CIVIL RIGHTS TRAINING

Idaho State Department of Education

Child Nutrition Programs

Updated June 2016

This institution is an equal opportunity provider.

Civil Rights Training Overview

- Purpose
- Training requirements
- Discrimination considerations
- Protected classes
- Collection and use of data
- Public notification systems
- Long and short statements
- Complaint procedures
- Compliance review and resolution
- Requirements for language assistance and requirements for reasonable accommodations for those with disabilities
- Conflict resolution
- Customer service
- Helpful links

Purpose

- To establish and convey policy and provide guidance and direction to the United States Department of Agriculture, Food and Nutrition Service and its recipients and customers

- To ensure compliance with and enforcement of the prohibition against discrimination in all Food and Nutrition Service nutrition programs and activities, whether federally funded or not

Reason

Ensures that program recipients are being treated without discrimination while participating in Child Nutrition Programs

Annual Training Requirements

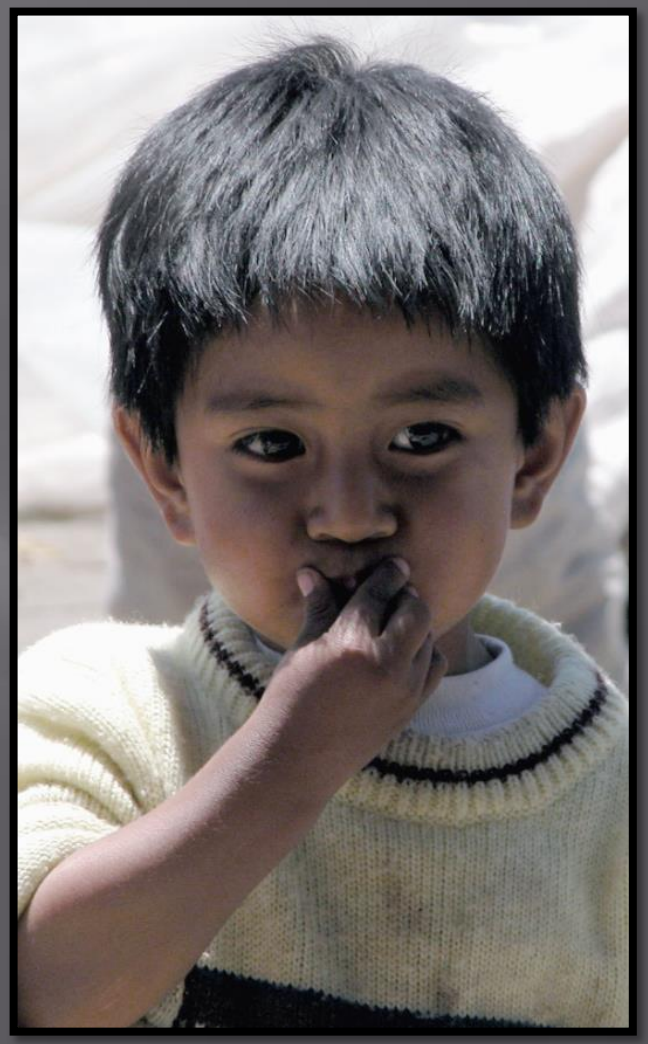
- Collection and use of data
- Effective public notification systems
- Complaint log and procedures
- Compliance review techniques
- Resolution of noncompliance
- Requirements for reasonable accommodation of persons with disabilities
- Requirements for language assistance
- Conflict resolution
- Customer service

Discrimination May Be:

- **Denial** of benefits or services that others receive
- **Delay** in receiving benefits or services that others receive
- **Different** treatment than others, leading to disadvantage

Discrimination Examples

- **Refusing** enrollment based on disability
- Failure to provide **reasonable accommodation**
- Serving meals at a **time, place, or in a manner** that is discriminatory
- Failing to provide **non-English** materials



Protected Classes

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

Collection and Use of Data

- Required to obtain data by ethnic and racial category
- Systems for collecting actual ethnic and racial data may be program specific
- Annual reporting on the ethnic and racial data

Collection and Use of Data
Ethnic Categories

- **Not Hispanic or Latino**
- **Hispanic or Latino**
  - A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin - regardless of race

