



STATE OF MICHIGAN  
DEPARTMENT OF EDUCATION  
LANSING

GRETCHEN WHITMER  
GOVERNOR

MICHAEL F. RICE, Ph.D.  
STATE SUPERINTENDENT

**FOOD SERVICE**

**ADMINISTRATIVE MEMO NO. 9  
SCHOOL YEAR 2019-2020**

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

**DATE:** June 18, 2020

This memorandum includes the most current nondiscrimination statement pertaining to the National School Lunch Program, School Breakfast Program, Afterschool Snack Program, and Special Milk Program.

USDA Nondiscrimination Statement:

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, sex, disability, age, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA.

Persons with disabilities who require alternative means of communication for program information (e.g. Braille, large print, audiotope, American Sign Language, etc.), should contact the Agency (State or local) where they applied for benefits. Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program complaint of discrimination, complete the [USDA Program Discrimination Complaint Form](http://www.ascr.usda.gov/complaint_filing_cust.html)<sup>i</sup>, (AD-3027) found online at [http://www.ascr.usda.gov/complaint\\_filing\\_cust.html](http://www.ascr.usda.gov/complaint_filing_cust.html), and at any USDA office, or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by:

- (1) mail: U.S. Department of Agriculture  
Office of the Assistant Secretary for Civil Rights  
1400 Independence Avenue, SW  
Washington, D.C. 20250-9410;
- (2) fax: (202) 690-7442; or
- (3) email: [program.intake@usda.gov](mailto:program.intake@usda.gov).

This institution is an equal opportunity provider.

**STATE BOARD OF EDUCATION**

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608 WEST ALLEGAN STREET • P.O. BOX 30008 • LANSING, MICHIGAN 48909  
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**The short version of the nondiscrimination statement is:** This institution is an equal opportunity provider.

It is acceptable to use the short version of the nondiscrimination statement if the material is too small to permit the full statement to be included. The material will at a minimum include the short version in print size no smaller than the text. 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. The short version is the exception, not the rule. The nondiscrimination statement is not *required* on a calendar style menu simply informing program participants about available food items on a particular day. This medium is substantially different from forms or other information meant to convey application or eligibility standards or decisions, or program participation requirements.

All documents, pamphlets, and websites pertaining to the National School Lunch Program, School Breakfast Program, Afterschool Snack Program, and Special Milk Program should be updated.

Posters are available for download at [USDA Food and Nutrition Service Justice For All Posters](#),<sup>ii</sup> MDE School Nutrition Programs at 517-241-5374, or e-mail [MDE-schoolnutrition@michigan.gov](mailto:MDE-schoolnutrition@michigan.gov).

Prominently display the USDA nondiscrimination "And Justice for All," poster (11" width and 17" height) in the area where meals are served.

### **Summary of Requirements:**

Civil rights are the nonpolitical rights of a citizen: the rights of personal liberty guaranteed to United States citizens by the 13<sup>th</sup> and 14<sup>th</sup> 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.

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. Resources are available on the School Nutrition Programs website at [Michigan Department of Education School Nutrition Programs website](#)<sup>iii</sup> and [Limited English Proficiency Federal Interagency Website](#).<sup>iv</sup>

2. Provide appropriate information in alternative formats for persons with disabilities.
3. 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.
4. Guarantee that all children have equal access to services and facilities at the site, regardless of race, color, national origin, sex, age, or disability.

5. 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.
6. 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). The MDE complaint procedures and forms are included at the end of this administrative memo document and must be part of the SFA civil rights procedure.
7. Complete Civil Rights Compliance reviews:
  - School Food Authorities (SFAs) conduct self-monitoring 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 Michigan Electronic Grants System Plus (MEGS+).
  - The State Agency (MDE) evaluates Civil Rights Compliance for SFAs during the Administrative Review every three years.
8. Conduct civil rights training annually for all current/new staff responsible for administering the NSLP, including frontline staff.
9. Conduct civil rights training for staff. Specific subject areas include:
  - *Collecting and Using Data* - Data are 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. Resources are available at [Limited English Proficiency Federal Interagency Website](#).<sup>iv</sup>
- *Conflict Resolution* - Use alternative dispute resolution techniques as needed. Treat others with respect.

For more information on the USDA Civil Rights Laws, Regulations, Executive Orders and related Other Guidance, visit [Civil Rights Laws, Regulations, Executive Orders and related Other Guidance](#).<sup>v</sup>

### **Additional Resources**

The Food and Nutrition Instruction 113-1 Civil Rights Compliance and Enforcement Nutrition Programs and Activities is available at [Civil Rights Compliance and Enforcement - Nutrition Programs and Activities](#).<sup>vi</sup>

"And Justice for All" posters can be downloaded at [USDA Food and Nutrition Service and Justice for All Posters](#).<sup>vii</sup>

"And Justice for All" Posters can be requested from MDE School Nutrition Programs at 517-241-5374 or e-mail [MDE-schoolnutrition@michigan.gov](mailto:MDE-schoolnutrition@michigan.gov).

Limited English Proficiency (LEP) resources can be found at [Limited English Proficiency Federal Interagency Website](#).<sup>iv</sup>

The Spanish Version of the FNS Nondiscrimination Statement can be found at <https://www.fns.usda.gov/cr/and-justice-all-posters-guidance-and-translations>.<sup>viii</sup>

The School Nutrition Programs website at [Michigan Department of Education School Nutrition website](#).<sup>iii</sup> contains civil rights resources.

