

A faded, light-colored image of the Statue of Liberty is centered in the background of a yellow rectangular frame. The statue is shown from the waist up, holding a tablet in her left hand and a torch in her right.

**USDA Civil Rights Training**

**For School Nutrition Programs**

Minnesota Department of  
**Education**

Slide 1

Welcome to a webinar on the USDA civil rights requirements for school nutrition programs.

## **Purpose of Civil Rights Training**

- **To inform, educate, and support all staff who interact with Child Nutrition Program (CNP) applicants:**
  - **Staff rights and responsibilities as administrators of CNPs**
  - **General USDA Civil Rights requirements**
  - **Resources and information available to assist staff in carrying out their Civil Rights responsibilities**

### Slide 2

USDA wants to ensure that child nutrition program operators are aware of potential civil rights concerns and how to effectively ensure that program benefits are made available to all students in a non-discriminatory manner.

## Objectives

- **By the end of the training, participants will be able to:**
  - **Identify four reasons why attention to civil rights is important**
  - **Describe three best practices in program operations to ensure compliance with civil rights**
  - **Discuss two aspects of their specific job duties that deal with civil rights concerns**

### Slide 3

Based on USDA's aim to ensure equal access to program benefits, here are our objectives for today's session. By the end of this webinar, you should be able to:

1. Identify four reasons why we should pay attention to civil rights. What is the importance of it?
2. Describe three best practices in program operations to ensure that your School Food Authority (SFA) is compliant. This could include adopting a new policy, clarify an existing practice or simply confirming that your current practices meet requirements.
3. Finally, discuss two aspects of your specific job duties that deal with civil rights issues and how you can ensure continued compliance.

## Outline

- **Public Notification Systems**
- **Customer Service**
- **Ethnic and Race Data Collection**
- **Reasonable Accommodations**
- **Complaint Procedures/Conflict Resolution**
- **Resolution of Noncompliance**

Slide 4

Our outline for the presentation is as follows:

First we will discuss public notification systems. This is the process by which SFAs notify potential applicants of the availability of meals.

Second we will discuss civil rights issues related to customer service practice. This could occur anywhere in the continuum of participation, from applicants turning in a free and reduced-price application to overt identification of meal status in the lunch line.

Third, we will cover the requirement to collect race and ethnicity data and why that information is collected.

Fourth, we will briefly touch on issues of accommodating children with special dietary needs. This is not a complete special dietary needs presentation, but will cover the topic from the lens of ensuring equal access.

Fifth, what should an SFA do if they receive a complaint alleging discrimination in the school nutrition programs from a student or parent?

Finally, we will discuss what an SFA should do if there are areas of noncompliance and how to handle reporting of compliance issues.

## Federal Protected Classes for Child Nutrition Programs:

- Race
- Color
- National Origin
- Sex
- Disability
- Age



### Slide 5

The federal protected classes for child nutrition programs are listed on the slide.

Discrimination is defined as different treatment which makes a distinction of one person or group of persons from others; either intentionally, by neglect, or by actions or lack of actions based on the protected classes

Can include:

- delaying or denying benefits/services to individual/group that other individuals/groups receive
- treating individuals/groups differently than others and putting them at a disadvantage

There are various laws that cover each of the federal protected classes.

For example National Origin - Title VI, Civil Rights Act of 1964

Sex - Title IX of Education Amendments of 1972

Disability - Section 504 and the ADA

Age - The Age Discrimination In Employment Act of 1967

## Question

- **Q: But the nondiscrimination statement covers more classes than are listed, which is correct?**
- **A: The federal Civil Rights statement covers more programs than just child nutrition. The classes listed on the previous slide are those covered under the child nutrition programs.**

### Slide 6

A question you may have is, the USDA nondiscrimination statement has more classes than are listed on the previous slide. What is correct?

The federal civil rights statement pertains to several programs. USDA operates several nutrition programs, from Women, Infants and Children (WIC) to Supplemental Nutrition Assistance Program (SNAP) to child nutrition programs. Some of the other federal programs cover additional classes. Instead of issuing a separate nondiscrimination statement for different programs, they issue one that can be used for all.

