



Topic 5

Civil Rights



TOPICS

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FEDERAL FINANCIAL ASSISTANCE

- Participation in the School Nutrition Programs (SNP) requires compliance with civil rights rules in all aspects of operations.
- A Protected Class is any person or group of people who are protected from discrimination based on:
 - Race
 - Color
 - National Origin
 - Sex
 - Age
 - Disability
 - Gender Identity
 - Religion
 - Reprisal



- Where Applicable
 - Political Beliefs
 - Marital Status
 - Familial Status
 - Parental Status
 - Sexual orientation
 - 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

ASSURANCES

Schools/Programs that participate in the SNP will:

- Not discriminate based on race, color, national origin, sex, age or disability,
- Operate in compliance with all non-discrimination laws, regulations, instructions, policies, and guidelines,
- Collect data and maintain records, and
- Allow reviews and access to program records

SCHOOLS MUST TRAIN STAFF ANNUALLY

Schools must train staff annually on the following (schools may use the content below to train staff):

- Collection and use of ethnicity and racial data
- Public notification
- Complaint procedures
- Reasonable accommodation of children with special dietary needs
- Language assistance

ANNUAL COLLECTION AND USE OF DATA

The SNP sponsors are required to use a Household Meal Benefit Application for Free and Reduced Price Meals that is designed to collect data about two separate topics:

- Ethnicity - All must indicate if Hispanic or Latino
- Race - Individuals may select as many as applicable
- All households are encouraged to self-declare their ethnic and racial categories.
- Families cannot be required to complete the racial and ethnic information.
- However, because all federal programs are required to collect this information, it should already be available in all public schools. Therefore, if a family does not include race/ethnicity information on the application:

1. School Food Service should first find out if this information is available from other officials within the LEA.

2.a.

If the School Food Service department can access or maintain a copy of the information from other school officials, the race/ethnicity information need not be recorded on the application.

However, utilizing reports from other officials within the LEA, School Food Service may check off the appropriate racial and ethnic categories on the application.

2.b.

If the race/ethnicity information is not available from other officials within the LEA, the School Food Service department must record it on the application based on visual observation.

- The availability of this data is NOT optional. This information must be easily accessible in case PDE needs to request it (e.g., as a result of a discrimination complaint).

PUBLIC NOTIFICATION

- The SNP sponsors must inform the general public annually about the availability of SNP.
- PDE releases a statewide press release annually.
- In addition, if the SNP sponsors want to advertise locally using the PDE press release, it is available on **PEARS | Application Tab | Download Forms, Resources section**.
- If the SNP sponsors advertise the meal program and mention the SNP, the non-discrimination statement and complaint procedures (see below) must be included.



Nondiscrimination Statement and Complaint Procedures

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 Discrimination 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).

- If the material is too small to permit the full statement, the sponsor may use the following statement: "This institution is an equal opportunity provider."
- Generally, any material that mentions the SNP must contain the Nondiscrimination Statement.

AND JUSTICE FOR ALL POSTER

- The "And Justice for All" poster must be displayed in a publicly visible location in all areas where meals/snacks are served.
- This is an 11" X 17" poster.
- This poster is usually available from the Division of Food and Nutrition. To request posters call 1-800-331-0129.

COMPLAINT PROCEDURES

- A complaint may be made on the basis of race, color, national origin, sex, age or disability.
- Allegations can be made verbally or in writing. If they are made verbally, the person to whom the allegations are made must write (document) the elements of the complaint for the complainant, including contact information.

REASONABLE ACCOMMODATIONS FOR CHILDREN WITH SPECIAL DIETARY NEEDS

- For children with special dietary needs caused by disabilities, the sponsor is **required** to make accommodations. A Medical Statement signed by a physician is required. Medical conditions such as food allergies, celiac disease, diabetes, and others are considered disabilities if the physician documents that they are disabilities.
- For children with special dietary needs not caused by disabilities, accommodations are **optional** (recommended but not required). If the sponsor makes accommodations, a Medical Statement signed by a recognized medical authority is required. In Pennsylvania, a recognized medical authority is a physician, Physician's Assistant (PA), or Certified Registered Nurse Practitioner (CRNP).

- The Medical Statement does not need to be updated each year **UNLESS** there are changes. PDE recommends that you confirm, on a yearly basis, that the diet order has not changed.
- Parents/guardians or recognized medical authorities may request a milk substitute to restrict intake of **fluid milk** by children with **special dietary needs not caused by disabilities**. However, the milk substitute must meet the established **nutrient standards**, as indicated in Question 10 in USDA memo SP35-2009, available on PEARS | [Download Forms](#). Providing this accommodation is optional. **Juice and water cannot substitute** for fluid milk as part of the reimbursable meal for non-disabling special dietary needs. However, if the school implements Offer vs. Serve (OVS), any student can choose a meal without milk, and choose juice as part of the meal if it is offered. All students must have access to drinkable water in addition to the meal.
- For additional instructions, please see the  [PDE Division of Food and Nutrition Website > Special Dietary Needs Resources](#)
- For additional instructions, please reference PEARS > Application Tab > Download Forms, [Feeding Students with Disabilities and Special Dietary Needs section](#).
- PDE strongly recommends that you take the School Nutrition Toolbox module on  [Serving Students with Special Dietary Needs \[http://www.schoolnutritiontoolbox.org/moodle/course/view.php?id=17\]](#)

LANGUAGE ASSISTANCE

- Reasonable effort must be made to accommodate participants with Limited English Proficiency (LEP).

Translations of some documents are available on USDA Web site. Additional resources to assist with communicating with LEP families are available at the  [Limited English Proficiency Website \(LEP\)](#) [http://www.lep.gov].