

## Civil Rights in the SNP

---

**August 2016**

## **Annual Civil Rights Training is Mandatory**

- School Food Authorities (SFAs) must annually complete training for all staff that interact with program applicants, participants or has school nutrition program responsibilities (e.g., “frontline staff” and their supervisors, free/reduced application approval staff).
- All new staff must receive civil rights training before they begin work in the School Nutrition Program.

## Annual Civil Rights Training is Mandatory

- Program volunteers must also receive training appropriate for their roles and responsibilities, which is available on the School Nutrition Toolbox (SNT) ([www.schoolnutritiontoolbox.org](http://www.schoolnutritiontoolbox.org)).
- The SFA must maintain documentation on file of the annual civil rights training provided to their staff. Documentation should include: attendance sheets, agendas, copies of training materials, and certificates of completion.

## Mandatory Training Topics

- Assurances
- Public Notification Systems
- Nondiscrimination Statement
- “And Justice For All” Poster
- Complaint of Discrimination and Procedures
- Racial and Ethnic Data Collection
- Limited English Proficiency (LEP) & Program Access
- Disability Discrimination
- Compliance Reviews
- Resolution of Noncompliance
- Conflict Resolution and Customer Service

## What is Discrimination?

Different treatment that makes a distinction of one person or a group of persons from others: either intentionally, by neglect, or by actions or lack of actions based on a protected class.

## A Protected Class

For the School Nutrition Programs, the protected classes include any person or group of people who are protected from discrimination based on:

- Race
- Color
- National Origin
- Sex
- Reprisal or Retaliation for previous civil rights activity
- Age
- Disability

*Although not a protected class, reprisal can only be filed if there has already been a complaint filed and the complainant is now being discriminated due to filing the complaint.*

## Assurances

- SFAs receiving federal funds must be in compliance with all nondiscrimination laws, regulations, instructions, policies, and guidelines.
  - Sub recipients (entities that receive federal funds from the SFA) must also include a civil rights assurance of nondiscrimination.
- *Example:* SFAs contracting with Food Service Management Companies (FSMCs) are responsible for ensuring that their FSMCs are in compliance with civil rights requirements.

## Public Notification

All Food and Nutrition Service (FNS) assistance programs, including School Nutrition Programs (SNP), must have a public notification system that includes:

- Program availability: Inform applicants, participants, and potentially eligible persons of their program rights and responsibilities, and the steps necessary for participation.



## Public Notification

All Food and Nutrition Service (FNS) assistance programs, including School Nutrition Programs (SNP), must have a public notification system that includes:

- Complaint Information: Must advise applicants and participants at the service delivery point of their right to file a complaint, how to file a complaint, and the complaint procedures.

## Public Notification

All Food and Nutrition Service (FNS) assistance programs, including School Nutrition Programs (SNP), must have a public notification system that includes:

- Nondiscrimination Statement: All informational materials and sources, including websites, must contain the Nondiscrimination Statement. The Nondiscrimination Statement should not be smaller than the smallest font used within the document.

## Public Notification

At a minimum, the Nondiscrimination Statement must be included on:

- Household Application for Free and Reduced Price Meals
- Notification of Eligibility or Ineligibility
- Notice of Adverse Action form
- Program website (home web page)
- Public information, including program literature that advertises program availability

**Note: the Nondiscrimination Statement is not required on Menus.**

## Methods of Public Notification

- The Pennsylvania Department of Education (PDE) publicizes a statewide public notification of program availability annually on behalf of all SFAs in the state. If the SFA wants to notify the public locally using the PDE press release, it is available on PEARS > Application Tab > Download Forms > Resources section.

## Methods of Public Notification

- SFAs must inform program applicants or participants of changes in programs.
- SFAs must convey the message of equal opportunity in all photographic or pictorial program information.
- SFAs must prominently display the "And Justice For All" poster in Food Service areas.
- SFAs must provide information in alternative ways for individuals with disabilities and Limited English Proficiency (LEP).

