

Iowa USDA Civil Rights Manual



State of Iowa
Department of Education
Grimes State Office Building
400 East 14th Street
Des Moines, Iowa 50319-0146



Administration

Ryan Wise, Director and Executive Officer of the State Board of Education

Ann Feilmann-Bureau Chief– Nutrition and Health Services



State Board of Education

Charles C Edwards, Jr. - President

Michael Knedler - Vice President

Brooke Axiotis - Board Member

Betty Bolar - Board Member

Michael Bearden - Board Member

William May - Board Member

Diane Crookham-Johnson - Board Member

Mary Ellen Miller - Board Member

Angela English - Board Member

Robert Nishimwe - Student Member

Table of Contents

FRAMEWORK	5
Introduction	5
Expectations	5
Data Collection and Reporting	6
Racial and Ethnic Designations	6
Ethnicity	6
Race	6
Income Eligibility Application	6
Iowa Income Eligibility Application (cont'd)	7
Reporting Ethnic and Racial Data	7
Geographical Area Racial and Ethnic Data	7
Program Racial and Ethnic Data	7
PUBLIC NOTIFICATION	9
Requirements	9
Public Notice	9
Program Availability	9
Media Notice	9
Photos and Graphic Depictions	11
Poster	11
Complaint Information	11
Assurance Statement	11
USDA Nondiscrimination Statement	13
IOWA Nondiscrimination Statement	13
Required Accommodations and Meaningful Access	14
Services to Persons with Physical Disabilities	14
Services to Persons with Hearing and Vision Impairments	144
Diet Modification-Equal Access	Error! Bookmark not defined. 4
Services to Persons with Limited English Proficiency (LEP)	145
Equal Opportunity for Religious Institutions	146
Complaints Policy	176

Compliance Reviews 17

The Pre Award Compliance review 17

The Post Award Compliance Review..... 17

Special Compliance Reviews 18

Self-Assessment 18

Resolution of Noncompliance 18

Examples of Resolution of Noncompliance 18

Conflict Resolution 19

Customer Service 19

Annual Training 20

Requirements for Specific Programs 20

Self-Assessment 20

Training Requirements for Key Staff 20

GLOSSARY 22

RESOURCE SECTION 23

REGULATION AND POLICY CHART 23

CIVIL RIGHTS TRAINING HANDOUT 24

GOALS..... 24

CIVIL RIGHTS TRAINING FOR BREAKFAST IN THE CLASSROOM TEACHERS. 30

CIVIL RIGHTS KNOWLEDGE CHECK 32

CIVIL RIGHTS KNOWLEDGE CHECK ANSWER KEY..... 33

CIVIL RIGHTS TRAINING AND ATTENDANCE LOG 34

SELF-ASSESSMENT CHECKLIST..... 35

PROCEDURES FOR HANDLING A CIVIL RIGHTS COMPLAINT 36

CHILD NUTRITION PROGRAMS CIVIL RIGHTS COMPLAINT FORM 36

DIET MODIFICATION REQUEST FORM FOR ALL CNP’s 38

COMPLAINT PROCEDURE AND REGULATION Error! Bookmark not defined.

CIVIL RIGHTS QUESTION AND ANSWERS..... 40

FRAMEWORK

Introduction

Welcome to the Iowa Department of Education, Bureau of Nutrition and Health Services manual on Civil Rights in Child Nutrition Programs (CNP).

Following the ratification of Article XIII of the U.S. Constitution, the first Civil Rights legislation was passed by Congress in 1866. That was the first law to grant protection to all citizens regardless of race and color. That same Congress approved the Fourteenth Amendment which mandated that no State shall “deprive a person of life, liberty, or property without due process of the law; nor deny to any person within its jurisdiction equal protection of the law”. This legislation served as the background for the development of the Civil Rights laws we have today. United States Department of Agriculture (USDA) regulations prohibit discrimination in CNPs operated under its jurisdiction. Six protected classes are identified by USDA.

This manual is not intended to be a definitive source of information on compliance with Civil Rights requirements of USDA regulations. Civil Rights matters can be complicated in their interpretation and enforcement. Evidence of discrimination may be direct or circumstantial and may be found in various sources. Discriminatory practices may have a disparate impact on a person or persons or a particular group or include inappropriate conversations or actions against an individual because of some trait or attitude. Participating CNPs are strongly urged to independently seek appropriate advice in these matters. Some resources are included in the resource section at the end of this manual.

Expectations

Why are we expected to complete Civil Rights training?

All programs receiving Federal and State dollars must ensure equal access. To ensure that all that are eligible for the programs have access and knowledge of your program. There are expectations that we must fulfill in order to ensure that we are informing all eligible populations of the CNPs.

What are you required to do?

All of these requirements will be discussed in this manual:

1. Data Collection
2. Public Notification
3. Accommodation of people with disabilities
4. Language Assistance
5. Complaint Procedures
6. Compliance Review
7. Resolution of Non-compliance
8. Conflict Resolution
9. Customer Service
10. Annual Training

Data Collection and Reporting

Racial and Ethnic Designations

CNPs must collect and report information about the ethnicity and racial identity of participants served by their program. The information must be based on self-identification to the extent possible, and visual observation by program staff when participants do not self-identify. In addition to the requirement to maintain source documents in a confidential manner, the information about ethnicity and racial designations must be safeguarded and maintained for three years following the close of the year it was collected. It is required that ethnicity be determined first, then race. Each participant must be identified by BOTH ethnicity and race.

Ethnicity includes the following options:

Ethnicity asks if the applicant is Hispanic or Latino, or non-Hispanic or not Latino origin.

Hispanic or Latino persons are of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race. The term “Spanish origin” can be used in addition to “Hispanic or Latino.” Participants not included in the culture or origins listed above would be included in the Non-Hispanic ethnicity.

Race includes the following options:

- *American Indian or Alaskan Native*: A person having origins in any of the original peoples of North and South America (including Central America), and who maintains tribal affiliation or community attachment;
- *Asian*: A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent, including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam;
- *Black or African American*: A person having origins in any of the black racial groups of Africa. Terms such as “Haitian” or “Negro” can be used in addition to “Black or African American;”
- *Native Hawaiian or Other Pacific Islander*: A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands;
- *White*: A person having origins in any of the original peoples of Europe, the Middle East, or North Africa.

Income Eligibility Application

The Iowa Eligibility Application now collects the information on page 2 for schools. The information is now based on household information rather than individual ethnic and racial information. However each student will have an individual ethnic and racial identity. The household member may mark multiple identities. The institution may need to obtain the individual ethnic and racial information through another collection method such as enrollment forms if more than one racial and ethnic category is marked on the household application. Self-identification is the preferred method for data collection. The data collector may not second guess or challenge a self-declaration. If families choose not to self-identify, the child nutrition program official must inform the family that the program will do their best to identify for the family. If the participations are directly certified the institution should also use another collection method such as enrollment forms to collect individual ethnic and racial information.

OPTIONAL Children's Racial and Ethnic Identities

We are required to ask for information about your children's race and ethnicity. This information is important and helps to make sure we are fully serving our community. Responding to this section is optional and does not affect your children's eligibility for free or reduced price meals.

Ethnicity (check one): Hispanic or Latino Not Hispanic or Latino

Race (check one or more): American Indian or Alaskan Native Asian Black or African American Native Hawaiian or Other Pacific Islander White

Iowa Income Eligibility Application (cont'd)

OPTIONAL Children's Racial and Ethnic Identities
 We are required to ask for information about your children's race and ethnicity. This information is important and helps to make sure we are fully serving our community. Responding to this section is optional and does not affect your children's eligibility for free or reduced price meals.

Ethnicity (check one): Hispanic or Latino Not Hispanic or Latino
 Race (check one or more): American Indian or Alaskan Native Asian Black or African American Native Hawaiian or Other Pacific Islander White

Low-Cost Health Insurance for Children
 If your children do not have health insurance, many families getting free or reduced price meals can also get free or low-cost health insurance for their children. The law requires public schools to share your free and reduced price meal eligibility information with Medicaid & Hawkeye, the State's medical insurance program for children. Private schools, RCCs and charitable organizations may choose to share this information. Specifically, we will give them your child's name, your name & address. Medicaid & Hawkeye can only use the information to identify children who may be eligible for free or low-cost health insurance and contact you. They are not allowed to use the information from your free and reduced meal application for any other purpose or to share it with any other program. You are not required to allow us to share this information, it will not affect your child's eligibility for free or reduced price meals. If you do NOT want your information shared with Medicaid or Hawkeye, you must tell us by completing the information below. If you want further information, you may call Hawkeye at 1-800-257-0563. Also, if you are already receiving Medicaid or Hawkeye, please sign below. This will avoid another contact. My signature below indicates I DO NOT want school officials to share information from my free and reduced price meal application with Medicaid or Hawkeye.

