

Welcome to Civil Rights Training. Today's training has been developed for all individuals involved with the Child Nutrition Program, as well as, anyone that has having direct contact with students during breakfast, lunch and after school snack programs. Topics to be discussed are:

- The background of the Civil Rights Act of 1964, Subpart A and C,
- purpose of the USDA's policy statement of the current legislation,
- six protected categories in the Food and Nutrition Service
- Limited English Proficiency
- Public Release
- Non-discrimination Statement

The purpose of this Instruction is to establish and convey policy & provide guidance & direction to the USDA Food and Nutrition Service and its recipients and customers, and ensure compliance with and enforcement of the prohibition against discrimination in all Food and Nutrition Service nutrition programs & activities, whether federally funded in whole or not".

This statement is part of Title VI of Civil Rights Act of 1964, 7 CFR Part 15, Subpart A and C and may be found in its entirety in the Food and Nutrition Services 113-1. The Civil Rights Act of 1964 prohibits discrimination based on race, color and national origin. This Act is required to be followed in all programs receiving federal funding and implementing USDA regulations.

The USDA's policy statement is a reflection of current legislation and for several protected classes. It prohibits discrimination in all programs &

activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, family status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or income. Sexual orientation, marital or family status, parental status and genetic information are not protected in the Food and Nutrition Services Program.

There are 6 categories in the Food and Nutrition Service nutritional assistance programs designated as protected bases; age, color, disability, national origin, race and sex.

State and local agencies must take reasonable steps to assure access to information and service, such as:

If there is a high proportion of individuals with Limited English Proficiency a translation of all documents must be provided. To determine if translation of the program is needed, the participants and eligible applicants should be reviewed as to the language spoken by these individuals, the census data and community organizations. English and Spanish Free and Reduced Meal Applications and all required letters can be found on www.squaremeals.org. Other language translations are available on the USDA website.

State and local agencies must also provide outreach services to individuals by providing interpreters for completion of meal applications at all times. While it is important that language interpreters be one of the resources available to the non-English speaking participants it is not necessary to hire a translator by each department. Share your resources with other departments

to save money. A translator may be someone from another department who is bilingual, or you may train bilingual staff to be interpreters.

USDA has identified religious organizations as partners in providing nutrition assistance to needy individuals and must have an equal opportunity in receiving services. Faith based organizations have a long history of involvement in federal nutrition assistance programs and also have a tradition of supporting low-income people by providing a wide range of social services. Districts are encouraged to include religious organizations when submitting the public release and all applicable civil right requirements. The purpose of the public notification is to inform applicants and participants of the availability of programs offered, as well as, the nondiscrimination statement and information on how to make a complaint if an individual feels their Civil Rights have been violated.

The state of Texas requires a public announcement of program availability sent to the media each year. It is important to remember that a district is required to submit the public announcement to all media available such as newspapers and radio stations. You are not required to pay the media to print or announce the information you have submitted. A copy of the public announcement, when it was submitted to the media and the contact information of the media must be kept in your files each year.

All information materials and sources including websites used by state and local agencies or sub-recipients such as school districts, which are used to inform the public about federal programs must contain the nondiscrimination

statement. This statement is recommended on menus, but not required on items such as cups, buttons, magnets and pens (unless size permits). It must be included in full on all written materials produced for the public. It is also required to be posted where applications are processed, the Child Nutrition Office and where the program is available such as the cafeteria. It must be prominently displayed in the cafeteria dining area, not behind the serving line. The updated AND JUSTICE FOR ALL poster is located in the Administrative Reference Manual on www.squaremeals.org.

During a Coordinated Review Effort (CRE) the Texas Department of Agriculture compliance monitor may ask the district the following questions:

- Have you ever received any written or verbal complaints alleging discrimination?
- If YES, have these complaints been reported to the State Agency?
- What is your policy to handle a complaint of discrimination?
- Did you submit a Public Release to the local media?
- Did it include the letter to parents, application form, income guidelines?
- Do you have a copy on file?
- Did you provide a foreign language translation?

The compliance monitor will observe if discrimination and/or civil rights violations are occurring within the district. Such as:

- Is the USDA civil rights poster displayed in a prominent place?

- Is the correct non-discrimination statement on all program materials?
- Are admission procedures into the district restricting enrollment by minority persons?
- Are incorrectly denied free and reduced applications disproportionately composed of minority applications?
- Are disabled students provided program benefits?
- Is there separation based by race, color, sex, handicap, age or national origin in:
 - Eating periods
 - Seating arrangements
 - Serving lines
 - Eating areas

Separation based on gender has been a top finding in a CRE. It is important that the Child Nutrition Program inform all parties involved from the superintendent to the cafeteria monitor of civil rights violations such as students at tables placed boy/girl or when students enter the cafeteria they are separated by all girls or all boys.

If there are any findings during the CRE a corrective action will be required to ensure compliance. Once the corrective action plan is developed it must be submitted to the Texas Department of Agriculture for approval. If a district fails to respond or correct the finding it may result in suspension or termination of financial assistance.

Any person alleging discrimination has the right to file a complaint within 180 days of the alleged action. Acceptance of this complaint may be written or verbal. A copy of the complaint form may be found in the Administrators Reference Manual or the district may develop their own. If a complaint is made verbally the details of the complaint should be written by the complainant or the person allegations are made against. All complaints based on the 6 protected categories, either written or verbal must be processed within the required timeframes. The complainant must be advised that all complaints are kept confidential and if at all possible the complainant and entity are encouraged to solve the complaint at the lowest possible level and as quickly as possible.

The district is required to forward civil right complaints to the Texas Department of Agriculture who will then in turn forward to the regional Food and Nutrition Services Division. Once a complaint has been forwarded to the Texas Department of Agriculture they will:

- Accept & acknowledge the complaint
- Gather facts to support or refute complainants allegation(s)
- Ensure all relevant sources of info are investigated
- Review & evaluate the facts
- Implement corrective action plan, if necessary

In addition the State will write a decision letter informing the complainant of closure of follow-up action. And the complainant has a right to appeal to the Secretary of Agriculture, if they do not agree.

All complaints alleging age discrimination must be referred to the Federal Mediation & Conciliation Service within 5 working days after receipt.

All complaints alleging discrimination in general must be processed within 90 days of receipt.

The Food and Nutrition Service Regional Office must be contacted about all civil rights complaints.

If you need further assistance in regards to Civil Rights procedures please contact your Child Nutrition Specialist at Region 20 Education Service Center.