

South Carolina
School Food Service Program Reference Manual
Contributor: Laura Z. Oliver
Chapter 4 – Civil Rights Compliance

Table of Contents

Civil Rights Laws.....	4-2
Discrimination	4-2
SFA's Responsibilities.....	4-2
Handling Complaints	4-5
Racial/Ethnic Data.....	4-5
Civil Rights Training for Front Line Staff.....	4-7
Form:	
Civil Rights Training Roster	4-A
Discrimination Complaint Form	4-B

Chapter 4 – Civil Rights Compliance

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.
- The names of eligible students must not be published, posted, or announced in any manner or used for any purpose other than determining and verifying eligibility for free and reduced-price meal benefits. (See Chapter 5 – Confidentiality & Disclosure of Eligibility for additional information.)
- 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). When ordering meals for special functions (i.e. field trips, class parties, etc.), no method of overt identification can be used (e.g. students raising hands, forms sent home that identify eligibility, etc.)

SFA's Responsibilities

As a result of the U.S. Department of Justice's requirements, the U.S. Department of Agriculture (USDA) developed policy instructions for CNPs. The USDA instructions require each local SFA to take the following actions:

Chapter 4 – Civil Rights Compliance

- Comply with all rules and regulations governing nondiscrimination in the administration of the CNP. Compliance will be verified by the South Carolina Department of Education (SCDE) during on-site administrative reviews, audits, and other federal and state monitoring visits.
- Inform parents or guardians of children, local minority and grassroots organizations as well as any major employers contemplating layoffs of (1) the availability of program benefits and services, (2) the nondiscrimination policy, and (3) all significant changes in existing requirements that pertain to program eligibility and benefits. Note: This may be accomplished using the Public Media Release and Parent/Guardian Letter (see letters provided in Chapter 3– Policy Agreement in this *Program Reference Manual*).
- Upon request, make available to the public and to participants and potential participants, information about program requirements and the procedures for filing a complaint, in English and/or in the appropriate translation to non-English speaking persons.

USDA translations in over 25 languages may be downloaded from:

www.fns.usda.gov/cnd/FRP/frp.process.htm. If using USDA's translations, also download the English version so that the information provided can be more easily interpreted.

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

*“The U.S. Department of Agriculture (USDA) prohibits **Discrimination against its customers, employees, and applicants for employment on the bases of race, color, national origin, age, disability, sex, gender identity, religion, reprisal, and where applicable, political beliefs, marital status, familial or parental status, sexual orientation, or if all or part of an individual's income is derived from any public assistance program, or protected genetic information in employment or in any program or activity conducted or funded by the Department.**” (Not all prohibited bases will apply to all programs and/or employment activities.)*

If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, found online at http://www.ascr.usda.gov/complaint_filing_cust.html, or at any USDA office, or call (866) 632-9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter to us by mail at U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, by fax (202) 690-7442 or email at program.intake@usda.gov.

Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339; or (800) 845-6136 (in Spanish).

USDA is an equal opportunity provider and employer.

Chapter 4 – Civil Rights Compliance

A sample of public information materials that require the nondiscrimination statement are:

CNP enrollment forms, menus, newsletters that have menus or CNP information, flyers with or about CNP information, websites, brochures, employee handbooks and parent/student handbooks.

- If the material is too small to permit the use of the full statement, the material shall include the following statement, in print no smaller than text:

“USDA is an equal opportunity provider and employer.”

- If the printed material is too small to permit the full statement to be included (e.g. one page or less), the material must at a minimum include the following statement, in print no smaller than the text:

“This institution is an equal opportunity provider.”

- 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.”

- Display the nondiscrimination poster in a prominent place in each school within view of the customers (i.e. not in the kitchen preparation area). The current poster (shown here) measures 11 inches by 15 inches and features a picture of the Statue of Liberty. This poster may not be reproduced. If additional or replacement copies are needed please contact the Office of Nutrition Programs, SCDE at (803) 734-8188. This poster can also be downloaded from:
<http://www.fns.usda.gov/cr/and-justice-all-posters>. The downloadable PDF file is 475A.pdf (165kb).



Chapter 4 – Civil Rights Compliance

- On a case-by-case basis, a child with disabilities and/or life-threatening food allergies shall be provided substitutions in foods at no extra charge only when supported by a statement signed by a physician licensed by the state. The supporting statement shall identify:
 - The child's disability and an indication of why the disability restricts the child's diet.
 - The major life activity affected by the disability.
 - The food or foods to be omitted from the child's diet and the food or foods that must be substituted.

SFAs are not expected to make accommodations that are so expensive or difficult that they would cause the organization undue hardship. See [Chapter 21 – Students with Special Dietary Needs](#) for additional information on providing meals for students with disabilities.

- Establish procedures that effectively restrict access to records to authorized personnel. (See [Chapter 5 – Confidentiality & Disclosure of Eligibility](#) for additional information.)
- Train “front line staff” and their supervisors annually. These are employees who interact with program applicants or participants regarding program services and benefits. At a minimum, these employees should review either the [Civil Rights Training for Front Line Staff](#) (Page 4-7) provided at the end of this chapter or the information provided in this entire chapter each school year.

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 Nutrition Programs, 1429 Senate Street, Suite 700, 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: Director, Civil Rights, Food and Nutrition Service, Southeast Regional Office, 61 Forsyth St., S.W., Atlanta, GA 30303-3427. USDA will resolve all complaints following established methods and regulations.
- Provide the [Discrimination Complaint Form](#) (Form 4-A) provided at the end of this chapter to 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.

