

■ Civil Rights Assurance

Responsibilities of the School

Goal: To assure that child nutrition programs benefits are made available and provided to all eligible individuals without discrimination on the basis of their race, color, national origin, age, disability, sex, gender identity or religion. USDA regulations outline each school's responsibility regarding civil rights compliance in the school nutrition programs. The following procedures are required to assure that all participating schools comply with the civil rights regulations.

1. Include the USDA nondiscrimination statement and complaint information in **all** forms of communication and printed program information:
The nondiscrimination statement in the box to the right, which is contained each year in the letter to parents, is the statement to be included on all program materials (enrollment forms, menus, employee handbooks, newsletters, brochures, parent handbooks, print or broadcast ads, flyers, websites). If the material is too small to permit the full statement to be included, the material will, at a minimum, include the following statement in print size no smaller than the text: *"USDA is an equal opportunity provider and employer."*
2. Inform applicants, participants, and potentially eligible persons of the availability of program benefits and services, the non-discrimination policy and all significant changes in existing requirements that pertain to program eligibility and benefits. Note: This may be done through the news release and letter to parents, newspaper articles, internet, radio and television announcements, brochures, bulletins and computer applications.
3. Display the 11" x 17" non-discrimination poster in a prominent place, where the text can be read, in each school. (Not in the kitchen preparation area.)
4. Upon request, make available to the public, participants and to 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.
5. Ensure that any person alleging discrimination based on race, color, national origin, age, disability, sex, gender identity or religion understands that he/she has a right to file a complaint.
A sample complaint form is provided on page 3.4. This form may be used or the complaint may be made in another format or verbally. All complaints, written or verbal, shall be accepted by the school district and forwarded to the Office of School Nutrition, Colorado Department of Education.
6. Conduct annual civil rights training for all staff who work with Child Nutrition Programs. Training must cover all aspects of civil rights compliance. Retain training records, including the agenda and sign in sheet.
7. Provide for and maintain a system to annually collect racial and ethnic data for each school.
8. Ensure reasonable accommodations are provided to students with a dietary disability. All sponsors participating in Child Nutrition Programs are required to provide food substitutions or modifications if a medical statement signed by a licensed physician certifying the student's dietary disability is on file.
9. A school district's compliance with the civil rights regulations, as well as all other program regulations, will be verified during on-site administrative reviews, audits and other federal or state monitoring visits.

The U.S. Department of Agriculture 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 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 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 (Spanish). USDA is an equal opportunity provider and employer.

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Nondiscrimination/Confidentiality

There must not be any discrimination against children receiving free and reduced-price meal benefits.

- The names of children 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 meals.
- The children must not be required to work for their meals.
- The children must not be required to use a separate dining room, separate serving line or separate serving time.
- There must not be any overt identification of any of the children by use of special tokens or tickets. The school district must use the collection procedure(s) approved as part of its free and reduced-price meal policy statement. When ordering meals for special functions (e.g., field trips, class parties, etc.) no method of overt identification can be used (students raising hands, forms sent home that identify eligibility, etc.).
- There must not be any discrimination on the basis of race, color, national origin, age, disability, sex, gender identity or religion in the application approval process or in the selection of applications for verification. The public release and letter to parents or application for benefits must include the USDA nondiscrimination statement.

Release of Eligibility Determination

The information on applications must be kept confidential. Aggregate data on children eligible for these benefits was already allowed, but Section 108 of Public Law 103-448 authorizes the disclosure of individual children's free and reduced-price school meal eligibility status for federal and state education programs.

