

Civil Rights Training for School Food Authority (SFA) Employees

**Ohio Department of Education,
Office for Child Nutrition
(ODE, OCN)**

Purpose of Civil Rights Training

- To inform, educate, and support all staff who interact with School Meal Programs applicants on:
 - Staff rights and responsibilities as administrators of School Meal Programs
 - General USDA Civil Rights requirements
 - Resources and information available to assist staff in carrying out their Civil Rights responsibilities

Federal Law prohibits discrimination on the basis of these protected classes:

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



Notifying the Public of Program Benefits and Requirements

Public Notification



PURPOSE:

- To inform surrounding area (especially under-represented groups), that the SFA participates in the School Meal Programs
- To reach as many applicants, participants, and potentially eligible persons as possible
 - Potentially eligible: individual or household that may be eligible to receive School Meal Programs assistance, benefits, or services, but have not applied
- To ensure program access

Public Notification

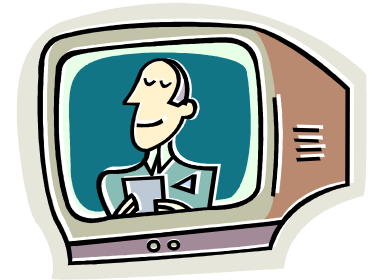
Must include information on:

- Eligibility
- Benefits & Services (i.e. free or reduced price school meals and snacks)
- Program availability (location of local facilities or service delivery points, hours of service)
- Applicant rights and responsibilities
- Procedures for filing a complaint
- Non-discrimination policies
- Any programmatic changes (i.e. changing location of a meal site)

Methods of Public Notification

- **Public Release (required)**
 - Inform the general public that the SFA participates in the School Meal Programs and that free and reduced price meals are offered.
- **Post “And Justice for All” Poster (required)**
 - Includes the USDA’s nondiscrimination statement and lists the USDA contact information for filing a complaint of discrimination.
- **Other methods of public notification (optional):**
 - Bulletins
 - Letters/Leaflets/Brochures
 - Internet/Computer-based Applications

Public Release



ODE, OCN requires a public release be submitted each school year to:

The Media (examples: local/community newspapers, radio, television, the Internet.

SFAs should also identify and submit the public release to the following in their geographic area:

Grassroots Organizations that reach minority or under-represented groups (colleges, churches, refugee/immigrant settlement services, Laundromats, social service agencies, employers contemplating layoffs, libraries, grocery stores, WIC offices, food pantries, senior centers, physician offices/clinics, Community Action Program Agencies)

Ohio

Department
of Education

Public Release

- **Example of a public release available on ODE, OCN's website**
 - Enter your SFA information (contact name, address, etc) and print
- **Agencies are not required to pay to have the public release published, but it must be submitted with the intent to have it published.**
- **Keep documentation on file of where information was sent and the date it was submitted**

“And Justice for All” Poster

- All SFA sites participating in School Meal Programs must display the USDA’s non-discrimination poster in a prominent area where participants and potential participants have access
 - Example: cafeteria/food service area
- Must also be posted at every food service/preparation site
 - Example: central kitchen facilities



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)
- ODE, OCN provides posters to SFAs free of charge. To order posters for permanent use, contact Lynn Coretti at 614-466-7956 (ph), or Lynn.Coretti@ode.state.oh.us

Non-Discrimination Statement

A USDA required non-discrimination statement must be included on **ALL** forms of communication and program materials related to receipt of free or reduced-price School Meal Programs benefits, including all materials for public information, education, or distribution that mention USDA programs.

Required Non-Discrimination Statement Language

“In accordance with Federal law and U.S. Department of Agriculture policy, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, or disability.

To file a complaint of discrimination, write USDA, Director, Office of Adjudication, 1400 Independence Avenue, SW, Washington, DC 20250-9410 or call toll free (866)632-9992 (voice). Individuals who are hearing impaired or have speech disabilities may contact USDA through the Federal relay Service at (800) 877-8339; or (800) 845-6136 (Spanish). USDA is an equal opportunity provider and employer.”

