

# Civil Rights Training

National School Lunch Program (NSLP)  
School Breakfast Program (SBP)

Civil Rights Division  
USDA Food and Nutrition Service  
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# Civil Rights Program Authorities

- Title VI of the Civil Rights of 1964
  - race, color, and national origin
- Sections 504 & 508 of the Rehabilitation Act of 1973 & Americans with Disabilities Act (ADA)
  - disability
- Title IX of the Education Amendments of 1972
  - sex
- Age Discrimination Act of 1975
  - age
- 7 CFR Part 16, “Equal Opportunity for Religious Organizations”
  - religion

# Civil Rights Program Authorities

- 7 CFR Parts 15, 15a, 15b
- NSLP: 7 CFR Parts 210 and 250
- SMP: 7 CFR Part 215
- 28 CFR Part 42 Nondiscrimination in Federally Assisted Programs
- FNS Instruction 113-1
  - Appendix B for NSLP, SMP, and SBP

# Civil Rights Program Authorities

- Richard B. Russell National School Lunch Act (NSLA)
  - 42 USC 1751 et seq.
  - Child Nutrition Act of 1966 (42 U.S.C. § 1771 et seq.)
- Healthy Hunger Free Kids Act (Public Law 111-296)
- Executive Order 13166
  - prohibits discrimination against LEP persons
- Civil Rights Restoration Act of 1987
  - clarifies the scope of the Civil Rights Act of 1964

# Civil Rights Program Authorities

- 28 CFR Part 35: Nondiscrimination on the Basis of Disability in State/Local Government Services
- The Personal Responsibility and Work Opportunity Reconciliation Act of 1996
  - DOJ Memorandum dated 1/28/99, “Policy Guidance Document – Enforcement of Title VI of the Civil Rights Act of 1964 and Related Statutes in Block Grant Type Programs”
- USDA Departmental Regulation 4330-2
  - prohibits discrimination in programs and activities receiving Federal financial assistance from USDA

# What is discrimination?

## DEFINITION:

Different treatment which makes a distinction of one person or a group of persons from others; either intentionally, by neglect, or by the actions or lack of actions based on...



# Six Protected Bases for FNS Child Nutrition Programs

For Child Nutrition Programs, different treatment is based on one or more of the six protected bases:

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

# Assurances

- “To qualify for Federal financial assistance, the program application must be accompanied by a written assurance that the program or facility will be operated in compliance with the CR laws and implementing nondiscrimination regulations.”
- A civil rights assurance must be incorporated in all agreements between State and local agencies.

(FNS Instruction 113-1, Section X and Appendix B)

# Public Notification

All FNS programs must include a public notification system.

# Elements of Public Notification

## ➤ Program Availability

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

## ➤ Complaint Information

- 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.

## ➤ Nondiscrimination Statement

All information materials and sources, including Web sites, used by FNS, State agencies, or other sub recipients to inform the public about FNS programs must contain a nondiscrimination statement. The statement is not required to be included on every page of the program Web site. At a minimum, the nondiscrimination statement or a link to it must be included on the home page of the program information.



# Methods of Public Notification

State agency and/or School Food Authority must:

- Prominently display the “And Justice for All” poster.
- Inform potentially eligible persons, applicants, participants and grassroots organizations of programs or changes in programs.
- Include the required nondiscrimination statement on all appropriate FNS and agency publications, Web sites, posters and informational materials.
- Convey the message of equal opportunity in all photos and other graphics that are used to provide program or program-related information.



# Nondiscrimination 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](#), (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).

This institution is an equal opportunity provider.

