

Module 6: Key Points

After completing this module, you will:

- ⇒ Be able to explain what classes or groups are protected by the civil rights regulations.
- ⇒ Understand how to adhere to the civil rights requirements.
- ⇒ Be able to determine when the civil rights statement needs to be included on documents.
- ⇒ Know the correct size requirements for the civil rights posters.
- ⇒ Know the correct location for these posters.

Module 6: Tasks

You should complete the following tasks in Module 6:

- ⇒ Read the lesson
- ⇒ Read the lesson Summary
- ⇒ Do the Activity
- ⇒ Take the Self-Quiz
- ⇒ Review the Web sites and resources related to Module 6

Module 6: Target Audience

This module should be reviewed by the child nutrition director (or designee) and any staff who communicate NSLP information to parents and/or the public.

Module 6: Estimated Time Required

Approximately 20 minutes



Civil Rights Compliance in the Child Nutrition Program

What is discrimination?

Discrimination is defined as treatment that makes a distinction between one person (or a group of persons) and others — intentionally, by neglect, or by actions or lack of actions — based on six protected classes in the USDA Food and Nutrition Service: race, color, national origin, sex, age, or disability.

How are citizens' rights protected?

Laws prohibiting discrimination against each of the six protected classes are as follows:

- ⇒ Race, Color, National Origin: Title VI of the Civil Rights Act of 1964
- ⇒ Sex: Title IX of Education Amendments of 1972
- ⇒ Disability: Section 504 of Rehab. Act of 1973
- ⇒ Age: Age Discrimination Act of 1975



Civil rights laws provide regulation that no person in the United States shall, on the grounds of race, color, national origin, sex, or disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

What do these laws require of schools participating in Child Nutrition Programs?

There are five areas of focus for compliance:

- ⇒ Public Notification
- ⇒ Limited English Proficiency
- ⇒ Data Collection
- ⇒ Assurances
- ⇒ Civil Rights Complaints

The following pages will describe in more detail what schools must do to stay in civil rights federal compliance.

Public Notification

- ⇒ All schools must display an 11-inch x 17-inch "And Justice for All" nondiscrimination poster in a prominent place, such as the dining area.
- ⇒ All schools must provide informational materials in the appropriate translation concerning free and reduced-price meal benefits.
- ⇒ In addition, all program materials must contain the appropriate nondiscrimination statement and the procedure for filing a complaint, including free and reduced-price letters to parents, application forms, public releases, and all other institution publications.
- ⇒ Your school/district has a person designated to handle discrimination complaints (this information is included in your agreement with the USOE). The school/district must always contact the USOE Child Nutrition Programs when a complaint is received.



The nondiscrimination statement is:

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

To file a complaint of discrimination, write to: USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410 or call: (800)795-3272 (voice) or (202) 720-6382 (TTY).

USDA is an equal opportunity provider and employer.

If the material is too small to permit the full statement to be included, the material will at a minimum include the statement:

"This institution is an equal opportunity provider."

(This must be done in a font > or = to the text size.)

Are there any other requirements for providing public notification?

Schools have two additional tasks:

- ⇒ Make program information available to the public upon request.
- ⇒ Notify the community and grassroots organizations of program benefits (at a minimum) through a public release (the USOE issues this public release annually on behalf of all schools and school districts).



Limited English Proficiency (LEP)



- ⇒ Where a significant number or proportion of the population eligible to be served needs service or information in a language other than English in order to be informed of or to participate in the program, the school shall take reasonable steps to provide information in an appropriate language to such persons.
- ⇒ Factors to consider in addressing limited English proficiency include (1) number of LEP individuals participating in the program, (2) frequency of contact with the program, (3) nature and importance of the program, and (4) resources available (free and reduced-price school meal applications

available in twenty-five languages in addition to English and can be downloaded from USDA's website at www.fns.usda.gov/cnd/FRP/frp.process.htm).

Data Collection

- ⇒ SFAs must collect racial and ethnic data annually by (1) obtaining from your school or school district records that may already have this information on file, (2) visual identification and personal knowledge by the SFA official, or (3) voluntary self-identification by the applicant on the meal application form.
- ⇒ Each SFA must maintain racial and ethnic data on file for the past three years (in addition to the current year's data).
- ⇒ Data concerning the number of potentially eligible children shall be updated annually and maintained on file for three years. Sources to determine the number of potentially eligible children include free and reduced-price applications or institution enrollment data.
- ⇒ Ethnic/Racial Information Report: Due at the USOE in November, this report shows the ethnic and racial breakdown of the students in the school/district who receive free, reduced-price, and paid benefits.

Assurances

- ⇒ The SFAs admission procedures must not restrict enrollment. Denied free and reduced-priced meal applications cannot be based on race, color, age, national origin, sex, or disability.
- ⇒ SFAs shall make reasonable accommodations for persons with disabilities unless the accommodation would impose undue hardship on the operation of its program or place of business.

Civil Rights Complaints

- ⇒ Any person alleging discrimination based on race, color, national origin, sex, age, or disability has a right to file a complaint within 180 days of the alleged discriminatory action.
- ⇒ Complaints can be written or verbal.
- ⇒ Anonymous complaints should be handled as any other complaints.
- ⇒ Document complaints by writing them if they were given verbally.
- ⇒ All complaints must be forwarded to the USOE Child Nutrition Programs.



