

Civil Rights Training for School Nutrition Professionals

Wisconsin Department of Public
Instruction (DPI)

School Nutrition Team

<http://dpi.wi.gov/school-nutrition>



Welcome to the USDA Civil Rights Training for employees and school staff that work with the School Nutrition Programs. This Power Point Presentation has been created by the Wisconsin Department of Public Instruction (DPI), School Nutrition Team.

Why Civil Rights Training?

USDA requires civil rights training on an annual basis so that all levels of administration of programs receiving Federal financial assistance understand civil rights related laws, regulations, procedures, and directives.

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All School Food Authorities, or SFAs, that participate in the USDA Child Nutrition Programs must comply with Federal civil rights requirements and regulations. These regulations are intended to ensure that the benefits of the Child Nutrition Programs are made available to all eligible people in a nondiscriminatory manner.

This training outlines the specific civil rights regulations that govern the Child Nutrition Programs and is meant for all who interact with Child Nutrition Program participants to inform and educate them of their rights and responsibilities as administrators of these programs.

Federal Law Prohibits Discrimination on the Basis of These Protected Classes:

Color

National Origin

Age

Disability

Sex

Race

It is the policy of USDA to prohibit discrimination in all of its programs and activities on the basis of protected classes and to provide fair and equitable treatment to every customer.

Federal Law Prohibits Discrimination on the Basis of These Protected Classes:
Race, Color, National Origin, Sex, Disability and Age

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. Some examples are:

- delaying or denying benefits/services to an individual or group that other individuals or groups receive
- treating individuals or groups differently than others, which puts them at a disadvantage
- Reprisal or retaliation for prior Civil Rights activity

The basis of the civil rights laws originate from some of the following Acts:

- Title VI, Civil Rights Act of 1964 prohibits discrimination based on national origin, race and color;
- Title IX of Education Amendments of 1972 prohibits discrimination based on sex;
- Section 504 and the ADA prevents discrimination based on disability;
- The Age Discrimination Act of 1975;
- Americans with Disabilities Act Amendments Act of 2008

Additional Wisconsin Protections

- Pregnancy
- Marital Status
- Parental Status
- Religion
- Creed
- Ancestry

The additional State of Wisconsin protections include:

- Pregnancy
- Marital status
- Parental status
- Religion
- Creed
- Ancestry

All federal Child Nutrition Programs operating in *public school districts* in Wisconsin must adopt both federal and state protected classes. Private schools must only adopt the Federal protected classes.

Public Notification

Program Availability

Complaint Information

Nondiscrimination Statement

All SFAs that participate in the USDA Child Nutrition Programs must include a public notification system. The purpose of this is to inform applicants, participants, and potentially eligible persons of the program availability, program rights and responsibilities, policy of nondiscrimination, and procedure for filing a complaint.


In the following slides, we will discuss the public notification requirements, which include the public release, the “And Justice for All” Poster, and the nondiscrimination statement.

Public Notification

Child Nutrition Programs must include a public notification system to:

Inform surrounding areas that your school or agency participates in the Child Nutrition Programs




Reach as many potential participants as possible



Provide the steps needed to participate

The purpose of the public notification is to reach potentially eligible participants to:

- Inform the surrounding area that your school or agency participates in the Child Nutrition Programs
- Ensure that potentially eligible individuals or households are aware that they may be eligible to receive Food Nutrition Services (FNS) program assistance, benefits, or services
- Provide the steps needed to participate

For the Special Milk Program (SMP), the public release including eligibility standards is only required for the pricing with free milk option. The non-pricing plan and pricing without free milk do not require a public announcement of eligibility standards. However, all other civil rights requirements apply, including posting the And Justice for All poster in a visible location and including the non-discrimination statement on all program materials.

Public Notification Requirements

- The Income Eligibility Guidelines
- The benefits and services offered
- Program availability, location, and hours of service
- Applicants' rights and responsibilities
- The procedures for filing a complaint
- Nondiscrimination statement
- Any other programmatic changes

The public notification must include the following information:

- The Income Eligibility Guidelines
- The benefits and services offered (e.g., free or reduced price school meals and snacks)
- The program availability, location, and hours of service
- Applicant rights and responsibilities
- The procedures for filing a complaint
- Nondiscrimination statement
- And, any other programmatic changes (e.g., changing location of a meal site)

The DPI School Nutrition Team has a template public notification document, referred to as the Public Release, located on the DPI School Nutrition Free and Reduced Price Eligibility webpage. This Public Release template should be used to meet this requirement.