## Outline

- Civil Rights in School Nutrition Programs
- **Public Notification Systems**
- Customer Service
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- Resolution of Noncompliance

### Slide 7

The next topic of discussion in our agenda is public notification systems. This will affect the administration side in terms of collecting free and reduced-price meal applications and site level staff who need to ensure placement of the And Justice for All Poster.

## Public Notification

### Purpose:

- **To inform surrounding area that your school agency participates in the CNPs**
- **To reach as many applicants, participants, and potentially eligible persons as possible**
- **To ensure program access**

Slide 8

What is public notification and why do SFAs need to notify the public?

Simply put, it is a way of notifying the public that you are operating child nutrition programs. You may think, well that's a given that we have a meal program. Not necessarily. Some schools, both nonpublic and public, have opted not to participate in the meal programs, although the vast majority of schools opt to participate. This is also a way to reach potential applicants and inform them about the program.



## **Public Notification**

### **Must include information on:**

- **Eligibility**
- **Benefits and Services**
- **Program availability**
- **Applicant rights and responsibilities**
- **Procedures for filing a complaint**
- **Non-discrimination policies**
- **Any programmatic changes**

Slide 9

The following items are important aspects that are included under public notification. These items are addressed both through a public release and the And Justice for All poster.

## Methods of Public Notification

- **Public Release**
  - Inform the general public that your school participates in the CNPs and that free and reduced price meals are offered.
  - State Agency completes this for you in August
- **Post “And Justice for All” Poster**

### Slide 10

The public release is a statement to the media that informs the public that your school is participating in the School Nutrition Programs, the income eligibility requirements and how to apply. The State Agency takes care of this for you by sending lists to various newspaper and media outlets across the state. It is up to the discretion of the media if they decide to publish the notification. There are no requirements for the SFA for the public release responsibilities.

The second requirement is important for administrative and site level staff to remember.

## “And Justice for All” Poster

- **Display in a prominent area where participants have access**
  - Cafeteria is best
- **Must be visible to all students during at least one of their meals.**
- **Use 11” x 17” format**



### Slide 11

The And Justice for All poster must be posted in a publicly visible location at each site. Minnesota Department of Education (MDE) recommends that the poster be located in the school cafeteria so that participants see the connection between the poster and the meal programs.

The poster must be visible to all students for at least one of their meals. This means that if you offer breakfast in the classroom and lunch is served in a centralized location, you would only have to have the poster hung up in the centralized location (cafeteria) as long as the same students are receiving lunch and breakfast. If you offer the Afterschool snack to the same students who attend the school during the regular school day and have seen the poster in another meal service area, you would not be required to have the poster displayed in all locations in which the snack is served.

The 11x17 size is preferred whenever possible. For portable locations such as breakfast in the hallway, you may use a smaller table top version.

## Obtaining “And Justice For All” Posters

- “And Justice for All” poster is available to download from the USDA website for temporary use ([www.usda.gov/cr/justice.htm](http://www.usda.gov/cr/justice.htm)).
- The State Agency provides posters to schools free of charge.

Slide 12

If you need additional And Justice for All posters, you can print temporary copies from the web address listed on the slide.

Contact MDE FNS to obtain the poster size versions.

## **Non-Discrimination Statement**

- **A USDA required non-discrimination statement must be included on ALL forms of communication and program materials**
  - **Including all materials for public information, education, or distribution that mention USDA programs**
  - **Last updated by USDA in October 2014**

Slide 13

So, why do we need a poster of Lady Liberty in the cafeteria? What is the point?

The poster contains several important elements, including the nondiscrimination statement, as well as contact information for USDA to file a complaint.

The nondiscrimination statement must not only be included on the And Justice for All poster, but also on all materials about the school nutrition programs that are disseminated to the public.

This statement was last updated by USDA in October 2014. The And Justice for All poster does not contain the most updated statement. For now, USDA has instructed us to use the current poster until the new ones are developed. You will be notified when a new poster is available.

## Required Non-Discrimination 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, audiotope, 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.

Slide 14

Here is a copy of the required non-discrimination statement. As you can see it is quite long.