Compliance Reviews

- ⇒ The USOE Child Nutrition Programs will conduct civil rights compliance reviews before awarding funding and as part of the ongoing monitoring process.
- ⇒ Probable noncompliance is a factual finding, based on a review or other monitoring process, that certain civil rights requirements are not being met by an individual or agency. Once probable noncompliance is found, steps must be taken immediately to obtain voluntary compliance. If corrective action has not been completed within 60 days of the finding, a noncompliance report must be submitted through the USDA Regional Office to the Civil Rights Division (or through the USOE if locally identified). Continued noncompliance may result in legal action.

Civil Rights Training

- ⇒ All staff members (including “frontline staff”) should receive annual training on all aspects of civil rights compliance.
- ⇒ Staff members should be able to identify a civil rights complaint if received and know what to do if they receive a complaint.
- ⇒ Staff members should understand that it is the basic right of the individual to file a complaint.



Summary

- ⇒ The five areas required of schools to remain in compliance with civil rights regulations include public notification, limited English proficiency, data collection, assurances, and civil rights complaints.
- ⇒ Public Notification: Display the “And Justice For All” poster in a prominent place, include nondiscrimination statement and procedure for filing a complaint in all program materials, and make sure all program materials are in appropriate translations so that all potential applicants can understand program procedures.
- ⇒ Limited English Proficiency: Learn what other languages are spoken in the households of your students and, if necessary, make sure free and reduced-price school meal applications are translated appropriately. USDA has materials already translated and can be accessed on their website.
- ⇒ Data Collection: All SFAs must collect racial and ethnic data and have on file for at least three years.
- ⇒ Assurances: SFAs cannot deny free and reduced-priced applications based on race, color, national origin, sex, age, or disability, and schools/districts must make reasonable accommodations to persons with disabilities.
- ⇒ Civil Rights Complaints: Every school/district has a person designated to handle discrimination complaints, and all complaints must be reported to the USOE Child Nutrition Programs. The complaint can be written or verbal, and can be anonymous.
- ⇒ All school meal staff members must receive training on all aspects of civil rights compliance.

**Memories of our lives, of
our works and our deeds
will continue in others,
who believe and act for
fairness and justice.**

**— Rosa Parks
1913-2005**



Activity

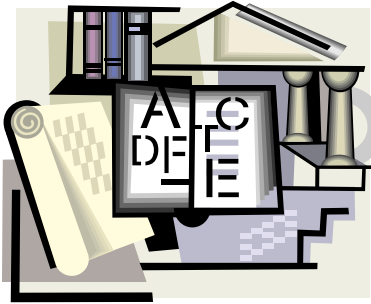
1. Determine that all your serving sites, as well as school offices visited by parents and the public, have the correct 11-inch x 17-inch “And Justice for All” poster displayed.
2. Make a list of all staff members who should receive annual civil rights training and make a plan for how and when they will receive training.
3. Review all student meal materials that go home to the parents (including menus, letters, newsletters, reminders, and applications) and make sure they include the civil rights statement.



Self-Quiz (Answers on page 8)

1. All schools must display an _____ inch x _____ inch “And Justice for All” nondiscrimination poster in a prominent place, such as the dining area.
2. You must always contact _____ when a complaint is received.
3. Briefly explain what you should do if you can’t fit the whole nondiscrimination statement on one of your program’s documents.
4. True or False: USDA provides application materials in twenty-five languages in addition to English.
5. True or False: It is mandatory that applicants report their race on the meal application.
6. True or False: Only written civil rights complaints can be accepted.
7. True or False: The USOE Child Nutrition Programs will conduct civil rights compliance reviews before awarding funding and as part of the ongoing monitoring process.
8. Any person alleging discrimination based on race, color, national origin, sex, age, or disability has a right to file a complaint within _____ days of the alleged discriminatory action.
9. All staff members should receive _____ training on all aspects of civil rights compliance.

Resources



- ⇒ Go to the USOE Child Nutrition Programs website for free and reduced-price school meal applications and household letters in English and Spanish as well as the 11" x 17" civil rights poster. You might also wish to review the Civil Rights Compliance and Enforcement Powerpoint presentation. Visit www.schools.utah.gov/cnp/Files/.
- ⇒ USDA has a separate Office of Civil Rights with complete information on regulation, along with helpful links. Visit www.fns.usda.gov/cr/.

Self-Quiz Answers

1. All schools must display an 11-inch x 17-inch "And Justice for All" nondiscrimination poster in a prominent place.
2. You must always contact the USOE when a complaint is received.
3. Briefly explain what you should do if you can't fit the whole nondiscrimination statement on one of your program's documents. Include the statement, "This institution is an equal opportunity provider" in a font at least the size of the text.
4. True or False: USDA provides application materials in twenty-five languages in addition to English.
5. True or False: It is mandatory that applicants report their race on meal application. This is optional; data on race and ethnicity may also be collected via visual identification, personal knowledge, or from school/district records.
6. True or False: Only written civil rights complaints can be accepted. Verbal and anonymous complaints are also accepted.
7. True or False: The USOE Child Nutrition Programs will conduct civil rights compliance reviews before awarding funding and as part of the ongoing monitoring process.
8. Any person alleging discrimination based on race, color, national origin, sex, age, or disability has a right to file a complaint within 180 days of the alleged discriminatory action.
9. All staff members should receive annual training on all aspects of civil rights compliance.