## **Nondiscrimination Statement**

- PDE, Division of Food and Nutrition (DFN), encourages the use of the full nondiscrimination statement; however, in special circumstances “This institution is an equal opportunity provider and employer,” may be utilized but only with prior approval of PDE, DFN.
- The nondiscrimination statement can be found on the School Nutrition Toolbox Civil Rights training module, Objective 3:

[www.schoolnutritiontoolbox.org](http://www.schoolnutritiontoolbox.org)

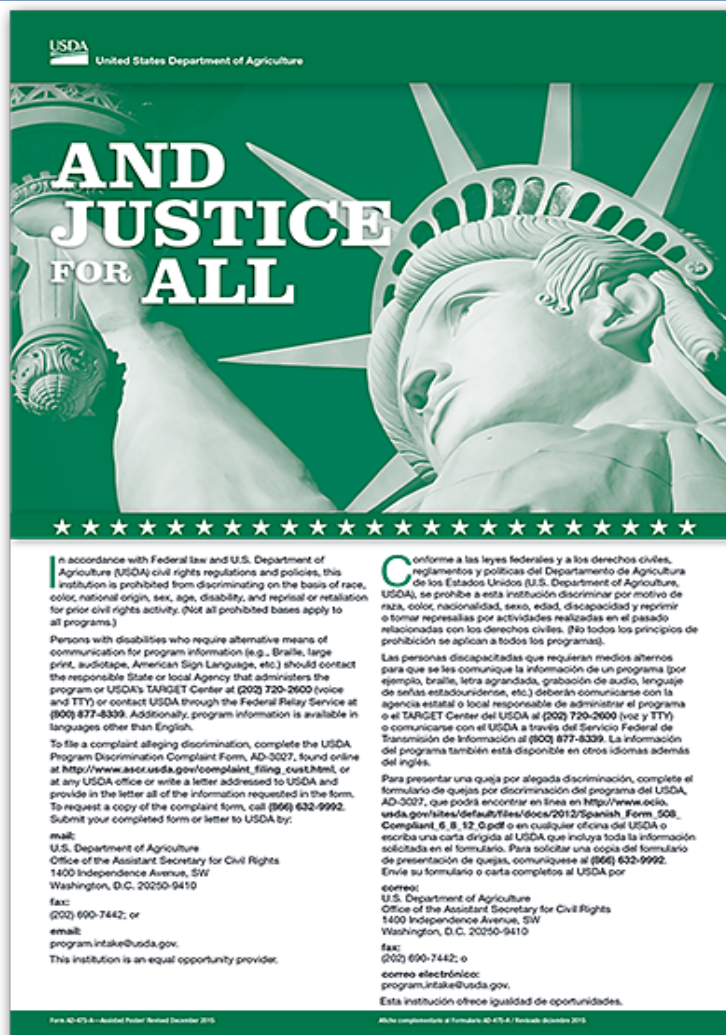
## And Justice For All Poster

- The “And Justice for All” Poster (version AD-475-A) was recently revised in accordance with Section 508. It will be available to print from:

[www.fns.usda.gov/cr/and-justice-all-posters](http://www.fns.usda.gov/cr/and-justice-all-posters).

- Posters are available from DFN.
- SFAs must prominently display the “And Justice for All” poster in Food Service areas. The “And Justice for All” poster is required to be displayed in the Cafeteria area at all times. If students never come to the cafeteria to eat meals, then the “And Justice for All” poster must be displayed in the area that they eat, e.g. their classroom.

# Civil Rights





## Complaints of Civil Rights Discrimination

• **Procedure for Food and Nutrition Services (FNS) Civil Rights Complaints, Pennsylvania Department of Education, Division of Food and Nutrition.**

1) Sponsor receives a Civil Rights complaint from the complainant (i.e. parent)

a) Sponsor must inform complainant of Federal Civil Rights rules and regulations that have been established for protected classes.