## **Required Non-Discrimination Statement Language**

**If the material or document is too small to permit the full statement (above) to be included, the material **MUST**, at a minimum, include:**

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

Slide 15

If your material is too small to include the entire statement, the following shorter statement must be used.

## **Non-Discrimination Statement**

- **Wording for either statement must be exact and cannot be changed in any way.**
- **Print size for either statement shall be no smaller than the text of the material.**
- **Shorter version of non-discrimination statement may be used for broadcast advertisements/public service announcements.**

### Slide 16

Either statement should be used exactly as is. Do not change the wording to fit your organization.

When developing materials, either statement used should be the same font size as the document created so that the statement is visible.

Note that in auditory presentations, such as public service announcements, the shortened version may also be used.



## Examples of Informational Materials that Require the Non-Discrimination Statement

- **Print Advertisements**
  - Flyers
  - Brochures
  - Posters
- **Agency Publications**
  - Parent/Student Handbooks
  - Employee Handbooks
  - Newsletters
- **School Websites**
- **Letters**
- **Broadcast Advertisements/ Announcements**
  - Internet
  - Radio
  - TV
- **Enrollment Forms**
- **Menus, if made public**

Slide 17

So, where is the nondiscrimination statement required? Any materials that mention the programs to the public, including the following noted on the slide.

\*\*Not required to be printed on incentive items such as cups, buttons, magnets, pens, etc. due to impractical size

## **Other Things to Consider...**

**To convey the message of equal opportunity—  
reflect diversity and inclusion in all program or  
program-related information, photos and graphics.**

### Slide 18

On the topic of public notification and development of materials, etc. one additional item to note is the importance of conveying equal opportunity in messaging. Any graphics or pictorial representations should reflect the diversity of individuals that participate in the school nutrition programs.

## **Understanding Differences: Respectful Language**

### **Put the person first**

- ❖ Example: USE “person with a disability”, NOT “disabled person”

### **Use culturally sensitive language**

- ❖ Example: USE “Asian”, NOT “Oriental”

### **Use inclusive/respectful terms**

- ❖ Example: USE “chairperson”, NOT “chairman”

### Slide 19

Also, in developing written materials or speaking with potential program participants, it is important to use respectful language. Instead of saying, we accommodate disabled students by offering alternate meals. It would be better said as we accommodate students with a disability that affects the diet. Some of the other examples on the slide may be more obvious in terms of race and ethnicity. When in doubt, whenever possible, pass the materials through an individual that may be more familiar with the culture or situation to see what the preferred terminology is.

## Understanding Differences: Test for Bias

- **Take the Project Implicit Test to determine underlying biases that may contribute to discrimination**
- <http://www.tolerance.org/activity/test-yourself-hidden-bias>



### Slide 20

Scientific research has demonstrated that biases thought to be absent or extinguished remain as "mental residue" in most of us. Studies show people can be consciously committed to fairness, and deliberately work to behave without prejudice, yet still possess hidden negative prejudices or stereotypes.

"Implicit Association Tests" (IATs) can tap those hidden, or automatic, stereotypes and prejudices that circumvent conscious control. Project Implicit— a collaborative research effort between researchers at Harvard University, the University of Virginia, and University of Washington — offers dozens of such tests.

The tool may jumpstart our thinking about hidden biases: Where do they come from? How do they influence our actions? What can we do about them?

Take one or more of the tests to learn where your hidden biases lie.

## Outline

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- **Resolution of Noncompliance**

### Slide 21

Next, we'll discuss customer service and nondiscrimination. Although we immediately think about equal and fair treatment in the lunch line, customer service could also be in the form of parents calling the nutrition office, or students stopping in to drop off a completed application.

## Customer Service

- **All students must be allowed equal opportunities to participate in CN programs regardless of race, color, national origin, sex, age, or disability.**
- **All participants must be treated in the same manner**
  - **seating arrangements, serving lines, assignment of eating periods, methods of selection for application approval and verification processes**

### Slide 22

In its most basic form nondiscriminatory customer service includes ensuring that all students are treated the same as you interact with them.