Collection and Use of Data
Racial Categories

- **Black or African American –** A person having origins in any of the black racial groups of Africa
- **White -** A person having origins in any of the original peoples of Europe, the Middle East, or North America
- **Asian -** A person having origins in any of the peoples of the Far East, Southeast Asia, or the Indian subcontinent, including: Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam

Collection and Use of Data
Racial Categories

- **Native Hawaiian or Other Pacific Islander -** A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands

- **American Indian or Alaskan Native -** A person having origins in any of the original peoples of North America (including Central America) who maintains tribal affiliation or community attachment

Public Notification Systems

Basic Elements

- **Program availability**

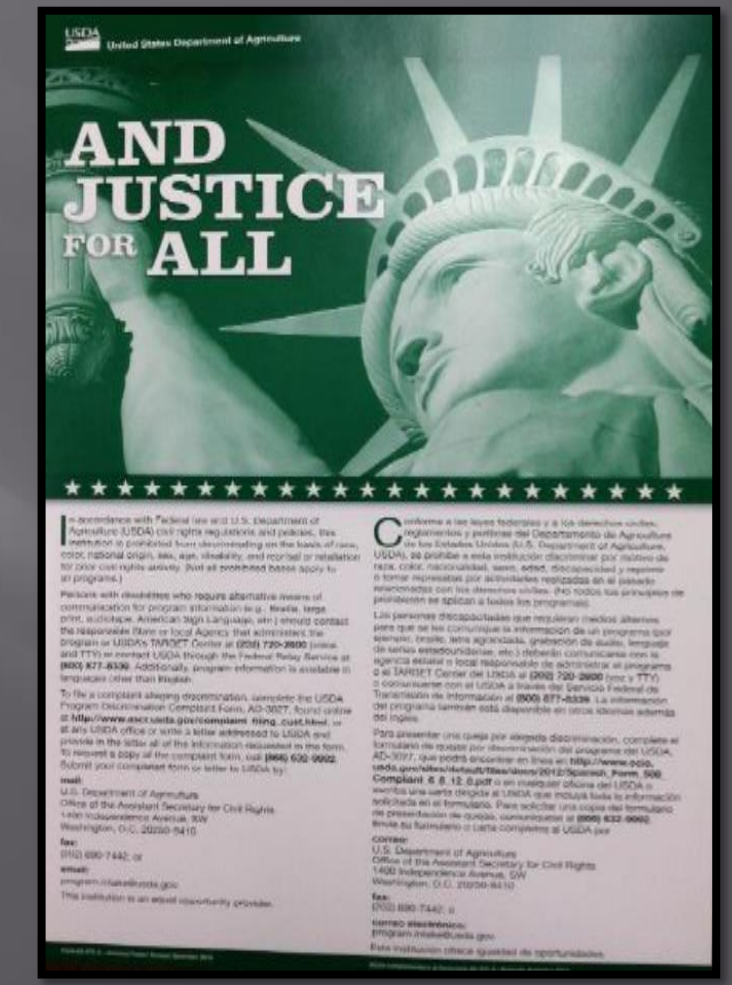
  Each agency or other sub-recipient must take action to inform potentially eligible persons of their program rights

- **Complaint information**

  Applicants and participants must be advised at the service delivery point of their right to file a complaint and the complaint process

- **Non-discrimination poster statement**

  Prominently display the current "And Justice For All" poster, using only the 11 X 17 inch poster



Public Notification Systems

Methods

- Inform potentially eligible applicants about the program (outreach)
- Provide information in alternative formats available for those with disabilities (e.g., braille)
- Include the non-discrimination statement on all informational material provided to the public
- Convey an equal opportunity message in all pictures that are used to provide program information
- Prominently display the current "And Justice For All" poster

Long Statement in English

Use on all documents longer than one page or one sheet of paper

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, audiotape, 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, (AD-3027) found online at: 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) mail: program.intake@usda.gov .

USDA Child Nutrition Programs recognize the following protected classes: race, color, national origin, sex, age, and disability.

This institution is an equal opportunity provider.

