



# USDA Civil Rights and Requirements

Nebraska Department of Education Nutrition Services Revised 8/2022



# **Goals of Civil Rights**

- Equal treatment for all applicants and beneficiaries
- Knowledge of rights and responsibilities
- Elimination of illegal barriers that prevent or deter people from receiving benefits
- Dignity and respect for all





# **Authority**

# Programs receiving USDA funds must follow civil rights regulations and policy:

- Civil Rights Regulations are intended to assure benefits of Child Nutrition Programs are made available to all eligible people in a non-discriminatory manner.
- All sponsors receiving Federal \$\$ must implement Civil Rights requirements to be eligible for the program.



# **Authority**

Programs receiving USDA funds must follow civil rights regulations and policy:

- Food and Nutrition Service (FNS) 113-1 regulations cover these programs:
  - National School Lunch, Breakfast and Special Milk Programs
  - Summer Food Program
  - Food Distribution Program
  - Child and Adult Care Food Program

https://fns-prod.azureedge.us/sites/default/files/113-1.pdf



Title VI of the Civil Rights Act of 1964:

prohibits discrimination based on race, color, and national origin in programs and activities receiving Federal financial assistance.

The Americans with Disabilities Act of 1990: prohibits discrimination on the basis of disability.



Title IX of the Education Amendments of 1972: prohibits discrimination based on sex under any education program or activity receiving Federal financial assistance

Section 504 of the Rehabilitation Act of 1973: prohibits discrimination based on disability



Age Discrimination Act of 1975: prohibits discrimination based on age in programs or activities receiving Federal financial assistance.

The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA): Enforcement of Title VI of the Civil Rights Act of 1964 and Related Statutes in Block Grant Type Programs.

Title VII: Prevents employment discrimination where the employer is involved in interstate commerce.



Civil Rights Restoration Act of 1987: clarifies the intent of Congress as it relates to the scope of Title VI of the Civil Rights Act of 1964 and related nondiscrimination statutes to ensure nondiscrimination in all programs and activities of a recipient, whether those programs and activities are federally funded or not.

#### **USDA** Departmental Regulation 4330-2:

ensures compliance with and enforcement of the prohibition against discrimination in programs and activities funded in whole or in part by the USDA.

USDA Regulation 7 CFR Part 16: ensures equal opportunity for religious organizations, to compete on an equal footing with other organizations for USDA assistance.



# **Civil Rights Training**

USDA

State Agency

**Local Agencies** 

**Frontline Staff** 



#### **Protected Classes**

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





# SFA Responsibilities for Civil Rights Training

- #1 Collection and Use of Data
- #2 Effective Public Notification Systems
- #3 Complaint Procedures
- #4 Conflict Resolution



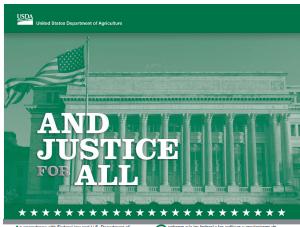
# SFA Responsibilities for Civil Rights Training

- #5 Compliance Review Techniques
- #6 Resolution of Noncompliance
- #7 Requirements for Reasonable Accommodations of Persons with Disabilities
- #8 Requirement for Language Assistance
- #9 Customer Service





#### 1 Collection and Use of Data



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), age, disability, and 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 for program information (e.g., Braille, large print, audiotape, and 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

www.usda.gov/sites/default/files/documents/usda-program-discrimination-complaint-form.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:

Office of the Assistant Secretary for Civil Rights 1400 Independence Avenue, SW Washington, D.C. 20250-9410; or

(833) 256-1665 or (202) 690-7442; or

program.intake@usda.gov.

This institution is an equal opportunity provider.

 onforme a la ley federal y las políticas y regulaciones de derechos civiles del Departamento de Agricultura de los Estados Unidos (USDA), esta institución tiene prohibido essacos unidos (USDA), esta institución tiene prohibido discrimiar por motivos de razz, color, origen nacional, sexo (incluyendo identidad de genero y orientación de sexual), edad, discapacidad, venganza or represalla por actividades realizadas en el pasado relacionadas con los derechos civiles.