Some examples of this include not showing preference or discrimination in seating arrangements (such as separating students by gender for unnecessary reasons), approving some groups of student applications before another group and verifying a household for cause based on discriminatory practices.

## Meal Service

**Children must not be required to use a separate dining room, serving line, or serving time based on eligibility for free/reduced meals, sex, national origin, race/color, etc.**

### Slide 23

Some Examples of Nondiscrimination include:

- Students of about the same age are given about the same time to eat.
- Students are English language learners are not required to sit at a “English language learner” table for meals.
- Boys are not seated at separate tables from girls (this is implied segregation and questionable unless done for disciplinary or legitimate reasons).

USDA recently issued a new memo regarding separation by gender in meal service areas. Refer to the USDA website memo SP 31-2015.

## Meal Service

**All students within the same grade grouping must be offered the same selection of menu items in the same amounts regardless of their eligibility, sex, national origin, race/color, etc., including when a school offers :**

- A selection of more than one type of meal that is claimed for reimbursement
- A variety of foods and fluid milk for choice within the meal requirements

Slide 24

Examples:

Some more subtle methods of nondiscrimination may occur in the serving of leftovers. Do the high school football players always get the leftovers or more food in general? Are certain special food items saved for certain groups of students?

Boys and girls in the same grade should be offered the same food, in the same amounts

Leftovers at the end of the lunch period should be offered to everyone (i.e. not just the boys, etc.)

Certain items are “saved “for all students, not just for specific students.



## Denial of Meals

**USDA policy prohibits the denial of meals as a disciplinary action against any student who is enrolled in a school that participates in the Child Nutrition Programs, including:**

- **Disciplinary actions that directly result in loss or denial of meals**
- **Requiring a child to work for his/her meals**

### Slide 25

Meals should also not be denied as a result of disciplinary action, such as in school detention or suspension or failure to turn in homework by the required deadline.

The following are circumstances where meals may be denied:

Disciplinary actions that indirectly result in loss of meals (i.e. student is suspended and does not attend school for a number of days).

Schools are not required to serve children who receive reduced- or full-price meals but do not have money to pay, however:

It is recommended that schools establish policies to handle such situations and inform parents/students of limitations of policy.

Each school is free to decide whether to institute negative balance limits or provide alternative meals/food items for these students.

## **Free/Reduced-Price Application Approval Process**

- **Denied Free/Reduced-Price applications shall not be disproportionately composed of minority groups.**
- **Admission procedures must not restrict minority persons from enrolling in school or participating in the meal/snack programs.**
- **Students may not be required to participate in the Child Nutrition Programs.**

Slide 26

So, what about nondiscrimination in some of the back of the house procedures?

Ensure that denied applications are not misrepresentative of the population you are serving.

Do not restrict any race or ethnicity groups from applying or participating.

Do not require that a student or household complete an application for educational benefits as a mandatory requirement for enrolling. It is a voluntary participation program. You can strongly encourage families to complete the application and offer incentives for completion, but ultimately if a household refuses to complete the application, that is their choice.

## **Confidentiality: Information Provided on Free/Reduced-Price Applications**

**The USDA authorizes schools to release only student Free/Reduced-Price eligibility status to entities as stated in the *Eligibility Manual for School Meals***

**-In many cases a household waiver of confidentiality may be required**

**No other information on application may be released.**

Slide 27

Customer service without discrimination also includes ensuring the confidentiality of information provided on free and reduced price applications.

Free and reduced price information should only be used for the school nutrition programs and other select education purposes, such as for Minnesota Automated Reporting Student System (MARSS) reporting.

A waiver is necessary from the household to release the information further. This would include notifying activities coordinators for reduced-price athletic fees, for example.

**Schools must ensure that a written household waiver is on file and:**

- **Clearly informs households of the waiver's purpose**
- **Authorizes release of free and reduced-price eligibility information**
- **Identifies who will use the information and how it will be used**
- **Is signed by parent or guardian**

Slide 28

The household waiver must inform the household of the items noted on the slide. Note that the waiver must clearly identify what the information will be used for. A generic catch all waiver may not be used. Specific programs and use should be noted.