Parent/Guardian Name (Printed) _____ Signature _____ Date _____

The Richard B. Russell National School Lunch Act requires the information on this application. You do not have to give the information, but if you do not submit all needed information, we cannot approve your child for free or reduced price meals. You must include the last four digits of the social security number of the adult household member who signs the application. The social security number is not required when you apply on behalf of a foster child or you list a Food Assistance (FA), Family Investment Program (FIP) or Food Distribution Program on Indian Reservations (FDPIR) case number or other DHR identifier for your child or when you indicate that the adult household member signing the application does not have a social security number. We will use your information to determine if your child is eligible for free or reduced price meals, and for administration and enforcement of the lunch and breakfast programs. We may share your eligibility information with education, health, and nutrition programs to help them evaluate, fund, or determine benefits for their programs, auditors for program review, and law enforcement officials to help them look into violations of program rules.

USDA Nondiscrimination Statement: In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, sex, disability, age, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA.

Persons with disabilities who require alternative means of communication for program information (e.g. Braille, large print, audiotape, American Sign Language, etc.), should contact the Agency (State or local) where they applied for benefits. Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, (AD-3027) found online at: http://www.ascr.usda.gov/complaint_filing_cust.html, and at any USDA office, or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-6992. Submit your completed form or letter 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,
 (2) fax: (202) 690-7442; or
 (3) email: program.intake@usda.gov

Iowa Non-Discrimination Statement: It is the policy of this CNP provider not to discriminate on the basis of race, creed, color, sex, sexual orientation, gender identity, national origin, disability, age, or religion in its programs, activities, or employment practices as required by the Iowa Code section 216.6, 216.7, and 216.8. If you have questions or grievances related to compliance with this policy by this CNP Provider, please contact the Iowa Civil Rights Commission, Grimes State Office Building, 400 E. 14th St., Des Moines, IA 50319-1004, phone number 515-281-4121, 800-457-4416, website: <http://iaca.iowa.gov/>

Translated applications are available in 34 languages at: <http://www.fns.usda.gov/school-meals/family-friendly-application-translations>

Page 2 of the Iowa Income Eligibility Application

Reporting Ethnic and Racial Data

Geographical Area Racial and Ethnic Data

- All programs that participate in a CNP must have a system for collecting racial and ethnic data of program participants and the racial/ethnic makeup of the service area of their program.
- Racial Ethnic data for a geographical area may be obtained through the following websites:

For Schools and Summer Food- <http://www.fairdata2000.com/SummerFood>

For CACFP-<http://www.fairdata2000.com/CACFP>

Program Racial and Ethnic Data

School Programs: use the Ethnic Racial Form available at the Iowa CNP form download.

Ethnic/Racial Distribution From the Iowa Eligibility Applications
 SO ____ - SO ____ School Year
 (Name of Local Education Agency)
 (Agency Number)

Ethnic Identities	Total Applicants	Awarded Free Meal Status	Awarded Reduced Price Meal Status	Did Not Qualify
Hispanic or Latino	_____	_____	_____	_____
Not Hispanic or Latino	_____	_____	_____	_____
Totals	_____	_____	_____	_____
Racial Identities				
White	_____	_____	_____	_____
Black or African American	_____	_____	_____	_____
American Indian or Alaskan Native	_____	_____	_____	_____
Asian	_____	_____	_____	_____
Native Hawaiian or Other Pacific Islander	_____	_____	_____	_____
Totals	_____	_____	_____	_____

Instructions for completion: 1. This information is based on STUDENTS, not APPLICATIONS. Include only those students who applied for meal benefits. 2. Each student will have an ethnic and a racial identity. The race identification is possible if the parent/guardian does not identify ethnic and/or racial status on the Iowa Eligibility Application. The race must identify based on total-race or intermediate. 3. The totals in each column for Ethnic Identities should equal the totals for Racial Identities. "Total applicants" for both ethnic and racial identities should be the sum of "Awarded free meal status," "Awarded reduced price meal status," and "Did not qualify." 4. File with processed applications and update throughout the year.

SFSP: The sponsor application requires that the ethnic and racial characteristics of the sponsor's service area be reported on the Iowa CNP system. Each site application requires the report of ethnic and racial characteristics of the actual participants.

Attachment 21

ETHNIC AND RACIAL DATA FORM**

Sponsor: _____
 Site: _____
 Address: _____
 Site supervisor: _____

Ethnic Categories	Number of Participating Children
Hispanic or Latino. A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race. The term "Spanish origin" can be used in addition to "Hispanic or Latino."	
New Hispanic or Latino	
Racial Categories	
American Indian or Alaska Native. A person having origins in any of the original peoples of North and South America, including Central America, and who maintains tribal affiliation or community recognition.	
Asian. A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent, including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.	
Black or African American. A person having origins in any of the black racial groups of Africa. Terms such as "Negro" or "Negro" can be used in addition to "Black or African American."	
Native Hawaiian or Other Pacific Islander. A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.	
White. A person having origins in any of the original peoples of Europe, the Middle East or North Africa.	

Sponsor's Signature _____ Date _____

** Note: Based on OMB Directive, *Revisions to the Standards for the Classification of Federal Data on Race and Ethnicity*, published 10-20-97 and FPO Instruction 1.1.1, *Child Status, Sponsorship, and Enforcement Continuation Programs and Activities*, published November 8, 2005. See back for instructions.

CACFP centers and CACFP Home Programs: It is recommended that CACFP programs use the enrollment form to collect this information. Racial and Ethnic information can also be obtained through the Income Eligibility Application section 4. Report this on the institution application for enrolled participants on the Iowa CNP system. The management plan (Part III, question B, Civil Rights) requires that the ethnic and racial characteristics of the center's service area be reported. The enrollment form is available at on the Iowa CNP form download.

Page 1 of 2

Iowa Eligibility Application
 Complete one application per household, School Year 2016-2017
 FFY 16-17

Part 1. Check all applicable boxes:

school meals
 special milk (restrictions apply)

children in child care center
 Tier 1 home provider (HP)
 Head Start/Even Start

children in child care home (HP)
 Provider name: _____

Part 2. Check if any child is Homeless, Migrant, or a Runaway and call your child's school. Run away Migrant Homeless

Part 3. FIP or Food Assistance Eligible: Enter the FIP or Food Assistance Case Number for ANY household member as listed in the Notice of Decision. NOTE: Medicaid, Title XIX and EBT card numbers are not acceptable. Skip part 5.

Name of household member with Case Number _____ List Case Number _____

Part 4. Children enrolled. REQUIRED OF ALL APPLICANTS.

List name(s) of all enrolled child(ren) in your household.

Last Name	First Name	Middle Name or Initial	Check box for FOSTER	Date of Birth	Grade	OPTIONAL ETHNICITY RACE	Name of School/Head Start/ Child Care Center/Home
1.			<input type="checkbox"/>				
2.			<input type="checkbox"/>				
3.			<input type="checkbox"/>				
4.			<input type="checkbox"/>				
5.			<input type="checkbox"/>				

Part 5. Total Household Gross Income. DO NOT COMPLETE PART 5 IF YOU LISTED A FIP OR FOOD ASSISTANCE NUMBER IN PART 3.

CACFP Centers: use the Ethnic Racial Form available at the Iowa CNP form download.

