



Office of the State Superintendent of Education

Wellness and Nutrition Services

NSLP Civil Rights Training for School and School Food Service Administrators





Guidance Document

- FNS Instruction 113-1

<http://www.fns.usda.gov/cr/documents/113-1.pdf>



Purpose of Civil Rights Training

- To establish and convey USDA and local discrimination policies and provide guidance to those delivering Child Nutrition programs.
- To ensure compliance with and enforcement of the prohibition against discrimination in all Child Nutrition programs at the federal, state, and local levels.



What is Discrimination?

- Treating one person (or a group of people) differently from others based upon their protected classes.
- Discrimination can occur intentionally or by neglect, by actions or by lack of actions.



Outline

- Why Do I Need Civil Rights Training?
- Protected Classes
- Limited English Proficiency (LEP)
- Accommodations for Persons with Disabilities
- NSLP Meal Substitutions
- Civil Rights Components (USDA and DC)
 - Assurances, Data Collection and Reporting, Complaints, Civil Rights Training, Customer Service
- Compliance Reviews



Why Do I Need Civil Rights Training?

- Accepting federal funds requires compliance with civil rights rules in all aspects of operations.

What are Civil Rights?

- Civil rights are the rights of personal liberty guaranteed to US citizens by the US Constitution and acts of Congress.
- Goals:
 - Equal treatment for all applicants and beneficiaries
 - Knowledge of rights and responsibilities
 - Elimination of illegal barriers that prevent or deter people from receiving benefits
 - Dignity and respect for all



Protected Classes: USDA Discrimination Policy

- The USDA prohibits discrimination in Child Nutrition programs on the basis of:
 - Race
 - Color
 - National origin
 - Age
 - Sex
 - Disability



DC Protected Classes

- Marital status
- Personal appearance
- Sexual orientation
- Gender identity or expression
- Family responsibilities
- Familial status
- Source of income
- Place of residence or business
- Genetic information
- Matriculation
- Political affiliation

Limited English Proficiency (LEP)

- Individuals who do not speak English as their primary language and have a limited ability to read, speak, read, write or understand English
- Recipients of federal financial (State and local agencies) assistance have a responsibility to take reasonable steps to ensure meaningful access to their programs and activities by persons with LEP.
- For more information on LEP go to <http://www.lep.gov/>.

Reasonable Steps Depend Upon:

- #/proportion of LEP persons eligible to be served or likely to be encountered by the program
- Frequency with which LEP individuals come into contact with the program
- The nature and importance of the program to people's lives
- The resources available to the grantee/recipient and costs



Limited English Proficiency

- Free and Reduced Price Meals (FARM) applications are available in a number of languages at:

http://www.fns.usda.gov/cnd/Application/application_process.htm

Accommodations for Disabilities

- One is considered to have a disability if:
 - One has a physical or mental impairment that substantially limits one or more major life activities
 - One has a record of such impairment
 - One is regarded as having such an impairment



Accommodations for Disabilities

- Accepting federal funds requires that accommodations be made for people with disabilities:
 - Ensure access (parking lot, entrances and exits, halls, elevators, restrooms, sign language interpreters, Braille signage, and service animals)
 - Alternative arrangements for service

Allowed NSLP Meal Substitutions

- Schools must make substitutions in lunches and afterschool snacks for students who are considered to have a **disability** under 7 CFR 15b.3 and whose disability restricts their diet.
- Exception must be supported by written documentation signed by a licensed physician.

Allowed NSLP Meal Substitutions

- Schools may make substitutions for students without disabilities because of medical or other special dietary needs.
- Must be supported by written documentation signed by a recognized medical authority.



Allowed NSLP Meal Substitutions

- Fluid Milk Substitutions for Non-disability Reasons
 - Substitute must meet certain nutritional standards
 - Additional costs are the responsibility of the SFA
 - Can be provided based upon written request from a medical authority or the student's parent or guardian.
 - State agency must be notified.



Civil Rights Components

- Public Notification
- Assurances
- Civil Rights Training
- Data Collection and Reporting
- Customer Service
- Complaints
- Conflict Resolution



Public Notification

- All USDA Child Nutrition Programs assistance programs must include a public notification system to inform applicants, participants, and potentially eligible persons of:
 - program availability
 - program rights and responsibilities
 - the policy of nondiscrimination
 - the procedure for filing a complaint

Nondiscrimination Statement

- 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 Civil Rights, 1400 Independence Avenue, S.W., Washington, DC 20250-9410 or call 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.