Long Statement in Spanish

De conformidad con la Ley Federal de Derechos Civiles y los reglamentos y políticas de derechos civiles del Departamento de Agricultura de los EE. UU. (USDA, por sus siglas en inglés), se prohíbe que el USDA, sus agencias, oficinas, empleados e instituciones que participan o administran programas del USDA discriminen sobre la base de raza, color, nacionalidad, sexo, discapacidad, edad, o en represalia o venganza por actividades previas de derechos civiles en algún programa o actividad realizados o financiados por el USDA.

Las personas con discapacidades que necesiten medios alternativos para la comunicación de la información del programa (por ejemplo, sistema Braille, letras grandes, cintas de audio, lenguaje de señas americano, etc.), deben ponerse en contacto con la agencia (estatal o local) en la que solicitaron los beneficios. Las personas sordas, con dificultades de audición o discapacidades del habla pueden comunicarse con el USDA por medio del Federal Relay Service [Servicio Federal de Retransmisión] al (800) 877-8339. Además, la información del programa se puede proporcionar en otros idiomas.

Para presentar una denuncia de discriminación, complete el Formulario de Denuncia de Discriminación del Programa del USDA, (AD-3027) que está disponible en línea en: http://www.ocio.usda.gov/sites/default/files/docs/2012/Spanish_Form_508_Compliant_6_8_12_0.pdf. y en cualquier oficina del USDA, o bien escriba una carta dirigida al USDA e incluya en la carta toda la información solicitada en el formulario. Para solicitar una copia del formulario de denuncia, llame al (866) 632-9992. Haga llegar su formulario lleno o carta al USDA por:

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

(2) fax: (202) 690-7442; o

(3) correo electrónico: program.intake@usda.gov.

Los Programas de Nutrición Para Niños (USDA) reconocen los siguientes clases protegidas: raza, color, origen nacional, sexo, edad y discapacidad.

Esta institución es un proveedor que ofrece igualdad de oportunidades.

Short Statement

Use on all documents that are only one page or one sheet of paper in length

- **English:**

This institution is an equal opportunity provider.

- **Spanish:**

Esta institución es un proveedor que ofrece igualdad de oportunidades.

Public Notification Systems
Timeline

The timeline for public notification is:

- Websites must be updated by December 31, 2015;
- Documents, pamphlets, brochures, etc., using non-discrimination statement (NDS) language prior to 2013 must be updated by December 31, 2015;
- Documents, pamphlets, brochures, etc., using 2013 NDS language should be updated when supplies are exhausted or by September 30, 2016; and
- All new printing must use the 2015 NDS.

Complaint Procedure

- **Right to File**

Any person alleging discrimination based on a protected class has the right to **file a complaint** within **180 days** of the discriminatory action

- **Acceptance**

All complaints, written or verbal, must be forwarded to the State agency within **three days**. Anonymous complaints will be handled as any other complaints

- **Verbal**

If a person makes a verbal complaint via phone or in person and refuses or is not inclined to place allegations in writing, the person to whom the allegations are made must write up the complaint, making an attempt to collect specific information

