

GEORGIA DEPARTMENT OF EDUCATION SCHOOL NUTRITION PROGRAM

Civil Rights Compliance Requirements

USDA regulations, 7 CFR 15 require that school food authorities participating in the National School Lunch Program (NSLP), School Breakfast Program (SBP) or Special Milk Program (SMP) comply with requirements respecting nondiscrimination. Specific directions for implementing these regulations are contained in the FNS Instruction 113-1, Civil Rights Compliance and Enforcement-Nutrition Programs and Activities, November 8, 2005.

Areas of compliance are required as spelled out by FNS Instructions 113-1:

Policy:

Each SFA should establish and implement a written policy as to how they will comply with Title VI of the Civil Rights Act of 1964.

1. The U.S. Department of Agriculture prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and sex. Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA through the Federal Relay Service at (800) 877-8339; or (800) 845-6136 (Spanish).

Limited English Proficiency (LEP):

1. Title VI of the Civil Rights Act of 1964 prohibits recipients of federal financial assistance from discriminating against or otherwise excluding individuals on the basis of race, color, or national origin in any of their activities
2. Title VI and its regulations require State and Local Agencies to take reasonable steps to assure “meaningful” access to the information and services they provide. Reasonable steps to assure meaningful access will be contingent on a number of factors.
 - a. The number or proportion of LEP persons eligible to be served or likely to be encountered by the program or grantee;
 - b. The frequency with which LEP individuals come in contact with the program;
 - c. The nature and importance of the program, activity, or service provided by the program to people’s lives; and,
 - d. The resources available to the grantee/recipient and costs.

Equal Opportunity for Religious Organizations:

1. Faith-based and community-based organizations (FBOs and CBOs) have a long history of involvement in Federal nutrition assistance programs and a tradition of supporting low-income people by providing a wide range of social services.
2. This regulation ensures a level playing field for the participation of faith-based organizations and other community organizations in USDA programs by:
 - a. Prohibiting discrimination for or against an organization on the basis of religion, religious belief, or religious character in the administration or distribution of Federal funds,
 - b. Allowing a religious organization that participates in USDA programs to retain its independence and continue to carry out its mission, provided that direct USDA funds do not support any inherently religious activities such as worship, religious instruction, or proselytization,
 - c. Clarifying that faith-based organizations can use space in their facilities to provide USDA funded services without removing religious art, icons, scriptures, or other religious symbols.

Assurances

To qualify for Federal financial assistance, an application must be accompanied by a written assurance that the entity to receive financial assistance will be operated in compliance with all nondiscrimination laws, regulations, instructions, policies, and guidelines;

- FNS obtains a written assurance from the Department of Education and requires the state agency to obtain assurance from each local agency; and
- A civil rights assurance must be incorporated in all agreements between GaDOE and local educational agencies.

By completing the SFA Sign-Off in the School Approval Module (SAM), the SFA agrees to these assurances.

Public Notification Program

- (1) Ensure that all forms of communication, web-based program information, and printed program information that are disseminated include the following elements:

- a. The statement that program benefits and services are available to all children without regard to race, color, national origin, age, disability, and sex; and
 - b. The procedure for filing a complaint, which includes whom to contact.
- (2) Inform parents, as well as the local minority and grass roots organizations of the nondiscrimination policy and all significant changes in requirements that pertain to program eligibility and benefits.
 - (3) Display in a prominent place the "And Justice for All" poster.
 - (4) Upon request, make available to the public and participants information on program requirements and procedures for filing a complaint, in the appropriate translation to non-English speaking persons.

Data Collection and Reporting

- (1) Develop a method for collection of actual numbers of children, by race, applying for free and reduced-price meals. Methods include determination by a school official through observation, personal knowledge or voluntary self-identification by an applicant on the free and reduced-price meal application form.
- (2) Maintain information on file for 5 years.
- (3) Establish procedures to ensure that the information is made available only to authorized state and federal personnel during reviews.

Civil Rights Training

The School Food Authority shall be responsible for training all school-level personnel in all areas of civil rights compliance as it relates to school nutrition programs and activities.

1. This training may be carried out as part of ongoing technical assistance.
2. Individuals identified as front line staff must be trained annually, specific subject areas include, but are not limited to:
 - a. Collection and use of data
 - b. Effective notification systems
 - c. Complaint procedures

- d. Resolution of non-compliance
- e. Requirements for reasonable accommodation of persons with disabilities
- f. Requirements for language assistance,
- g. Conflict resolution, and
- h. Customer service.

Complaint Procedures

A complaint is defined as "a verbal or written allegation of discrimination which indicates that any NSLP, SBP or SMP is administered or operated in such a manner that it results in disparity of treatment, benefits or services being provided to a child or group of children because of their race, color, national origin, sex, age or disability."

All complaints, either written or verbal, alleging discrimination on the basis of race, color, national origin, sex, age or disability, including anonymous ones, which are filed at the school level must be forwarded to the USDA, Director, Office of Adjudication, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410 or call toll free (866) 632-9992 (Voice). Individuals who are hearing impaired 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.

A written complaint should simply be forwarded as received; if the complaint is verbal, the attached form should be completed and mailed.

It should be noted that verbal complaints should be written up by the person to whom the complaint is made. Every effort should be made to have the complainant provide the information on the attached form.