## Complaints of Civil Rights Discrimination

A protected class is any person or group of people who are protected from discrimination based on:

- 1) Race
- 2) Color
- 3) National Origin
- 4) Age
- 5) Sex
- 6) Disability

## Complaints of Civil Rights Discrimination

b) Sponsor must provide complainant the necessary information to file a complaint, which is:

1) Mailing address of the USDA:

**U.S. Department of Agriculture**

**Office of the Assistant Secretary for Civil Rights**

**1400 Independence Avenue, SW**

**Washington, D.C. 20250-9410**

## Complaints of Civil Rights Discrimination

2) USDA's Telephone/Fax numbers and Email address:

P: (866) 632-9992

F: (202) 690-7442

Email: [program.intake@usda.gov](mailto:program.intake@usda.gov)

## Complaints of Civil Rights Discrimination

3) Electronic link to file a civil rights complaint:

[www.ascr.usda.gov/complaint\\_filing\\_cust.html](http://www.ascr.usda.gov/complaint_filing_cust.html)

*Note: If the sponsor is unsure if the complaint falls under a protected class, sponsor should provide complainant the federal complaint information.*

## Complaints of Civil Rights Discrimination

c) After providing the complainant with the information on how to file a Civil Rights complaint directly at the Federal level, the sponsor may attempt to resolve the complaint if it is a matter that can be resolved quickly. Resolving complaints in real-time at the lowest possible level is encouraged.

## Complaints of Civil Rights Discrimination

If the complainant refuses to discuss the matter any further with the sponsor or if the matter cannot be resolved quickly, then the sponsor should:

1) reiterate the complaint filing procedures  
in 1) b),

## Complaints of Civil Rights Discrimination

2) document the complaint and actions taken (i.e. referral to Federal complaint procedures) in a Civil Rights complaint log that is separate from any other complaint log, (\*Note: A separate Civil Rights complaint log is necessary due to confidentiality and privacy laws. See complaint log requirements in d) below), and



## Complaints of Civil Rights Discrimination

3) notify the State agency of the discussion. (\*Note: It is important for the sponsor to notify the State agency because regular communication between the sponsor and State agency is key to operating the program successfully.)

## Complaints of Civil Rights Discrimination

If the complainant is willing to try to resolve the issue with the sponsor and a satisfactory resolution is achieved, then the sponsor should still remind the complainant (using the information in 1) b) of his/her right to file at the Federal level if necessary).

## Complaints of Civil Rights Discrimination

d) Regardless if the complainant wishes to file at the Federal level, the sponsor should document as much information as possible in their Civil Rights complaint log including, but not limited to, the following:

- Complainant's Name
- Complainant's Address
- Complainant's Telephone Number

## Complaints of Civil Rights Discrimination

- Complainant's Email Address
- Allegation of Discrimination/Issue (i.e. FNS program involved, protected class(es) involved, etc.)
- Date of Alleged Discriminatory Action

## Complaints of Civil Rights Discrimination

1) the sponsor must forward the information, within 5 days of receipt of complaint from complainant, to the State agency (process depicted below):



## Complaints of Civil Rights Discrimination

- 2) \*State Agency level must forward complaint information, within 5 days of receipt of complaint from sponsor, to the FNS regional office.
  
- 3) FNS team conducts complaint review and investigation, which includes contact with the complainant, State agency, sponsor, etc.

## Complaints of Civil Rights Discrimination

2) Additional Information:

- a) Complainants must file within 180 days of the alleged action
- b) Confidentiality is extremely important

## Complaints of Civil Rights Discrimination

c) USDA complaint form:

English version:

[www.ocio.usda.gov/sites/default/files/docs/2012/Complain\\_combined\\_6\\_8\\_12.pdf](http://www.ocio.usda.gov/sites/default/files/docs/2012/Complain_combined_6_8_12.pdf)

Spanish version:

[www.ocio.usda.gov/sites/default/files/docs/2012/Spanish\\_Form\\_508\\_Compliant\\_6\\_8\\_12\\_0.pdf](http://www.ocio.usda.gov/sites/default/files/docs/2012/Spanish_Form_508_Compliant_6_8_12_0.pdf)



## Racial and Ethnic Data Collection and Reporting

Racial and ethnic data collection is mandatory. Data is used to:

- Determine how effectively Food and Nutrition Service (FNS) programs are reaching potentially eligible people.
- Identify areas where additional outreach is needed.
- Assist in the selection of locations for compliance reviews.
- Complete reports as required.