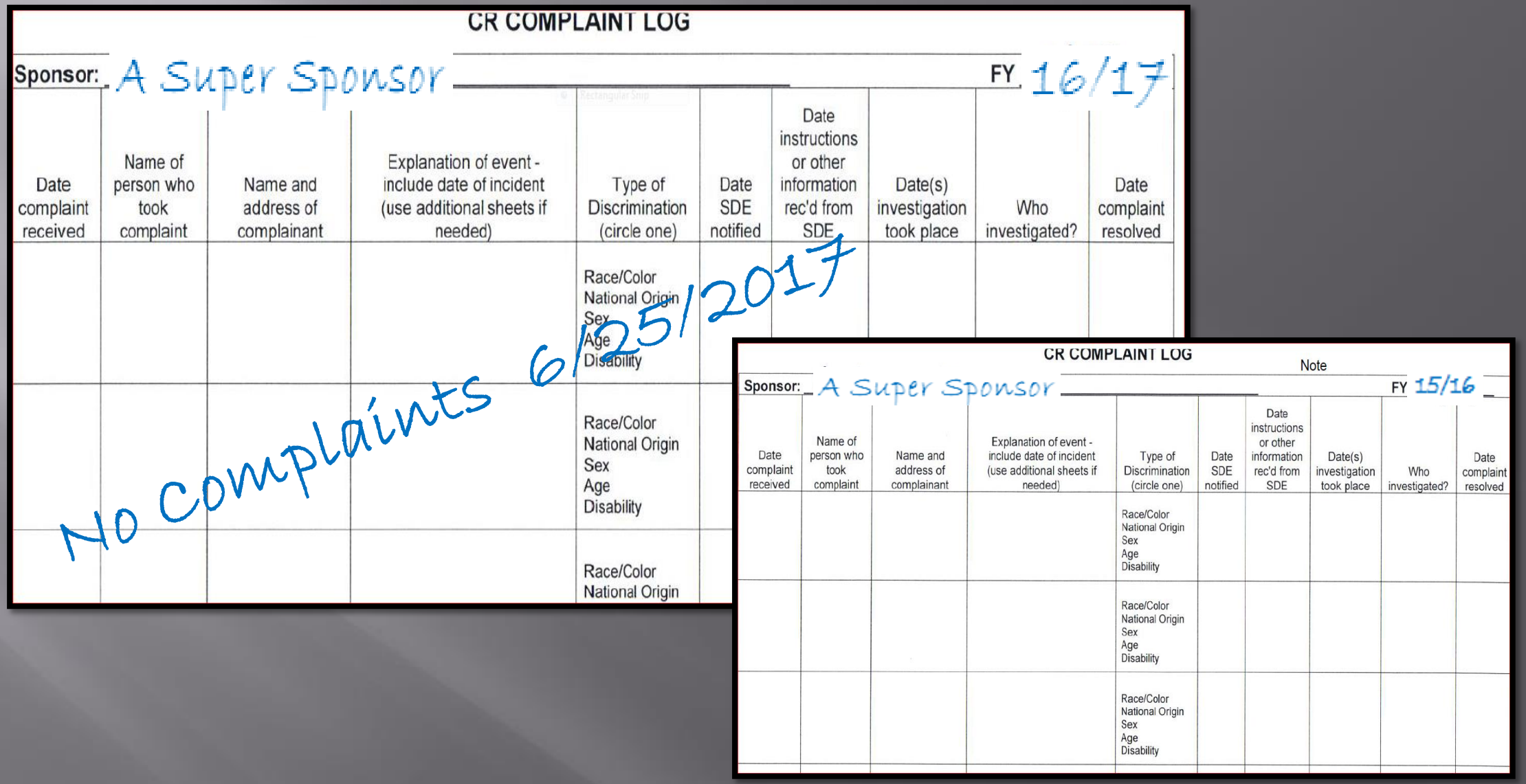
Sponsor Complaint Procedure, Log, and Form

- **Sponsors must keep a Civil Rights Binder or File with the required civil rights complaint documents including:**

  - Written civil rights complaint procedure
  - Annually dated civil rights complaint log, even when no complaints are received / documented
  - Copies of civil rights complaint forms
    (Complaint forms must be available at all Child Nutrition Program sites)

Information in the Civil Rights binder/file must be annually updated and maintained for three years plus the current year

Sample Complaint Logs



CR COMPLAINT LOG

Sponsor: A Super Sponsor FY 16/17

Date complaint received	Name of person who took complaint	Name and address of complainant	Explanation of event - include date of incident (use additional sheets if needed)	Type of Discrimination (circle one)	Date SDE notified	Date instructions or other information rec'd from SDE	Date(s) investigation took place	Who investigated?	Date complaint resolved
				Race/Color National Origin Sex Age Disability					
				Race/Color National Origin Sex Age Disability					
				Race/Color National Origin					

No complaints 6/25/2017

CR COMPLAINT LOG

Note

Sponsor: A Super Sponsor FY 15/16

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Compliance Review Techniques and Resolution of Non-compliance

- USDA regional office is responsible for the review of State agencies
- State agency is responsible for review of local agencies
- State agency must report any significant finding(s) to the regional USDA office
- State and local agencies must receive a pre-approval visit for civil rights compliance determination before receiving funds
- If State agency reports a finding, corrective action will be put in place until noncompliance is resolved
- All reports must be maintained as part of records for future review

Requirements for Language Assistance

Esta institución es un proveedor que ofrece igualdad de oportunidades.