## **Confidentiality of Free/Reduced-Price Eligibility**

- **Identifying information must not be used for any purpose other than determining and verifying eligibility for Free/Reduced-Price meals**
- **Overt identification of any of the children is prohibited.**
- **No overt identification may be used when ordering meals for special functions**

Slide 29

Overt identification should be considered in different situations beyond the application process.

This includes at the point of service where other students may see eligibility statuses on the cashier computer screen.

Or for example when special functions take place that require alternate meal service such as field trips and class parties, no overt identification of meal status should occur.

Examples: students raising hands, forms sent home that identify eligibility.

## LEP Language Assistance

**Responsibility to take “reasonable steps” to ensure meaningful access to programs and activities by persons with Limited English Proficiency (LEP).**

Slide 30

Nondiscriminatory customer service also comes into effect when considering students and households that may have Limited English Proficiency (LEP) which means: Individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English.

There is a requirement to take reasonable steps to ensure that persons with limited English proficiency are given access to programs.

## **Factors to consider when determining “reasonable steps”**

- **Number and proportion of LEP persons encountered in eligible population.**
- **Frequency with which LEP individuals come in contact with program.**
- **Nature and importance of program, activity, or service.**
- **Resources available to the recipient/costs.**

Slide 31

So what are considered reasonable steps to take?

Think about the situation at hand:

The greater the number of individuals with LEP = the higher the need.

Will denial of service cause a serious or life-threatening implication for potential participants?

Accessibility of a translator for applications, etc.

Availability of materials in various languages.

## Language Translations

- **Make Child Nutrition Program information available to all persons in their language**
  - Provide informational materials in the appropriate translation concerning the availability and nutritional benefits of the meal programs.
- **Spanish, Hmong, Somali and several other language translation of application for educational benefits available on the Minnesota Department of Education (MDE) or USDA websites.**

### Slide 32

One important aspect is to make information available in other language whenever possible. MDE and USDA offer several language translations of the applications for educational benefits. These include the template household letter and supplemental information.



## Language Interpreters

- **Children should not be used as interpreters**
- **Volunteers may be used, but should understand ethics for using interpreters**
  - **Example: Spanish teacher could assist a household in completing an application but would need to be trained on the importance of keeping all information received from the household confidential**
- **See [www.lep.gov](http://www.lep.gov) for more information and resources**

Slide 33

As far as interpreters, remember that it is not a good practice to use children as interpreters.

Volunteers should understand certain ethical implications of data privacy, etc.

Visit [lep.gov](http://lep.gov) for more information on this topic.

## **A shortage of resources does not eliminate the translation requirement**

### **Suggestions:**

- **Share resources to save money:**
  - Use interpreter from another area
  - Train bilingual staff to be interpreters
  - Contact grassroots organizations to discuss translation or assistance from within the community
- **Language line phone services may be available for a subscription fee through your local telephone service provider.**

### Slide 34

A lack of resources does not mean the SFA does not need to provide reasonable accommodations. It may mean that some creative ideas need to be used such as sharing interpreters between programs or school districts or utilizing lower cost telephone translation services.

## Outline

- Civil Rights in School Nutrition Programs
- Public Notification Systems
- Customer Service
- **Ethnic and Race Data Collection**
- Reasonable Accommodations
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- Resolution of Noncompliance

Slide 35

The next section we will discuss is racial ethnic data collection in the school nutrition programs.

## **Why do I have to collect racial and ethnic data?**

**Racial/ethnic data is used to determine how effectively your program is reaching potentially eligible children and where outreach may be needed.**

Slide 36

So what is the point of collecting racial ethnic data?

The information is helpful to see if you need to do outreach to any particular groups of people that may be underrepresented in your household applications for educational benefits when compared to your actual population. This may help to identify whether perhaps language interpreters are needed, etc to reach more households.

## Two Question Format for Collecting Data

**Difference between ethnicity and race:**

**1. Ethnicity categories:**

- Hispanic or Latino
- Non-Hispanic or Non-Latino

**2. Race categories (individuals may mark one or more)**

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

Slide 37

There are two reporting categories: ethnicity and race. Each individual will fall into one of two ethnicity categories and one or more race categories.