# Short Nondiscrimination Statement

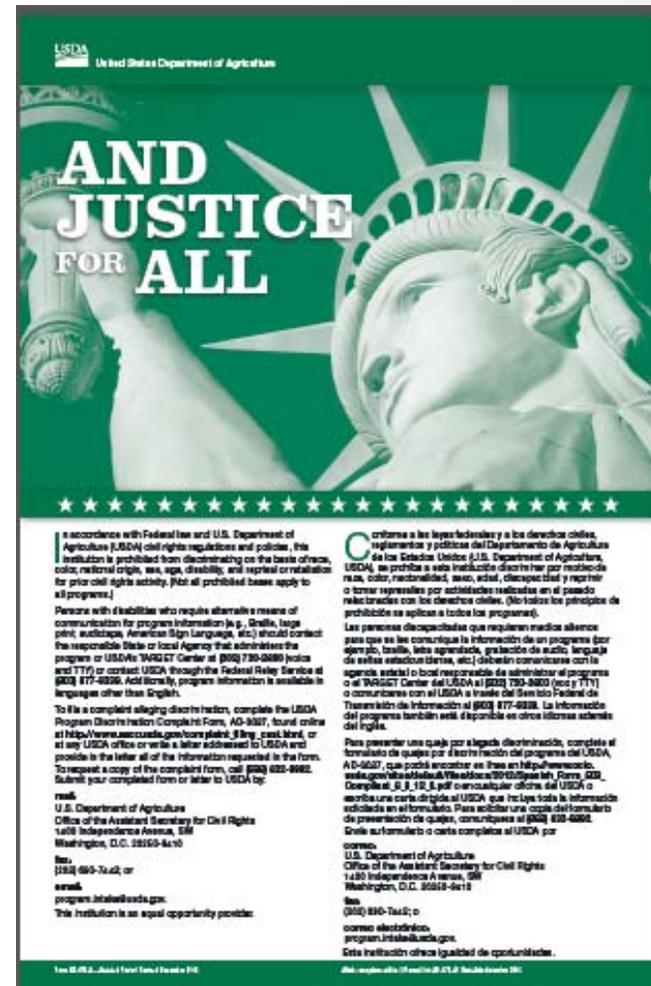
- If material is too small to permit full statement, the material will, at a minimum, include the statement, in print size no smaller than the text:

**“This institution is an equal opportunity provider.”**

# “And Justice For All...” Poster

All sites must display the poster in a prominent location for all to view.

- Version AD-475A
  - All other FNS programs (NSLP & SBP)



# Racial/Ethnic Data Collection

- As a means of monitoring civil rights compliance, State agencies shall establish a system for the collection of racial/ethnic data of each person applying for and receiving benefits.
- Applicants shall be assured that the information is required for and used for statistical purposes only and has no effect on eligibility criteria.
- Data should be collected at the point of application and retained at the service delivery area.

# Racial/Ethnic Data Collection

State agencies and sponsors should compare their participant data with potentially eligible persons within their service areas.

- If disparities or areas of underrepresentation occur, it will be necessary to investigate the causes for it;
- Provide additional outreach as needed;
- Assist with selection of compliance reviews.

# Race and Ethnic Categories

## Two Question Format

1. **Ethnicity (must select one of the following)**
  - *Hispanic or Latino*
  - *Not Hispanic or Latino*
2. **Race (one or more of the following)**
  - *American Indian or Alaskan Native*
  - *Asian*
  - *Black or African American*
  - *Native Hawaiian or Other Pacific Islander*
  - *White*

# Who are persons with Limited English Proficiency (LEP)?

## Definition:

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

# LEP and Bilingual Requirements

- Title VI, FNS Instruction 113-1, Executive Order 13166, and their implementing regulations require State agencies, school food authorities (SFAs), or other sub recipients to take reasonable steps to assure “meaningful” access to their programs and activities by persons with Limited English Proficiency (LEP).

# LEP and Bilingual Requirements

## Population data sources

- US Census Data  
<http://www.census.gov/2010census/data/>
- American Community Survey  
<http://www.census.gov/acs/>
- Migration Policy Institute's National Center on Immigrant Integration Policy  
<http://www.migrationpolicy.org/>
- US Department of Justice, Limited English Proficiency  
[www.lep.gov/maps](http://www.lep.gov/maps)

# Disability Discrimination

What is the definition of “disability?”

- A 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.
- Major life activity means functions such as caring for one’s self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.