## **Racial and Ethnic Data Collection and Reporting**

If the SFA finds that disparities or incidents of underrepresentation exist, it will be necessary to investigate the causes and take action to ensure equal opportunity to participate in the program(s). For example, when there are disparities with regards to those individuals who are potentially eligible versus those who participate, data must be maintained for three (3) years, and must be transmitted to FNS as requested.

## Racial and Ethnic Data Collection and Reporting

SFAs are required to use a Household Meal Benefit Application for Free and Reduced Price Meals that collects racial and ethnic data in accordance with FNS policy:

1) Ethnicity (must select one of the following)

- Hispanic or Latino
- Not Hispanic or Latino

## Racial and Ethnic Data Collection and Reporting

2) Race (may select as many as applicable)

- American Indian or Alaskan Native
- Asian
- Black or African American
- Native Hawaiian or Other Pacific Islander
- White

## Racial and Ethnic Data Collection and Reporting

All households are encouraged to self-declare their ethnic and racial categories.

Families **cannot be required** to complete the racial and ethnic information. Children are not to be surveyed; questions must be posted only to parents/guardians.

## Racial and Ethnic Data Collection and Reporting

However, because all federal programs are required to collect ethnic and racial information, it should already be available in all public schools.

Therefore, if a family does not voluntarily provide race/ethnicity information use the following chart:

## Racial and Ethnic Data Collection and Reporting

- 
1. School Food Service should first find out if this information is available from other officials within the LEA.

**2.a.**

If the School Food Service department can access or maintain a copy of the information from other school officials, the race/ethnicity information need not be recorded on the application.

However, utilizing reports from other officials within the LEA, School Food Service may check off the appropriate racial and ethnic categories on the application.

**2.b.**

If the race/ethnicity information is not available from other officials within the LEA, the School Food Service department must record it on the application based on visual observation.

## Limited English Proficiency (LEP) and Program Access

Persons with LEP are individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English because of their national origin.

- SFAs are required to take reasonable steps to ensure meaningful access to their programs and activities by persons with LEP. Failure to do so could be discrimination on the basis of national origin.



## Limited English Proficiency (LEP) and Program Access

- How do I ensure meaningful access?
  - Translation of vital documents. Translations of some documents are available on the USDA website, such as the household applications (Family Friendly Household Applications). Additional resources to assist with communicating with LEP families are available at the LEP website [[www.lep.gov](http://www.lep.gov)].

## Limited English Proficiency (LEP) and Program Access

- How do I ensure meaningful access?
  - Provide oral interpretation services (e.g., bilingual staff, telephone interpreter lines). Children should not be used as interpreters, and applicants and participant cannot be asked to bring their own interpreters.

## Limited English Proficiency (LEP) and Program Access

- How do I ensure meaningful access?
  - Train staff on how to provide LEP populations with meaningful access.
  - SFAs that do not have translation and interpretation services should contact the PDE, DFN for assistance.

## Disability Discrimination

A person with a disability has a physical or mental impairment that substantially limits one or more major life activities, has a record of such an impairment, or is regarded as having such an impairment. Major life activity means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

## Disability Discrimination

SFAs must provide **reasonable accommodations** in policies and practices to applicants and participants with disabilities when necessary.

- For children with special dietary needs caused by disabilities, the sponsor is required to make accommodations. A Medical Plan of Care form signed by a recognized medical authority is required. Medical conditions such as severe food allergies, celiac disease, diabetes, and others are considered disabilities if the medical authority documents that they are disabilities.

## Disability Discrimination

- For children with special dietary needs not caused by disabilities, accommodations are optional (recommended but not required). If the sponsor makes accommodations, a Medical Plan of Care form signed by a recognized medical authority is required
- In Pennsylvania, a recognized medical authority is a licensed physician, physician assistant (PA), certified registered nurse practitioner (CRNP), or dentist.

