

OSPI Child Nutrition Services Reference Sheet

Civil Rights

Civil Rights regulations are intended to assure that benefits of Child Nutrition Programs are made available to all eligible people in a non-discriminatory manner ensuring equal access to all participants. Sponsors participating in USDA Child Nutrition programs are required to administer program services and benefits in accordance with all Civil Rights laws, regulations, instructions, policies, and guidance related to nondiscrimination.

Requirements

- ✓ **Provide all eligible participants the benefits of child nutrition programs in a non-discriminatory manner.**
 - Prevent overt identification of participants eligible for and/or receiving meal benefits.
- ✓ **Complete Annual Civil Rights Training**
 - Child Nutrition Program sponsor administrators must attend Civil Rights training.
 - Sponsor administrators must provide and document annual Civil Rights training for any staff, including supervisors who interact with program applicants or participants.
 - Presenting Civil Right training to staff does not meet the sponsor administrator's requirements to attend annual Civil Rights training.
 - Use the [Training Documentation Reference Sheet](#) for requirements on documents to maintain for Administrative Reviews.
 - See [Required Civil Rights Training Topics](#), below.
- ✓ **Language Access**

Take reasonable steps to ensure program access and benefits to individuals with Limited English Proficiency (LEP).

 - Use the [Limited English Proficiency \(LEP\) Reference Sheet](#) for additional language access requirements.
 - Use the [LEP- Important Information to Translate Notice Reference Sheet](#) for notification options in additional languages.
- ✓ **Reasonable Accommodation of Persons with Disabilities**
 - Make reasonable modifications in policies, practices, or procedure when the modifications are necessary to avoid discrimination on the basis of disability.
 - Ensure physical spaces are accessible.
 - Communications with persons with disabilities must be equally effective as communication with people without disabilities, including companions.



- When a program participant has a disability that restricts their diet, the sponsor **must** provide the prescribed food substitutions or modifications at no charge.
 - For a sponsor to accommodate a dietary need based on a disability, a medical note from a recognized medical authority is required.
 - **Special Dietary Needs Reference Sheets**
 - [Child and Adult Care Food Program \(CACFP\) and Summer Food Service Program \(SFSP\)](#)
 - [School Meal Programs](#)
- ✓ **Data Collection**
 - Collect and report ethnicity and racial data of participants annually. Data is used to determine if the program is reaching potential eligible persons and beneficiaries.
 - Use the [Race and Ethnicity Reference Sheet](#) for more details.
- ✓ **Maintain a Public Notification System**

Public notification systems help notify applicants, participants, potentially eligible persons, and communities about program benefits, availability, program rights and responsibilities, the policy of nondiscrimination, and the procedure for filing a complaint.

 - Nondiscrimination Statement

The USDA Civil Rights Nondiscrimination Statement must be placed on items that are widely disseminated to participants and families. See the [USDA Nondiscrimination Statement](#) section, below, for more details.

 - Examples: Student handbooks, webpages, items distributed to the public, letters to families that are shared with many students, brochures, computer-based applications, and bulletins.
 - Nondiscrimination statements must be available in a language that users understand, include links in the target language as appropriate. The [USDA Nondiscrimination Statement is translated into 22 languages](#).
 - Include USDA nondiscrimination statement(s) on all program materials distributed to the public printed in the same size font as the document.
 - Local Education Agencies (LEAs): [Washington state has additional protected classes](#) – place the LEA non-discrimination statement below the USDA version on documents that require both.
 - Webpages
 - Include the nondiscrimination statement. Main landing pages must either have the full nondiscrimination statement, or a link that directs to the full statement on the organization’s website.
 - Provide information on how to request accommodations, such as special dietary needs.

- Display the USDA “And Justice for All Poster” where program benefits are available.
 - Institutions participating in or administering USDA programs are required to display the appropriate “And Justice for All” (AD-475A) poster in their facilities where it can be viewed by participants and potential participants.
 - Do not print “And Justice for All” posters, you may request posters from your [OSPI Program Specialist](#). To view this poster in additional languages, please visit the [USDA And Justice for All Posters webpage](#) (this PDF is for the purpose of reference rather than for printing and display).
 - Provide information and documents in alternative formats for persons with disabilities, as appropriate, based on the community served.
 - Convey the message of equal opportunity in photos or graphics used to provide program information.
- ✓ **Create and Maintain USDA Child Nutrition Program Complaint Procedures and Log**
 - Program sponsors must have procedures for handling and documenting USDA Child Nutrition Program Civil Rights Complaints.
 - USDA Child Nutrition Program Civil Rights complaint logs must be kept separate from other program complaint logs, and other Civil Rights logs.
 - ✓ **Compliance Reviews**
 - Maintain and provide documentation on USDA Child Nutrition Program Civil Rights procedures and logs for Administrative Reviews.
 - Maintain and provide USDA Child Nutrition Program Civil Rights Complaint Logs for Administrative Reviews.
 - ✓ **Resolution of Non-Compliance**

A finding of noncompliance is a factual finding that any Civil Rights requirement is not being adhered to by an organization.

 - Once noncompliance is determined, steps must be taken immediately to obtain voluntary compliance within 60 days.

USDA Nondiscrimination Statement

- ✓ [Long version](#): for use on all materials, media announcements and web pages.

“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, audiotope, 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:

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

This institution is an equal opportunity provider."

- ✓ A short version of the statement may be used when the document is small and cannot realistically include the full statement without changing the nature of the document (example: menus, cups, buttons, or things that are short in duration (such as radio ads)).

"This institution is an equal opportunity provider."

Required Civil Rights Training Topics

- ✓ Collection and use of racial and ethnicity data
- ✓ Effective public notification systems
- ✓ Civil Rights complaint procedures and log
- ✓ Civil Rights compliance review techniques
- ✓ Resolution of non-compliance
- ✓ Requirements for reasonable accommodation of persons with disabilities
- ✓ Requirements for language assistance
- ✓ Conflict resolution
- ✓ Customer service

Reference

- [USDA Office of Civil Rights](#)
- [FNS Instruction 113-1 Civil Rights Compliance and Enforcement](#)

Resources

- [USDA "And Justice for All" Poster](#)
- [USDA Discrimination Complaint Form](#)
- [OSPI Equity and Civil Rights Office](#)
- [Parent Information: Special Dietary Needs Accommodations in Child Nutrition Services | Spanish](#)

Acronyms

- CACFP- Child and Adult Care Food Program
- CNS- Child Nutrition Services
- FNS- Food and Nutrition Services
- OSPI- Office of Superintendent of Public Instruction
- SFSP- Summer Food Service Program
- USDA- United States Department of Agriculture