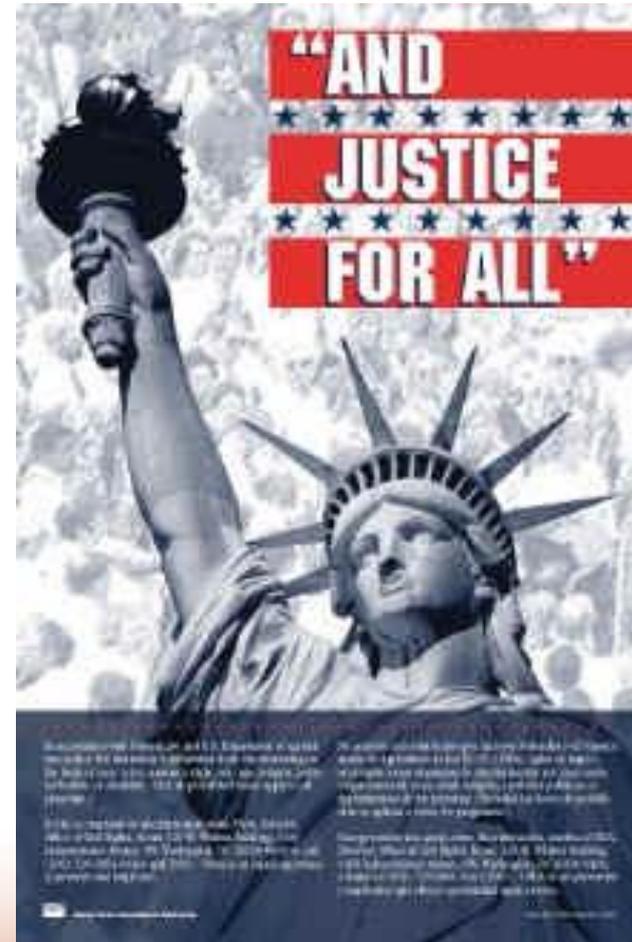
Nondiscrimination Statement

- Must be on all materials that mention USDA programs, including websites
- Does not need to be included on school menus
- When using graphics, reflect diversity and inclusion



“And Justice for All” Poster

- Prominently display this poster in each food service area so it is visible to participants
- Display in all administrative offices
- Posters are available free of charge from OSSE



