in Part I for the free and reduced applications since its optional to fill out the back of the application?

A. Many school districts use the Racial/Ethnic data compiled in the 4th Friday Count to arrive at a percentage for the district. For example, if the district has 2300 students and the Racial Identity determination is 45 American Indian, 200 Asian, 230 African American, 300 Native Hawaiian, and 1525 White; then the following percentages would result: 2% American Indian, 8.7% Asian, 10% African American, 13% Native Hawaiian, and 66.3% White. If the Ethnic Identity for those same 2300 students is determined as 230 Hispanic or Latino, then the following percentage would result: 10% Hispanic or Latino and 90% not Hispanic or Latino. Those percentages can then be applied to the number of free and reduced price applications and recorded on the form.

Q. Do I have to determine the Racial and Ethnic Identity for all the school staff?

A. No. Racial Identity and Ethnic Identity is to be recorded for food service staff only.

Q. How do I get the figures for the section that refers to “Denied Applications?”

A. This box refers to the free/reduced applications which were denied through the verification process only. You can use the percentages described above if the actual Racial/Ethnic Identity information is not available for the students on those applications.

Q. Where do I get more “And Justice for All” posters?

A. You may ask the School Nutrition Programs Analyst during the review or download “And Justice for All” posters at: <http://www.fns.usda.gov/cr/justice.htm>.

Q. Where do I get more information on the Civil Rights requirements?

A. The United States Department of Agriculture, Food and Nutrition Service, Office of Civil Rights “Civil Rights Laws, Regulations, Executive Orders, and related Other Guidance” webpage: <http://www.fns.usda.gov/cr/crregulation.htm>

POST AWARD CIVIL RIGHTS COMPLIANCE REVIEW

Agreement #	SFA	Name of Building(s) Selected for Review:							
		1)	2)			3)			4)

Part I: RACIAL-ETHNIC DATA *(Complete this section for the entire school organization.)*

	RACIAL IDENTITY						ETHNIC IDENTITY			
	American Indian or Alaskan Native	Asian	Black or African American	Native Hawaiian or Other Pacific Islander	White	Total ^{1*}	Hispanic or Latino	Not Hispanic or Latino	Total ^{2*}	
# of Free Students (Approved):							# of Free Students (Approved):			
# of Reduced Students (Approved):							# of Reduced Students (Approved):			
# of Staff (Food Service Only):							# of Staff (Food Service Only):			

*Each approved free or reduced student and food service staff must be classified for both Racial Identity and Ethnic Identity. The numbers listed in the Total¹ Column must be the same as the Total² Column.

DENIED APPLICATIONS (Based on Verification) *Are they disproportionately composed of minorities?* YES NO

	RACIAL IDENTITY						ETHNIC IDENTITY			
	American Indian or Alaskan Native	Asian	Black or African American	Native Hawaiian or Other Pacific Islander	White	Total ^{3*}	Hispanic or Latino	Not Hispanic or Latino	Total ^{4*}	
# of Free Students (Denied):							# of Free Students (Denied):			
# of Reduced Students (Denied):							# of Reduced Students (Denied):			

*Each denied free or reduced student must be classified for both Racial Identity and for Ethnic Identity. The numbers listed in the Total³ Column must be the same as the Total⁴ Column.

Part II: CHECK APPLICABLE BOX

- | | |
|---|---|
| <p>A. School/Institution has sent out a public release for free and reduced price meals to the parents/guardians and community/local minority and grass roots organization.</p> <p>B. School/Institution has a procedure in place to inform the constituents of all aspects of the program (availability, benefits, etc.).</p> <p>C. Program materials include the non-discrimination statement.</p> <p>D. Materials provide the provision that discrimination complaints may be filed directly with the Secretary of Agriculture.</p> <p>E. A USDA nondiscrimination poster is displayed in a prominent place accessible to the students in each school.</p> <p>F. School/Institution ensures bilingual services (translators and materials) are available for the Limited English Proficiency (LEP) population.</p> <p>G. School/Institution completes an annual review of all buildings to ensure Civil Rights compliance.</p> <p>H. School/Institution provides training to new/current employees to ensure competency in civil rights compliance.</p> <p>I. School/Institution admission procedures do not restrict enrollment by race, color, national origin, sex, age or disability.</p> <p>J. School/Institution has an established procedure to accept complaints or grievances that are based upon race, color, national origin, sex, age or disability.</p> <p>J-1. Have there been any complaints?</p> <p>J-2. If "yes," how many? _____ "No" answer does NOT require explanation for # J -1.</p> <p>J-3. Reported to the state agency?</p> | <p><input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A</p> <p><input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A</p> <p><input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A</p> <p><input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A</p> <p><input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A</p> <p><input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A</p> <p><input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A</p> <p><input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A</p> <p><input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A</p> <p><input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A</p> <p><input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A</p> <p><input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A</p> |
|---|---|

PART III: EXPLAIN ALL "NO" OR "N/A" ANSWERS *(Attach a separate sheet to this form.)*

PART IV: CERTIFICATION

I certify _____ will take any kind of action necessary to be in full civil rights compliance with the following: Title VI of the Civil Rights Act of 1964 - nondiscrimination based on race, color, national origin; Age Discrimination Act of 1975 – nondiscrimination based on age; Title IX of the Education Amendments of 1972 – nondiscrimination based on sex; Section 504 of the Rehabilitation Act of 1973 - nondiscrimination based on disability.

DATE: _____ SIGNATURE *(Superintendent/Principal/Administrator):* _____

PART V: CORRECTIVE ACTION REQUIRED? YES NO

If "Yes," was corrective action explained to SFA?

YES NO N/A INSPECTION DATE: _____

SIGNATURE *(State Representative):* _____



STATE OF MICHIGAN
DEPARTMENT OF EDUCATION
LANSING

RICK SNYDER
GOVERNOR

MICHAEL P. FLANAGAN
SUPERINTENDENT OF
PUBLIC INSTRUCTION

FOOD SERVICE

**ADMINISTRATIVE POLICY NO. 4
SCHOOL YEAR 2012-2013**

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, 2012

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:

In accordance with Federal Law and U.S. Department of Agriculture policy, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, or disability.

To file a complaint of discrimination, write USDA, Director, Office of Adjudication, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410 or call toll free (866) 632-9992 (Voice). Individuals who are hearing impaired or have speech disabilities may contact USDA through 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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www.michigan.gov/mde • (517) 373-3324

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 review techniques by:
 - Evaluation of compliance during an Administrative Review, conducted by MDE every three years.
 - Complete an annual review of all school/institution buildings to ensure civil rights compliance.
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* - Scroll down to Guidance and click on Civil Rights.
- *Reference Manual* - Scroll down to Training, click on School Meals Program Requirements Training Manual, click on *Tab 6: Civil Rights*.
- *Webcasts* - Scroll down to Training, click on School Meals Program Requirements Training Webcasts, click on *Tab 6: Civil Rights*.
- *Programs for Training* - Scroll down to Training and click on School Nutrition E-Learning Courses.

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