

## USDA Administrative Review: Civil Rights

| Off-Site Questions |   |
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| 800.               | <p>What is the non-discrimination statement used for appropriate Program materials? Please provide exact language.</p> <p><b>Tips:</b></p> <p>The nondiscrimination statement must be included on all program materials, including the SFA's website. If the material is too small to permit the full statement, the abbreviated statement must be included in the same font size as the rest of the material's text. Note: the full statement can be in smaller font size but no smaller than a 9-point font. Both the full and shortened statement must contain exact wording.</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> <a href="#">Nondiscrimination Statement</a></li> <li><input type="checkbox"/> Abbreviated Statement - "This institution is an equal opportunity provider."</li> </ul> <p>The full non-discrimination statement was updated in the spring of 2022. The deadline to update the full NDS on program websites was August 3, 2022. Other documents, pamphlets, brochures, etc. must be updated when the current supply is exhausted or by September 30, 2023.</p> |
| 801.               | <p>Did the School Food Authority publish a public release as required for the school year being reviewed? Provide a copy.</p> <p><b>Tips:</b></p> <p>SFAs must send a public release announcing their participation in the program to local media or post in a public place yearly. The public release must include: the household size and income criteria for eligibility and the nondiscrimination statement. If the SFA does not use the CDE School Nutrition prototype, compare their public release to CDE School Nutrition's – starting SY 2016-17, CDE School Nutrition will be sending out a public release for each SFA.</p> <p><b>Resources:</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> View the Public Release templates on the <a href="#">Determine School Meal Eligibility webpage</a></li> </ul>   |
| 802.               | <p>What services does the SFA provide to households comprised of persons with Limited English Proficient (LEP)?</p> <p><b>Tips:</b></p> <p>SFAs must take reasonable steps to assure meaningful access for LEP households to the information and services they provide. What constitutes reasonable steps will be factored on the following:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> The number or proportion of LEP persons to be served or likely to be encountered (the greater the number, the more likely language services are needed).</li> <li><input type="checkbox"/> The frequency with which LEP individuals come in contact with the program (one time basis versus daily basis)</li> <li><input type="checkbox"/> The nature and importance of the program to the people's lives</li> <li><input type="checkbox"/> The resources available and costs for providing services. SFAs may use qualified bilingual staff to act as interpreters, hire translators, provide materials in alternate</li> </ul>   |

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|      | <p>languages, etc. Note: limited resources/cost does not eliminate the requirement to provide services to LEP individuals.</p> <p><b>Resources:</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> View the eligibility documents in Spanish on the <a href="#">Determine School Meal Eligibility webpage</a></li> <li><input type="checkbox"/> <a href="#">View outreach materials in Spanish</a></li> </ul>  |
| 803. | <p>What is the SFA's procedure for receiving and processing complaints alleging discrimination within FNS School Meal Programs? Provide a copy.</p> <p><b>Tips:</b></p> <p>All applicants and participants must be advised of their right to file a complaint, how to file a complaint, and the complaint procedures. All SFAs should have a civil rights complaint procedure in place. This can be a procedure within FNS and does not have to be written into board policy.</p> <p>All complaints alleging discrimination can be submitted verbally, in writing, or anonymously. A person receiving a verbal complaint must transcribe the complaint and gather necessary information. Complaints can be filed within 180 days of the alleged discriminatory action. All complaints must be forwarded to the appropriate office (i.e., USDA Office of Civil Rights, FNS Office of Civil Rights, USDA MPRO, CDE School Nutrition) within five days. Complaints will be processed within 90 days.</p> <p>An SFA can have a complaint form, but the complaint form cannot be a prerequisite for accepting a complaint.</p> <p><b>Resources:</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> View procedure requirements and templates on the <a href="#">Civil Rights webpage</a></li> </ul> |
| 804. | <p>Has the School Food Authority received any written or verbal complaints alleging discrimination in FNS Programs in the current or prior school year?</p> <p><b>If yes, please obtain the following information: date, nature of complaint, and agency complaint was reported to.</b></p> <p><b>See Tips and Resources for #803</b></p>   |
| 805. | <p>What procedures are in place for accommodating students with disabilities (special dietary needs)?</p> <p><b>Tips:</b></p> <p>SFAs are required to provide meal modifications when a student has a disability supported with a signed medical statement. Most medical needs constitute a disability. If an accommodation request falls outside of the meal pattern, a medical statement certified by a licensed physician (MD or DO), advanced practice nurse (APN) with prescriptive authority (RXN) or physician assistant (PA) should be on file. The medical statement must include:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> The child's physical or mental impairment &amp; how it restricts the child's diet</li> <li><input type="checkbox"/> What must be done to accommodate the child</li> <li><input type="checkbox"/> Foods to be omitted and foods to be substituted, <b>if appropriate</b></li> </ul>  |