CACFP Centers

CACFP Homes

Ethnic and Racial Data Collection Form

Agency Name: _____ Agency Number: _____
 Site Name: _____ Site Address: _____

Enrollment Data

Month	Total Enrollment	Number of CACFP Participants
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		

Demographic Data

Month	Hispanic or Latino	Non-Hispanic or Latino	American Indian or Alaska Native	Asian	Black or African American	Native Hawaiian or Other Pacific Islander	White
1							
2							
3							
4							
5							
6							
7							
8							
9							
10							
11							
12							

Sponsor Name		Fiscal Year		50 Names							
Agreement Number											
Site No	Provider First Name	Provider Last Name	Total Enroll	Ethnic Identity	Racial Identity	Total Enroll					
				Hispanic or Latino	Non-Hispanic or Latino	American Indian or Alaska Native	Asian	Black or African American	Native Hawaiian or Other Pacific Islander	White	
1			0								0
2			0								0
3			0								0
4			0								0
5			0								0
6			0								0
7			0								0
8			0								0
9			0								0
10			0								0
11			0								0
12			0								0
13			0								0
14			0								0
15			0								0
16			0								0
17			0								0
18			0								0
19			0								0
20			0								0

PUBLIC NOTIFICATION

Requirements

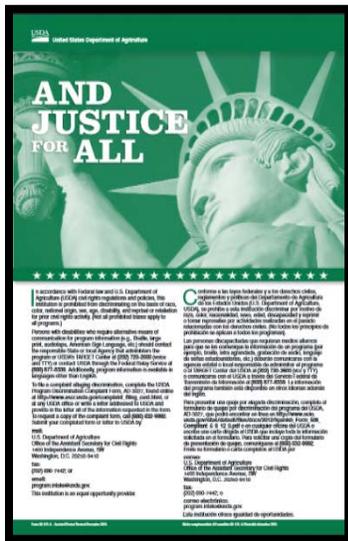
There are several requirements that must be met by CNPs in Iowa, to help ensure compliance with Civil Rights rules and laws. These are public notice, training, data collection and reporting, compliance reviews, resolution of non-compliance, receiving complaints, services to persons with limited English proficiency and services to persons with hearing impairments. These requirements are described in more detail below.

Public Notice

The CNP must notify the public of the program availability, the program’s policy of non-discrimination, program rights and responsibilities and procedures for filing complaints. Alternate formats must be provided for persons with disabilities.

Public notice must include all the following, each described in more detail below:

- The use of the appropriate non-discrimination notices,
- The display of the USDA Civil Rights poster, “And Justice for All,”
- A media notice,
- If photos or graphic depictions are used, material must convey the message of equal opportunity.



Program Availability

Inform applicants, participants, and potentially eligible people of their program rights and responsibilities and the steps necessary for participation

Media Notice

NSLP-A media notice must be provided to the newspaper, radio or television station covering the service area of the program each year. For school programs, a media announcement is provided to a media distribution service, Media Link. Schools must check to be sure that their local newspaper subscribes to this service. Schools served by media that do not subscribe to the Media link service must send the media release to local newspaper, radio and television stations located in their service area.

Photos and Graphic Depictions

Photos and graphic depictions used in promotional material must convey the message of equal opportunity in all photographic and other graphics used to provide program or program –related information.

Must be included in program informational materials such as

- Enrollment Forms
- Menus
- Brochures
- Websites
- Parent Handbooks
- Employee Handbooks
- Public Release
- Print or Broadcast Ads
- Computer-based applications
- Newsletters
- Flyers
- Bulletins

Poster

The USDA poster “And Justice for All” must be displayed in all programs in a location visible to participants and potential participants. The web address for downloading the poster is included in the reference section of this manual. Local reproduction is authorized if meeting regulation size.

EXCEPTION: CACFP Home Sponsor programs must display the poster in the offices of the sponsor. It need not be displayed in the homes.

Poster may be obtained at:

[And Justice for All webpage](#)

The poster must be printed 11 x 17 to meet regulations.

Complaint Information

Advise all applicants and participants at the service delivery point of their right to file a complaint, how to file a complaint and the complaint process.

Assurance Statement

The program will need to agree to the following Assurance Statement when participating in all Child Nutrition Programs.

“The program applicant hereby agrees that it will comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq.), Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681 et seq.), Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794), the Age Discrimination Act of 1975 (42 U.S.C. § 6101 et seq.); all provisions required by the implementing regulations of the Department of Agriculture; Department of Justice Enforcement Guidelines, 28 CFR Part SO.3 and 42; and FNS directives and guidelines, to the effect that, no person shall, on the grounds of race, color, national origin, sex, age, or disability, be excluded from participation in, be denied benefits of, or otherwise be subject to discrimination under any program or activity for which the program applicant receives Federal financial assistance from FNS; and hereby gives assurance that it will immediately take measures necessary to effectuate this agreement.”

By accepting this assurance, the Program applicant agrees to:

- compile data, maintain records
- submit reports as required

- permit effective enforcement of nondiscrimination laws and permit authorized USDA personnel during hours of program operation to review such records, books, and accounts as needed to ascertain compliance with the nondiscrimination laws.

If there are any violations of this assurance, the Department of Agriculture, FNS, shall have the right to seek judicial enforcement of this assurance. This assurance is binding on the Program applicant, its successors, transferees, and assignees as long as it receives assistance or retains possession of any assistance from USDA. The person or persons whose signatures appear below are authorized to sign this assurance on the behalf of the Program applicant.”

(FNS Instruction 113-1)

Non-Discrimination Statement

All informational materials and sources, including Web Sites, used by FNS, State agencies, local agencies, SFAs or other sub recipients to inform the public about FNS programs must contain a Nondiscrimination Statement. The statement is not required to be included on every page of the program Web Site. At a minimum, the nondiscrimination statement or a link to it must be include on the home page of the program information

At a minimum, the Non-discrimination statement should be on:

- Income eligibility application forms
- Notification of Eligibility or Ineligibility
- Expiration of Certification Notification
- Discontinuation Notification
- Program (Home) web page
- Public Information materials including media

The full statement may be in a smaller font than the text of a large or medium size document; the spacing must be the same and it must be readable and no smaller than font size 9; and the full statement must be used. However if only using the one equal opportunity sentence it must be the same size as the message. Non-Discrimination Statement is not required to be imprinted on small items where it is deemed impractical such as: It is not required on items such as pens or buttons which identify the Program when size makes it impractical. The statement print size may be no smaller than font size 9. The statement should read- *“This sponsor is an equal opportunity provider”*.

NONDISCRIMINATION STATEMENTS

***CNP State or local agencies, and their sub-recipients,
must post the following Nondiscrimination Statement:***

USDA Nondiscrimination Statement

FNS nutrition assistance programs, State or local agencies, and their sub-recipients, must post the following Nondiscrimination Statement:

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, sex, disability, age, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA. Persons with disabilities who require alternative means of communication for program information (e.g. Braille, large print, audiotape, American Sign Language, etc.), should contact the Agency (State or local) where they applied for benefits. Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program complaint of discrimination, complete the [USDA Program Discrimination Complaint Form](#), (AD-3027) found online at: [Assistant Secretary for Civil Rights Webpage](#) , and at any USDA office, or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call 866-632-9992. Submit your completed form or letter 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;
- (2) Fax: 202-690-7442; or
- (3) Email: program.intake@usda.gov

This institution is an equal opportunity provider.

State or local agencies, and their sub-recipients, may also post the following Nondiscrimination Statement:

IOWA NONDISCRIMINATION STATEMENT

It is the policy of this CNP provider not to discriminate on the basis of race, creed, color, sex, sexual orientation, gender identity, national origin, disability, age, or religion in its programs, activities, or employment practices as required by the Iowa Code section 216.6, 216.7, and 216.9. If you have questions or grievances related to compliance with this policy by this CNP Provider, please contact the Iowa Civil Rights Commission, Grimes State Office building, 400 E. 14th St. Des Moines, IA 50319-1004; phone number 515-281-4121, 800-457-4416; website: [Iowa Civil Rights Commission Webpage](#)

Required Accommodation and Meaningful Access

Services to Persons with Physical disabilities

USDA guidance requires State agencies, Local Education Agencies (LEAs), and schools that receive Federal funding to accommodate children or adults with physical disabilities including accessibility to the cafeteria as well as access to the same meal choices as other students and the ability to be seated with other students. Examples include entrances and exits wide enough for a wheelchair, alternate communication methods such as Braille, large print, or audiotape for limited sight persons or hearing impaired persons, tables that accommodate a wheelchair, and accommodations so the child can access the serving line. Other examples include program aides that can help with feeding and adaptive tableware.

