

USDA Administrative Review: Civil Rights

Off-Site Questions	
800.	<p>What is the non-discrimination statement used for appropriate Program materials? Please provide exact language.</p> <p>Tips:</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.</p> <ul style="list-style-type: none"> • Nondiscrimination Statement - http://www.cde.state.co.us/nutrition/civilrights • Abbreviated Statement - "This institution is an equal opportunity provider."
801.	<p>Did the School Food Authority publish a public release as required for the school year being reviewed? Provide a copy.</p> <p>Tips:</p> <p>SFAs must send a public release announcing their participation in the program to local media or post in a public place yearly – starting SY 2016-17, CDE OSN will be sending out a public release for each SFA. The public release must include: the household size and income criteria for eligibility and the nondiscrimination statement. If the SFA does not use the OSN prototype, compare their public release to OSN's.</p> <p>Resources:</p> <ul style="list-style-type: none"> • 2015-2016 Free and Reduced Price Program Packet/Public Release template - http://www.cde.state.co.us/nutrition/freeandreducedpricepacket
802.	<p>What services does the SFA provide to households comprised of persons with Limited English Proficient (LEP)?</p> <p>Tips:</p> <p>SFAs must take reasonable steps to assure meaningful access to the information and services they provide. What constitutes reasonable steps will be factored on the following:</p> <ul style="list-style-type: none"> • 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). • The frequency with which LEP individuals come in contact with the program (one time basis versus daily basis) • The nature and importance of the program to the people's lives • The resources available and costs for providing services. (Bilingual staff to act as interpreters, hire translators, provide materials in alternate languages, etc.) Note: limited resources/cost does not eliminate the requirement to provide services to LEP individuals. <p>Resources:</p>

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	<ul style="list-style-type: none"> • Free and Reduced Price Program Packet in Spanish: http://www.cde.state.co.us/nutrition/freeandreducedpricepacket • Free and Reduced applications in alternate languages: http://www.fns.usda.gov/school-meals/family-friendly-application-translations
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>Tips:</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 in to 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 OSN).</p> <p>An SFA can have a complaint form, but the complaint form cannot be a prerequisite for accepting a complaint.</p> <p>Resources:</p> <ul style="list-style-type: none"> • Civil Rights Complaint Procedures Minimum Requirements and Complaint Procedure Template: http://www.cde.state.co.us/nutrition/civilrights
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>If yes, please obtain the following information: date, nature of complaint, and agency complaint was reported to.</p> <p>See Tips and Resources for #803</p>
805.	<p>What procedures are in place for accommodating students with disabilities (special dietary needs)?</p> <p>Tips:</p> <p>SFAs are required to provide modifications to the regular meal when a student has a dietary disability certified by a licensed physician (MD or DO), advanced practice nurse (APN) with prescriptive authority (RXN) or physician assistant (PA). The medical statement SD-1 must be on file.</p> <p>SFAs are not required, but encouraged, to provide modifications to the regular meal when a student has a special dietary need (non-disability) certified by a recognized medical authority (PA, APRN, MD, DO). The medical statement SD-2 must be on file.</p> <p>Milk Substitutes: A medical authority or parent/guardian may request a milk substitute for a disability. If a medical statement is on file, the SFA must provide the substitutions the medical professional provides. Without a medical statement, allowable milk substitutes include</p>

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	<p>lactose-free, lactose-reduced, or non-dairy milk substitutes that meet the USDA nutrient requirements. 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 or offer 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>Resources:</p> <ul style="list-style-type: none"> • SOP template for accommodating students with Special Dietary Needs.
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? What topics were covered by the training? Provide supporting documentation for the responses.</p> <p>Tips:</p> <p>SFAs must train all frontline staff on civil rights requirements on an annual basis. A training agenda and sign in sheet must be included with training documentation.</p> <p>The civil rights self-study guide can be used to train staff. Staff must sign the certification page and the SFA must keep that on file to document training. The certification page counts as the sign-in sheet.</p> <p>Breakfast in the classroom teachers are considered frontline staff. Utilize this memo to streamline the training process for them: http://www.cde.state.co.us/nutrition/civilrightsbicteacherstrainingmemo</p> <p>Resources:</p> <ul style="list-style-type: none"> • http://www.cde.state.co.us/nutrition/civilrights (Power Point training and self-study guide)
807.	<p>How does the SFA collect racial/ethnic data? How often is this information collected? Provide documentation to support the response.</p> <p>Tips:</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>Resources:</p>

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	<ul style="list-style-type: none"> Data for all districts can be found here: http://www.cde.state.co.us/cdereval/pupilcurrentschool.
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On-Site Questions

SFA Level Question

808.	<p>a. Are denied applications disproportionately submitted by minority households?</p> <p>b. If YES, were they denied correctly?</p> <p>Tips: Applications cannot be denied based solely on a protected class.</p>
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809.	<p>Do appropriate Program materials use the non-discrimination statement?</p> <p>Tips: 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.</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, medical statements for special dietary needs postcards, flyers.</p>
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School Level Questions

810.	<p>Review program materials, do appropriate Program materials use the non-discrimination statement?</p> <p>Tips: 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 at least a 9 point font.</p>
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	<p>Examples of documents that require the full nondiscrimination statement: household letters, public release, free and reduced application packet, medical statements for special dietary needs, SFA website.</p> <p>Examples of documents that may use the abbreviated statement: menus, postcards, flyers.</p> <p>Resources:</p> <ul style="list-style-type: none">• Nondiscrimination Statement - http://www.cde.state.co.us/nutrition/civilrights• Abbreviated Statement - "This institution is an equal opportunity provider."
811.	<p>Is the USDA "And Justice for All" poster displayed in a prominent location and visible to recipients of benefits?</p> <p>Tips:</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 point of sales in the same cafeteria.</p> <p>If posters are needed, contact Kristi Rolfesen (Rolfesen_K@cde.state.co.us). Let her know the district name, mailing address, and the number of posters needed.</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>Tips: 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 children with a dietary disability accommodating meals.</p>