La información del programa puede estar disponible en otros La intormación del programa puede estar espontible en decidirios además de linglés. Las personas con discapacidades que requieran medica de comunicación alternativos para obtener información sobre el programa (por ejemplo, Bralle, letra agrandada, grabación de audio y lenguaje de señas americano) deben comunicarse con la agencia estatal o local responsable que administra el programa o con el TARGET Centrer del USDA al (202) 720-2600 (voz y TTY) o comunicarse con el USDA a través del Servicio Federal de Transmisión de Información al (800) 877-8339.

Para presentar una queja por discriminación en el programa, el reclamante debe completar un formulario AD-3027, Formulario de quela por discriminación del programa del USDA, que se puede obtener en línea, en https://www.usda.gov/sites/default/files/ obtaner en linea, en https://www.usda.gov/wistes/default/filea/ documents/USDA-forgam/ComplainForm-Spanish-Section 508 Compliant.pdf, en cualquier oficina del USDA, Ilamando al (866) 832-9992, o escribiendo una carta dirigida al USDA. La carta debe contener el nombre, la disección y el número de telefono del readimantie, y uma descripción escrita de la supuesda acción rediscrimination con sufficiente detalle para informar al Subsecretario de Derechos Civiles (ASCR, por sus siglas en inglés) sobre la naturaleza y la fecha de la presunta violación de los derechos civiles. La carta o el formulario AD-3027 completado debe enviarse al USDA por medio de:

u. S. Department of Agriculture
U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410; o'

fax: (833) 256-1665 o' (202) 690-7442; o' correo electrónico:

program.intake@usda.gov.

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### Obtaining Ethnic/Racial Data

 Voluntary self-identification or selfreporting (preferred method)

Income application: Household applications that are completed each year and submitted to the SFA have a section for the household to identify their

ethnic and racial data



# 2 Ethnic Categories

 Hispanic or Latino persons of Cuban, Mexican, Puerto Rican, South or Central American or other Spanish culture or origin regardless of race.

Not Hispanic or Latino





# **5 Racial Categories**

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



https://fns-prod.azureedge.us/sites/default/files/113-1.pdf



## 2 Effective Public Notification Systems



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program.intake@usda.gov.

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idiomas además del inglés. Las personas con discapacidades que requieran medios de comunicación alternativos para obtener large print, audictape, and American Sign Language) should contact the responsible State or local Agency that administers the program or USAN TARGET Cretter is Q227 120 x2600 votated USAN a rootstad USAN through the Federal Relay Service at decision and contact USAN through the Federal Relay Service at decision and contact USAN through the Federal Relay Service at decision and contact USAN at 2020 2020 x2600 votated USAN at 2020 2020 x2600 x2743 x2600 x2747 x2600 Servicio Federal de Transmisión de Información al (800) 877-8339.

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correo postal:
U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410, o'

fax: (833) 256-1665 o' (202) 690-7442; o'

correo electrónico: program.intake@usda.gov.

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Program

Availability

Public Notification

Nondiscrimination Statement Complaint Information



#### **Methods of Public Notification**

- Public Release (required)
- Post "And Justice for All" poster (required)
- Other methods of public notification (optional)





#### **Public Release**

Must include information on:

- Eligibility
- Benefits & Services
   (i.e. free or reduced price meals)
- Program availability
- Applicant rights and responsibilities

#### **Public Release**

Must include information on (continued):

- Procedures for filing a complaint
- Non-discrimination policies
- Any programmatic changes (i.e., changing location of a meal site)



#### "And Justice for All Poster"

All programs participating in Child Nutrition Programs must display the USDA's non-discrimination poster in a prominent area where participants and potential participants have access.



than English. Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotage, and 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 agrandad, grabación de autol y lenguajo, de aliei, etal agrandad, grabación de autol y lenguajo de señas americano) deben comunicarse con la agencia estatal o local responsable que administra el programa o con el TARGET Center del USDA al (202) 720-2600 (voz y TTY) o comunicarse con el USDA a través del TTY) or contact USDA through the Federal Relay Service at (800) 877-8339.

