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5. Civil Rights Compliance

Civil Rights Laws

Child Nutrition Programs have always been available to all children on an equal opportunity basis. In 1983 the U.S. Department of Justice issued civil rights compliance requirements for all federal agencies based on the following legislation:

- ◆ Title VI of the Civil Rights Act of 1964, which prohibits discrimination based on race, color, or national origin
- ◆ Title IX of the Education Amendments of 1972, which prohibits discrimination based on sex
- ◆ Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination based on disability
- ◆ Age Discrimination Act of 1975, which prohibits discrimination based on age

Requirements

Prior to participation in the USDA Child Nutrition Programs, a pre-award compliance review will be conducted by KSDE. As a result of the U.S. Justice Department's requirements, the U.S. Department of Agriculture (USDA) developed policy instructions for the Child Nutrition Programs (CNP). The USDA instructions require each local sponsor to take the following actions:

- ◆ Comply with all rules and regulations governing nondiscrimination in the administration of the CNP.
- ◆ Make CNP information available to the public upon request.
- ◆ Distribute the Announcement of Child Nutrition Programs, Form 3-F (www.kn-eat.org, School Nutrition Programs, Administration, Program Renewal) to major employers contemplating layoffs or to local media when there are major changes in programs.

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- ◆ Ensure that all forms of communication and program materials regarding the CNP that are printed for public information, public education or public distribution include the following nondiscrimination statement and procedure for filing a complaint:

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 Civil Rights, Room 326-W, Whitten Building, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410 or call (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.

- ◆ If the printed material is one page or less and there is not adequate space to permit the full statement to be included, the materials must include at a minimum the following statement, in print no smaller than the text:

This institution is an equal opportunity provider.

- ◆ Display the USDA nondiscrimination poster at each serving site within view of the participants. The current statement features a picture of the Statue of Liberty. This poster may not be reproduced. If additional or replacement copies are needed, please contact Child Nutrition & Wellness, KSDE at 785-296-2276.
- ◆ When a complaint of discrimination is received, immediately contact USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410 or call (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). Civil rights complaints may be made to federal, state, or local agencies. Any complaint received by KSDE will be forwarded to the USDA Mountain Plains Regional Office in Denver, Colorado.
- ◆ Provide the Civil Rights Complaint Form (5-A) to any individual wishing to make a complaint of discrimination. If the complaint is made verbally or through a phone conversation, the person accepting the complaint should complete the form. The completed form and any corresponding documents should be forwarded immediately to USDA. USDA will resolve any complaint following established methods and regulations.

Use of the Civil Rights Complaint Form cannot be required for acceptance of a complaint. However, it will assist the local agency, state agency and USDA in determining the course of action to take.

- ◆ When a complaint can be resolved informally, use “Alternative Dispute Resolution” (ADR) techniques which may include fact-finding, mediation, facilitating, or conciliation. One common element in all of the ADR techniques is the presence of a person who acts as the facilitator. This facilitator is a neutral person who works with the parties to help them develop an agreeable resolution to their problem.
- ◆ Collect racial/ethnic data and record on the Kansas Individual Data System (KIDS) or on the Application for Child Nutrition Program Benefits as issued by KSDE (Form 3-C). If form 3-C is used the application contains a section in which a household member or school personnel can note the racial/ethnic data for those students listed on the application. Data may be collected by any of the following methods:
 - Observation of school official, or
 - Personal knowledge.
 - Voluntary self-identification
- ◆ Maintain racial/ethnic data on file for three years after the close of the current school year.
- ◆ Establish procedures that effectively restrict record access to only personnel authorized to access records.
- ◆ Make information about program requirements and the procedure for filing a complaint available to non-English speaking persons in their language.
- ◆ To download KSDE’s Spanish translations, go to the Child Nutrition & Wellness website: www.kn-eat.org, School Nutrition Programs, Administration, Foreign Language Translations.
- ◆ USDA translations in Spanish and many additional languages may be downloaded from: www.fns.usda.gov/cnd/FRP/frp.process.htm. If using USDA’s translations, also download their English version so that the determining official can more readily interpret the information provided by applicants.
- ◆ On a case-by-case basis, a child with disabilities shall be provided substitutions in foods at no extra charge only when supported by a statement signed by a physician licensed by the state. The supporting statement shall identify:
 - The child’s disability and an indication of why the disability restricts the child’s diet
 - The major life activity affected by the disability
 - The food or foods to be omitted from the child’s diet and the food or foods that must be substituted

Sponsors must make every effort to obtain food substitutions prescribed by the physician. For further information concerning providing special diets for students with disabilities, refer to Chapter 19 of *Food Service Facts*.

Sponsors are required to:

- ◆ Train “front line staff” and their supervisors annually as required in the Civil Rights Act. These are employees who interact with program applicants or participants regarding program services and benefits. “Front Line Staff” would include school principals, food service directors, servers, school administrative assistants, determining officials, etc. At a minimum, these employees should review the information in this chapter of *Food Service Facts* or review Form 5-B each school year.
- ◆ Cooperate with the civil rights compliance review conducted by Child Nutrition & Wellness, KSDE. This review will establish whether or not the sponsor has met all the obligations for administering the programs with equal access. The compliance review will be a part of the management evaluation process during Coordinated Review Effort (CRE) reviews and Supervisory Technical Assistance Review (STAR) reviews conducted by the KSDE child nutrition consultant.