Racial/Ethnic Data

- Be prepared to provide an ethnic breakdown of the students enrolled and/or eligible for meal benefits. This data may be collected using the [Free and Reduced-Price School](#)

Chapter 4 – Civil Rights Compliance

- Meals Family Application as provided by SCDE (See Chapter 3 – Policy Agreement for a sample of this form). The application forms contain a section in which a household member or school personnel can note the racial/ethnic category for those students listed on the application. This information may be completed using any of the following methods:
 - Voluntary self-identification on the meal application form;
 - Observation of a school official; or
 - Personal knowledge.

- Maintain the actual number of students applying for free and reduced-price meals, as well as the corresponding racial/ethnic data for those students, on file for three years plus the current year.

Civil Rights Training for Front Line Staff

“Front line staff” and their supervisors must receive civil rights training annually. These are employees who interact with program applicants or participants regarding program services and benefits. At a minimum, these employees should review this information and sign-off each year to verify that they read and understood the information.

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

Federal law prohibits discrimination based on:

- Race
- Color
- National Origin
- Sex
- Age
- Disability
- Gender Identity
- Religion
- Reprisal
- Political Belief
- Marital Status
- Familial or Parental Status
- Economic Status

School Food Authority’s (SFA) Responsibilities:

- Comply with all rules and regulations.
- Make information about CNP benefits, requirements, and the procedures for filing a complaint available to the public and to households in their language.
- Include the nondiscrimination statement (provided below) on all forms of communication and program materials related to receipt of free and reduced-price meal benefits.
- Display the current U.S. Department of Agriculture (USDA) nondiscrimination poster in a prominent place in each school within view of the customers.
- Provide substitutions for students with disabilities when documented by a licensed physician.
- Restrict access to personal records.

Handling Complaints:

Complaints of discrimination must be made directly to regional and federal agencies either in writing (in or on any form) or verbally. Use of the Discrimination Complaint Form provided is recommended as it will assist USDA in their investigation of the complaint. When a complaint of discrimination is received:

- Contact the South Carolina Department of Education at (803) 734-8188 or USDA at (404) 562-1801 within five working days
- Preferably provide complaint form to:
 - Any individual wishing to make a complaint.
 - Person(s) receiving verbal complaint(s).

Obtain Racial/Ethnic Data by:

- Voluntary self-identification on the free and reduced-price meal application;
- Observation by school official; or
- Personal knowledge.

Civil Rights Training for Front Line Staff

Form 4-A

Statement of Nondiscrimination

*“The U.S. Department of Agriculture (USDA) prohibits *Discrimination against its customers, employees, and applicants for employment on the bases of race, color, national origin, age, disability, sex, gender identity, religion, reprisal, and where applicable, political beliefs, marital status, familial or parental status, sexual orientation, or if all or part of an individual's income is derived from any public assistance program, or protected genetic information in employment or in any program or activity conducted or funded by the Department.*” (Not all prohibited bases will apply to all programs and/or employment activities.)*

If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, found online at http://www.ascr.usda.gov/complaint_filing_cust.html, or at any USDA office, or call (866) 632-9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter to us by mail at U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, by fax (202) 690-7442 or email at program.intake@usda.gov.

Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339; or (800) 845-6136 (in Spanish).

USDA is an equal opportunity provider and employer.

OR

If publication is too small to include the above, full statement, print in font no smaller than text on page, “This institution is an equal opportunity provider.”

Civil Rights Training for Front Line Staff

Form 4-A (cont.)

Civil Rights Training Roster

School Name		
School Year		
Date		
Location		
Instructor		
	Name (Please Print)	Signature
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		
11.		
12.		
13.		
14.		
15.		
16.		
17.		
18.		
19.		
20.		

Civil Rights Training for Front Line Staff

Form 4-B Discrimination Complaint Form

*Any person or representative alleging discrimination based on race, color, national origin, sex, age, or disability has the right to file a complaint within **180 days** of the alleged discriminatory action. Complaints received by a School Food Authority or state agency must be forwarded to USDA within five working days. This form must be printed front to back and not on separate pages.*

1. Your Name:
2. Your Address (street, city, state, zip):
3. Your telephone: Home:(_____)_____ Work: (_____)_____
4. Name, phone and address of person(s) discriminated against, if different from above:
5. Name and address of the person(s) or organization(s) you are filing a complaint against:
6. List date(s) during which the alleged discriminatory actions occurred, or if continuing, the duration of such actions:
7. Describe as clearly as possible what happened, why you believe it happened, and how you were discriminated against. Indicate who was involved. Be sure to include how other persons were treated differently from you. (Please use additional paper as needed and attach them and any other materials pertaining to your case to this form.)
8. State on what basis you feel discrimination exists (race, color, national origin, sex, age or disability).
9. Provide contact information for any persons who may have knowledge of the actions described above:

<i>Name:</i>	<i>Title:</i>	<i>Phone No.:</i>	<i>Address (business or personal):</i>
--------------	---------------	-------------------	--

 - a.
 - b.
 - c.

Civil Rights Training for Front Line Staff

Do you have any other information that you think is relevant to the investigation? (Use additional paper if needed.)

10. What remedy are you seeking for the alleged discrimination?

Signature

Date

OFFICE USE ONLY:

Date Complaint Received: _____

Person Receiving Complaint: _____

Action(s) Taken:

Civil rights complaints should be forwarded to:

OR

Office of Nutrition Programs
South Carolina Department of Education
7th Floor Rutledge Building
1429 Senate Street.
Columbia, SC 29201
Phone: (803) 734-8188

Director, Civil Rights
Food and Nutrition Service, USDA
Southeast Regional Office
61 Forsyth St., S.W.
Atlanta, GA 30303-3427
Phone: (404) 562-1801

Form 4-B (cont.)