To file a program discrin complete a Form AD-3027, USDA Program Discrimination Complaint Form, which can be obtained online, at

The letter must contain the complainant's name, address, telephone number, and a written description of the alleged

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1400 Independence Avenue, SW Washington, D.C. 20250-9410; or

(833) 256-1665 or (202) 690-7442: or program.intake@usda.nov

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ILS Department of Agriculture

naturaleza y la fecha de la presunta violación de los derechos civiles. La carta o el formulario AD-3027 completado debe envis al USDA por medio de:

correo postal:
U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410; o'

información sobre el programa (por ejemplo, Braille, letra

Servicio Federal de Transmisión de Información al (800) 877-8339

reclamante debe completar un formulario AD-3027, Formulario de queja por discriminación del programa del USDA, que se puede obtener en línea, en https://www.usda.gov/sites/default/files/ documents/USDAProgramComplaintForm-Spanish-Section 508 Compliant.pdf. en cualquier oficina del USDA. llamando al (866)

Para presentar una que a por discriminación en el programa, el

(833) 256-1665 o' (202) 690-7442: o' program.intake@usda.gov

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#### "And Justice for All Poster"

Must be posted at every food service/ preparation site

- In each cafeteria where meals are served
- Other possible locations:
  - In offices where free & reduced determinations are made
  - Entrance to facility

Must be 11" x 17" format

Posters may be obtained from NDE NS



n accordance with Federal 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, age, disability, and reprisal or retailation for prior civil rights activity. (Not all prohibited bases apply to all programs.)

Program information may be made available in languages other han English. Person with disabilities who require alternative means of communication for program information (e.g., Braille, lege print, auditobap, and American Sigh. Language) should contact the responsible State or local Agency that administers the program or USASA STARET Center at (2007, 200-2000 voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8390.

To file a program discrimination compliant, a complainant should complied as Film A-2027, USAN Poper Informitiant Compliant Form, which can be obtained unline, at https://www.ascucada.gov/silende/si

Mail:
U.S. Department of Agriculture
Office of the Assistant Secretary

Office of the Assistant Secretary for Civil Rights 1400 Independence Avenue, SW Washington, D.C. 20250-9410; or

fax: (833) 256-1665 or (202) 690-7442;

email: program.intake@usda.gov

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(833) 256-1665 o' (202) 690-7442 correo electrónico: program.intake@usda.gov.

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derechos civiles del Departamento de Agricultura de los Estados Unidos (USDA), esta institución tiene prohibido

La información del programa puede estar disponible en otro

que requieran medios de comunicación alternativos para obtener información sobre el programa (por ejemplo, Braille, letra agarnadad, parbación de audo o (seguia) de señas americano) deben comunicarse con la agencia estatal o local responsable que administra el programa o con el TARGET Center del USDA al (202) 720-2800 (voz y TTY) o comunicarse con al USDA a través del

diomas además del inglés. Las personas con discapacidades

Servicio Federal de Transmisión de Información al (800) 877-8339

obtaner en linea, en https://www.ascrusda.gov/sites/defau/fillies/ USBA-DASGR\u00e480Pi-Comclaint-form-5058-0012-568-11-128-11Fau/Mail pdf. en cualquier officina del USBA, llamrando al (868) 632-9992 o sentriendo una carda didigida al USBA. La carta debe contener el nombre, la dirección y el número de teléfono del delimante, y una descripción escrita de la supuesta acción di sociamante, y una con suficiente detalle para informar al Subsecretario

oscuminatoria con suntentre decianie para informar ai ocusario de Derechos Civiles (ASCR, por sus siglas en inglés) sobre la naturaleza y la fecha de la presunta violación de los derechos civiles. La carta o el formulario AD-3027 completado debe env al USDA por medio de:

Para presentar una queja por discriminación en el programa, el reclamante debe completar un formulario AD-3027, Formulario de queja por discriminación del programa del USDA, que se puede

discriminar por motivos de raza, cotor, origen nacional, sexo, edac discapacidad, verganza o represala por actividades realizadas en el pasado relacionadas con los derechos civiles (no todos los principios de prohibición aplican a todos los programas).

Form A3-475-A—Assisted Foster/ Revised September 2019

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# Non-Discrimination Statement Usage Information

The full statement is the preferred statement on all documents any time the USDA food programs are referred to in brochures, bulletins, leaflets, and letters

The full statement must be used in documents that are more than 1 page.





