

Civil Rights Requirements

in
Federal Child Nutrition Programs



Child Nutrition
Maine Department of Education

Topics Covered

- ▶ Training
- ▶ Public Notification
- ▶ Data Collection
- ▶ Language Assistance
- ▶ Modifications
- ▶ Handling Complaints
- ▶ Customer Service
- ▶ Additional Considerations

Civil Rights Training Requirements

- ▶ USDA Civil Rights training must be taken every year
- ▶ Maine DOE Child Nutrition provides the training
 - ▶ Posted on our Civil Rights page:
<https://www.maine.gov/doe/schools/nutrition/nondiscrimination>
- ▶ You can use our PowerPoint or have staff watch our webinar

Civil Rights Training

- ▶ Specific subject matter required, but not limited to:
 - ▶ Public notification systems
 - ▶ Collection and use of data
 - ▶ Requirements for language assistance
 - ▶ Requirements for reasonable accommodation
 - ▶ Complaint procedures
 - ▶ Civil Rights reviews
 - ▶ Resolution of noncompliance
 - ▶ Customer Service
 - ▶ Conflict resolution



Who needs training?

- ▶ Frontline staff who interact with program applicants or participants, and
- ▶ Persons who supervise frontline staff

Notifying the public about your Child Nutrition programs

Civil Rights

- ▶ The purpose of public notification is to inform persons of:
 - ▶ Program availability
 - ▶ Program rights and responsibilities
 - ▶ The nondiscrimination policy
 - ▶ The procedure for filing a complaint

Public Notification

Public Notification - Your Responsibilities

- ▶ Make child nutrition program information available to the public upon request;
- ▶ Prominently display the “And Justice for All” poster;
- ▶ Inform potentially eligible persons, applicants, participants and grassroots organizations of child nutrition programs or changes in programs;
- ▶ Convey the message of equal opportunity in all photos and other graphics that are used to provide child nutrition program or program-related information;
- ▶ Provide appropriate information in alternative formats for persons with disabilities and in the appropriate language(s) for LEP persons;
- ▶ Include the required federal and State of Maine nondiscrimination statements.

Federal versus State Non- discrimination Statements

There are federal protected bases and state protected bases

That is why both the federal and state non-discrimination statements must be included on program materials

The statements describe how complaints can be addressed

Federally Protected Bases

► For Federal Food and Nutrition Service programs, complaints are based on one or more of the six Federally protected bases:

- Race
- Color
- National Origin
- Age
- Sex (including gender identity and sexual orientation)
- Disability

Protected Classes Under Maine State Law

- ▶ Adds protections for persons with regard to:
 - ▶ Religion
 - ▶ Ancestry
 - ▶ Genetic Information
- ▶ All Federal Child Nutrition Programs operating in public school districts in the State of Maine must adopt both Federal and State protected classes

Nondiscrimination Statement - Use

At a minimum, the full Nondiscrimination Statement should be on vital documents, including but not limited to:

- Application Form(s)
 - Free and Reduced Meal Application
 - Meal Application Cover Letter
 - Notification of Approval or Denial of Meal Benefits
 - Reminder Regarding Expiration of Previous Year Eligibility Benefits
- Verification Materials
 - Verification Notice
 - Verification Results Letter
- Notice of Adverse Action Forms
- Program (Home) Web Page
- Public Information, including Program literature

Nondiscrimination Statement

In accordance with federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, this institution is prohibited from discriminating on the basis of race, color, national origin, sex (including gender identity and sexual orientation), disability, age, or reprisal or retaliation for prior civil rights activity.

Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication to obtain program information (e.g., Braille, large print, audiotape, American Sign Language), should contact the responsible State or local Agency that administers the program or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339.

To file a program discrimination complaint, a Complainant should complete a Form AD-3027, *USDA Program Discrimination Complaint Form* which can be obtained online at: <https://www.usda.gov/sites/default/files/documents/USDA-OASCR%20P-Complaint-Form-0508-0002-508-11-28-17Fax2Mail.pdf>, from any USDA office, by calling (866) 632-9992, or by writing a letter addressed to USDA. The letter must contain the complainant's name, address, telephone number, and a written description of the alleged discriminatory action in sufficient detail to inform the Assistant Secretary for Civil Rights (ASCR) about the nature and date of an alleged civil rights violation. The completed AD-3027 form or letter must be submitted 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; or
- (2) **fax:**
(833) 256-1665 or (202) 690-7442; or
- (3) **email:**
program.intake@usda.gov

This institution is an equal opportunity provider.

Maine Nondiscrimination Statement

The Maine Human Rights Act prohibits discrimination because of race, color, sex, sexual orientation, age, physical or mental disability, genetic information, religion, ancestry or national origin.

Complaints of discrimination must be filed at the office of the Maine Human Rights Commission, 51 State House Station, Augusta, Maine 04333-0051. If you wish to file a discrimination complaint electronically, visit the Human Rights Commission website at <https://www.maine.gov/mhrc/file/instructions> and complete an intake questionnaire. Maine is an equal opportunity provider and employer.

Nondiscrimination Statement Short Statement

“This institution is an equal opportunity provider.”

Must get State Agency approval prior to use of the short version.

Blanket approval for menus.

Data Collection

Civil Rights

Racial/Ethnic Data Collection

- ▶ **Purpose:** To determine how effectively federal child nutrition programs are reaching potentially-eligible households.
- ▶ Households 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 or may be collected at the time of student enrollment by the school.
 - ▶ Meal Benefit Application has an area for this data collection
 - ▶ School district may also collect this data
 - ▶ Important to know how it is being collected

Race and Ethnic Categories - Two Question Format

Step 5: Optional CHILDREN'S ETHNIC and RACIAL IDENTITIES You are **not required** to answer this question.