For ethnicity, an individual is either Hispanic or Latino or not Hispanic or Latino.

Hispanic or Latino is defined as: A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race. The term “Spanish origin” can be used in addition to “Hispanic or Latino.”

Individuals may indicate more than one race category.

## Obtain racial/ethnic data through

- **Voluntary self-identification or self-reporting (*preferred method*)**
  - Free/Reduced-Price meal application: optional section for the household to identify their racial and ethnic data
- **Visual identification by a school official**
- **Personal knowledge, records or other documentation your agency possesses that identifies household racial/ethnic data**
  - Such as enrollment or Minnesota Automated Reporting Student System (MARSS) data

### Slide 38

Racial ethnic data may be obtained through a variety of methods. The preferred method is when the household self reports this information on a free and reduced-price application.

Other methods that may be used include visual identification or other records such as enrollment or MARSS data.

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Slide 39

The next section we will discuss is reasonable accommodations for students with special dietary needs. This will be a brief overview of special dietary needs.

## What is a disability?

- **Physical or mental impairment which substantially limits one or more of an individual's major life activities, has a record of such and impairment, or is regarded as having such an impairment.**
- **Disabilities are defined based on the Sect 504 of the Rehabilitation Act/Americans with Disabilities Act and Part B of Individuals with Disabilities Education Act (IDEA).**

### Slide 40

First let's define what a disability is. It is an impairment that is physical or mental that limits one or more major life activities. Examples: Orthopedic/visual/speech/hearing impairments, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, specific learning disabilities, tuberculosis, diabetes, heart conditions and food anaphylaxis. Recognized disabilities are based on Section 504 and Individuals with Disabilities Education Act (IDEA) legislation.



## What is school's responsibility to children with disabilities?

- **Provide accessible facilities**
  - Example: accessible parking lots, entrances and exits, halls, elevators, rest rooms, service animals
- **Provide appropriate information in alternative formats**
  - Example: Braille program materials, sign language interpreters
- **Provide food substitutions for students with disabilities when documented in writing by a licensed physician**

Slide 41

In terms of responsibilities, a school must ensure that a child with a disability has equal access to participate.

This could come in the form of physical access to the building, procedural access through forms and interpreters or accommodations to the diet.

Schools are required to accommodate students with disabilities that affect the diet, as prescribed by a licensed physician. Note that this was just expanded to include nurse practitioners and physician assistants as well.

## Providing Menu Item Substitutions

- **Only required to make substitutions or modifications for children whose disabilities restrict their diets based on a licensed physician's assessment**

Example: food allergies causing life-threatening anaphylactic reactions

- **Must be documented by a physician's statement**
  - Including the disability, how it limits major life activities, foods the child cannot have and foods to be substituted
- **Generally, children with food allergies or intolerances do not have a disability.**
  - Example: lactose intolerance, sensitivity to food additives
- **Special rules that apply to milk substitutions**

### Slide 42

The physician needs to determine what the disability is, how it affects the diet, the foods to be omitted and the foods to be substituted.

General food allergies or intolerances are not deemed to be a disability, but it is up to the licensed physician, nurse practitioner or physician assistant to determine.

For milk substitutions, there are special regulations that apply. Refer to the MDE website for more information.

# Resources

MDE > Districts, Schools and Educators > Food and Nutrition > School Nutrition Programs > Nutritional

## Special Dietary Needs

The Minnesota Department of Education (MDE) Food and Nutrition Service (FNS) provides resources for sponsors that help them meet the special dietary needs of infants and children and maintain records to document compliance with meal requirements.

*Accommodating Children with Special Dietary Needs in the School Nutrition Programs* is a U.S. Department of Agriculture (USDA) publication that provides operational guidance for school food service staff serving meals under the National School Lunch Program and the School Breakfast Program to children with special dietary needs. View the publication on the USDA website. Resources are also provided from the National Food Service Management Institute (NFSMI).

### U.S. Department of Agriculture Memorandums

Links to key USDA memorandums on Special Dietary Needs are provided below.