Services to Persons with Hearing and Vision Impairments

Providing assistance to complete applications is also required. Interpreters do not need to be child nutrition program employees but do need to keep the shared information confidential. Child nutrition programs may also contact grass roots institutions (such as colleges, churches, other refugee or immigrant settlement services) to discuss translation or assistance from within the community.

Vision and Hearing impaired individuals can find available assistance by going to:

[Relay Iowa Webpage](#) for relay services

Relay Iowa is a telecommunications relay service that provides full telephone accessibility to people who are deaf, hard-of-hearing, deaf-blind, or have difficulty speaking. Specially trained Communication Assistants (CAs) process relay calls and stay on the line to relay conversations electronically, over a Text Telephone or (TTY) or verbally to hearing parties. The service is available 24 hours a day, 365 days a year, with no restrictions on the number of calls placed or on their length. This valuable communications tool gives the opportunity to make personal and business calls just like any other standard telephone user. Both TTY and voice users may initiate calls through Relay Iowa.

[Iowa State Registry for Interpreters of the Deaf Webpage](#) for sign language interpretation Iowa State Registry of Interpreters for the Deaf, Inc. (RID) has a list of skilled interpreters that can help with communicating with deaf individuals

NOTE: Federal Civil Rights laws supersede any state law, where Federal funds are used to administer the program. Where a person is eligible to participate in a program, the English language shall not be required as the primary language to seek services and/or benefits.

Diet Modification-Equal Access

Federal regulations that govern diet modifications in child nutrition programs require sponsors to provide modifications to the standard meal for participants who are considered disabled and whose disability restricts their diet.

A participant with disabilities shall have his or her meals/snacks modified only when supported by a statement signed by a licensed medical authority.

- The statement shall identify:
- The participants disabling condition;
- An indication how the disability restricts the student's diet;
- The major life activity affected by the condition
- The food or foods to be omitted from the participant's diet;
- And the food or choice of foods to be substituted

Federal regulations permit modifications for other participants who are not disabled but are not able to consume regular program meals/snacks because of medical or other special dietary needs.

When an individual has a life-threatening food allergy or medical condition requiring a special diet and the required signed diet modification form is on file, this is identified as a disability by USDA. Food substitutions must be made if the student has a disability and cannot eat regularly offered foods. For example, pureeing

food for a student who is unable to swallow solid foods.

Food substitutions are not required but encouraged for students with food intolerances or religious practices. The same diet modification form should be completed to indicate the foods to be omitted. Most food intolerance or religious exceptions can be handled within Offer vs Serve or Family Style Meal service. However if food substitutions are made due to intolerances or religious exceptions, only creditable foods should be substituted within the same food component.

The diet modification forms must be kept on file and only required to be updated when the participants diet modifications change. Food service personnel should have access to this information on a need to know basis. This information should not be displayed where visible to the general public.

Services to Persons with Limited English Proficiency (LEP)

USDA guidance released in 2014 requires State agencies, Local Education Agencies (LEAs), and schools that receive Federal funding to ensure language is not a barrier to receiving school meal benefits. CNPs must take reasonable steps to ensure meaningful access to the information and services provided for people with limited English proficiency. People with LEP are those who do not speak English as their primary language and who have a limited ability to read, speak, write or understand English. "Reasonableness" takes into account the number and frequency of persons with LEP who come in contact with the program, the availability of translated material.

Organizations must have a method for assisting families who need help when inquiring about available services and who need assistance to fill out the Income Eligibility Applications to apply for program benefits. Examples of providing assistance include the availability of a certified translator who can interpret information for non-English speaking household members.

Institutions must provide informational materials in the appropriate translations as needed.

See the reference section for assistance in locating translated material.

Factors to consider in addressing LEP:

- Number or proportion of LEP persons served or encountered in the eligible population.
- Frequency with which LEP individuals come in contact with the program.
- Nature and importance of the program, activity, or service provided by the program.
- Resources available to the recipient and costs.

Bilingual Requirements and Program Access

Population data sources

US Census Data

<http://www.census.gov/2010census/data/>

American Community Survey

<http://www.census.gov/acs/>

Migration Policy Institute's National Center on Immigrant Integration Policy

<http://www.migrationpolicy.org/>

School statistics collected by the U.S. Department of Education

Population Data Sources- Here are some links that agencies can utilize to view current trends and determine where bilingual services might be needed in their communities.

Title VI requires State and local agencies to take reasonable steps to assure "meaningful" access to the information and services they provide. What constitutes reasonable steps will be contingent on a number of factors. They include:

1. One factor in determining what language services participants should provide is the number or proportion of LEP persons from a particular language group served or encountered in the eligible service population. The greater the number of LEP persons, the more likely language services are needed.

2. Recipients should assess how frequently with which they have or should have contact with an LEP individual from different languages seeking assistance. Reasonable steps for a recipient that serves an LEP person on a one-time basis will be very different from those expected from a recipient that encounters LEP persons daily.
3. The more important the activity, information, service, or program, or the greater the possible consequences of the contact to the LEP individuals, the more likely language services are needed. Communicating program eligibility requirements can serve as a good example of such.
 - a. (The obligations to communicate program rights to an individual or a group is different than say communicate rules to how to play volleyball or operate a DVD player).
4. A recipient's level of resource and the costs may have an impact on the various steps to take. Smaller recipients with limited budgets are not expected to provide similar language services with larger budgets. At the same time, reasonable steps may cease to be reasonable if the costs exceed the benefits.

Equal Opportunity for Religious Institutions

Faith-based and community organizations have a long history of involvement with Federal nutrition assistance programs. These organizations are important to USDA's efforts to provide nutrition assistance to those in need.

Clarifying that faith-based organizations can use space in their facilities to provide USDA-funded service with removing religious art, icons, scriptures, or other religious symbols

7 CFR Part 16, "Equal Opportunity for Religious Organizations," ensures that no organization will be discriminated against in a USDA-funded program on the basis of religion and that USDA-funded programs are available to all regardless of religion.

Prohibiting discrimination for or against an organization on the basis of religion, religious belief, or religious character in the administration and distribution of federal funds.

Ensuring that no organization that receives direct federal financial assistance can discriminate against a program beneficiary, or prospective beneficiary, on the basis religion or religious beliefs.

Allowing religious organizations that participate in USDA programs to retain independence and continue to carry out the organization's mission, provided that direct USDA funds do not support any inherently religious activities such as worship, religious instruction, or proselytization;

Complaints Procedure Policy

All institutions are required to have a complaints procedure in place. All staff with program responsibilities should be aware of the institutions complaint procedure. The Iowa Complaints procedure is posted in the appendix.

USDA is the cognizant agency for the Child Nutrition Programs listed and therefore is the first contact for the USDA specified 6 protected classes: race, color, national origin, sex, age, and disability for complaints received within 180 days. The link for submission of a complaint is: program.intake@usda.gov

In Iowa, protected classes also include sexual orientation, gender identity, religion or creed and complaints can be filed up to 300 days of occurrence. The address for Iowa complaints is: Iowa Civil Rights Commission, Grimes State Office building, 400 E. 14th St. Des Moines, IA 50319-1004; phone number 515-281-4121, 800-457-4416; website: <https://icrc.iowa.gov/>.

·Conflict resolution needs to be employed if conflicts are unresolved. The institution is instructed to contact the State of Iowa, Bureau of Nutrition Services, Bureau Chief for solutions involving a neutral third party.

An individual can't be required to complete the USDA Civil rights complaint form however the form assists all regulatory agencies in determining the correct course of action to take.

Complaints Policy

CNPs must have a policy describing their process to ensure that complaints are handled properly. Links to the USDA complaint form and the complaint procedure based on Iowa's laws is included in the reference section of this manual.

See the Complaint Procedures template and form located in the Resource Section starting on page 34 of this manual.

Compliance Reviews

Compliance reviews examine the activities of local agencies and sub recipients to determine adherence with civil rights and program requirements.

Every year all institutions are required to review adherence with civil rights requirements. Examine activities to review the public release, ensure equal access, review the complaint procedure to ensure compliance and complete annual civil right training with all staff with child nutrition program responsibilities.

FNS Civil Rights and their program staff review both the state agencies to ensure the SA is reviewing Civil Rights compliance as well as reviewing local agency adherence with civil rights and program requirements. These reviews for the SA and local agencies are typically conducted during the administrative management evaluation but may be conducted as a separate compliance management evaluation of either the SA or local agency or both. The FNS office will notify the agency of the findings and recommendations.

