

## Chapter 6: Civil Rights

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### **Civil Rights Laws**

Child Nutrition Programs (CNPs) 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, and;
- Age Discrimination Act of 1975, which prohibits discrimination based on age.

### **Discrimination**

School Food Authorities (SFAs) are prohibited from discriminating against students receiving free and reduced-price meal benefits.

There must not be any discrimination on the basis of race, color, national origin, sex, age, or disability in the application approval process or in the selection of applications for verification, employment, or in any program activity conducted or funded by USDA.

Eligible students must not be required to work for their meals. Eligible students must not be required to use a separate dining room, separate serving line, or eat at a separate time.

There must not be any overt identification of any of the students by use of special (e.g. different colored) tokens or tickets. The SFA must use the meal count and collection procedure(s) approved as part of its free and reduced-price meal Policy Agreement (see Chapter 3 – Policy Agreement for additional information).

### **Summary of SFA's Responsibilities**

Civil rights are the nonpolitical rights of a citizen: the rights of personal liberty guaranteed to United States citizens by the 13th and 14th amendments to the United States Constitution and Acts of Congress. All School Food Authorities (SFAs) participating in the National School Lunch Program (NSLP), School Breakfast Program, Afterschool Snack Program, and/or Special Milk Program must on a yearly basis:

1. Ensure effective public notification systems by prominently displaying the United States Department of Agriculture (USDA) “And Justice for All” poster (11” width and 17” height) wherever meals are served.

### Example of And Justice for All Poster



If additional or replacement copies are needed please contact the Office of Nutrition Programs, SCDE at (803) 734-8188.

2. Provide information in other languages for the availability and benefits of the NSLP to individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English. Resources are available at <https://www.fns.usda.gov/meaningful-access-persons-limited-english-proficiency-lep-school-meal-programs-guidance-and-qas> or <https://www.fns.usda.gov/school-meals/translated-applications>.
3. Provide appropriate information in alternative formats for persons with disabilities.
4. Include the nondiscrimination statement (long version) on all appropriate Food and Nutrition Service (FNS) publications, websites, posters, and informational materials including the instructions for filing a discrimination complaint with the Secretary of Agriculture.

*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, 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, audiotope, American Sign Language, etc.), should contact the Agency (State or local) where they applied for benefits. Individuals 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 [USDA Program Discrimination Complaint Form](#), (AD-3027) found online at: [How to File a 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:

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

*This institution is an equal opportunity provider.*

**The short version of the nondiscrimination statement is:**

This institution is an equal opportunity provider.

**Short or Full Non Discrimination Statement**

Documents longer than one page in length must contain the full nondiscrimination statement. It is acceptable to use the short version of the nondiscrimination statement if the material is too small to permit the full statement to be included. The material will at a minimum, include the short version in print size no smaller than the text. In all other cases, materials regarding school nutrition programs that are produced for public information, public education, or public distribution, (this includes websites) must include the complete nondiscrimination statement. The short version is the exception, not the rule. The nondiscrimination statement is not required on a calendar style menu simply informing program participants about available food items on a particular day. This medium is substantially different from forms or other information meant to convey application or eligibility standards or decisions, or program participation requirements.

All documents, pamphlets, and websites pertaining to the National School Lunch Program, School Breakfast Program, Afterschool Snack Program, and Special Milk Program should be updated.

Following public service announcements on the internet, radio or television, the following statement, in place of the entire nondiscrimination statement may be read:

“The <program name> is an equal opportunity provider.”

5. Guarantee that all children have equal access to services and facilities at the site, regardless of race, color, national origin, sex, age, or disability.

6. Establish and maintain systems for collecting and reporting racial and ethnic data. FNS requires recipients of federal financial assistance to ask all program applicants and participants to identify all the racial categories that apply. Respect for individual dignity should guide the process for collecting data on race and ethnicity. Respondent self-identification or self-reporting is the preferred method. If the applicant refuses, the institution staff will code data based on perception. All material must be filed in an area with restricted access and retained for three years.
7. Follow complaint procedures that are established to accept complaints or grievances based on race, color, national origin, sex, age, or disability. Participants must be advised of their right to file a complaint and the complaint procedures. If there are complaints, the institution must alert the South Carolina Department of Education (SCDE) Office of Health and Nutrition (OHN). The SCDE-OHN complaint procedures and forms are included at the end of this administrative policy document and must be part of the SFA civil rights procedure.
8. Establish procedures that effectively restrict access to records to authorized personnel. (See Chapter 5 – Confidentiality & Disclosure of Eligibility for additional information.)
9. Complete Civil Rights Compliance reviews:
  - School Food Authorities (SFAs) conduct self-monitoring annually for each building to ensure civil rights requirements are met.
  - SFAs complete the pre-award civil rights information in their official application for Program funds.
  - The State Agency (SCDE) evaluates Civil Rights Compliance for SFAs during the Administrative Review every three years.
10. Conduct civil rights training for staff. Specific subject areas include:
  - Collecting and Using Data - Data are being collected on ethnicity and race. Parent self-declares. If he/she refuses, institution staff will code based on perception. All material must be filed in an area of restricted access and retained for three years.
  - Effective Public Notification Systems - Display the “And Justice for All” poster, use the nondiscrimination statement, provide information in other languages and alternative formats as needed, and convey equal opportunity in all photos and other graphics on websites, publications, etc.
  - Complaint Procedures - Procedures must be established to accept complaints or grievances based on race, color, national origin, sex, age, or disability. Participants must be advised of their right to file a complaint, how to file a complaint, and the complaint procedures. If there are complaints, the institution must alert SCDE-OHN.

The SCDE-OHN for complaint procedures are included at the end of this administrative policy. The forms are also available on the South Carolina Department of Education Health and Nutrition Programs website.

- Compliance Review Techniques - Ensure civil rights requirements are followed during the review process.
- Resolution of Non-Compliance - Inappropriate actions must cease. A corrective action plan is required and appropriate procedures must be implemented.
- Requirements for Reasonable Accommodation of Persons with Disabilities - Entrances and exits to accommodate the disabled, Braille signage, and alternative arrangements for service must be available, when needed.
- Requirements for Language Assistance - Bilingual materials and translation must be provided. Resources are available at: Limited English Proficiency Federal Interagency Website.
- Conflict Resolution - Use alternative dispute resolution techniques as needed. Treat others with respect.

### **Handling Complaints**

Any person alleging discrimination based on race, color, national origin, sex, age, or disability has a right to file a complaint. Complaints may be made to federal, state or local agencies.

When a complaint of discrimination is received by an SFA:

- Notify either SCDE or USDA within five working days of receiving the complaint.
  - Preferably, notify SCDE at (803) 734-8188. Forward any written materials received to SCDE Office of Health and Nutrition, Attention: Carla Garland, 1429 Senate Street, Suite 706-C, Rutledge Building, Columbia, SC 29201. SCDE may be able to assist the SFA in handling the complaint. SCDE will forward all materials to USDA within five working days of receipt.
  - Alternatively, notify USDA's Southeast Regional Office at (404) 562-1801. Forward any written materials received to them at: Regional Civil Rights Director, Southeast Regional Office, Food and Nutrition Service, 621 Forsyth Street, S.W., Suite 8T36, Atlanta, GA 30303-3427. USDA will resolve all complaints following established methods and regulations.
- Provide the Discrimination Complaint Form (Form 4-B) provided in the forms section for any individual wishing to make a complaint of discrimination. Complaints may be made using the form provided, in another format, or verbally. If the complaint is made verbally (either in person or through a phone conversation), the person accepting the complaint should complete the form on behalf of the person with the complaint.