

NYSED Child Nutrition

Civil Rights Requirement Reminders

Revised May 2022

Annual Requirements: Train staff annually



Local agencies are responsible for training their subrecipients, including “frontline staff” who interact with applicants or participants on an **annual basis**.

- New employees before participating in Program activities
- Volunteers must receive training

Collect and report racial and ethnic data through Basic Educational Data System (BEDS) report *or* the Civil Rights Compliance Report.



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12234

Office for Prekindergarten through Grade 12 Education
 Child Nutrition Program Administration
 85 Washington Avenue, Room 375 EBA, Albany, NY 12234
 (518) 473-8781 Fax (518) 473-0018
www.nysed.gov/cn/cnrcms.htm

**Free and Reduced Price Meal Participation Data
 Civil Rights Compliance Report**

The United States Department of Agriculture regulations outline each local education agency's (LEA's) responsibility in regard to civil rights compliance in child nutrition programs.

This form is required to be completed annually **ONLY** if the data is not collected by another department within the LEA, and it is to be kept on file for three years. **DO NOT SEND COMPLETED FORMS TO THE EDUCATION DEPARTMENT.** Data on the forms will be examined as part of the Department's coordinated review process.

The information on this form shall be available only to authorized State and federal personnel during reviews, or as part of a Federal Office of Management and Budget approved survey.

According to the federal regulations, data for the completion of this form shall be obtained by a school official through any of the following methods: observation; personal knowledge; or voluntary self-identification by an applicant when completing a free and reduced price meal application.

Complete the following table (providing estimates where actual numbers cannot be obtained) of all potential recipients (not just free and reduced price eligible children) that will participate in the program(s).

Facility (Name of school, residential child care institution, correctional facility, etc.)

Ethnicity

Hispanic or Latino

Not Hispanic or Latino

Race

American
 Indian or
 Alaskan
 Native

Asian

Black or
 African
 American

Native Hawaiian
 or Other Pacific
 Islander

White

USDA “And Justice For All” Poster

- Display the poster in a prominent location for all to view
- Required in classrooms **only** if students **do not** visit the cafeteria.

USDA
United States Department of Agriculture

AND JUSTICE FOR ALL

In accordance with Federal 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, age, disability, and reprisal or retaliation for prior civil rights activity. (Not all prohibited bases apply to all programs.)

Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, and 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, 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:
(202) 690-7442 or (202) 690-7442;

email:
program.intake@usda.gov.

This institution is an equal opportunity provider.

Conforme a la ley federal y las políticas y regulaciones de derechos civiles del Departamento de Agricultura de los Estados Unidos (USDA), esta institución tiene prohibido discriminar por motivos de raza, color, origen nacional, sexo, edad, discapacidad, venganza o represalia por actividades realizadas en el pasado relacionadas con los derechos civiles (no todos los principios de prohibición aplican a todos los programas).

La información del programa puede estar disponible en otros idiomas además del inglés. Las personas con discapacidades que requieren medios de comunicación alternativos para obtener información sobre el programa (por ejemplo, Braille, letra agrandada, grabación de audio y lenguaje de señas americano) deben comunicarse con la agencia estatal o local responsable que administra el programa o con el TARGET Center del USDA al (202) 720-2600 (voz y TTY) o comunicarse con el USDA a través del Servicio Federal de Transmisión de Información al (800) 877-8339.

Para presentar una queja por discriminación en el programa, el reclamante debe completar un formulario AD-3027, Formulario de queja por discriminación del programa del USDA, que se puede obtener en línea, en cualquier oficina del USDA, llamando al (866) 632-9992, o escribiendo una carta dirigida al USDA. La carta debe contener el nombre, la dirección y el número de teléfono del reclamante, y una descripción escrita de la supuesta acción discriminatoria con suficiente detalle para informar al Subsecretario de Derechos Civiles (ASCR) por sus siglas en inglés) sobre la naturaleza y la fecha de la presunta violación de los derechos civiles. La carta o el formulario AD-3027 completado debe enviarse al USDA por medio de:

correo postal:
U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410; o

fax:
(202) 690-7442; o

correo electrónico:
program.intake@usda.gov.

Esta institución ofrece igualdad de oportunidades.

Form AD-3027-4 - Revised Poster, Revised July 2019

#NoComplaintsAtFormAD3027 - Revised July 2019

Review your NDS for Accuracy

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.

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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:

1.mail:

U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410; or

2.fax:

(833) 256-1665 or (202) 690-7442; or

3.email:

program.intake@usda.gov

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Common Error

SFAs must ensure all materials have [the most up to date non discrimination statement](#)

- Websites
- Flyers
- Program materials
- CN related forms

Translations: Other languages are available on the FNS Civil Rights web page: <https://www.fns.usda.gov/fns-nondiscrimination-statement>



Evaluate Your Language Access Plan



Review Your Plan:

- What language assistance services do you have?
- How can you provide meaningful access to LEP individuals?
- Have you identified ways in which language assistance will be provided ?
- Is your staff trained?
- Are you monitoring and updating your plan?