\*functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, and reproductive functions. (ADA Amendments Act of 2008)



# Disability Discrimination

- Sections 504 and 508 of the Rehabilitation Act of 1973
  - prohibit discrimination based on disability in programs or activities receiving Federal financial assistance.
- Americans with Disabilities Act (ADA), 28 CFR Part 35, Title II, Subtitle A
  - prohibits discrimination on the basis of disability in all services, programs and activities provided to the public by State and local governments.
- These Civil Rights laws protect persons with disabilities who apply for or participate in all FNS-funded programs.

# Disability Discrimination

- As programs and offices modernize, it is imperative that websites, including State and SFA websites, and online application systems are readily accessible to and useable by persons with visual impairments and other disabilities.
- In addition, programs must ensure physical accessibility for buildings and facilities, particularly to persons in wheelchairs and with mobility disabilities.
- Children with food-related disabilities must be accommodated.

# Equal Opportunity for Religious Organizations

7 CFR Part 16 notes:

Ensures a level playing field for the participation of faith-based organizations and other community organizations in USDA programs.

# Compliance Reviews

- Examine the activities of State agencies and sub recipients to determine Civil Rights compliance;
- FNS Civil Rights and Program staff review State agencies.
  - FNS staff and State agencies review SFAs. SFAs review subrecipient agencies, if applicable.
- Significant findings must be provided in writing to the reviewed entity and to FNS.

# Compliance Reviews

There are three types of compliance reviews:

1. Pre-Award Compliance Reviews
2. Routine (Post-Award) Compliance Reviews
3. Special Compliance Reviews

# Pre-Award/Pre-Approval Compliance Reviews

- State agencies, SFAs, and other sub recipients must be in compliance with Civil Rights requirements prior to approval for Federal financial assistance.

# Post-Award/Routine Compliance Reviews

There are 10 areas of review:

- Assurances
- Public Notification
- Racial and Ethnic Data Collection and Reporting
- Civil Rights Complaints
- Compliance Reviews
- Resolution of Noncompliance
- Civil Rights Training
- Disability Compliance
- Limited English Proficiency
- Verification of Citizenship or Immigration Status

# Special Compliance Reviews

- May be scheduled or unscheduled;
- To follow-up on previous findings of noncompliance;
- To investigate reports of noncompliance by other agencies, media, or grassroots organizations;
- May be specific to an incident or policy;
- History of statistical underrepresentation of particular group(s);
- Pattern of complaints of discrimination.



# 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, SFAs, or other sub recipient.
- Steps must be taken immediately to obtain *voluntary* compliance.
- A finding's effective date is the date of notice to the reviewed entity.

# Complaints of Discrimination

- Complaints shall be accepted and forwarded to USDA;
- Complaints must be filed within 180 days from the alleged act of discrimination;
- Complaints may be written, verbal, or anonymous;
- State agencies or SFAs may develop their own complaint forms, but the use of such forms cannot be a pre-requisite for acceptance ;
- A separate Civil Rights complaint log shall maintained by the State, SFAs, or subrecipient agencies (if applicable);
- Confidentiality is extremely important and must be maintained.



# The Civil Rights Complaints Process

## Complaints should include:

- Name, address, and telephone number of the complainant;
- The location and name of the organization or office;
- The nature of the incident or action;
- The names, titles, and business addresses of persons who may have knowledge of the discriminatory action;
- The date(s) during which the alleged discriminatory actions occurred;
- The basis for the alleged discrimination.

# Civil Rights Training

- State agencies are responsible for training SFAs on an annual basis, including “frontline staff” who interact with applicants or participants on an annual basis;
- SFAs are responsible for training their sub recipients (if applicable);
- New employees before participating in Program activities;
- Volunteers must receive training.

# Civil Rights Training

All staff should receive training on all aspects of Civil Rights compliance, including:

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

# Verification of Immigration & Citizenship

Unlike some other Federally-assisted programs, there is no citizenship requirement to access our Child Nutrition Programs

**Questions?**



# Contact Information

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