For SFAs operating the Special Milk Program, income eligibility guidelines are only used in the SMP pricing with free milk option.

Public Notification Outreach

Local news media

Grassroots organizations

Major employers contemplating or experiencing large layoffs, unemployment offices, etc.

At the beginning of each school year, each SFA participating in the USDA Child Nutrition Programs must provide the Public Release to a variety of community organizations to reach potentially eligible participants.

At a minimum, this should include:

- The local news media, which could include the local newspaper, radio, television, or internet. SFAs are not required to pay to have it published, but it must be submitted with the intent to have it published
- Grassroots organizations that reach minority or underrepresented groups. Examples include local/community colleges, churches, refugee/immigrant settlement services, laundromats, social service agencies, libraries, grocery stores, food pantries, senior centers, physician offices/clinics, or Community Action Program Agencies.
- Major employers contemplating or experiencing large layoffs
- Public notification may also be included in bulletins, letters/leaflets/brochures, and Internet/computer-based applications

Keep documentation on file of where information was sent and the date it was submitted

“And Justice for All” Poster

Current USDA nondiscrimination poster must be displayed in a visible and readable location where program participants have access.

Examples: Cafeteria or food service area

Must be at least the 11” x 17” format



The USDA “And Justice for All” poster must be placed in a prominent, visible location wherever meals or snacks are provided, such as the cafeteria or food service area.

For SFAs that offer breakfast in the classroom or afterschool snacks in a location other than where meals are served, if students will be in the cafeteria where the poster is displayed at some point during the school day, this will meet this requirement.

The poster must be the most current version and be in the 11” X 17” format.

Posters are available free of charge from the School Nutrition Team. To order updated posters send an email to dpifns@dpi.wi.gov

Nondiscrimination Statement

The USDA nondiscrimination statement must be included on program materials, including websites, used to inform the public about the USDA Child Nutrition Programs

All materials and sources, including websites, used to inform the public about the USDA Child Nutrition Programs must contain the current USDA nondiscrimination statement.

There are two nondiscrimination statements: the full, official statement and the shortened statement.

Either statement:

- Must use exact wording and cannot be changed in any way;
- Cannot be altered and must use the exact formatting; and
- The shortened NDS must be the same size font as the rest of the document. The full statement must be legible and is recommended to be no less than 8 point.

A State of Wisconsin nondiscrimination statement is not required to be posted.

Full USDA Nondiscrimination Statement

In accordance with federal civil rights 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), disability, age, or 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 to obtain program information (e.g., Braille, large print, audiotape, 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: <https://www.usda.gov/sites/default/files/documents/USDA-OASCR%20P-Complaint-Form-0508-0002-508-11-28-17Fax2Mail.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:

1. mail:
U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410; or
2. fax:
(833) 256-1665 or (202) 690-7442; or
3. email:
program.intake@usda.gov

This institution is an equal opportunity provider.

This full version of the USDA nondiscrimination Statement must be included on program materials including parent handbooks, program websites, employee handbooks, free and reduced price meal applications, and letters to the households. Please note, the Nondiscrimination Statement was update in May 2022 to clarify that the definition of sex includes gender identity and sexual orientation.

It is not required that the nondiscrimination statement be included on every page of a program website. At a minimum, the nondiscrimination statement, or a link to it, must be included on the home page of the program information. A link on a website to the "And Justice for All Poster" does not meet this requirement.

Requesting a Religious Exemption

Under U.S. Department of Agriculture (USDA) regulation 7 CFR 15a.205, educational institutions and other entities may claim an exemption from the provisions of Title IX by submitting a written declaration to the Secretary of Agriculture identifying the provisions that conflict with a specific tenet of the religious organization.



USDA's Postal Service mailing address is:

U.S. Department of Agriculture

1400 Independence Ave., S.W.

Washington, DC 20250

Under U.S. Department of Agriculture (USDA) regulation found in 7 CFR 15a.205, educational institutions and other entities may claim an exemption from the provisions of Title IX by submitting a written declaration to the Secretary of Agriculture identifying the provisions that conflict with a specific tenet of the religious organization. The request should be submitted to the address listed on the slide.

Shortened USDA Nondiscrimination Statement

“This institution is an equal opportunity provider.”

The full version of the nondiscrimination statement should always be used on all vital documents, however the shortened version of the nondiscrimination statement ***This institution is an equal opportunity provider*** may be used in limited circumstances only. This could include menus, flyers, certain brochures, buttons, etc. It is recommended to contact the School Nutrition Team prior to using the shortened statement.

Other Things to Consider...