State agencies are required to report significant findings of non-compliance to FNS. There are three types of compliance reviews:

1. Pre Award Compliance Reviews
2. Post Award Compliance Reviews
3. Special Compliance Reviews

The Pre Award Compliance review

Prior to participation with any child nutrition programs pre-award compliance review will be conducted. The institution must be determined to be in compliance with Title VI. No federal funds shall be made available to an institution until a Pre-Award compliance review has been conducted. The Pre-Award review is based on the following:

- Demographics of the population to be served
- Documentation of efforts used to assure that all eligible populations have opportunity to participate
- Nondiscrimination statement on application
- Documentation of outreach efforts to contact grassroots organizations about the program
- Location of proposed facilities to determine if the location will deny access to all eligible populations
- Any other Federal agencies providing financial assistance and whether the applicant has ever been in noncompliance by those agencies.

The Post Award Compliance Review

The Post Award Compliance review which is included in the administrative review. The process is conducted to ensure that eligible populations have an equal opportunity to participate.

This includes reviewing:

- data collection
- uniform application of program requirements
- public notification
- display of the "And Justice for All" poster

- complaint process
- training
- Non-discrimination statement usage
- Analysis of denied applications
- Vendor selection and compliance- agreement must include assurance of non-discrimination
- Special Diet modification for students with disabilities
- Language Assistance for students and families with Limited English Proficiencies
- Reviewing lower level agencies

Special Compliance Reviews

Special Reviews are conducted by the USDA’s Office of the Assistant Secretary for Civil Rights, Office of Adjudication, independently or in conjunction with FNS staff when significant Civil Rights concerns which have a direct impact on the delivery of FNS program services and /or benefits.

When statistical data indicates that a particular minority group is not participating in or benefitting from the program to an extent indicated by the population of potentially-eligible to participate in or benefit from the program.

Reports of noncompliance made by other agencies need to be substantiated.

Patterns of complaints of discrimination have developed that require follow-up.

Self-Assessment

CNPs must review feeding sites, sponsored centers and home providers for Civil Rights compliance. A Self-Assessment checklist is located on the Iowa DE– Civil Rights training information page and also form on page 33. Institution may use this checklist annually to ensure Civil Rights compliance.

Resolution of Noncompliance

- Non-compliance is a factual finding that any civil rights requirement, as provided by federal and state law, regulation, policy, instruction, or guidelines, is not being adhered to.
- There are no minor or major categories of noncompliance. No matter the level or severity, noncompliance must be reported.
- If the SA determines that a participating entity apparently is not in compliance with USDA Civil Rights standards, a plan of correction will be developed to achieve voluntary compliance by the participating entity.
- If voluntary compliance is not completed within 60 calendar days, the SA will report the situation to the USDA Food and Nutrition Services Regional Office (FNSRO).

Examples of Resolution of Noncompliance

The following are some examples of noncompliance with the resolution that has followed the proper procedures.

- a. *Denying a household the opportunity to apply by not providing a household an application because the institution does not want to serve the new Bosnian population in their city. That is noncompliance due to National Origin.*

RESOLUTION: *The school district official completes the USDA complaint form and forwards the completed form to the USDA. The district official retrains the district staff on Civil Rights regulations. The board approves a policy to include all households within the area served. The income eligibility application is distributed to all households in the area in the applicable language. The board also*

contacts a local Bosnian official to help inform local Bosnian families about the child nutrition program. This issue is resolved voluntarily within the 60 day time limit.

- b. *The second example of noncompliance would be providing services in a dissimilar manner. Such as providing larger portions to just boys because boys need the additional food. This would be an example of noncompliance due to sex.*

RESOLUTION: The school district official completes the USDA complaint form and forwards the completed form to the USDA. The school district retrains the district staff on Civil Rights regulations. The institution administrator meets with the food service staff and teachers and discusses the importance of providing all students with the same food in the same amounts as required by program requirements. The food service staff then portion all food components for all students according to the meal pattern requirements. This issue is resolved voluntarily within the 60 day time limit.

- c. *The third example would be serve breakfast in suburban school locations only, but not at schools located in areas with high proportion of minorities. This example would be noncompliance in three protected classes race, color and national origin.*

RESOLUTION: The school district official completes the USDA complaint form and forwards the completed form to the USDA. The school board members disagree about the cost and safety of offering breakfast in the urban locations. The school board president contacts an Alternative Dispute Resolution Coordinator (ADR). The ADR Coordinator coordinates all matters associated with the mediation process. The mediation process concludes with the board approving breakfast meal service for all sites. The site operates according to the needs of the area. All sites provide the same meals and menus. This issue is resolved voluntarily within the 60 day time limit.

Compliance with Civil Rights Requirements

The SA is required to assess that participating entities appear to be compliant with USDA Civil Rights standards. During reviews of your programs, consultants from the SA will observe or review practices and procedures related to access, public notice, accommodations, complaint management, data management, and customer service.

The SA will also inform the participating agency if practices and procedures appear to be non-compliant with Iowa Civil Rights requirements. The SA may inform other agencies or oversight entities of apparent non-compliance with Iowa Civil Rights requirements. Examples of other agencies or oversight entities may include the Iowa Department of Human Services, the Iowa Department of Inspections and Appeals, the Bureau of Accreditation and Improvement Services of the Iowa Department of Education, and the Iowa Civil Rights Commission.

Conflict Resolution

Consultative Services

The SA is not the enforcement agency for either USDA or Iowa Civil Rights requirements. As such, the SA will not provide technical assistance or advice to participating entities regarding the appropriateness or legality of any practice or procedure. Civil Rights matters can be complicated in their interpretation and enforcement. Participating programs are strongly urged independently to seek appropriate advice in these matters

Customer Service

The purpose of this required training is prevent the violation of participants civil rights. The basis for prevention is providing good customer service.

- Good customer service will help to reduce or eliminate complaints of discrimination.
- All participants must be treated in the same manner.
- All participants within each grade group must receive or be offered the same serving sizes and menu items.
- Participants with special needs will have their needs addressed based on the instructions from a licensed medical authority and/or IEP.
- All participants must be included in meals, snacks, activities, and discussions.
- All participants must be treated with courtesy and respect.

Annual Training

The State Agency (SA) is required by USDA to provide training to participating entities on Civil Rights, based on the USDA protected classes. The State of Iowa, Department of Education, Bureau of Nutrition and Health Services has chosen to include training on the Civil Rights requirements for public accommodations in Iowa. The protected classes, procedures to make and resolve complaints, the overseeing agencies and the penalties for non-compliance differ under USDA rules and Iowa law. This manual will differentiate between USDA and Iowa requirements when appropriate.

This electronic manual and the associated PowerPoint presentations are one method of training participating entities on Civil Rights requirements.

Compliance with Training

The SA is required to ensure that participating entities comply with training requirements prior to approving applications to participate in nutrition programs funded through USDA. In most circumstances, this responsibility will be fulfilled based on certifying statements made by participating entities in the application process.

Requirements for Specific Programs

- **School Meals:** Local Education Agencies (LEAs) are considered to be the participating entity. Training may be provided by staff employed by a food service management company.
- **CACFP Centers and Home Providers:** Civil Rights training may be counted towards the annual training requirement as either the actual time spent in training or 30 minutes, whichever is less.
- **SFSP** training must be completed prior to the beginning of operations.

PowerPoint * Programs

PowerPoint programs have been developed to assist participating entities with the delivery of training to their staff. The programs have been developed specifically for School Meals Programs, center-based Child and Adult Care Food Programs, home based Child and Adult Care Food Programs and Summer Food Service Programs. Click on the link below and select the PowerPoint for the program desired.

[Iowa Department of Education PowerPoint presentations](#)

Self-Assessment- A program self-assessment, as well as an optional employee knowledge check and answer sheets are included in this manual.

Training Requirements for Key Staff

Programs are responsible for annually training their front line staff and supervisors who interact with participants.

Required Elements: All training must include all of the following topics:

- Collection and use of data,
- Effective public notification systems,
- Complaint procedures,
- Compliance review techniques,
- Resolution of noncompliance,

- Requirements for reasonable accommodation of persons with disabilities,
- Requirements for language assistance,
- Conflict resolution, and
- Customer service.