Required Non-Discrimination Statement Language

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

“This institution is an equal opportunity provider and employer.”

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

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/Public Service Announcements
 - Internet
 - Radio
 - TV
- Enrollment Forms
- Menus (if public receives copies)

**Not required to be printed on 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.



Customer Service



Customer Service

- All students must be allowed equal opportunities to participate in the School Meal Programs regardless of race, color, national origin, sex, age or disability.
- All participants must be treated in the same manner (i.e. seating arrangements, serving lines, services and facilities, assignment of eating periods, methods of selection for application approval and verification processes).

Meal Service

All persons must:

- **Be included in meal and snack service, activities, and discussions.**
- **Receive equally positive comments, as well as constructive education regarding meal time, nutrition, manners, etc.**
- **Be held to standards of behavior that are not based on Federal protected classes (race, color, national origin, etc.)**

For example: Students of a certain race or color are expected to behave to the same standards as students of another race or color

Meal Service



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

Examples:

- Students of about the same age are given about the same time to eat
- Students whose first language is Spanish are not required to sit at a “Spanish-speaking” 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)

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 SFA site 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

Examples:

- Boys and girls in the same grade are offered the same food, in the same amounts
- Leftovers at the end of the lunch period are 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 SFA site that participates in the School Meal Programs, including:

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

The following are circumstances where meals may be denied.

- Disciplinary actions that indirectly result in loss of meals (i.e. student is suspended from school)
- SFAs are not required to serve children who receive reduced- or full-price meals but do not have money in-hand to pay, however:
 - It is recommended that SFAs establish policies to handle such situations and inform parents/students of limitations of policy
 - Each SFA site may decide whether to institute negative balance limits or provide alternative meals

Free and Reduced (F/R) Application Approval Process

- Denied F/R applications shall not be disproportionately composed of minority groups
- Admission procedures must not restrict minority persons from enrolling in SFA site or participating in the meal/snack programs
- Students may not be required to participate in the School Meal Programs

Confidentiality: Information Provided on F/R Applications

The USDA authorizes SFAs to release only student F/R eligibility status to entities as stated in the *Eligibility Manual for School Meals* (page 53)

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

**NO OTHER INFORMATION ON
APPLICATION MAY BE RELEASED!**

SFAs 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 how the information will be used
- Identifies who will use the information
- Is signed by parent or guardian (note: SFAs are not responsible for verifying authenticity of parent/guardian signatures)

Confidentiality of F/R Eligibility

- Names, or other forms of identifying information, of children must not be published, posted, or announced in any manner. Identifying information must not be used for any purpose other than determining and verifying eligibility for F/R meals
- Overt identification of any of the children by use of special tickets or tokens is prohibited.
 - SFA must use collection procedures that have been approved via the CRRS Site Application(s)
- No overt identification may be used when ordering meals for special functions (field trips, class parties)
 - Examples: students raising hands, forms sent home that identify eligibility

Ask yourself each time you interact with participants...

- How would I want to be addressed?
- Am I treating this person in the same manner I treat others?
- Have I informed this person exactly what information I need to make a determination on the application?
- Have I given this person the opportunity to clarify all relevant factors or inconsistencies and ask questions?
- Have I provided this person with information (s)he needs to make necessary decisions?

Language Assistance

LEP Language Assistance

All organizations receiving Federal financial assistance via participation in School Meal Programs have a responsibility to take “reasonable steps” to ensure meaningful access to their programs and activities by persons with Limited English Proficiency (LEP).

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.