# Examples which require the Non-discrimination Statement:

- F/R Meal Applications
- Parent/Student Handbooks
- Employee Handbooks
- Newsletters
- Brochures

- Print or broadcast advertisements
- Flyers
- Websites
- Menus not required



# Nondiscrimination Statement Long Version

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 (including gender identity and sexual orientation), 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, audiotape, American Sign Language, etc.), should contact the Agency (State or local) where they applied for benefits. Individual 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 <u>USDA Program Discrimination</u> Complaint Form, (AD-3027) found online at:

https://www.usda.gov/oascr/how-to-file-a-program-discrimination-complaint 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:

Mail: U.S. Department of Agriculture

Office of the Assistant Secretary for Civil Rights 1400 Independence Avenue, SW Washington, D.C. 20250-9410;.

Fax: (202) 690-7442

Email: program.intake@usda.gov



#### **Nondiscrimination Statement Short Version**

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.



# Nondiscrimination in Images



When using graphics / images, reflect diversity and inclusion.





# 3 Compliant Procedures & 4 Conflict Resolution



In accordance with Federal 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), age, disability, and reprise or retaliation for prior civil rights activity:

Peggam information may be made available in languages other har English. Percos with disabilities who require alternative means of communication for program information (e.g., Braille, usage print, underloop, and American Sign Languages) should contact the exponsible State or local Agency that administers the purpose or SIGNA PARCET Center along 1742-1840 (vice and oppose or SIGNA PARCET Center (2007) 1743-1840 (vice and 1869) 174

compile a Form AD-3227, USBA Program Discrimination Compilant Form, which can be obtained online, at www. usefa. apvintee/sefeeta/Nikes/documente/sefee programs-discrimentaline-documente/sefeeta/Nikes/documente/sefeeta/sefeeta/sefeeta/sefeeta/sefeeta/sefeeta/sefeeta/sefeeta/sefeeta/sefeeta/sefeeta/sefeeta/sefeeta/sef

mail: U.S. Department of Agriculture Office of the Assistant Secretary for Civil Rights 1400 Independence Avenue, SW Washington, D.C. 20250-9410; or

fax: (833) 256-1665 or (202) 690-7442; or

email:

program.intake@usda.gov.

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conforme a la ley federal y las políticas y regulaciones de desencia civiles de Dispartamento de Agricultura de los Estados Unidos (USDA), desti antibución bese prohibido desarmiento por motivos de raza, cudar, origen racional, seaso (incupando identificado de general y operatura de sexual), ediad, discasociadad venganza o repressila por actividades e realizadas en el pasado relacionadas con los directoros civilos.

La información del programa puede estra disponible en otros tálicimas ademiade del rigile. La personación discapacidades que requiera medios de comunicación alternativos para obtener información socie de programa (por ejemblo. Darde. Letra agrandelas, gratación de audio y incipulas de selha amentanos) administra del programa con el RARGE Cester del USDA al (2022) 720-5609 (voz y TTY) comunicarse con el USDA a través del Servico Faderal del Taminismos de territoricos del 809 ST-43339.

Para presentar una quija por discriminación en el orgorama, el indiciriament deltos completer un formalismo An-3027, Fromalismo de quija por discriminación del programa del USDA, que se puede obtener en línea, o https://www.ados.purisides.eldes.utilizado documental USDA programo presenta del USDA, alternativa documental USDA programo presenta del USDA, alternativa 252-2992, e escribinación una carta dirigida al USDA. La carta del dele contaner el nombre, la descodor y el número de telefono del reclamante, y una descripción escriba del su puesta sociodiscriminatatria con afficiente destile para informar al Subsecretario descriminatatria con afficiente destile para informar al Subsecretario descriminatatria con la ficiente destile para informar al Subsecretario abuntariaza y la ferir de la presunta solución de la secreta. civiles La carta o el formulario AD-3027 complessos debe enviarse al USDA por medio.

corroe postal:
U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410; o'

fax: (833) 255-1665 o' (202) 690-7442; o' correo electrónico: program.intake@usda.gov.

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Form AD-415-A--Assisted Poster! Revised May 2002

Afiche complementario all'Formulario AD-475 AJ Revisado May 2022



# **Complaint Procedure Plan**

SFAs and Institutions are required to develop and implement a written procedure to handle any discrimination complaint that may be received.