This manual is a guide to participating entities regarding their training obligations.

See training handout and knowledge check are located in the Resource section page 20-30.

Training PowerPoints for both Front Line and Administrative staff can be requested from your consultant.

Documentation of training: Documentation of training must be written, and must include:

- date the training was conducted,
- time the training began and ended,
- legible name of the person overseeing or delivering the training,
- legible names and/or signatures of all participants, and
- outline of the training provided and a copy of handouts

For self-directed training, the updated Civil Rights Knowledge Check and Answer Key is also included on page 29-30.

See the sample training attendance log on page 31.

A sample handout is included on pages 20-26.

Training Requirements for All Programs

Who must be trained: ALL front line staff and the direct supervisors of front line staff must be trained ANNUALLY. Front line staff are those people who interact with applicants or participants. Examples of front line staff may include servers, secretarial staff who distribute or collect Iowa Eligibility Applications, SP staff conducting verification or CACFP staff conducting household contacts, SP or SFSP staff who supervise students during mealtimes. Additional staff may be trained at the program's discretion.

Frequency of the training: Front line staff and their direct supervisors must be trained ANNUALLY.

Feeding sites, sponsored centers and home providers must be reviewed annually for compliance with training. The feeding sites, sponsored centers and home providers must be notified in writing of the review findings, required correction and recommendations for improvement.

Format for the training: The training may take any format as long as all required elements are included. Training may be conducted annually in a single block of time or broken into shorter segments throughout the year. It may be provided as a free-standing program or integrated into other training sessions such as orientation or in-service sessions. The training may be delivered by an instructor or as a self-directed program. Participating entities that operate more than one program simultaneously (e.g., school meals and CACFP) may train all staff at the same time. Attention may be focused on different elements based on the needs of the staff being trained. For example, staff who serve food but who do not work with Iowa Eligibility Applications may receive training with customer service as a primary focus. Staff who collect and process Iowa Eligibility Applications but who do not directly interact with participants may be provided training with increased emphasis on collection and use of data, language assistance, and conflict resolution.

GLOSSARY

ADR: Alternative Dispute Resolution. ADR includes the use of a neutral third party (facilitator) to resolve a complaint of discrimination informally. The facilitator works with the parties to help them develop an agreeable resolution to their problems.

AEA: Area Education Agency.

Assurance Statement: A statement approved by the organization that agrees to serve all participants without discrimination, comply with all regulations and assures accurate records and claims.

CACFP: Child and Adult Care Feeding Program.

CFR: Code of Federal Regulations. Also called Federal rules or Federal regulations.

CNP: Child Nutrition Program, a feeding program funded by the United States Department of Agriculture under Richard B. Russell National School Lunch Act or the Child Nutrition Act of 1966, as amended.

DE: Iowa Department of Education.

DHS: Iowa Department of Human Services.

Entity: any state or local program that provides services or benefits of a Child Nutrition Program.

FNS: Food and Nutrition Services, a division of the United States Department of Agriculture (USDA).

FNSRO: Food and Nutrition Services Regional Office. The Regional Office covering Iowa is located in Denver CO.

Front Line Staff: staff who regularly interact with children or adults who are participating in a CNP or are potential participants in a CNP or members of the public seeking information about CNP participation.

HP: home provider, a kind of Child and Adult Care Feeding Program that provides support for meals in qualifying in-home day care locations.

LEA: Local Education Agency.

LEP: Limited English Proficiency. A term describing persons who, as a result of national origin, are limited in their English proficiency. People with LEP are those who do not speak English as their primary language and who have a limited ability to read, speak, write or understand English.

NSLP: National School Lunch Program.

Public Accommodation:

- 1) Any place that offers goods or services to the public for a price, such as retail stores, restaurants, movie theaters, banks, sporting events, fitness centers, hospitals.
- 2) Any place offering free services if that place receives governmental support or subsidy, such as food banks, shelters, disaster relief, and civic festivals.
- 3) Any state, local, or governmental unit that receives tax support, such as police departments, schools, mass transit, libraries.

SA: State Agency, the Bureau of Nutrition, Health and Transportation Services.

SBP: School Breakfast Program.

SFSP: Summer Food Service Program.

SMP: Special Milk Program.

SP: School programs, which include the National School Lunch Program (NSLP), the School Breakfast Program (SBP), and Special Milk Programs (SMP).

TDD: Telecommunication Device for the Deaf.

TTY: Telephone typewriter. This is the culturally preferred term. See also TDD.

USC: United States Code, also called Federal law.

USDA: United States Department of Agriculture.

RESOURCE SECTION

REGULATION AND POLICY CHART

REGULATION	AREA	POLICY	POLICY
7 CFR Parts 210, 215, 220, 225, 226	USDA Civil Rights Policy -		
7 CFR Parts 210, 215, 220, 225, 226	USDA Civil Rights Policy	All requirements are included in the Food and Nutrition Services (FNS) Civil Rights instruction issued 11/8/2005.	
FNS Instruction 113-1	Civil Rights Poster-	Participating entities will display a USDA Civil Rights poster ("And Justice for All") in a location visible to all customers. The poster is available online in English and eleven other languages at And Justice For All poster translations	
Iowa Code sections 216.7 and 216.9	Iowa Basic Civil Rights Requirements	The Iowa Civil Rights Commission is the source of information and advice regarding compliance with Iowa Civil Rights requirements. Contact them at Grimes State Office Building, 400 E. 14th St., Des Moines, IA 50319-1004; phone number 515-281-4121,	The statute is available on-line at Iowa Civil Rights Commission Web Page
Iowa Code sections 216.7 and 216.9	Iowa Civil Rights Policy	Public accommodations in Iowa shall not discriminate on the basis of race, creed, color, sex, sexual orientation, gender identity, national origin, disability, or religion in its programs, activities, or employment.	Educational institutions (which include all preschools, elementary and secondary schools, community colleges, AEAs, and colleges and universities) in Iowa shall not discriminate on the basis of race, creed, color, sex, sexual orientation, gender identity, national origin, religion, or disability in any program, activity, or employment.
FNS Instruction 113-1	USDA Notice-	All participating entities must provide to households a notice informing them of the organization's CNP participation; CNP benefits; Civil Rights and the method to file a complaint of discrimination.	
-FNS Instruction 113-1	Training	Staff who interact with Program applicants or participants, and persons who supervise these staff must be provided Civil Rights training on an annual basis. USDA Training must include collection and use of data, effective public notification systems, complaint procedures, compliance review techniques, resolution of non-compliance, requirements for reasonable accommodation of persons with disabilities, requirements for language assistance, conflict resolution and customer service.	
7 CFR Parts 210, 215, 220, 225, 226	USDA Notice	All participating entities must provide to households a notice informing them of the organization's CNP participation; CNP benefits; Civil Rights and the method to file a complaint of discrimination.	

CIVIL RIGHTS TRAINING HANDOUT

GOALS:

- To make Child Nutrition Program (CNP) benefits equally available to all;
- To notify participants and households that the CNP is a non-discriminatory federal program;
- To ensure staff know and comply with Civil Rights requirements and procedures, under both Federal and Iowa law.

Key Points for Discussion

1. Civil Rights Policy

- 1) The U.S. Department of Agriculture prohibits discrimination in CNP's on the basis of six protected classes: race, color, national origin, sex, age and disability (FNS Instruction 113-1). Iowa adopts all Federal protected classes and adds four additional classes: sexual orientation, gender identity, religion and creed.

2. Basic Civil Rights Requirements:

- 2) Equal Access and Service (USDA) - In CNP's, no person shall, on the grounds of race, color, national origin, sex, age or disability, be denied the benefits of the CNP or otherwise be subjected to discrimination.
- 3) Equal Access and Service (Iowa)- No Iowa CNP shall discriminate on the basis of race, creed, color, sex, national origin, sexual orientation, gender identity, disability, or religion in its programs, activities, or employment practices.
- 4) Accommodations for Persons with Disabilities- Program information in alternative formats and accommodations to allow participation in the program for persons with disabilities must be made.
- 5) Requirements for Language Assistance- Participating entities have a responsibility to take reasonable steps to ensure meaningful access to their programs and activities by person with limited English proficiency (LEP).