- [Guidance on ADA Amendments Act \(broadens definition of "disability"\) \(SP 36-2013\)](#)
- [Q&A Milk Substitutions for Medical or Non-disability Special Dietary Needs \(SP 07-2010\)](#)

### Special Diet Statement for a Participant Without a Disability - 6/8/16

Form and guidance to assist recognized medical authorities to request a special diet for participants without a disability.

### Fluid Milk Substitutions in the Child Nutrition Programs - 5/31/16

Non-dairy beverages that meet USDA's fluid milk substitution criteria.

### Special Diet Statement to Request Dietary Accommodations - 4/6/16

Form to request a special dietary accommodation for a participant with or without a disability and for a participant without a disability who is requesting a fluid milk substitute. Instructions on how to complete the form are included.

### Special Diet Statement for a Participant With a Disability - 11/19/15

Form to request a special diet for a participant with a disability. An additional document titled Special Diet Statement Guidance is provided to guide a licensed physician in the completion of the special diet statement for a participant with a disability.

[Notification to the Minnesota Department of Education About the Use of Fluid Milk Substitutes - 3/25/15](#)  
Required form used to notify the state agency if offering fluid milk substitutes.

Slide 43

Here is a snapshot of the Special Diets section of the MDE website.

## Outline

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Slide 44

The next area covers how to receive a complaint and resolve conflict related to discrimination.

## Right to File a Complaint

**Any person who believes he or she or someone he/she knows has been discriminated against based on Federal protected classes has a right to file a complaint within 180 days of the alleged discriminatory action.**

**Complainants may register a complaint with:**

- 1. USDA: U. S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, SW, Washington, DC 20250-9410, (866) 632-9992 (toll free), (202) 260-1026, (202) 401-0216 (TDD)**
- 2. Minnesota Department of Education: Supervisor, School Nutrition Programs, 1500 Highway 36 West, Roseville, MN 55113 (800) 366-8922**

Minnesota Department of  
**Education**

45

Slide 45

Anyone who participates or wants to participate in the program has a right to file a complaint within 180 days of the alleged discrimination. Note that the only complaints of discrimination that must follow the procedures discussed here are for the federally protected classes. Other complaints of discrimination outside of the protected classes should be handled through the appropriate school channels.

Individuals can submit complaints locally, at the state or federal level.

## Forms of Civil Rights Complaints

- **May be written, verbal, or observed**
  - 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
- **Can be related to any area of CNP operation**
  - Program administration, food service, employment

Slide 46

Individuals may submit a written, verbal or observed complaint.

They may also submit anonymous complaints.

The complaint can come from any area of program operation.

## Handling Civil Rights Complaints

### STEP 1: Document the Complaint

- Name, address, and phone number of complainant.
- Specific name and location of entity delivering the benefit or service.
- The nature of the incident, action, or method of administration that led the complainant to feel discriminated against.
- The basis on which the complainant feels discrimination exists (race, color, national origin, sex, etc.).
- The names, titles, business addresses, and phone numbers of persons who may have knowledge of the discriminatory action.
- The date(s) during which the alleged discriminatory actions occurred, or if continuing, the duration of such actions.

Slide 47

The first step is to document the complaint with the information listed on the slide.

## Handling Civil Rights Complaints

### STEP 2: Contact USDA or MDE

**All verbal or written complaints must be forwarded to the Civil Rights Division of USDA Food and Nutrition Service *within three days* of receiving a complaint.**

#### Slide 48

The second step is to contact either USDA or the Minnesota Department of Education within three days of receiving a complaint.



## Handling Civil Rights Complaints

- **Step 3: Maintain Records**
- **Have a central location where copies of Civil Rights complaints will be documented and kept**
  - **Agencies should consider documenting all complaints in Complaint Log or on Complaint Forms**
- **Agencies may provide complaint form to:**
  - **Any individual wishing to make a complaint**
  - **Person receiving verbal or phone complaint**

Slide 49

Third, ensure that you maintain records of any incidents.