Mark one ethnic identity:

- Hispanic or Latino
- Not Hispanic or Latino

Mark one or more racial identities:

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

NOTIFICATION OF ELIGIBILITY

DATE:

Dear Parent/Guardian:

Your application for free or reduced price meals for your child(ren) has been:

- Approved for applicable programs listed below: (check all that apply)

Language Assistance

Civil Rights

LEP Language Assistance

Limited English Proficiency (LEP):

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

LEP Requirements

- ▶ You must take reasonable steps to ensure meaningful access to your child nutrition programs and activities by LEP persons.
- ▶ Meaningful access is accomplished by providing reasonable, timely, appropriate, competent, qualified, accurate, and effective language services to individuals with LEP when accessing programs and services.

Translation Resources

- ▶ Free and Reduced Meal Applications are available in several languages at:
 - ▶ <https://www.fns.usda.gov/cn/translated-applications>
- ▶ Other program materials may need translation.
- ▶ Foreign language teachers, community organizations, and volunteers may be used.
- ▶ Make sure they understand the confidentiality requirements.
- ▶ Interpreter hotlines are another option.
- ▶ Children should not be used to translate program requirements to parents & guardians.

Modifications to accommodate disabilities

Civil Rights

Access to the Program

- Provide reasonable modifications for meal accommodations.
 - *Maine DOE has a separate training on this*
- Ensure food service areas are accessible.
- Provide auxiliary aids and services, if needed.
 - Examples include:
 - Food service aides
 - Adaptive feeding equipment
 - Meal tracking assistance
 - Other effective methods

Integrated Environment

- ▶ Integration clause in Section 504 means that disabled individuals should be accommodated in the least restrictive and most integrated setting possible.
- ▶ In the food allergy context, this most often comes into play where children with food allergies are ostracized in some way during meal time.
 - ▶ Allergy-free tables, such as peanut-free tables, are acceptable, as long as they are not also “punishment” tables.
- ▶ Providers must always balance safety vs. stigma. The severity of the allergy and age of the child are the primary considerations.

Complaints of Discrimination

Civil Rights

Complaints of Discrimination

- Complaints shall be accepted and forwarded to the USDA/FNS Regional Office of Civil Rights
- Maine Human Rights Commission must be notified
- Complaints must be filed within 180 days from the alleged act of discrimination
- Complaints may be written, verbal, or anonymous
- You may develop your own complaint form, but the use of such forms cannot be a pre-requisite for acceptance
- A **separate** Civil Rights complaint log must be maintained
- Confidentiality is extremely important and must be maintained

Types of Complaints

Customer Service Complaint

- There has been a break down in service, and can result from a lack of customer focus, being insensitive, or demonstrating a lack of understanding

Civil Rights Complaint/Discrimination

- Characterized by the complainant verbalizing or submitting in writing that they feel they have been treated unfairly or discriminated against due to a protected class basis

Civil Rights Complaints Process

USDA Discrimination Complaint Form

English

[AD-3027](#)

Maine Human Rights Commission

Filing a complaint of discrimination

Complaints of discrimination must be filed at the office of the Maine Human Rights Commission, 51 State House Station, Augusta, Maine 04333-0051

Training on Complaint Procedure

- ▶ Staff should be able to identify a civil rights complaint if received
- ▶ They should know what to do if they receive a complaint
- ▶ Staff must understand that it is the basic right of persons to file a complaint of discrimination

Customer Service

Civil Rights

Customer Service

- ▶ Although people should never be discouraged from filing a complaint of discrimination, sometimes it is more of a program complaint, than a civil rights complaint.
- ▶ Good customer service reduces chances of discrimination.

Practice Good Customer Service

- ▶ Be courteous and thoughtful.
- ▶ Be patient and listen carefully.
- ▶ Treat all students equally.
- ▶ No separation by protected bases in seating arrangements, serving lines, services and facilities, or eating periods.
 - ▶ As noted in the Accommodation section, allergy-free tables, such as peanut-free tables, are acceptable, as long as they are not also “punishment” tables.

Customer Service Continued

- ▶ Talk with kids and ask them how their day is going
- ▶ Encourage them to try new items
- ▶ Allow children to finish their meal without feeling rushed
- ▶ Be mindful of how you talk about the food you are serving

Conflict Resolution

- ▶ It is possible to avoid a potential civil rights complaint with conflict resolution techniques.
 - ▶ Remain calm; ask about the situation.
 - ▶ Repeat it back to be sure you understand.
 - ▶ Try to help those involved work out their differences.
 - ▶ Get help from authority figures if threats or violence is possible.

Additional Considerations

Civil Rights

Citizenship or Immigration Status

This issue should never give rise to discrimination.

Record Retention

- ▶ All records must be kept confidential and maintained on file for 3 years, plus the current year, unless an audit is actively being done
- ▶ Local rules may require records to be maintained longer

Common Civil Rights Findings

- ▶ Not all staff involved in CNP operation have received training
- ▶ Incorrect complete non-discrimination statement on program materials
- ▶ Maine nondiscrimination statement missing

Resources

- Maine Department of Education Child Nutrition Civil Rights page:
<https://www.maine.gov/doe/schools/nutrition/nondiscrimination>
- Civil Rights Laws, Regulations, Executive Orders and related Other Guidance: <https://www.fns.usda.gov/cr/civil-rights-laws-regulations>
- USDA Program Discrimination Complaint Procedure:
<https://www.usda.gov/oascr/program-discrimination-complaint-filing>
- Human Rights Commission Intake Form:
<https://www.maine.gov/mhrc/file-a-complaint/general-intake-form>

Questions?

Contact the Child Nutrition office:

Adriane Ackroyd

207-592-1722

adriane.ackroyd@maine.gov

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Federal

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