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



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CIVIL RIGHTS AND CUSTOMER SERVICE

Now we will discuss civil rights & how it relates to customer service.

Civil Rights and Customer Service

Allow equal
access

Treat in the
same
manner

Understand
differences

Use
respectful
language

Civil rights impacts all areas of Child Nutrition Programs from production to service, and every student must be treated equally.

Within Child Nutrition Programs:

- All students must be allowed equal access to participate in the Child Nutrition Programs.
- All participants must be treated in the same manner.
 - Examples include: seating arrangements, serving lines, services and facilities, assignment of eating periods, student/staff interactions, methods of selection for application approval and verification processes.
- It is also important to understand differences and use respectful language. Examples include:
 - Putting the **person** first (for example, “person with a disability” NOT “disabled person”)
 - Using culturally sensitive language (for example, “Asian” NOT “Oriental”)
 - Use inclusive/respectful terms (for example, “chairperson” NOT “chairman”)

Interacting with Program 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 of exactly what information I need to decide on the application?
- Have I given this person the opportunity to clarify any questions?
- Have I provided this person with information they need to make necessary decisions?

To further enhance your cultural sensitivity, here are some more questions to ask yourself and your staff:

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

If you are listening to this presentation as part of a group, it may be helpful to pause and discuss these questions.

Denial of Meals or Milk

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.

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. Denial of meals cannot be used as disciplinary action, and a child cannot be required to work for his/her meals.

The exception to this is if disciplinary action indirectly results in loss of meals, such as being suspended from school.

For SFAs participating in the Special Milk Program (SMP), milk may not be denied to students for disciplinary reasons.



For SFAs in SMP only
this section applies to
pricing with free milk
option only

CIVIL RIGHTS AND THE FREE/REDUCED PRICE MEAL APPLICATION APPROVAL PROCESS

Now we will discuss how Civil Rights affects the Free/Reduced Price Meal Application Approval Process.

For SFAs participating in the Special Milk Program, this section only pertains to the pricing with free milk option plan. The non-pricing plan and pricing without free milk do not collect free/reduced meal applications.

Program Participation

- Students cannot be required to participate
- Application determinations must be made in a nondiscriminatory manner
- Admission procedures must not restrict enrollment or participation in the USDA Child Nutrition Programs

- Student participation in the Child Nutrition Programs is always optional and households cannot be required to complete an application.
- All free and reduced price meal application eligibility determinations must be made in a nondiscriminatory manner without regard to race, color, national origin, age, sex or disability. The Civil Rights Compliance Self Evaluation form (PI-1441) can assist in analyzing this at your SFA. (This form is located on the Civil Rights webpage on the DPI School Nutrition Team website.)
- All admissions decisions must be nondiscriminatory and not restrict school enrollment or participation in the school meal or snack programs based on a protected class.

Overt Identification

Overt identification is any action that may result in a child being recognized as certified for free or reduced-price school meals or free milk.

Overt Identification is any action that may result in a child being recognized as certified for free or reduced price school meals or free milk.

SFAs must ensure that a child's eligibility status is not disclosed at any point in the process of providing free and reduced price meals or free milk, including:

- When the child or household is notified of the availability of free and reduced price benefits;
- During certification and notification of eligibility;
- During the provision of meals in the cafeteria;
- At the point of service;
- During the provision of additional services, such as educational services to low income children;
or
- When the child pays for their meals or milk.

Confidentiality and Sharing of Free and Reduced Eligibility

- Information provided by families on the free and reduced price meal application must not be used for any purpose other than determining and verifying eligibility for free and reduced price meals
- Parental written consent is always required to disclose children's eligibility status for any other purposes, such as fee waivers and other local programs
- A *Sharing Information with Other Programs* waiver template is located on the DPI School Nutrition website, which the school must keep on file

- The information provided by families on the free or reduced price meal application must not be used for any purpose other than determining and verifying eligibility for free and reduced price meals.
- The SFA must seek written consent from the parent or guardian to use the information provided on the application for non-program purposes. This includes fee waivers, holiday baskets, other local programs, and other requests for sharing of eligibility information.
- This consent is provided through a written *Sharing Information with Other Programs* waiver and must be kept on file at the SFA.
- The Sharing Information with Other Programs form must:
 - Clearly inform households of the waiver's purpose
 - Authorize release of free and reduced-price eligibility information
 - Identify how the information will be used
 - Identify who will use the information
 - Be signed by a parent or guardian annually (Note: Schools are not responsible for verifying authenticity of parent/guardian signatures)
- A template *Sharing Information with Other Programs* form is found on the School Nutrition Website.
- When parents have provided their consent, the USDA authorizes schools to release only

student F/R eligibility status as stated in the *Eligibility Manual for School Meals*. NO OTHER INFORMATION ON THE APPLICATION MAY BE RELEASED.