Primary factors to consider when determining “reasonable steps”

- Number and proportion of LEP persons served or encountered in eligible population
 - The greater the number = the higher the need
- Frequency with which LEP individuals come in contact with program
- Nature and importance of program, activity, or service
 - Will denial of service cause a serious or life-threatening implication for potential participants?
- Resources available to the recipient/costs
 - Accessibility of a translator for applications, etc.
 - Availability of materials in various languages

Language Translations for Program Materials

- **Make School Meal Programs 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
- **The Free and Reduced Student Meal Application is available in English on the ODE, OCN Website.**
 - **The application is available in a multitude of languages on the USDA Food and Nutrition Service website**
 - www.fns.usda.gov/cnd/FRP/frp.process.htm

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 for more information and resources

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**

Suggestions for Providing Assistance to Populations with Literacy Concerns

- Inform adult household members known to have literacy deficiencies of program benefits verbally.
- Enlist a staff member to assist applicants with literacy concerns in completing F/R meal applications.

Reasonable Accommodation of **Persons with Disabilities**

What is a disability?



Definition: 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)

- Examples: Orthopedic/visual/speech/hearing impairments, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, specific learning disabilities, tuberculosis, diabetes, phenylketonuria, heart condition, food anaphylaxis, mental retardation, emotional illness, drug addiction/alcoholism, HIV, autism, traumatic brain injury

What is SFA site's responsibility to children with disabilities?

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

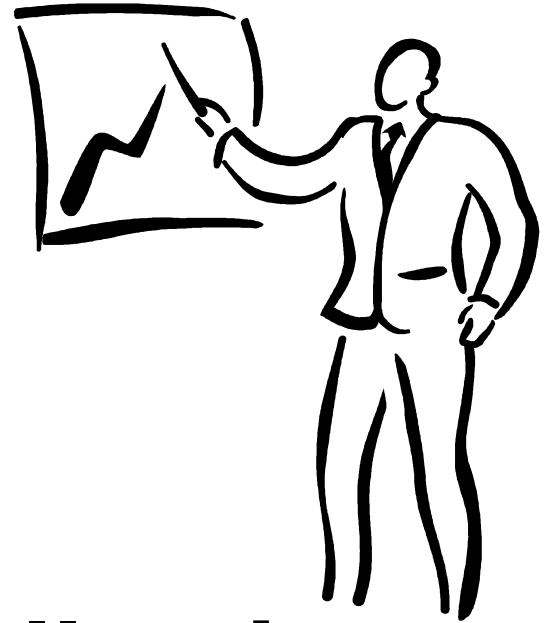
Providing Menu Item Substitutions

- **USDA regulations only require substitutions or modifications in school meals for children whose disabilities restrict their diets based on a licensed physician's assessment**
Example: food allergies causing life-threatening anaphylactic reactions
- **Disabilities must be documented by a physician's statement**
Physician statement must: state the name of the child's disability, identify how it limits one of the major life activities, specify foods the child cannot have and the foods to be substituted.
- **Generally, children with food allergies or intolerances do not have a disability. The SFA site may, but is not required to, make food substitutions under these circumstances.**
Example: lactose intolerance, sensitivity to food additives
- **USDA has special rules that apply to milk substitutions (See recent USDA policy memos SP 02-2009, 35-2009, & 07-2010 for details)**

Resources

Available on ODE, OCN website:

- Go to www.ode.state.oh.us, search *food allergy*
- **This site contains the following resources:**
 - **USDA Guidance: “Accommodating Children with Special Dietary Needs in the School Nutrition Programs”**
 - **Eating and Feeding Evaluation: Children with Special Needs and Information Card Forms (USDA Food and Nutrition Service).**
 - **Fluid Milk Substitution Rule Policy Memo**
 - **Sample food allergy policy guidance documents and sample food allergy policy forms**



Racial/Ethnic Data Collection

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.