An Effective Language Access Plan will:

- Ensure access to online automation services and telephone voice mail menus
- Provide a method for identifying persons who need language assistance at the point of service
- Record and track the language spoken by LEP persons and the language assistance provided at the point of service to each LEP person
- Train staff on how to meet their LEP access obligations, including how to use telephone and in-person interpreter services
- Involve community in implementing the Recipient's LEP Plan
- Monitor the LEP persons' access to services and the Recipient's language assistance measures

Language Access Plan

See additional guidance by The Department of Justice:

[https://www.lep.gov/resources/2011 Language Access Assessment and Planning Tool.pdf](https://www.lep.gov/resources/2011_Language_Access_Assessment_and_Planning_Tool.pdf)

Review your Complaint Policy

- Ensure all complaints of discrimination are **forwarded to the USDA**
- Train staff on your complaint process
- Review FNS 113-1
- See USDA's complaint form



Civil Rights

Helpful Links

[Civil Rights PowerPoint](#)

[Civil Rights PowerPoint \(Spanish\)](#)

[Civil Rights PowerPoint \(Yiddish\)](#)

["And Justice For All" Posters](#)

[Resource Order Form](#)

[Civil Rights Compliance Report](#)

[USDA Office of the Assistant Secretary for Civil Rights](#)

[Civil Rights-related FAQs](#)

[Form for Filing a Civil Rights Complaint - English](#) & [Spanish](#)

Requirements

The United States Department of Agriculture (USDA), Food and Nutrition Services (FNS) is required to comply with the regulations of the United States Office of Civil Rights. Local Education Agencies (LEAs) that receive federal funds from USDA such as Child Nutrition Program lunch, breakfast, snack, or milk reimbursements must collect data specific to their operations regarding non-discrimination and civil rights. Most school districts and many nonpublic schools already collect this data as part of the No Child Left Behind Act. Therefore most schools, including all public school districts, no longer need to complete the Civil Rights Data Collection form that was required annually in the past because it is duplicative. The data collected must ensure that it includes all potential eligible participants by race and ethnic category, and that it is accessible for review with regard to participation in the child nutrition programs. The ethnic category data must identify/specify Hispanic or Latino and Not Hispanic or Latino. The categories for race must include American Indian or Alaskan Native, Asian, Black or African American, Native



Updated Meal Modification Guidance

- Refer to SP-59-2016, ***Policy Memorandum on Modifications to Accommodate Disabilities in the School Meal Programs.***

ADA Amendments Act of 2008: Implementation

- **The term “substantially limits” requires a lower degree of functional limitation than the standard previously applied by the courts** . An impairment does not need to prevent or severely or significantly restrict a major life activity to be considered “substantially limiting.” Nonetheless, not every impairment will constitute a disability.
- **The term “substantially limits” is to be construed broadly** in favor of expansive coverage, to the maximum extent permitted by the terms of the ADA.
- The determination of whether an impairment substantially limits a major life activity **requires an individualized assessment**, as was true prior to the ADAAA.
- With one exception (“ordinary eyeglasses or contact lenses”), the determination of whether an impairment substantially limits a major life activity shall be made **without regard to the ameliorative effects of mitigating measures**, such as medication or hearing aids.
- **An impairment that is episodic or in remission is a disability** if it would substantially limit a major life activity when active.
- The **determination of disability should not require extensive analysis**.

The expanded definition of DISABILITY:

Major Life Activities:

Seeing, hearing, walking, speaking,
learning, eating, breathing



Major Bodily Functions:

Digestive Immune system, respiratory,
circulatory, neurological/brain



Medical statement requirements

Statement :

- Provides information about impairment-DIAGNOSIS NOT REQUIRED
- States how diet is restricted
- States how to accommodate condition

You may seek clarification:

- Do not delay modification
- Do not request medical records
- Do not require note signed by physician, it may be signed by any State licensed healthcare professional



Food Allergy medical statement

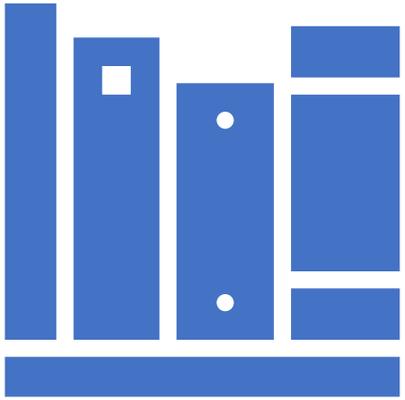
- *Includes 3 essential components:
 - The food to be avoided (allergen)
 - Brief explanation of how exposure affects the student
 - Recommended substitute(s)



Assurance Statements

- Agreements/ Contracts with a FSMC must contain a written assurance that the program or facility will operate in compliance with Civil Rights laws and regulations
- FNS 113-1
- SFAs are responsible for ensuring that their FSMC are in compliance with CR requirements

*This language is already included in the NYSED FSMC prototype



QUESTIONS?

PLEASE EMAIL US AT: CNTRAINING@NYSED.GOV