Disclosure Requirements

- The release of data by an SFA is always optional, not required
- Aggregate information will often meet the needs of the requestor
- Eligibility information should only be released to those that have a legitimate “need to know” or “direct connection” with the program
- A disclosure agreement or memorandum of understanding must be completed before sharing information
- For more information on disclosing eligibility information, see the *Eligibility Manual for School Meals*

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- Aggregate information will often meet the needs of the requestor
- Eligibility information should only be released to those that have legitimate “need to know” or “direct connection” with the program
- A disclosure agreement or memorandum of understanding must be completed before sharing information
- For more information on disclosing eligibility information, see the Eligibility Manual or check the Free and Reduced Meal Eligibility webpage for a template disclosure agreement



CIVIL RIGHTS AND REASONABLE ACCOMMODATIONS FOR PERSONS WITH DISABILITIES

Civil rights and reasonable accommodations for persons with disabilities

What is a Disability?

The Americans with Disabilities Act Amendments Act of 2008 and Section 504 of the Rehabilitation Act define a person with a disability as any person who has a physical or mental impairment which substantially limits one or more “major life activities” (physical and mental impairments).

Includes conditions that impair immune, digestive, neurological, and bowel functions, as well as many others.


The Americans with Disabilities Act Amendments Act of 2008 and Section 504 of the Rehabilitation Act made important changes to the meaning and interpretation of the term “disability”.

Under the ADA, anything that substantially limits a major life activity (most mental and physical impairments) constitutes a disability. This includes conditions that impair immune, digestive, neurological, and bowel functions, as well as many others.

General health concerns such as a parent's preference that a child eat a gluten free diet because the parent believes it is healthier for the child does not constitute a disability and does not require modification. We will go over what is required to document a disability in the next few slides.

For more information, see USDA memorandum SP 26-2017 and SP 59-2016 which includes more information on the definition of a disability and a Q&A on program requirements for students who have a documented disability.

What Is a School's Responsibility to Children with Disabilities?

- Ensure access to facilities for participants with disabilities
- Provide appropriate information in alternative formats for persons with disabilities 
- Provide meal modifications or food substitutions for students with disabilities when documented in writing by a State licensed healthcare professional
- Non-dairy fluid milk substitutions must be supported by documentation from a licensed healthcare professional unless approved by DPI

The school's responsibility for students with a documented disability includes:

- Ensuring access to facilities for participants with disabilities including: accessible parking lots, entrances and exits, halls, elevators, rest rooms, allowing service animals, Braille signage, and alternative arrangements for service.
- Providing information in alternative formats, if needed. For example: Braille program materials and sign language interpreters.
- Providing meal modifications for students with disabilities when documented in writing by a State licensed healthcare professional. Meal modifications must be related to the disability or limitations caused by the disability. Any meal modification that can be made within the meal pattern does not require a documented statement from a State licensed healthcare professional. SFAs must obtain a written medical statement from a State licensed healthcare professional in order to receive reimbursement for meal modifications when the modified meal does not meet Program meal pattern requirements.
- The process of providing modified meals for students with disabilities should be as inclusive as possible. It is essential to work collaboratively with parents and guardians to ensure students receive a safe meal and have equal opportunity to participate in the School Meal Programs.
- For SFAs operating the Special Milk Program:
 - Non-dairy fluid milk substitutions that provide specified nutrients and meet fortification guidelines issued by the Food and Drug Administration may be provided for non-disabled children who cannot consume fluid milk due to medical or special dietary needs when requested in writing by the child's parent or guardian. These milk substitutions may be provided once approved by DPI.

- Any milk substitution that does not meet the nutrient and fortification requirements for cow's milk and not approved by DPI, such as juice, must be supported by a medical statement by a State licensed healthcare professional in order to be claimed for reimbursement.

Who can write a medical statement?

“Practitioner” is defined by Wisconsin State Statute 118.29(1) (e) as:

- Physician
- Dentist
- Optometrist
- Physician Assistant
- Advanced Practice Nurse Prescriber
- Podiatrist licensed in any state

As mentioned in the prior slide, SFAs must obtain a written medical statement from a State licensed healthcare professional in order to receive reimbursement for meal or milk modifications when the modification does not meet Program meal pattern requirements.