Collecting and Recording Participation Data

- Establish a system to collect racial and ethnic data
- Data must be reported on an annual basis
- Program applicants may not be required to furnish ethnicity and race
 - You may inform the household, however, that collection of this information is strictly for statistical reporting and has no influence on eligibility determination for the program.
- Data collectors may not second guess, change, or challenge a self-declaration of ethnicity/race made by a participant unless such declarations are blatantly false

Two Question Format for Collecting Data

Collect ethnic data first, then racial data

1. **Ethnicity categories:**

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

2. **Racial categories (instructions should specify “mark one or more”)**

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

Obtain racial/ethnic data through

- **Voluntary self-identification or self-reporting**
(preferred method)

F/R meal application: Household applications that are completed each year and submitted to the SFA site have a section for the household to identify their racial and ethnic data (households are not required to complete this)

- **If a household chooses not to provide racial/ethnic information, you may use one of the following two methods:**
 - Visual identification by a SFA site official
 - Personal knowledge, records or other documentation your agency possesses that identifies household racial/ethnic data

Data Management

- **Collection systems must ensure that data collected/retained are:**
 - Collected and retained by each program site
 - Based on documented records
 - Maintained under safeguards that restrict access to personal records to only authorized personnel (i.e. data should be kept secure and confidential)
 - Submitted, if requested, to the USDA Food and Nutrition Service (FNS) Regional or Headquarters Offices
 - Kept on file for 3 years plus the current program year
 - Identify all sources of information used

Conflict Resolution

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

<http://www.fas.usda.gov/Admin/civilrights/conflictres.asp> for more information.



Complaint Procedures

Complaint Information

Applicants and participants must be advised of:

- **Their right to file a complaint**
- **How to file a complaint**
 - Public Release and “And Justice for All” poster assist in disseminating this information
- **Complaint procedures**

Right to File a Complaint

Any person who believes he or she or someone he/she knows has been discriminated against based on Federal or State protected classes (ie. National origin, race, etc.) has a right to file a complaint within **180 days** of the alleged discriminatory action.

Complainants may contact either of the following offices to register a complaint:

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. ODE, OCN: Civil Rights Officer, ODE Legal Office, Ohio Department of Education, 25 South Front Street, Columbus, OH 43215, (614) 752-9333



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 School Meal Programs**
 - Program administration, food service, employment

Handling Civil Rights Complaints

STEP 1: Document the Complaint

Make an effort to obtain all of the following information:

- Name, address, and phone number of complainant (when possible, but not required).
- 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.

STEP 2: Contact USDA or ODE, OCN

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



Step 3: Maintain Records

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

Civil Rights Compliance Reviews **& Resolutions of Non-Compliance**

Resolution of Non-Compliance

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.

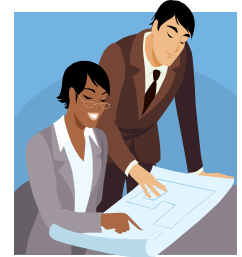
- **No matter the level or severity of noncompliance, it must be reported.**

Examples of Non-compliance

- **Denying an individual or household the opportunity to apply for School Meal Programs benefits or services on the basis of Federal protected classes (race, color, national origin, age, etc.)**
- **Providing School Meal Programs services or benefits in a dissimilar manner on the basis of race, color, national origin, age, or sex.** Example: Serving lunch to an African American child but serving a snack/modified meal to an Asian American child.
- **Selecting School Meal Programs sites or facilities in a manner that denies an individual access to School Meal Programs benefits, assistance, or services on the basis of Federal protected classes (race, color, national origin, etc.)** Example: Serving breakfast in some SFA sites, but not at SFA sites located in areas with a high proportion of children with disabilities or a high proportion of minority students.

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 SFA's actions to be taken to resolve non-compliance with civil rights requirements.

Civil Rights Coordinator within Your SFA

SFA's 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

Questions?

**Ohio Department of Education
Office for Child Nutrition
25 S. Front Street, Mail Stop 303
Columbus, OH 43215
(800) 808-6325**

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



Employees: Please sign off on receiving this information.