

# 2022-2023 FCSD #2

## Civil Rights Compliance in Child Nutrition Programs (Abbreviated Version)

Wyoming Department of Education  
Nutrition Programs Section



# What are Civil Rights?

“The nonpolitical 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 by acts of Congress.”



# Protected Classes

Federal law prohibits discrimination in Child Nutrition Programs based on:

Race

Color

National Origin

Age

Sex

Disability

Reprisal or retaliation for prior civil rights activity

# What is Discrimination?

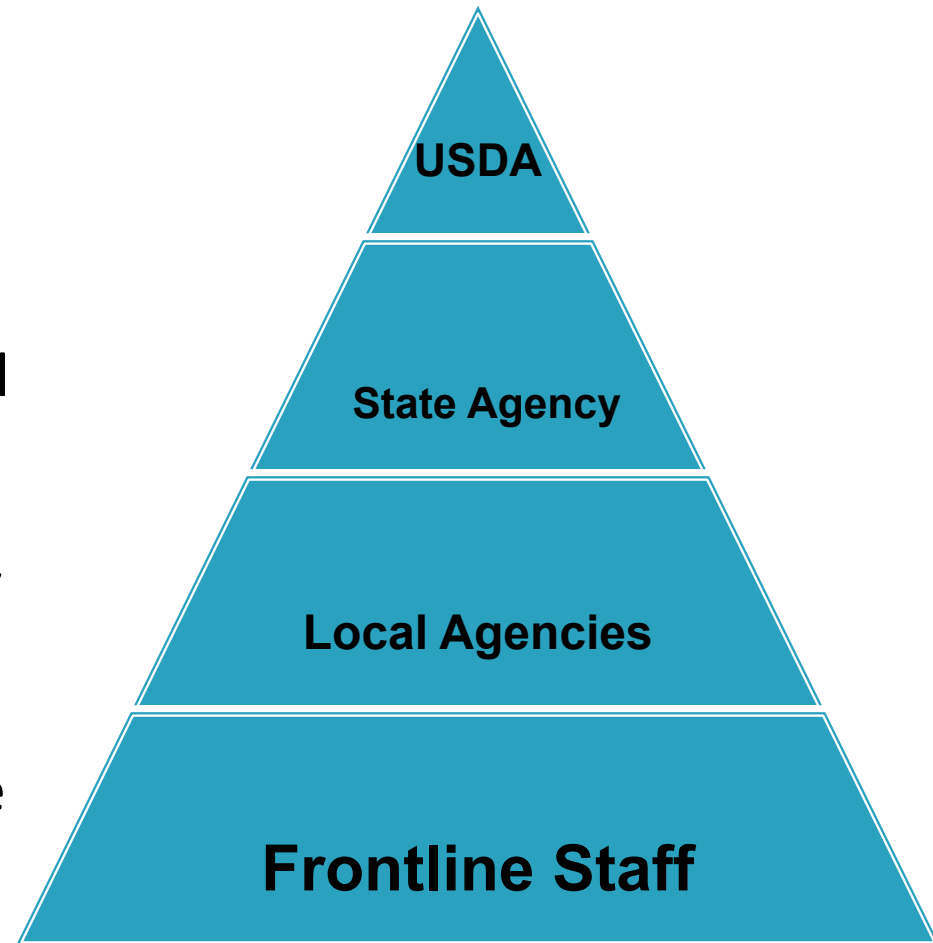
The act of distinguishing one person or group of persons from other, either intentionally, by neglect, or by the effect of actions or lack of actions based on their protected classes.



# Civil Rights Training

Sponsors are responsible for training staff involved in meal service on an annual basis. At the end of the training, staff:

- Should be able to identify a civil rights complaint if received.
- Should know what to do if they receive a complaint.
- Should understand that it is the basic right of the individual to file a complaint.



# Public Notification System

- All sponsors and their sites must display in a prominent place the “And Justice For All”, nondiscrimination poster.
- New posters are being issued to schools.
- This poster will be displayed until the new posters are available. (August 2022)
- Classrooms where school meals are consumed, will have posters on display.
- Provide informational materials in the appropriate translation as needed.



# Nondiscrimination Statement

## Full 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, 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](http://www.ascr.usda.gov/complaint_filing_cust.html), (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).

## Minimum Statement

*If the material or document is too small to permit the full statement (above) to be included, the material MUST, at a minimum, include: Approval must be obtained from the WDE prior to use.*

“This institution is an equal opportunity provider”



# Non-Discrimination Statement

- Include the non-discrimination statement on **all** materials that mention USDA programs (including websites).
- A nondiscrimination statement is not required to be imprinted on items such as cups, buttons, magnets, and pens that identify the program, when the size or configuration makes it impractical.