## Conflict Resolution

- **The USDA recommends using an Alternative Dispute Resolution (ADR) program**  
ADR Definition: use of a neutral third party (usually a person acting as a facilitator) to resolve informally a complaint of discrimination through use of various techniques such as fact finding, mediation, peer panels, facilitation, ombudsman support, or conciliation.
- **Visit the following website for more information:**  
<http://www.fas.usda.gov/Admin/civilrights/conflictres.asp>

Slide 50

In terms of resolving conflict the USDA recommends Alternative Dispute Resolution, where a neutral third party acts to help resolve the issue.

Additional information on this topic is available on the website listed on the slide.

## Outline

- Civil Rights in School Nutrition Programs
- Public Notification Systems
- Customer Service
- Ethnic and Race Data Collection
- Reasonable Accommodations
- Complaint Procedures/Conflict Resolution
- **Resolution of Noncompliance**

Slide 51

The final topic we will discuss is resolution of noncompliance.

## Resolution of Non-Compliance

- **A factual finding that any civil rights requirement, as provided by law, regulation, policy, instruction, or guidelines is not being adhered to.**
- **There are no “minor” or “major” categories of noncompliance. All instances of non-compliance are considered equally.**
  - **No matter the level or severity of noncompliance, it must be reported.**

Slide 52

Resolution of noncompliance means not following the civil rights requirements. All issues of noncompliance need to be reported to MDE or USDA.

## Examples of Non-compliance

- **Denying an individual or household the opportunity to apply for Food and Nutrition Service (FNS) program benefits or services on the basis of Federal or State protected classes (race, color, national origin, age, etc.)**
- **Providing FNS program services or benefits in a dissimilar manner on the basis of race, color, national origin, age, or sex.**  
*Example:* Serving lunch to a child of one race but serving a snack/modified meal to a child of another race.
- **Selecting FNS program sites or facilities in a manner that denies an individual access to FNS program benefits, assistance, or services on the basis of Federal or State protected classes (race, color, national origin, etc.)** *Example:* Serving breakfast in some schools, but not at schools located in areas with a high proportion of children with disabilities or a high proportion of minority students.

Slide 53

Some examples of non-compliance with civil rights requirements include:

1. Not allowing a certain individual to apply for program benefits based on one of the protected classes.
2. Serving lunch to a child of one race but serving only a snack to a child of another race.
3. Serving breakfast in some schools but not in other schools due to a high proportion of minority students in one school.

## **Resolution of Non-Compliance**

- **If non-compliance is indicated, a corrective action plan must be implemented immediately to achieve voluntary compliance within 60 days.**
- **Corrective Action Plan: plan describing the agency's actions to be taken to resolve non-compliance with civil rights requirements.**

Slide 54

For any issues of non-compliance with Civil Rights, corrective action should be taken immediately so that the issue is resolved within 60 days.

## **Civil Rights Coordinator within Your School**

**Agencies must designate an employee who is responsible for USDA Civil Rights issues, and:**

- This individual must be designated to receive complaints
- This individual should be identified to all employees
- The designated person should know who to contact if Civil Rights issues arise

Slide 55

Under Title IX and Section 504/ADA (Americans with Disabilities Act) it is required that every Local Education Agency (LEA) receiving federal financial assistance designate an employee to receive complaints. This person should understand the proper process to follow in the event of a complaint.

## Questions

### Minnesota Department of Education Nutrition, Health and Youth Development

Phone: 651-582-8540  
1-800-366-8922 (toll free)

Email: [mde.fns@state.mn.us](mailto:mde.fns@state.mn.us)

\*\*Parts of this presentation have been adapted from several states, including Wisconsin, Iowa, Illinois, Indiana, Missouri, and Texas.

Slide 56

All questions related to Civil Rights should be directed to the Minnesota Department of Education.



## **Documentation of Compliance with Civil Rights Training**

- **Retain records indicating that all staff members who are involved in the school nutrition programs have received training.**
- **Annually, ensure employees sign and date that they received this training.**

### Slide 57

All staff members who work with the school nutrition programs should receive this training including office, cafeteria and kitchen staff. Documentation should be maintained on an annual basis to show that the civil rights training requirement has been met. If a live training is conducted, a sign-in sheet should be maintained. If this powerpoint is shared with staff, an accompanying sheet should include the signature of the individual and the date completed.