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|      | <p>If a request can be accommodated within the meal pattern, a medical statement is not required. It is best practice to for the SFA to keep documentation of the request on file with the preference form.</p> <p>Milk Substitutes: If a request is made to accommodate a disability and a medical statement is on file, the SFA must provide the substitutions the medical professional provides. Without a medical statement, allowable milk substitutes include lactose-free, lactose-reduced, or non-dairy milk substitutes that meet the <a href="#">USDA nutrient requirements</a>. Milk substitution requests for non-disabilities must meet the USDA nutrient requirements. The SFA is not required to accommodate milk substitution requests based on preference. Note: Program operators are not to promote water or any other beverage as an alternative selection to fluid milk throughout the food service area.</p> <p>Written policy is not required but strongly encouraged. A standard operating procedure template can be found on our website and in resources below. The food allergy policy should be provided to staff, families, students, etc. at the beginning of the year.</p> <p>Best practice is to update medical statements annually, but it is not required.</p> <p>SFAs must inform households that they do provide reasonable accommodations to students with disabilities.</p> <p><b>Resources:</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Additional guidance and resources can be found on the <a href="#">special dietary needs webpage</a>.</li> </ul> |
| 806. | <p>When was the SFA’s most recent civil rights training for staff who interact with program applicants or participants (e.g., cafeteria staff, F/R application approval staff) and their supervisors?</p> <p>Who attended these trainings?</p> <p>What topics were covered by the training?</p> <p>Provide supporting documentation for the responses.</p> <p><b>Tips:</b></p> <p>SFAs must train all frontline staff on civil rights requirements on an annual basis. A training agenda and sign in sheet or training certificates must be included with training documentation.</p> <p>CDE School Nutrition has training available in multiple formats on the <a href="#">Civil Rights webpage</a>. The sponsor must keep documentation that staff have completed training, such as sign-in sheets.</p> <p>Breakfast in the classroom teachers are considered frontline staff if they are involved in the service of or counting and claiming of meals. Utilize the <a href="#">teachers training memo</a> to streamline the training process.</p>   |

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| 807. | <p>How does the SFA collect racial/ethnic data?<br/>How often is this information collected?<br/>Provide documentation to support the response.</p> <p><b>Tips:</b></p> <p>Data collection is required by CDE for each district and is usually done by your district during student enrollment. The data must be collected in a two-question format; ethnicity followed by race. Self-reporting is the preferred method of collection.</p> <p>Sponsors must collect the racial/ethnic data of the children applying for free and reduced-price meals and may use this data for reporting purposes. Households may voluntarily disclose this information on income applications. If not completed by the household, sponsors must obtain this data using other resources, such as enrollment data or by use of visual identification.</p> <p><b>Resources:</b></p> <ul style="list-style-type: none"> <li>□ Data for all districts can be found on <a href="#">CDE's Pupil Membership webpage</a>.</li> </ul> |
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| On-Site Questions  |  |
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| SFA Level Question |  |
| 809.               | <p>a. Are denied applications disproportionately submitted by minority households?<br/>b. If YES, were they denied correctly?</p> <p><b>Tips:</b></p> <p>Applications cannot be denied based solely on a protected class.</p>  |
| 810.               | <p>Do appropriate Program materials use the non-discrimination statement?</p> <p><b>Tips:</b></p> <p>The non-discrimination statement must be included on all program materials, including the SFA's website. If the material is too small to permit the full statement, the abbreviated statement must be included in the same font size as the rest of the material's text. Note: the full statement can be in smaller font size but no smaller than a 9-point font. Both the full and shortened statement must contain exact wording.</p> <p>Examples of documents that require the full nondiscrimination statement: household letters, public release, free and reduced application packet, SFA website.</p> <p>Examples of documents that may use the abbreviated statement: menus, postcards, flyers.</p> |

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|                        | <p>The full non-discrimination statement was updated in the spring of 2022. The deadline to update the full NDS on program websites was August 3, 2022. Other documents, pamphlets, brochures, etc. must be updated when the current supply is exhausted or by September 30, 2023.</p>   |
| School Level Questions |  |
| 811.                   | <p>Is the USDA “And Justice for All” poster displayed in a prominent location and visible to recipients of benefits?</p> <p><b>Tips:</b></p> <p>The And Justice poster must be displayed in a location visible and readable to participants. The poster must be the 11”x17” in size and in color. It is not required to have a poster for each breakfast in the classroom site or multiple posters for different points of sale in the same cafeteria.</p> <p>USDA and CDE School Nutrition do not currently have posters to distribute. USDA is in the process of updating the posters based on the most recent update to the full non-discrimination statement. During this time, printed <a href="#">paper copies</a> or older edition of the “And Justice for All” poster may be displayed as necessary.</p> |
| 812.                   | <p>Do meal service observations on the day of review indicate that program benefits were made available to all children without discrimination?</p> <p><b>Tips:</b></p> <p>No discrimination can occur during meal service, i.e. separating genders, providing one group or type of participants larger or extra helpings of food, failing to provide meal accommodations for children with a disabilities.</p>  |