A State licensed healthcare professional or “Practitioner” is defined by Wisconsin State Statute 118.29(1) (e) as a:

- Physician
- Dentist
- Optometrist
- Physician assistant
- Advanced practice nurse prescriber
- Podiatrist licensed in any state

Medical Statement Requirements

- Explanation of how the child's physical or mental impairment restricts the child's diet
- Explanation of what must be done to accommodate the child
- The food(s) that must be omitted and the recommended alternatives
- A template Medical Statement Form is available on our website.

In situations where a medical statement is required, the following information must be included:

- An explanation of how the child's physical or mental impairment restricts the child's diet
- An explanation of what must be done to accommodate the child
- The food or foods that must be omitted and the recommended alternatives, if appropriate

A sample medical statement form is located on DPI's Special Dietary Needs webpage (<https://dpi.wi.gov/school-nutrition/program-requirements/special-dietary-needs>). This form is also available in Hmong and Spanish.

If the child's IEP or 504 plan includes the same information required in the medical statement it is not necessary for the SFA to obtain a separate medical statement.

If a medical statement is received that does not include all the required information, do not delay in making the accommodation and work with the students, parents, or guardian to clarify the meal modification requirements. This document is required to be maintained on file in the school nutrition department and only needs to be updated if there is a change to the student's dietary requirements.

Non-disability Accommodations

The Use of
Offer versus
Serve (OVS)

Offering a
Variety of
Menu Options

Milk Substitutions
must be nutritionally-
equivalent to cow's milk
and approved by DPI

SFAs may make accommodations for students without documented disabilities (e.g., preferences, religious, ethnic or moral reasons). These substitutions must be within the meal pattern requirements to be reimbursable. Offer vs Serve may be helpful in accommodating many dietary preferences. For example, a student with a lactose intolerance without a signed medical statement may decline the milk component and still be offered and select a reimbursable meal. Offering a variety of menu options may also allow students to meet their dietary preferences within the meal pattern and planned menu.

USDA has special rules that apply to milk substitutions for an accommodation made for students without a documented disability, as described in a previous slide. The substitution must be nutritionally equivalent to cows milk and be approved by DPI.

See USDA Memorandum SP 07-2010 Q&As: Milk Substitution for Children with Medical or Special Dietary Needs (Non-Disability) (https://fns-prod.azureedge.net/sites/default/files/cn/SP07_CACFP04_SFSP05-2010os.pdf) for more information).



CIVIL RIGHTS AND LANGUAGE ASSISTANCE

Civil Rights and Language Assistance.

Limited English Proficiency (LEP)

Organizations participating in Child Nutrition Programs have a responsibility to take “reasonable steps” to ensure meaningful access to their programs and activities by those with LEP.

Organizations participating in the USDA Child Nutrition Programs have a responsibility to take reasonable steps to ensure meaningful access to their programs and activities by those with Limited English Proficiency.

Persons with Limited English Proficiency (LEP) are individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English.

Utilize the following when determining the need for LEP services:

- The number and proportion of LEP persons served or encountered by the program;
- The frequency with which LEP individuals come into contact with program;
- Determine the importance to LEP persons of your program activities and services;
- Determine the resources available to the recipient and costs

For more information see USDA Memorandum SP 37-2016.

Limited English Proficiency

- Language Interpreters
- Translated Free and Reduced Price Meal Application Materials
- USDA SP 37-2016 Meaningful Access for Persons Memo with Limited English Proficiency (LEP) in the School Meal Programs: Guidance and Q&As

Interpreters (including volunteers) must be competent (demonstrate ability to communicate information accurately in both English and the other language). They must also understand and follow confidentiality and impartiality rules.

For example, a Spanish teacher may assist a household in completing a free and reduced price meal application, but the translator needs to be trained on the importance of keeping this information confidential. Children should not be used as interpreters.

The USDA provides the free and reduced price meal application in over thirty three languages. The DPI School Nutrition Team translates all free and reduced price meal application materials into Spanish and Hmong. If the required language is not available, translation services are an allowable school nutrition program expense.

The following are suggestions for providing assistance to populations with Limited English Proficiency:

- Verbally inform adults of households known to have Limited English Proficiency of program benefits.
- Provide an interpreter to assist applicants with Limited English Proficiency in completing the free and reduced price meal application

For more information see the USDA Memorandum SP 37-2016 titled *Meaningful Access for Persons with Limited English proficiency (LEP) in the School Meal Programs: Guidance and Q&As*.



CIVIL RIGHTS AND RACIAL/ETHNIC DATA COLLECTION

Civil Rights and Racial and Ethnic Data Collection.