- Enrollment forms
- Menus
- Informational brochures
- Letters to families and notifications

Requirements for Reasonable Accommodation for Persons with Disabilities

- Handicap accessibility
- Life-threatening food allergies
- Accommodations/Modifications addressed in 504, Individual Education Plan (IEP), Individual Service Family Plan (ISFP)
- Call State agency for further guidance

Disability

- Under Section 504 of the *Rehabilitation Act of 1973,* and the *Americans with Disabilities Act (ADA) of 1990,* a "person with a disability" means any person who:
  - has a physical or mental impairment which substantially limits one or more major life activities
  - has a record of such an impairment, or
  - is regarded as having such an impairment

- The term "physical or mental impairment" includes many diseases and conditions

Special Dietary Needs: Medical Statement Form

DISABILITY

- Sponsors are **required** to make substitutions for children with food allergies deemed as **disabilities**
- A **disability** may **only** be determined and signed by a **licensed physician (M.D. or D.O.), physician assistant, nurse practitioner, or dentist**
- Signed form must also indicate appropriate substitutions

INTOLERANCE

- Sponsors have the *option* to make substitutions for children with **food intolerances** not deemed as a disability by a recognized medical provider
- *Intolerance* recommendations may be determined and signed by a **Medical Doctor, Doctor of Osteopathy, Nurse Practitioner, Physician Assistant, Registered Nurse, or Registered Dietitian**
- Signed form must also indicate appropriate substitutions