A waiver of confidentiality by the children's parents/guardians is required, except for:

- National Assessment of Educational Progress (NAEP);
- Officials collecting data for Title I allocation and evaluation purposes;
- Colorado English Language Assessment (CELA);
- Gear Up Program;
- Federal Communications Commission's (FCC) E-Rate Audits;
- Colorado Community College System –Colorado Performance Management Information System (VE-135);
- Colorado Student Assessment Program – Alternate (CSAP-A);
- Colorado Student Assessment Program (CSAP), including COACT; and
- October 1 Pupil Count

Refer to CDE policy memo CN07-F-006 "Update: Limited Disclosure of Children's Free and Reduced Price Meal Eligibility" at the CDE Nutrition Unit website:

<http://www.cde.state.co.us/cdenutritran/nutrimemos.htm>

and the USDA Eligibility Manual for School Meals:

<http://www.cde.state.co.us/cdenutritran/download/pdf/EligibilityManual.pdf>

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Waiver of Confidentiality

Children's parents or guardians may always provide consent for the disclosure of any or all of the information related to their children's eligibility status.

A disclosure of All eligibility information to any other Federal, State, or local program or individual not included in the National School Lunch Act (NSLA) requires parental consent. Other programs that require parental consent are local health and local education programs and other local level activities (i.e., free text books or reduced fees for summer school).

The disclosure of information other than names and eligibility status to the programs authorized only to receive participants' names and eligibility status also requires written consent. For example, determining agencies may disclose names and eligibility status to a Federal education program, but if the program requests family size, determining agencies must obtain consent prior to disclosure.

Consent Statement Requirements

The consent statement must be in writing. It may be obtained at the time of application or at a later time.

The consent statement must:

- Identify the information that will be shared and how the information will be used;
- Be signed and dated. In the case of a child participant, the consent statement must be signed by the parent or guardian of the applicant household, even though the application for free and reduced price meals or free milk may be signed by any adult household member.
- State that failing to sign the consent statement will not affect eligibility or participation for the program and that the information will not be shared by the receiving program with any other entity or program; and
- Enable the parent/guardian/adult to limit consent to only those programs with which he or she wishes to share information. For example, the consent statement could use a check-off system under which the applicant would check or initial a box to indicate that he or she wants to have information disclosed to determine eligibility for benefits from a certain program.

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Discrimination Complaint Form

1. Your name: _____
2. Your address: _____
3. Your telephone number: _____
4. List other ways to contact you: _____
5. Name and address of person(s) or organizations you are filing a complaint against: _____

6. Tell what incidents happened that made you feel you had been discriminated against and the dates they occurred.

7. State on what basis you feel discrimination exists (race, color, national origin, sex, religion, age or disability).

8. List names, titles and addresses of persons who may have knowledge of the actions given in number 6 above.

	Name:	Title:	Address:
a.	_____		
b.	_____		
c.	_____		
d.	_____		

(All complaints, written or verbal, shall be accepted by the school district and forwarded to the Nutrition Unit, Colorado Department of Education.)

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Civil Rights Compliance Worksheet

The USDA regulations outline each SFAs responsibility regarding civil rights compliance in the school nutrition programs. The following checklist furnishes a quick overview of requirements.

- | | YES | NO |
|--|-------|-------|
| 1. Does the letter to parents include: | | |
| (a) The required nondiscrimination statement? | _____ | _____ |
| (b) Where a complaint may be filed? | _____ | _____ |
| 2. Have any complaints of discrimination (written or verbal) been received this school year? | | |
| If so, were they forwarded to the Colorado Department of Education, Office of School Nutrition? | _____ | _____ |
| 3. Is the 11" x 17" nondiscrimination poster displayed in a prominent and readable place in each school? | _____ | _____ |
| 4. Is program information made available to the public? (Was a public announcement made?) | _____ | _____ |
| 5. Is there a need for program materials to be printed in a language other than English? | _____ | _____ |
| 6. Is the USDA nondiscrimination statement included on all program materials? | _____ | _____ |
| 7. Has civil rights training been conducted for all staff involved with Child Nutrition Programs? | _____ | _____ |
| 8. Is racial and ethnic data collected annually at each school? | _____ | _____ |
| 9. Are reasonable accommodations made for students with a dietary disability? | _____ | _____ |