3. Public Notification

- a. **Basic Elements-** CNPs must include a public notification system. The purpose of this system is to inform applicants, participants, and potentially eligible persons of their Program rights and responsibilities and the steps necessary for participation.
- b. **Program Availability-** Each participating entity must take specific action to inform applicants, participants, and potentially eligible person of the Program rights and responsibilities and the step necessary for participation.
- c. **Complaint Information-** Applicants and participants must be advised at the service point of their right to file a complaint, how to file a complaint, and the complaint procedures.
- d. **Nondiscrimination statement-** All materials ad sources, including websites, used by the participating entity to inform the public about the CNP must contain both the Federal and the Iowa nondiscrimination statements. Participating CNP agencies must include the following Federal nondiscrimination state to comply with USDA regulations:

"In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, sex, disability, age, or reprisal or

retaliation for prior civil rights activity in any program or activity conducted or funded by USDA.

Persons with disabilities who require alternative means of communication for program information (e.g. Braille, large print, audiotape, American Sign Language, etc.), should contact the Agency (State or local) where they applied for benefits. Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, (AD-3027) found online at: http://www.ascr.usda.gov/complaint_filing_cust.html, and at any USDA office, or write the complaint form, call (866) 632-9992. Submit your completed form or letter 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;*

(2) Fax: (202) 690-7442; or

(3) Email: program.intake@usda.gov.

This institution is an equal opportunity provider and employer.”

(2) If the material is too small to permit the full statement or less than one page in length, the materials will at a minimum include the following statement, in print size no smaller than the text:

“This institution is an equal opportunity provider”.

(3) Participating CNP agencies may include the following nondiscrimination statement to comply with Iowa law:

“It is the policy of this CNP provider not to discriminate on the basis of race, creed, color, sex, sexual orientation, gender identity, national origin, disability, age, or religion in its programs, activities, or employment practices as required by the Iowa Code section 216.6, 216.7, and 216.9. If you have questions or grievances related to compliance with this policy by this CNP Provider, please contact the Iowa Civil Rights Commission, Grimes State Office building, 400 E. 14th St. Des Moines, IA 50319-1004; phone number 515-281-4121, 800-457-4416; website: <https://icrc.iowa.gov/>.”

e. Methods of Notification- Each participating entity must take the following actions to inform the general public, potentially eligible populations, community leaders, grassroots organizations, and referral sources about the CNP and applicable Civil Rights requirements.

- Prominently display the USDA “And Justice for All” poster in a location visible to all participants.
- Inform potentially eligible persons, applicants, participants, and grassroots organizations of programs or changes in programs.
- Ensure that a media release has been provided annually to local media outlets.
- Include the required USDA nondiscrimination statement on all appropriate entity publications that make reference to the CNP or admissions (e.g. parent handbook, letters, information

materials provided to the public, etc.)

- Convey the message of equal opportunity in all photographs and other graphics that are used to provide program or program-related information.

4. Data Collection and Reporting

- 6) Each participating entity is required by USDA to obtain data by ethnic category and race on potentially eligible populations, applicants, and participants in their Program service area. Program applicants/participants may not be required to furnish information on their race and ethnicity.
- 7) Self-identification is the preferred method of obtaining data for enrolled participants. Program applicants and participants should be encouraged to provide the information by explaining that the collection is a statistical reporting requirement and it has no effect on participants' identification of his or her race and ethnicity will be made and recorded on the enrollment/application form.
- 8) If the applicant declines to self-identify, the applicant should be informed that a visual identification of his or her race and ethnicity will be made and recorded on the enrollment/application form.
- 9) The data collector may not "second guess" or in any other way change or challenge a self-declaration made by the applicant about his or her race and ethnic background unless such self-declarations are patently false.
- 10) The Racial/Ethnic Distribution Form is required to be completed, maintained and updated as needed. The form must be kept on file.
- 11) Such data must be collected for each district and must be maintained on file for three years, plus the current year, maintained under safeguards that restrict access of records only to authorized personnel and treated as confidential.

5. Reasonable Accommodations

- 12) All organizations receiving Federal financial assistance must make accommodations for participants with disabilities and ensure meaningful access to their programs for persons with limited English proficiency (LEP).

a. Individuals with Physical Disabilities

- i. Accommodations for children or adults with physical disabilities include accessibility to the cafeteria as well as access to the same meal choices as other students and the ability to be seated with other students. Examples include entrances and exits wide enough for a wheelchair, alternate communication methods such as Braille, large print, or audiotape for limited sight persons or hearing impaired persons, tables that accommodate a wheelchair, and accommodations so the child can access the serving line. Other examples include program aides that can help with feeding and adaptive tableware.

b. Food Substitutions/Modifications

- i. When an individual has a life-threatening food allergy or medical condition requiring a special diet and the appropriate signed Diet Modification form is on file, this is considered a disability. Food substitutions must be made if the student cannot eat regularly offered foods. Modifications to food may be required for certain condition. An example is pureeing food for a student who is unable to swallow solid foods.

c. Limited English Proficiency

- i. When there are language barriers due to limited proficiency in English a reasonable effort must be made to provide communication and materials in formats that the target audiences can understand. This includes making information about program eligibility, benefits, services, and procedures for filing complaints in the appropriate translation to non-English speaking persons and using a certified interpreter if needed. USDA provides publications and program materials in several languages. These can be found on the web at <http://www.fns.usda.gov/documents-available-other-languages>

6. Equal Opportunity for Religious Organizations

- Faith-based and community based organizations have a long history of involvement with Federal nutrition assistance programs and a tradition of supporting low-income individuals by providing a wide range of social services. These organizations are important and longstanding partners in the Department of Agriculture's efforts to provide nutrition assistance to those in need.
- Faith-based and community-based organizations may participate in the CNP on equal footing with other kinds of local organizations.
- A religious organization may 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 proselytizing.
- Faith-based organizations may use space in their facilities to provide USDA-funded services without removing religious icons, scriptures, or other religious symbols.
- Faith-based organizations are not exempt from the requirements of Federal and Iowa law.

7. Compliance Reviews

a. State Agency Reviews

- i. The State Agency must determine that all institutions appear to be in compliance with USDA Civil Rights requirements prior to approval for participation in the CNP and prior to application renewal.
- ii. All State Agency CNP monitoring reviews include a review of on-going USDA Civil Rights compliance at the institution.

b. USDA Monitoring Requirements

- i. Participating entities must review their sites for USDA Civil Rights compliance when they conduct monitoring reviews.
- ii. A compliance self-assessment is located on form download, in the Civil Rights manual, and on the DE Website. Participating entities may use this form.
- iii. If apparent non-compliance is identified on a review, the monitor must document the areas of perceived or non-compliance and develop a corrective action plan.
- iv. On subsequent reviews, the monitor must document follow-up to show corrective actions were implemented and maintained.

8. Resolution of Non-Compliance

If perceived non-compliance of USDA or Iowa Civil Rights rules is indicated on a State Agency review, corrective action must be taken immediately to achieve voluntary compliance within 60 days. If voluntary compliance is not achieved, the USDA Regional Office will be notified.

- a. *The first example of noncompliance would be providing services in a dissimilar manner. Such as providing larger portions to just boys because boys need the additional food. This would be an example of noncompliance due to sex.*
 - a. **RESOLUTION:** *The school district official completes the USDA complaint form and forwards the completed form to the USDA. The school district retrains the district staff on Civil Rights regulations. The institution administrator meets with the food service staff and teachers and discusses the importance of providing all students with the same food in the same amounts as required by program requirements. The food service staff then portion all food components for all students according to the meal pattern requirements. This issue is resolved voluntarily within the 60 day time limit.*
- b. *The second example would be serve breakfast in suburban school locations only, but not at schools located in areas with high proportion of minorities. This example would be noncompliance in three protected classes race, color and national origin.*
 - a. **RESOLUTION:** *The school district official completes the USDA complaint form and forwards the completed form to the USDA. The school board members disagree about the cost and safety of offering breakfast in the urban locations. The school board president contacts an Alternative Dispute Resolution Coordinator (ADR). The ADR Coordinator coordinates all matters associated with the mediation process. The mediation process concludes with the board approving breakfast meal service for all sites. The site operates according to the needs of the area. All sites provide the same meals and menus. This issue is resolved voluntarily within the 60 day time limit.*

9. Procedures for Handling Complaints and Conflict Resolution

- a. **USDA:** The primary receiver of complaints for USDA Child Nutrition Programs. A verbal or written complaint alleging discrimination on the basis of the 6 federally protected classes must be filed within 180 days of the event.
 - i. If a participating entity receives a complaint of discrimination, the person alleging the complaint must be provided with the nondiscrimination statement and procedures for filing a complaint.
 - ii. Complaints should be submitted using the USDA Complaint Form.
- b. **Iowa:** A verbal or written complaint alleging discrimination on the basis of the 6 jointly (federal and Iowa) protected classes after 180 days and/or for the 4 additional Iowa protected classes must be filed within 300 days of the event.
 - i. If a participating entity receives a complaint of discrimination, the person alleging the complaint must be provided with the nondiscrimination statement and procedures for filing a complaint.
 - ii. Complaints filed with the Iowa Civil Rights Commission may NOT be anonymous.
- c. **Forwarding Complaints-** There are two methods for processing complaints.
- d. **Conflict resolution** needs to be employed if conflicts are unresolved. The institution is instructed to contact the State of Iowa, Bureau of Nutrition Services, Bureau Chief for solutions involving a neutral third party.