Racial and Ethnic Data Collection

- Establish a system to collect racial and ethnic data
- Data collection is used to determine how effectively your program is reaching potentially eligible children and if outreach is needed

SFAs participating the USDA Child Nutrition Programs are required to have a system for collecting racial and ethnic data for eligible populations, applicants, and participants in their program service area. This data is used to determine how effectively your program is reaching potentially eligible children and if outreach may be needed. Data must be recorded on an annual basis.

You may inform households that collection of this information is strictly for statistical reporting and has no influence on eligibility determination for the program.

The data collection systems must ensure that data collected and retained is:

- Collected and retained by each program site;
- Based on documented records;
- Kept secure and confidential;
- Submitted, if requested, to FNS Regional or Headquarters Offices;
- Kept on file for 3 years plus the current program year;
- Identify all sources of information used. Examples include: free and reduced applications, student information systems.

Ethnic and Racial Data Collection

Categories include:

- Ethnic data
- Racial data

Collection through either:



- Voluntary self-reporting through the Free and Reduced Price Meal Application
- Registration data or other records at the SFA

Data recorded and analyzed annually through the Civil Rights Compliance Self Evaluation Tool

- PI-1441 for school meal programs
- PI-1456 for SMP only programs.

There are two categories for data collection: ethnicity and race. The ethnicity category includes Hispanic or Latino and Non-Hispanic or Non-Latino. The racial categories are:

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

Applicants may choose one or more racial categories.

Household free and reduced price meal applications that are completed each year and submitted to the school have a section for the household to identify their race and ethnic data, but this is not required. If the race and ethnic data is not completed, visual identification by a school official, personal knowledge, records/registration database, or other documentation your SFA possesses that identifies household racial/ethnic data may be used.

For SFAs operating the Special Milk Program only, only SFAs participating in the pricing with free milk option distribute the SMP application for free milk, which includes a section for households to voluntarily report race and ethnicity. The Pricing without free milk option or non-pricing programs must collect this information through registration data or other means.

Record collected ethnicity and race data using the Civil Rights Compliance Self Evaluation Form (PI-1441) for the meal programs or (PI 1456) for SMP only programs, annually by October 31. The

SFA should then use this form and review the data included to analyze your SFA to ensure it is operating in a manner that does not discriminate against any racial or ethnic group.



CIVIL RIGHTS AND COMPLAINT PROCEDURES

Civil Rights and complaint procedures.

Complaints of Discrimination

May be written, verbal, or anonymous.
USDA Discrimination Complaint Form (AD-3027)

USDA Complaint Form English:



<https://www.usda.gov/sites/default/files/documents/usda-program-discrimination-complaint-form.pdf>

USDA Complaint Form Spanish:

<https://www.ocio.usda.gov/sites/default/files/docs/2012/Spanish Form 508 Compliant 6 8 12 0.pdf>

- Any person or representative alleging discrimination based on a protected class has the right to file a complaint within 180 days of the alleged discriminatory action.
- Complaints may be written, verbal, or anonymous. If a complaint is received verbally, the individual listening to the complaint must write up the elements of the allegation for the complainant.
- Anonymous complaints should be handled as any other complaint.
- A complaint form is available from the USDA and the links for the English and Spanish forms are located on the slide. A link to the English form is also located on the School Nutrition Team's Civil Rights webpage.
- This form can assist a complainant in providing all the necessary information, but the form cannot be a prerequisite for acceptance of a complaint. An individual may write a letter containing all of the information requested on the complaint form instead.

Registering a Civil Rights Complaint

Complainants may contact either of the following offices:

United States Department of Agriculture (USDA)

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

(866) 632-9992 (toll free)
(800) 877-8339
Fax (202) 690-7442

Wisconsin Department of Public Instruction (DPI)

Director, School Nutrition Team
125 South Webster Street
Madison, WI 53707-7841

Email: jessica.sharkus@dpi.wi.gov
Phone: (608) 267-9121

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

- The U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, or
- Wisconsin Department of Public Instruction, School Nutrition Programs Director

Handling Civil Rights Complaints

Step 1: Document the Complaint

- Utilize the USDA Program Discrimination complaint form or try to obtain all required information

Step 2: Contact DPI

- All verbal or written complaints received by the SFA must be forwarded to the Wisconsin DPI, School Nutrition Team, Director within five days of receiving the complaint

Step 3: Maintain Records

- Have a central location where copies of civil rights complaints will be documented and kept confidential

If a complaint of discrimination is received at your district, the following procedures should be followed:

STEP 1: Document the Complaint

Utilize the USDA Program Discrimination complaint form or try to obtain all of the following information:

- 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 discriminated 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 DPI

All verbal or written complaints must be forwarded to the Wisconsin DPI, School Nutrition Team, Director within five days of receiving the complaint, using the contact information on the previous slide. The DPI will then forward the complaint to the USDA Midwest Regional Office for processing.