Also...

- When using graphics, reflect diversity and inclusion.





# Civil Rights Complaints

- Right to file a complaint: Any person who believes he or she has been discriminated against based on race, color, national origin, age, disability, sex, reprisal or retaliation for prior civil rights activity has a right to file a complaint within **180 days** of the alleged discriminatory action.

- How to file a complaint:

If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, 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).

# Resolution of Noncompliance

- A factual finding that any civil rights requirement, as provided by law, regulation, policy, instruction, or guidelines, is not being adhered to by a State agency, subrecipient agency, or a local site.
- Steps must be taken immediately to obtain *voluntary* compliance.
- A finding's effective date is the date of notice to the reviewed entity.

# Forms of Civil Rights Complaints

## ▣ **May be written or verbal**

- If receiving a verbal complaint, *listen politely*
- Complaints can be made via phone, letter, email, fax or any other form of communication

## ▣ **May be anonymous**

- Anonymous complaints should be handled as any other complaint

## ▣ **May be related to any area of CNP operation**

- Program administration, food service, employment

# Reasonable Accommodations

**Sponsors must make reasonable accommodations for persons with disabilities.**

All sponsors participating in Child Nutrition Programs are *required* to provide FOOD SUBSTITUTIONS or MODIFICATIONS **if:**

- A physician's statement is on file that describes the participant's disability (a disability as defined in federal regulations) that prevents the participant from eating the regularly offered foods, and...

- The physician has indicated the substitutions or modifications that the participant needs.

**The Special Diet Statement from the physician must be kept on file at the center and/or school.**

# Limited English Proficiency (LEP)

- Definition: Individuals who do not speak English as their primary language and have a limited ability to read, speak, write, or understand English.

All organizations receiving Federal financial assistance have a responsibility to take “reasonable steps” to ensure meaningful access to their programs and activities by persons with LEP.

# Customer Service Is Important

All participants must be allowed equal opportunities to participate in Child Nutrition Programs regardless of race, color, national origin, sex, age, or disability.

**All participants must be treated in the same manner:**

- **Seating arrangements**
  - **Serving lines**
- **Services and facilities**
- **Assignment of eating periods**
- **Methods of selection for application approval processes**

# Customer Service is Important

## Treat all participants with dignity and respect

- Respond to questions in a non-threatening manner (voice tone)
- Recognize that participants have varied needs and (sometimes) few resources
- Recognize when a person feels they have been treated in a rude manner
- Develop good listening skills



# Civil Rights Trainings

- SFAs must ensure all employees receive civil rights training annually.
- Training must be documented with an agenda and attendees' signature of attendance.
- Civil rights trainings must include photos and graphics that depict equal opportunity and diversity.



# Assurance Language

1 “The program applicant hereby agrees that it will comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq.), Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681 et seq.), Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794), the Age Discrimination Act of 1975 (42 U.S.C. § 6101 et seq.); all provisions required by the implementing regulations of the Department of Agriculture; Department of Justice Enforcement Guidelines, 28 CFR Part SO.3 and 42; and FNS directives and guidelines, to the effect that, no person shall, on the grounds of race, color, national origin, sex, age, or disability, be excluded from participation in, be denied benefits of, or otherwise be subject to discrimination under any program or activity for which the program applicant receives Federal financial assistance from FNS; and hereby gives assurance that it will immediately take measures necessary to effectuate this agreement.”

By accepting this assurance, the Program applicant agrees to compile data, maintain records, and submit reports as required, to permit effective enforcement of nondiscrimination laws and permit authorized USDA personnel during hours of program operation to review such records, books, and accounts as needed to ascertain compliance with the nondiscrimination laws. If there are any violations of this assurance, the Department of Agriculture, FNS, shall have the right to seek judicial enforcement of this assurance. This assurance is binding on the Program applicant, its successors, transferees, and assignees as long as it receives assistance or retains possession of any assistance from USDA. The person or persons whose signatures appear below are authorized to sign this assurance on the behalf of the Program applicant.”

(FNS Instruction 113-)

“How far you go in life depends on your being tender with the young, compassionate with the aged, sympathetic with the striving, and tolerant of the weak and strong. Because someday in life you will have been all of these.”

George Washington Carver



# Thank you for the extra help in food service!

**Please stop in Anna's office to sign the training log.**