# Civil Rights Complaints

Allege that discrimination has occurred in violation of one of the protected classes



- Color
- **National origin**
- Sex (including gender identity and sexual orientation)
- Age
- **Disability**



# Discrimination is... when an individual or group of individuals are:

- Delayed benefits or services
- **Denied** benefits or services
- Treated <u>Differently</u> than others to their disadvantage
- Given Disparate Treatment



# Where Do They Send the Complaint?

Complainants may choose to:

- Contact USDA directly or
- Contact NDE NS directly, or
- Notify the SFA of their complaint

SFAs and Institutions must forward all discrimination complaints received regarding Child Nutrition Programs to NDE NS within **5 working days** 



# **Procedures for Filing a Complaint**

#### 1. Right To File A Complaint

Any person alleging discrimination based on race, color, national origin, sex, age, or disability has a right to file a complaint within 180 days of the date of the alleged discriminatory action.



# **Procedures for Filing a Complaint**

#### 2. Verbal Complaints

A complaint does not need to be written by the person alleging that discrimination has occurred.

If the complaint is verbal, the SFA needs to record the complaint for the person.



## Procedures for Filing a Complaint

## 3. Acceptance

It is the SFAs and Institutions responsibility to accept the complaint and to be able to do so requires that you collect certain information.

The complaint is then forwarded to the appropriate officials for processing.



## How to Handle a Complaint

- Use the Complaint Form
- Enter the Complaint on the Log
- Refer the complaint to the SFA's and Institution's civil rights contact person
- Report the complaint to NDE within 5 working days.



### **Conflict Resolution**

## The USDA recommends using an Alternative Dispute Resolution (ADR) program

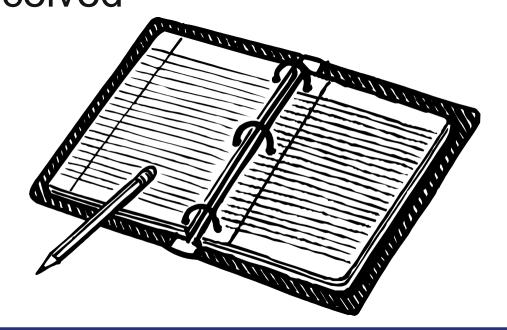
<u>ADR Definition</u>: use of a neutral third party (usually a person acting as a facilitator) to resolve informally a complaint of discrimination through use of various techniques such as fact finding, mediation, peer panels, facilitation, ombudsman support, or conciliation.

https://www.eeoc.gov/federal-sector/federal-sector-alternative-dispute-resolution



## Civil Rights Complaint Log

Log must be dated and kept for 3 years + current year, even if no complaints have been received





## Civil Rights (CR) Binder

- Separate sections for
  - 1) SFA's and Institution's CR complaint procedure,
  - 2) CR complaint Log,
  - 3) Copies of CR complaint forms
- An information sheet that identifies the Civil Rights coordinator for the SFA





## **5** Compliance Review 6 Resolution of Noncompliance



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Para presentar una queja por discriminación en el programa, el reclamante debe completar un formulario AD-3027, Formulario de queja por discriminación del programa del USDA, que se puede queija por discriminación de programa del DSDA, que se puede obtener en linea, en https://www.usda.gov/siles/default/files/documents/USDA/Program/ComplaintForm-Spanish-Section 508 Compliant, pdf., en cualquier efaina del USDA, illamando al (866) 632-9992, o escribiendo una carta dirigida al USDA. La carta debe contener el nombre, la dirección y el número de teléfono del discriminatoria con sufficiente descrita de la supuesta acción discriminatoria con sufficiente detalle para informar al Subsecretar de Derechos Civiles (ASCR, por sus siglas en inglés) sobre la naturaleza y la fecha de la presunta violación de los derechos civiles. La carta o el formulario AD-3027 completado debe enviarse

correo postal: U.S. Department

U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights

fax: (833) 256-1665 o' (202) 690-7442; o' correo electrónico: program.intake@usda.gov

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## Information for SFAs and Institutions

#### Nutrition Services will ask:

- 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?