STEP 3: Maintain Records

Maintain a separate civil rights complaint log to record any discrimination complaints received.

This log should be maintained in a confidential manner and only available to SFA staff members who have a legitimate need to know.

Template civil rights complaint procedures and a complaint log are available on the school nutrition civil rights webpage that can be used and modified for your SFA.

Civil Rights Complaints

SFAs may not process civil rights complaints

SFAs should attempt to resolve a situation occurring in real time

SFAs must designate an employee who is responsible for USDA Civil Rights issues

If a complaint alleging discrimination is received:

- SFAs may not process civil rights complaints, they must be forwarded on to the WI DPI
- SFAs should attempt to resolve a situation occurring in real time
- SFAs must designate an employee who is responsible for USDA Civil Rights issues
- If an individual states that they wish to file a Civil Rights complaint, the SFA must provide them with the information necessary to do so and not impede an individual's right to file
- If the issue is resolved before the individual files a complaint, there is no need to report it to the State Agency

Conflict Resolution

- Provide conflict resolution training
- Can help prevent a complaint from escalating
- Conflict resolution techniques

Food service professionals should be familiar with conflict resolution techniques. SFAs are encouraged to discuss procedures for resolving conflicts with customers with their employees. In many cases, conflict can be resolved, depending on how it is managed. Providing good customer service and knowing effective conflict resolution techniques will reduce or prevent a complaint from escalating into a civil rights issue. If the conflict involves a Civil Rights issue, and cannot be resolved, ultimately the customer can file a Civil Rights complaint.

Some conflict resolution strategies include:

- Stay Calm
- Listen to Understand
- Attack the problem, not the person
- Ask appropriate questions
- Keep the Individual Informed



CIVIL RIGHTS COMPLIANCE REVIEWS AND RESOLUTIONS OF NON-COMPLIANCE

Civil Rights Compliance Reviews and Resolutions of Non-Compliance

Civil Rights Monitoring Form

Tool for ensuring compliance with civil rights requirements

Completed annually by October 31st and kept on file for three years plus the current

Available on the School Nutrition Team's civil rights webpage

SCHOOL FOOD AUTHORITY—CIVIL RIGHTS COMPLIANCE
Self-Evaluation—National School Lunch Program (NSLP)
PI-1441 (Rev. 08-15)

The U.S. Department of Agriculture regulations outline the responsibility of each School Food Authority (SFA) in regard to Civil Rights Compliance. The following self-evaluation provides the elements of compliance to assist the SFA in determining Civil Rights status. (USDA FNS Instruction 115-1, Complete by October 31 annually.)
Keep on file. Do not send to the DRI.

GENERAL INFORMATION

Name of School Food Authority (SFA) _____ Date NSLP?/Yr _____ Agreement Number/Agency Code _____

1. Does the public release about the NSLP (National School Lunch Program) include the required nondiscrimination statement? Yes No NA

2. Has the public release about the NSLP been sent to news media and community/grassroots organizations?

3. Has a procedure for handling discrimination complaints/grievances been established?

4. Have any complaints of discrimination (verbal or racial) been received in the past three years?

5. Has notice of the location of meal sites (public) been?

6. Is the nondiscrimination and "Act Justice for All" poster displayed in a prominent place, visible to and readable by recipients, near the serving area?

7. Is there a need for program materials to be printed in a language other than English?

8. If Yes, has this been done?

7. Complete Racial/Ethnic Data below. Racial/Ethnic data is collected on the franchised price meal application. If the parent does not consent to this information, a school official may fill in the data based on observation.

Racial/Ethnic Categories Listed (unanticipated counts)	All fields below must have a number. Enter a zero "0" if there is no data.				
	Total Children Enrolled	Total Aggregated Free/Reduced Price Meals	Number Contacted	Number of Staff	Number of Staff Serving Staff
Hispanic/Latino of any race					
American Indian/Alaska Native					
Asian					
Black/African American					
Native Hawaiian or Pacific Islander					
White					
Two or More Races					
TOTAL	0	0	0	0	0

8. Based on your student population, are denied franchised price meal applicants (column c) disproportionately composed of minority applicants? Yes No NA

9. Do procedures ensure that civil rights notification data is made available only to authorized personnel?

10. Does the school agency employ 10 or more persons? (total staff of agency)

11. If Yes, has agency designated a staff person to coordinate Title VI (see nondiscrimination) and gender equitable meals compliance?