The link to *Civil Rights Guidance* information is [Michigan Department of Education School Nutrition Website Civil Rights Guidance](#).<sup>ix</sup>

The Civil Rights training module is located on [Michigan Department of Education School Nutrition website](#).<sup>iii</sup> in the Training section under Civil Rights.

Questions regarding this Administrative Memo may be directed to the School Nutrition Programs unit by email to [mde-schoolnutrition@michigan.gov](mailto:mde-schoolnutrition@michigan.gov).

The MDE forms for complaint procedures are included at the end of this administrative memo. The forms are also available on the School Nutrition Programs website at [Michigan Department of Education School Nutrition Programs website](#).<sup>iii</sup>

## How to Recognize a Civil Rights Complaint

If a person says their **civil rights** are being affected, the complaint must be treated as a civil rights complaint. Other legitimate complaints may only be voiced or observed as being unequal treatment. In all cases, the established procedure is to use a complaint form, the complaint log, referring the request to the civil rights authority in the school district or facility and reporting the complaint to the Michigan Department of Education (MDE). The complaint can be investigated locally, resolved locally, and the MDE is notified of the resolution.

Potential issues for a civil rights complaint may start with a phone call, letter, email, fax or any form of communication where someone feels they or someone they know has received unequal treatment in the operation of any Child Nutrition Program.

There are six protected classes in Child Nutrition Programs and these are **race, color, sex, age, national origin, and disability**.

Discrimination is defined as 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 race, color, sex, age, national origin, or disability.

To quickly identify a civil rights violation, remember **4 D's**:

1. **Deny** program benefits unfairly
2. **Delay** program benefits unfairly
3. Treat **differently** (a policy or practice that has an adverse impact or any form of intimidation or retaliation)
4. Give **Disparate** Treatment (defined as a policy or practice which, "on the face of it" is not discriminatory, but has a discriminatory impact in practice, also known as the "effects test")

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- (1) mail: U.S. Department of Agriculture  
Office of the Assistant Secretary for Civil Rights  
1400 Independence Avenue, SW  
Washington, D.C. 20250-9410;
- (2) fax: (202) 690-7442; or
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School Nutrition Programs  
Civil Rights Complaint Procedure

1. Civil Rights Complaint received by Sponsor (verbal or written).
2. Civil Rights Complaint documented in Civil Rights Complaint Log.
3. Sponsor gives complainant Civil Rights Complaint Form and/or Sponsor Completes Civil Rights Complaint Form with complainant.
4. If Complainant Returns Civil Rights Complaint Form to Sponsor, Sponsor forwards Civil Rights Complaint Form to MDE School Nutrition Programs within 5 working days.

Send Civil Rights Complaints to:

Michigan Department of Education  
Office of Health and Nutrition Services  
School Nutrition Programs, Civil Rights Consultant  
P.O. Box 30008  
Lansing, MI 48909

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**MDE School Nutrition Programs  
Log of Civil Rights Complaints**

| Date Complaint Received | Description of Complaint (verbal or written) | Name of Complainant (Optional) | Date Civil Rights Complaint Form Completed | Complaint Form Returned to Sponsor (Yes/No) | Date Civil Rights Complaint Forwarded to MDE |
|-------------------------|--|--------------------------------|--|---|--|
|                         |  |                                |  |   |  |
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Sponsor's Civil Rights Coordinator: \_\_\_\_\_ Coordinator Contact Information: \_\_\_\_\_

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- <sup>i</sup> [https://www.ocio.usda.gov/sites/default/files/docs/2012/Complain\\_combined\\_6\\_8\\_12.pdf](https://www.ocio.usda.gov/sites/default/files/docs/2012/Complain_combined_6_8_12.pdf)
  - <sup>ii</sup> <https://www.fns.usda.gov/cr/and-justice-all-posters-guidance-and-translations>
  - <sup>iii</sup> [https://www.michigan.gov/mde/0,4615,7-140-66254\\_50144---,00.html](https://www.michigan.gov/mde/0,4615,7-140-66254_50144---,00.html)
  - <sup>iv</sup> <https://www.lep.gov/>
  - <sup>v</sup> <https://www.fns.usda.gov/cr/civil-rights-laws-regulations>
  - <sup>vi</sup> <https://www.fns.usda.gov/civil-rights-compliance-and-enforcement-%E2%80%93-nutrition-programs-and-activities>
  - <sup>vii</sup> <https://www.fns.usda.gov/cr/and-justice-all-posters-guidance-and-translations>
  - <sup>viii</sup> <https://www.fns.usda.gov/cr/and-justice-all-posters-guidance-and-translations>
  - <sup>ix</sup> [https://www.michigan.gov/mde/0,4615,7-140-66254\\_50144-194532--,00.html](https://www.michigan.gov/mde/0,4615,7-140-66254_50144-194532--,00.html)
  - <sup>x</sup> [https://www.ocio.usda.gov/sites/default/files/docs/2012/Complain\\_combined\\_6\\_8\\_12.pdf](https://www.ocio.usda.gov/sites/default/files/docs/2012/Complain_combined_6_8_12.pdf)
  - <sup>xi</sup> [https://www.ocio.usda.gov/sites/default/files/docs/2012/Complain\\_combined\\_6\\_8\\_12.pdf](https://www.ocio.usda.gov/sites/default/files/docs/2012/Complain_combined_6_8_12.pdf)