

Civil Rights Topics in the School Nutrition Program

*For classroom teachers and school staff
involved in Breakfast in the Classroom or in
similar roles*



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➤ Discrimination Based on Protected Class

The Food and Nutrition Service (FNS) prohibits discrimination based on:

- Race
- Color
- National Origin
- Sex (including gender identify and sexual orientation)
- Disability
- Age



▶ Three D's of Discrimination

- Denied benefits/services that others receive
- Delayed receiving benefits/services that others receive
- Treated differently from others to their disadvantage



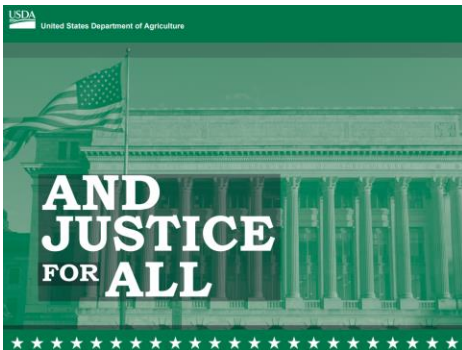
▶ Examples of Prohibited Discrimination

- Students whose first language is Spanish are *required* to sit at a “Spanish-speaking” table for meals.
- Girls are given more time than boys to eat their meals.
- A child with a documented food allergy is not offered a modified meal to allow him/her to eat the school meal.



➤ Procedure for Civil Rights Complaints

- Inform complainant of federal civil rights for protected classes.
- Provide information to file a complaint:
 - [USDA's How to File a Program Discrimination Complaint webpage](https://www.usda.gov/oascr/how-to-file-a-program-discrimination-complaint) (<https://www.usda.gov/oascr/how-to-file-a-program-discrimination-complaint>)
 - On the [And Justice for All poster](#) in cafeteria



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➤ Procedure for Civil Rights Complaints (cont.)

- If the matter can be resolved quickly, schools are encouraged to resolve it at the school district level.
- Schools must:
 - Document the complaint and actions taken in the designated civil rights complaint log; *and*
 - Notify the Pennsylvania Department of Education (PDE), Bureau of Food and Nutrition (BFN), of the discussion/resolution.



➤ Procedure for Civil Rights Complaints (cont.)

- Even if a resolution is reached, the complainant may still wish to file a federal complaint.
- If the complainant wishes to file a federal complaint, the school must:
 - Document the complaint and actions taken in the designated civil rights complaint log; and
 - Forward the information within five days of receipt of the complaint to PDE, BFN.
- Strict confidentiality must be maintained.



► Disability Discrimination

- Students with disabilities that affect the diet must be offered a reasonable accommodation so that they can participate in school meals.
- Accommodations are made on a case-by-case basis.
- In most cases, a medical note from a licensed medical provider is required.



▶ Accommodating Disabilities

- Do not delay communication.
- Follow the school's procedure for addressing requests for accommodations.
- Follow food safety and sanitation procedures to protect children with food allergies.
- Note: Special meal requests not related to a disability are optional for schools to make.



➤ Denial of School Meals

- USDA policy prohibits the denial of meals as a disciplinary action.
- Act 55 (2017) amended Pennsylvania School Code:
 - A student requesting a school program meal must be provided with one regardless of whether the student has money to pay for it.



➤ USDA Nondiscrimination Statement

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.

Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication to obtain program information (e.g., Braille, large print, audiotope, 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 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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Questions?



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➤ Contact/Mission

For more information on the Child Nutrition Programs please visit PDE's website at <https://www.pa.gov/agencies/education/programs-and-services/schools/food-and-nutrition>.

The mission of the Department of Education is to ensure that every learner has access to a world-class education system that academically prepares children and adults to succeed as productive citizens. Further, the Department seeks to establish a culture that is committed to improving opportunities throughout the commonwealth by ensuring that technical support, resources, and optimal learning environments are available for all students, whether children or adults.



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