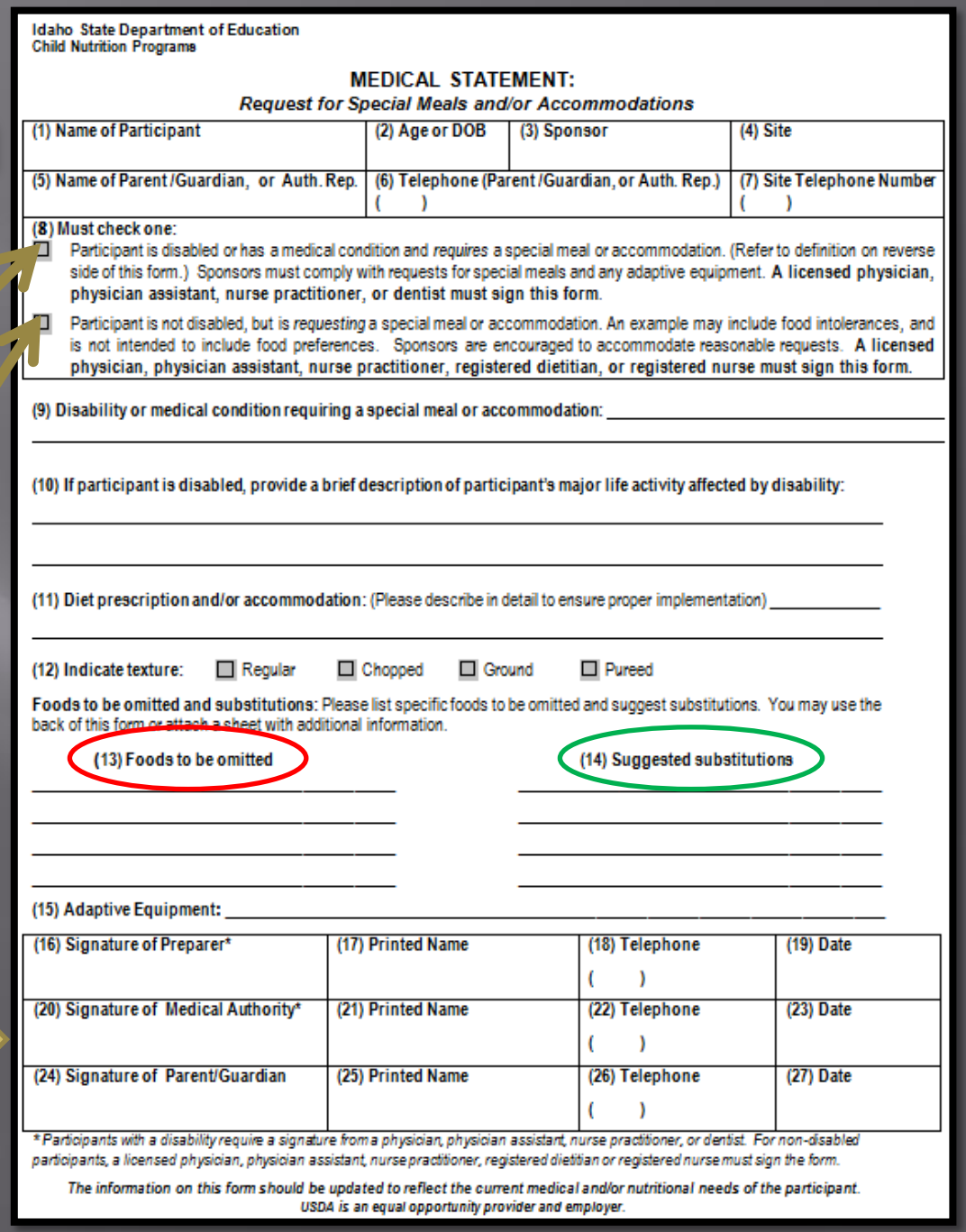
Medical Statement Form

Awaiting USDA Updating

Checked if participant is disabled

Checked if participant is not disabled

Medical authority signature



Idaho State Department of Education
Child Nutrition Programs

MEDICAL STATEMENT:
Request for Special Meals and/or Accommodations

(1) Name of Participant	(2) Age or DOB	(3) Sponsor	(4) Site

(5) Name of Parent/Guardian, or Auth. Rep.	(6) Telephone (Parent/Guardian, or Auth. Rep.) ( )	(7) Site Telephone Number ( )

(8) Must check one:

☐ Participant is disabled or has a medical condition and *requires* a special meal or accommodation. (Refer to definition on reverse side of this form.) Sponsors must comply with requests for special meals and any adaptive equipment. **A licensed physician, physician assistant, nurse practitioner, or dentist must sign this form.**

☐ Participant is not disabled, but is *requesting* a special meal or accommodation. An example may include food intolerances, and is not intended to include food preferences. Sponsors are encouraged to accommodate reasonable requests. **A licensed physician, physician assistant, nurse practitioner, registered dietitian, or registered nurse must sign this form.**

(9) Disability or medical condition requiring a special meal or accommodation: _____

(10) If participant is disabled, provide a brief description of participant's major life activity affected by disability:

(11) Diet prescription and/or accommodation: (Please describe in detail to ensure proper implementation) _____

(12) Indicate texture: ☐ Regular ☐ Chopped ☐ Ground ☐ Pureed

Foods to be omitted and substitutions: Please list specific foods to be omitted and suggest substitutions. You may use the back of this form or attach a sheet with additional information.

(13) Foods to be omitted	(14) Suggested substitutions

(15) Adaptive Equipment: _____

(16) Signature of Preparer*	(17) Printed Name	(18) Telephone ( )	(19) Date
(20) Signature of Medical Authority*	**(21) Printed Name**	**(22) Telephone ( )**	**(23) Date**
(24) Signature of Parent/Guardian	**(25) Printed Name**	**(26) Telephone ( )**	**(27) Date**

** Participants with a disability require a signature from a physician, physician assistant, nurse practitioner, or dentist. For non-disabled participants, a licensed physician, physician assistant, nurse practitioner, registered dietitian or registered nurse must sign the form.*

The information on this form should be updated to reflect the current medical and/or nutritional needs of the participant.
USDA is an equal opportunity provider and employer.