12. If Yes, has agency designated a staff person to coordinate Section 504 (disability compliance)?

13. Is a prescription form a medical practitioner on file for each individual with a disability requiring special dietary needs?

14. Do civil rights policies affect annually for Civil Rights Program "brochure staff" and supervisor? "brochure staff" includes all staff in the administrative and contact with Child Nutrition Program (CNP) recipients. For responsible school agency only.

15. Does the school/institution limit or deny admission on the basis of race, color, sex, age, disability or national origin?

Signature of Official _____ Date Signed NSLP/Year _____

Please retain these records on file for four years.

Civil Rights compliance is monitored through the Administrative Review for the USDA Child Nutrition Programs.

To assist in ensuring compliance with civil rights requirements, the Civil Rights Compliance Self Evaluation Form is required to be completed by SFAs annually by October 31. This form is maintained on file for three years plus the current and will be requested as part of an Administrative Review.

This form is available on School Nutrition Team's Civil Rights webpage.

*Note that this is the same form used to record racial and ethnic data

For SFAs participating in the Special Milk Program only, the SMP-Only Civil Rights Self Compliance Form (PI-1456) is used. This form is available on the School Nutrition Team's Special Milk Program Webpage.

Noncompliance of Civil Rights Requirement

A finding of noncompliance may be the result of an Administrative Review, a special review, an investigation, or a SMP Desk Audit.

Examples of noncompliance may include:

- Denying an individual or household access to benefits
- Providing FNS program services or benefits in a dissimilar manner based on the protected classes
- Selecting FNS program sites or facilities in a manner that denies an individual access to FNS program benefits

A finding of noncompliance may be the result of an Administrative Review, a special review, an investigation, or SMP Desk Audit. Noncompliance is a factual finding that any civil rights requirement, as provided by law, regulation, policy, instruction, or guideline is not being adhered to. All instances of noncompliance are considered equally, no matter the level or severity of noncompliance.

Examples include:

- Denying an individual or household access to benefits
- Providing Food and Nutrition Services (FNS) program services or benefits in a dissimilar manner based on the protected classes
- Selecting FNS program sites or facilities in a manner that denies an individual access to FNS program benefits

If noncompliance is indicated, a corrective action plan must be implemented to achieve compliance. The corrective action plan describes the agency's actions to be taken to resolve noncompliance with civil rights requirements.

Civil Rights Resources

[USDA FNS Instruction 113-1](http://www.fns.usda.gov/sites/default/files/113-1.pdf) <http://www.fns.usda.gov/sites/default/files/113-1.pdf>

[School Nutrition Civil Rights webpage](https://dpi.wi.gov/school-nutrition/program-requirements/civil-rights): <https://dpi.wi.gov/school-nutrition/program-requirements/civil-rights>

[Eligibility Manual For School Meals](https://dpi.wi.gov/sites/default/files/imce/school-nutrition/pdf/eligibility-manual.pdf): <https://dpi.wi.gov/sites/default/files/imce/school-nutrition/pdf/eligibility-manual.pdf>

There are several resources available for more information on civil rights requirements, including the USDA FNS Instruction 113-1; the School Nutrition Civil Rights webpage; or the Eligibility Manual for School Meals.

SNT Contact Information



Wisconsin Department of Public Instruction
School Nutrition Team
125 South Webster Street
P.O. Box 7841
Madison, WI 53707-7841
608-267-9228

<http://dpi.wi.gov/school-nutrition>

DPIFNS@dpi.wi.gov
(608) 266-3509

Thank you for participating in this the Civil Rights Training for School Nutrition Professionals. If you have any questions, please contact the School Nutrition Team for assistance.

Attendance Record Required



Attendees:

Please sign off on
receiving this
information

Attendees: please sign off on receiving this information. Maintain attendance records for this training along with other program materials for three years plus the current year.

Note: An attendance record can be found on DPI's website: <http://dpi.wi.gov/school-nutrition/national-school-lunch-program/civil-rights>

Nondiscrimination Statement

In accordance with federal civil rights 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), disability, age, or 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 to obtain program information (e.g., Braille, large print, audiotape, 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: <https://www.usda.gov/sites/default/files/documents/USDA-OASCR%20P-Complaint-Form-0508-0002-508-11-28-17Fax2Mail.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:

1. mail:
U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410; or
2. fax:
(833) 256-1665 or (202) 690-7442; or
3. email:
program.intake@usda.gov

This institution is an equal opportunity provider.