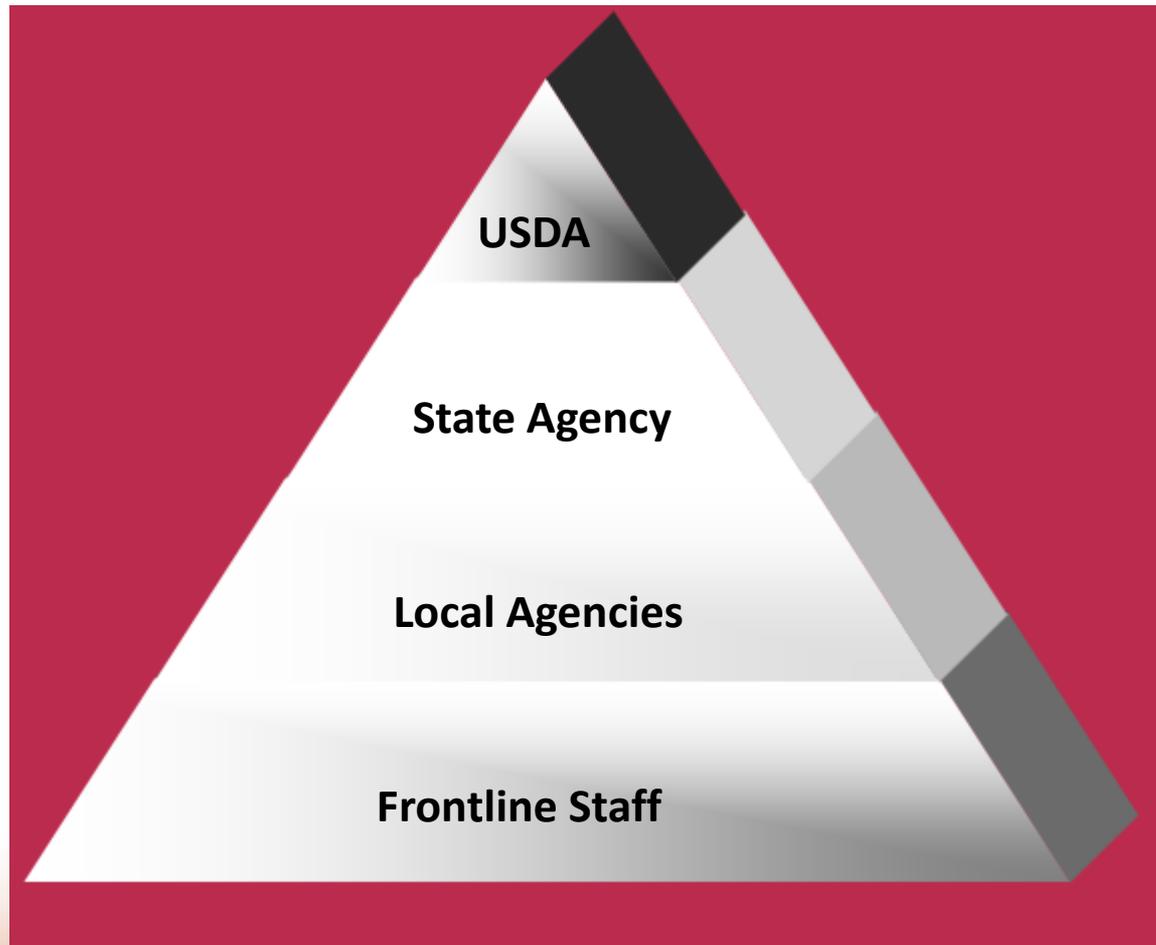


Assurances

- Contractual agreements in which a state agency, local agency, or the sub-recipient legally agrees to administer Child Nutrition programs in accordance with all laws, regulations, instructions, policies, and guidance related to nondiscrimination.
- Retailer and vendor agreements must also include assurance of nondiscrimination.



Civil Rights Training





Civil Rights Training

- Frontline staff who interact with program applicants or participants, and those persons that supervise frontline staff must be provided civil rights training on an annual basis

Data Collection and Reporting

- Data is used to:
 - Determine how effectively Child Nutrition programs are reaching potential eligible persons and beneficiaries
 - Identify areas where additional outreach is needed
 - Assist in the selection of locations for compliance reviews
 - Complete reports as required

Data Collection and Reporting

- Data obtained by race and ethnic category on potentially eligible populations, applicants, and participants
- Participants should be able to self-report
- Participants encouraged to provide information
 - Statement on use of statistical data
- Staff can make visual observation if participant does not record

Data Collection and Reporting

- Ethnicity
 - Hispanic or Latino
 - Not Hispanic or Latino
- Race
 - American Indian or Alaskan Native
 - Asian
 - Black or African American
 - Native Hawaiian or other Pacific Islander
 - White



Customer Service

- Be polite
- Be patient
- Avoid sarcasm
- Be empathetic
- Treat all people equally
- Smile
- Apologize
- No need to have the last word



Complaints

- Any person or representative alleging discrimination based on a prohibited basis has the right to file a claim within 180 days of the alleged discriminatory action.
- To file a complaint, go to http://www.ascr.usda.gov/complaint_filing_program.html



Conflict Resolution

- FNS utilizes the “alternative dispute resolution” or ADR method for conflict resolution.
- ADR involves a variety of techniques and approaches to achieve consensual resolution of disputes, in a manner which avoids the cost, delay, and unpredictability of more traditional adversarial and adjudicative processes.
- These techniques may include mediation, facilitation, neutral evaluation, conciliation, fact finding, use of an ombudsman, settlement conferences, mini-trials, and peer review.



Conflict Resolution

- For more information about the USDA ADR Program go to http://www.ascr.usda.gov/usda_employee_adr.html



Compliance Reviews

- Pre-award Compliance Reviews
 - All applicants must be in compliance with civil rights requirements prior to approval for federal financial assistance
- Administrative Reviews
- Unscheduled Reviews
 - When significant civil rights concerns having a direct effect on the delivery of FNS program services and/or benefits are identified.



Resolution of Non-Compliance

- Non-compliance is 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, local agency, or other sub recipient.

Resolution of Non-Compliance

- State agency must submit immediate written notice to the local agency or other sub recipient indicating the area of noncompliance and the action required to correct the situation within 60 days.
- If noncompliance is not corrected within 60 days State agency must submit a Report of Findings of Noncompliance to the USDA Regional Administrator.



Office of the State Superintendent of Education

Questions??

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