### Information for SFAs and Institutions



No separation based by race, color, sex(including gender identity and sexual orientation), disability, age or national origin in:

- Meal time
- Seating arrangements
- Serving lines
- Eating areas



## Information for SFAs and Institutions

- Foreign language translations are available
- USDA poster displayed in prominent place
- Correct nondiscrimination statement on program materials
- Incorrectly denied F/R applications are not disproportionately composed of minority applications
- Disabled students are provided program benefits



## Resolution of Noncompliance

- Civil Rights findings during the Review require a Corrective Action Plan that ensures compliance with the FNS 113-1 Instruction
- An acceptable corrective action plan must be submitted
- Failure to respond or correct the finding may result in suspension or termination of financial assistance



## 7 Reasonable Accommodations of Persons with Disabilities



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) are disability and reprisal or retaliation for prior civil

than English. Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, and American Sign Language) should contact the responsible State or local Agency that administers the program or USDA's TARGET Center at (202) 1720-2600 (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

www.usda.gov/sites/default/files/documents/usda-program discrimination-complaint-form.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:

U.S. Department of Agriculture Office of the Assistant Secretary for Civil Rights 1400 Independence Avenue, SW Washington, D.C. 20250-9410; or

(833) 256-1665 or (202) 690-7442; or

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correo postal: Corroo postal: U.S. Department of Agriculture Office of the Assistant Secretary for Civil Rights 1400 Independence Avenue, SW Washington, D.C. 20250-9410; o'

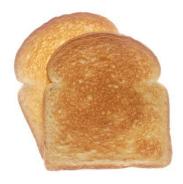
correo electrónico: program.intake@usda.gov

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## Accommodating Children With Special Dietary Needs









## Federal Regulations

- The Rehabilitation Act 1973 (Section 504) and The Americans with Disabilities Act – 1990
- Individuals with Disabilities Education Act (IDEA)
- USDA Regulations
  - 7 CFR 15b
  - 7 CFR 210 and 220





### **Students With Disabilities**

Schools **must** make food substitutions or modifications in school meals for children whose disabilities restrict their diets.





## **Definition of a Disability**

Anyone who has a physical or mental impairment, which **substantially limits** one or more of the **major life activities** 





### **ADA Amendment Act of 2008**

- Expanded to include "Major Bodily Functions":
  - Immune system
  - Normal cell growth
  - Digestive, bowel, and bladder functions
  - Neurological, brain, respiratory functions
  - Circulatory, cardiovascular, endocrine, and reproductive functions



### **ADA Amendment Act of 2008**

- What does this mean to schools?
  - More children identified with food-related disability
  - More required meal accommodations





## Individualized Education Program (IEP)

- An IEP outlines the child's program of Special Education and Related/Support Services
  - School meals maybe considered a related/support service
- An IEP may include:
  - A written statement that addresses a child's nutritional needs OR
  - A health care plan developed by the school nurse which identifies the child's special dietary needs.

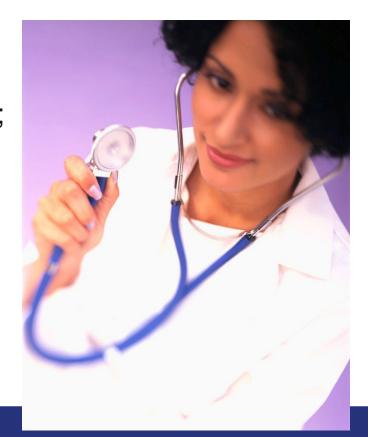




## Medical Statement for a Child With a Disability

#### The statement must include:

- The child's disability;
- How the disability restricts the diet;
- Major life activity affected;
- Foods to be omitted;
- Foods to be substituted; and
- Licensed physician's signature.



### NDE's Preferred Medical Statement

 To obtain a copy of the medical statement go to:

https://www.education.ne.gov/ns/forms-resources/national-school-lunch-program/special-diets-2/





## Additional Requirements for a Child With a Disability

- Food service is not required to provide a meal that is not normally offered (i.e., breakfast) unless required in a student's IEP
- Costs can not be charged to parents
- Include meeting special dietary needs in contracts with Vendors and Food Service Management Companies



## Accommodating Children With a Disability



If supported by a Medical Statement signed by a Licensed Physician, special diets **are** reimbursable:

- Even if the meal does not meet USDA meal pattern requirements
- When both the school and household agree to supply different food components of the meal
  - Plan must be documented on the Medical Statement and approved by the signing physician

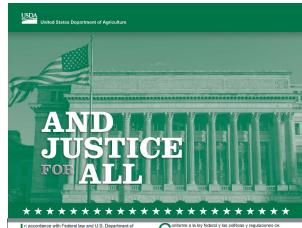


## A Child Without a Disability

- May request a special diet or accommodation.
- Schools are encouraged, but are NOT REQUIRED to make food substitutions
- Food allergies or intolerances
  - NOT generally considered a disability UNLESS the food causes a life-threatening reaction.
- In many cases, food allergies can be managed using "Offer versus Serve" or by providing additional food selections.