## Disability Discrimination

- The Medical Statement does not need to be updated each year UNLESS there are changes. PDE recommends that you confirm, on a yearly basis, that the diet order has not changed

For additional instructions, including the Medical Plan of Care form, please reference PEARS > Application Tab > Download Forms > Feeding Students with Disabilities and Special Dietary Needs section.

## Disability Discrimination

PDE strongly recommends that you take the **School Nutrition Toolbox** ([www.schoolnutritiontoolbox.org](http://www.schoolnutritiontoolbox.org)) module on *Serving Students with Special Dietary Needs*.



## Compliance Review Techniques

To evaluate civil rights compliance during the Administrative Review, the State Agency will ensure that the SFA's procedures, as described in the Off-site Assessment Tool on PEARS, meet civil rights requirements.

## Compliance Review Techniques

The Off-site Assessment Tool questions on civil rights include:

- Is the Nondiscrimination Statement used for appropriate program materials?
- Is there a need for services for LEP households? If so, what services does the SFA provide?

## Compliance Review Techniques

The Off-site Assessment Tool questions on civil rights include:

- What is the SFA's procedure for receiving and processing complaints alleging discrimination within FNS School Meal Programs? If procedures are written, provide a copy.
- Has the School Food Authority received any written or verbal complaints alleging discrimination in FNS Programs in the current or prior school year?

## Compliance Review Techniques

The Off-site Assessment Tool questions on civil rights include:

- How are students with special dietary needs accommodated?
- When was the SFA's most recent civil rights training for staff who interact with program applicants or participants (e.g., cafeteria staff, F/R application approval staff) and their supervisors? Who attended these trainings? What topics were covered by the training?

## Compliance Review Techniques

The Off-site Assessment Tool questions on civil rights include:

- What topics were covered by the training? Provide supporting documentation for the responses.
- How does the SFA collect racial/ethnic data? How often is this information collected? Provide documentation to support the response.

## **Conflict Resolution and Customer Service**

Adhere to your SFA's guidelines on conflict resolution.  
Provide clear information to participants of the SNP,  
including their right to appeal eligibility decisions.

## Conflict Resolution and Customer Service

Ensure that staff receives training on best practices in customer service:

- Treat everyone with respect and dignity.
- Promptly respond to concerns and requests
- Approach difficult/tense situations with a calm tone.
- Avoid casual comments involving race, color, national origin, sex, age, disability, and reprisal.

## **Conflict Resolution and Customer Service**

Ensure that staff receives training on best practices in customer service:

- Provide complete and written explanations on eligibility (especially if adverse action is anticipated).
- Adopt exceptional customer service.



## Information

For more information on Civil Rights and Food Nutrition Services, visit the following USDA websites:

- [www.fns.usda.gov/civil-rights](http://www.fns.usda.gov/civil-rights)
- [www.fns.usda.gov/sites/default/files/cr/FNS-CNPP-Civil-Rights-Policy-Statement-2013.pdf](http://www.fns.usda.gov/sites/default/files/cr/FNS-CNPP-Civil-Rights-Policy-Statement-2013.pdf)
- [www.fns.usda.gov/fns-nondiscrimination-statement](http://www.fns.usda.gov/fns-nondiscrimination-statement)
- Pennsylvania Department of Education, Division of Food and Nutrition: Dianne Dabulis, Supervisor, School Nutrition Programs, [ddabulis@pa.gov](mailto:ddabulis@pa.gov) or 1-800-331-0129

## Information

An on-line module and PowerPoint is available on the School Nutrition Toolbox website at:

[www.schoolnutritiontoolbox.org](http://www.schoolnutritiontoolbox.org)

# *Certificate of Completion*

## Viewed PowerPoint Presentation

### **Civil Rights in the SNP**

\_\_\_\_\_  
Name/Title of Session

\_\_\_\_\_  
1.0 Hours

\_\_\_\_\_  
Number of Training Hours

\_\_\_\_\_  
Administration

\_\_\_\_\_  
Key Area

\_\_\_\_\_  
3420 Policies and Procedures

\_\_\_\_\_  
Key Topic

\_\_\_\_\_  
Dates Conducted