Conflict Resolution

- All complaints alleging discrimination on the basis of race, age, color, national origin, sex, or disability, must be:
  - **forwarded** to the State agency within **three days**
  - **processed** by USDA within **90 days**

Customer Service

Sponsor Checklist

- Annually train all staff and volunteers on Civil Rights
- Prominently display the current "And Justice For All" poster
- Collect and record race and ethnic data annually
- Offer meals to all
- Maintain an annually dated Civil Rights Complaint Log(s)
- Place non-discrimination statement on all printed materials mentioning Child Nutrition Programs
- Keep all records for three years plus the current year

Helpful Civil Rights Links

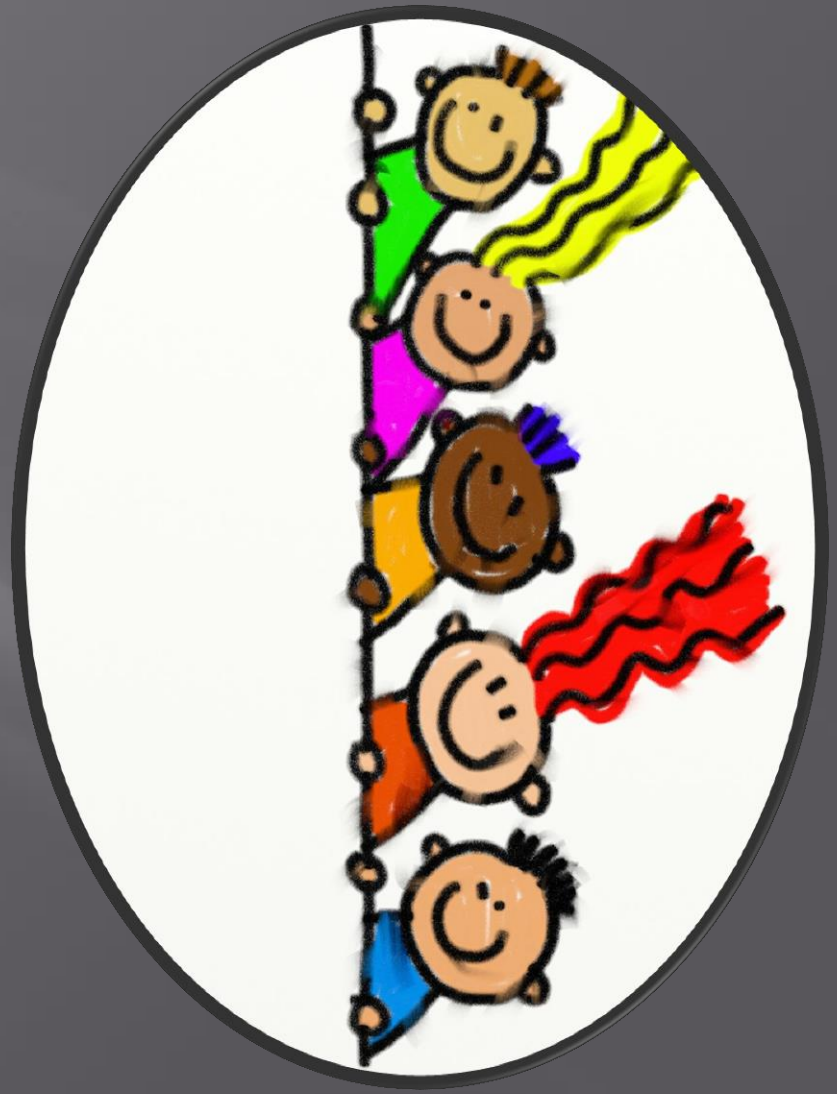
http://www.fns.usda.gov/civil-rights

http://www.fns.usda.gov/sites/default/files/FNS_and_CNPP_Civil_Rights_Policy.pdf

http://www.sde.idaho.gov/cnp/civil/

Spanish translator

http://www.nass.usda.gov/Help/Translate/index.php



Professional Standards

- http://professionalstandards.nal.usda.gov/
  - Key Area: Administration 3000
  - Key Topic: Policies and Procedures 3420

- Documentation
  - FNS online tracking tool: http://www.fns.usda.gov/school-meals/professional-standards
  - MyIdahoCNP > Download Forms > Professional Standards:

    Professional Standards Training Log (Word doc)

    Professional Standards Training Tracker (Excel file)

Non-discrimination Statement

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THANK YOU!

Child Nutrition Programs
208-332-6820