## 8 Language Assistance



accordance with Federal 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), age, disability, and reprisal or retaliation for prior civil

Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, and American Sign Language) should contact the responsible State or local Agency that administers the

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www.usda.gov/sites/default/files/documents/usda-program-discrimination-complaint-form.pdf, from any USDA office, by calling (866) 532-9992, 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:

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(833) 256-1665 or (202) 690-7442; or

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ornorme: utili signi toderia y risa porticos y regulacionde de decercitos civiles del Departamento de Agricultura de los Estados Unidos (USDA), esta institución tiene protitorio discontiniar por molivos de razo, code, orgen nacional, sexo (incluyendo lotera de la companio de la contraction de sexuali), edad, discapsicado, vivoganza o represalla por actividades residicadas en el pessodo electricadas. con los derechos civiles.

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orreo postal:
U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410; o'

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## Limited English Proficiency (LEP)

- Individuals who do not speak English as their primary language and have limited ability to read, speak, write, or understand English.
- Recipients of Federal financial assistance have a responsibility to take reasonable steps to ensure meaningful access to their programs and activities by persons with LEP.



## Limited English Proficiency (LEP)

- Children should not be used as interpreters.
- Volunteers may be used, but make sure they understand interpreter ethics – particularly <u>confidentiality</u>!



### **LEP & School Districts**

Must make materials available in the appropriate language









# LEP & School Districts 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
- Language line phone services
- Grassroots organizations



## 9 Customer Service



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Pats presentes une queja por discriminación en el programa, el reclamante debe competate un formulario AD-3027, Formulario de queja por discriminación del programa del USDA, que se puede obtener en línea, en https://www.usda.gov/sitea/default/filles/ documentat/USDA/en program/Complaint/Form-Spaint-Section 505 Compliant.pdf, en outgram/Complaint/Form-Spaint-Section 405 Compliant.pdf, en outgram/Complaint/Form-Spaint-Section 405 (AB-405). All mando al (866) Compliant part, and countered motions deliver to such a standard or good 923-9982, o escribbendo una carta drigida at USDA. La carta debe contense el nombre, la dirección y el número de telefório del reclamante, y una descripción eserín de la supuesta acción discriminatoria con subicente detalle para informar al pubercelario de Derechos Civiles (ASCR, por sua siglas en inglés) sobre la constitución de la constitución de la constitución de la constitución por sua siglas en inglés) sobre la naturaleza y la fecha de la presunta violación de los derechos civiles. La carta o el formulario AD-3027 completado debe enviarse al USDA por medio de:

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U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410; o'

fax: (833) 256-1665 o' (202) 690-7442; o'

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### **Customer Service**

All participants must be allowed equal opportunities to participate in Child Nutrition programs regardless of race, color, national origin, sex (including gender identity and sexual orientation), age, or disability.



### **Customer Service**

All participants must be treated in the same manner:

- ✓ seating arrangements
- ✓ serving lines
- ✓ services and facilities
- ✓ assignment of eating periods
- methods of selection for application approval processes



## 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?

## Ask yourself each time you interact with participants...

- Have I given this person the opportunity to clarify all relevant factors or inconsistencies and ask questions?
- Have I provided this person with needed information to make necessary decisions?

## Summary Civil Rights "Must Do List"

- Prominently display the And Justice for All poster
- Non-discrimination statement must be on all printed materials available to the public which mention USDA and/or Child Nutrition
   Program meals and snacks
- Must offer meals to all students in the school



## Summary Civil Rights <u>"Must Do List"</u>

- Offer any Child Nutrition Program in a nondiscriminatory manner
- Train staff annually on Civil Rights
- Develop & fully implement your Civil Rights
   Complaint Procedure
- Make available to all staff Civil Rights Complaint forms, Log and Complaint Procedure

## Questions? Contact Us:

Nutrition Services 402-471-2488

or 800-731-2233 (outside Lincoln)