10. Customer Service

- Good customer service will help to reduce or eliminate complaints of discrimination.
- All participants must be treated in the same manner.
- All participants within each grade group must receive or be offered the same serving sizes and menu items.
- Participants with special needs will have their needs addressed based on the instructions from a

licensed medical authority and/or IEP.

- All participants must be included in meals, snacks, activities, and discussions.
- All participants must be treated with courtesy and respect.

11. Civil Rights Training

13) All CNP institutions are responsible for ANNUAL training all employees, volunteers, substitutes with CNP responsibilities.

- All training must be documented with attendee sign in signatures, training documents, trainer name, and date of completion. A sample training documentation template is located in the Civil Rights manual, and on the DE Website.

14) Required topics include:

- Collection and use of data
- Effective public notifications
- Compliance review techniques
- Requirements for reasonable accommodations for Persons with Disabilities
- Requirements for meaningful access for Limited English Proficiency
- Resolution of Noncompliance
- Conflict Resolution
- Customer Service
- Complaint Procedures

CIVIL RIGHTS TRAINING FOR BREAKFAST IN THE CLASSROOM TEACHERS

The United States Department of Agriculture (USDA) Food and Nutrition Services (FNS) Office of Civil Rights requires that teachers providing breakfast in the classroom meals receive an abbreviated Civil Rights training. This informational handout serves as the training requirement.

USDA FNS Protected Classes

A protected class refers to any person, or groups of people who have characteristics for which discrimination is prohibited based on a law, regulation, or executive order. Protected classes in the Child Nutrition Program are:

1. Race
2. Color
3. Sex
4. National Origin
5. Disability
6. Age.

Iowa Protected Classes

Iowa adopts all of the Federal protected classes and also adds four additional classes:

1. Sexual Orientation
2. Gender Identity
3. Religion
4. Creed

Discrimination

Discrimination is the treatment or consideration of, or making a distinction in favor or against, a person based on the group, class, or category to which that person belongs. Examples of unlawful discrimination include:

- Separating genders during meal service
- Giving one group or type of participants larger or extra helpings of food
- Failing to provide children with a dietary disability accommodating meals

Reasonable Accommodations for Persons with Disabilities

- A school is required to provide food substitutions or modifications for a student with a dietary disability if a medical statement, completed and assigned by a licensed medical authority is on file. The appropriate medical statement form must be on file prior to providing a modified meal.
- A school is not required, but is encouraged, to provide meal modifications and/or substitutions for students with a special dietary need that does not rise to the level of disability.
- Check with your Nutrition Services Department for their policy on meal modifications and ensure that student medical statement forms on file receive the correct breakfast meal.
- Reasonable accommodations also refer to ensuring that participants with a disability have physical access to programs and services; such as easily accessible entrances, restrooms, etc.

Meaningful Access for Person with Limited English Proficiency (LEP)

It is important that teachers are able to communicate with non-English speaking students to ensure they understand the meal pattern requirements for a reimbursable breakfast.

Complaint Procedure

Check with your Nutrition Services Department for their civil rights complaint procedures. If a student or parent wishes to file a complaint, they can also be directed to the USDA Program Discrimination Complaint form on

the USDA Civil Rights webpage.

Customer Service

- Good customer service will help to reduce or eliminate complaints of discrimination.
- All participants must be treated in the same manner.
- All participants within each grade group must receive or be offered the same serving sizes and menu items.
- Participants with special needs will have their needs addressed based on the severity of the need.
- All participants must be included in meals, snacks, activities, and discussions.
- All participants must be treated with courtesy and respect.

For additional information regarding Civil Rights for School Nutrition programs, visit the Iowa Department of Education, Bureau of Nutrition and Health Services, Civil Rights Training Resources page.

This institution is an equal opportunity provider.

CIVIL RIGHTS KNOWLEDGE CHECK

Name (Signature) _____ Date _____

Instructions: Select from the terms listed below to answer the questions.

Terms

Reasonable Steps

Diet Modification

Color

And Justice for All

Gender Identity

Civil Rights

Creed

Noncompliance

Age

Race

Disability

Racial Ethnic Distribution

Sexual Orientation

This institution is an equal opportunity provider

Discrimination

300 days

National Origin

180 days

Religion

Sex

1. What are the six federally protected classes under USDA requirements?

- a. _____
- b. _____
- c. _____
- d. _____
- e. _____
- f. _____

2. What are the State of Iowa four additional classes protected under Iowa Civil Rights laws?

- a) _____
- b) _____
- c) _____
- d) _____

3. All employees with Child Nutrition Program responsibilities complete _____ training annually.

4. _____ is the act of distinguishing one person or group of persons from others, either intentionally, by neglect, or by the effect of actions, or lack of actions based on their protected classes.

5. _____ is a factual finding that any civil rights requirement, as provided by federal and state law, regulation, policy, instruction, or guidelines, is not being adhered to.

6. _____ poster must be prominently displayed in an area that is visible to all program participants.

7. _____ form is completed annually and updated as needed. This form collects the district's applicant data according to race and ethnicity.

8. _____ form describes a participant's disability/intolerance that prevents the participant from eating the regularly offered foods.

9. This statement, _____, can be use if the material is too small to permit the full non-discrimination statement to be included, one page or smaller.

10. _____ must be taken to ensure meaningful access to the information and services.

11. A complaint must be filed within _____ based on a federally protected class.

12. A complaint must be filed within _____ based on a state protected class.

CIVIL RIGHTS KNOWLEDGE CHECK ANSWER KEY

Name (Signature) _____ Date _____

Instructions: Select from the terms listed below to answer the questions.

1. What are the six federally protected classes under USDA requirements?

- a. 1. Disability b. Age c. Sex
d. National Origin e. Race f. Color

2. What are the State of Iowa four additional classes protected under Iowa Civil Rights law?

- a. Sexual Orientation b. Gender Identity c. Creed d. Religion

3. All employees with Child Nutrition Program responsibilities complete Civil Rights training annually.

4. Discrimination is the act of distinguishing one person or group of persons from others, either intentionally, by neglect, or by the effect of actions, or lack of actions based on their protected classes.

5. Noncompliance is a factual finding that any civil rights requirement, as provided by federal and state law, regulation, policy, instruction, or guidelines, is not being adhered to.

6. And Justice for All poster must be prominently displayed in an area that is visible to all program participants.

7. Racial and Ethnic Distribution form is completed annually and updated as needed. This form collects the district's applicant data according to race and ethnicity.

8. Diet Modification form describes a participant's disability/intolerance that prevents the participant from eating the regularly offered foods.

9. What statement can be use if the material is too small to permit the full non-discrimination statement to be included, one page or smaller This institution is an equal opportunity provider.

10. Reasonable steps must be taken to ensure meaningful access to the information and services.

11. A complaint must be filed within 180 days based on a federally protected class.

12. A complaint must be filed within 300 days based on a state protected class.

CIVIL RIGHTS TRAINING AND ATTENDANCE LOG

Instructions: Use this form to document annual staff attendance at Civil Rights training. Training may be group training, either in or out of the institution or individual on the job training, such as new staff orientation, or individual training with resources. Please attach copies of related handouts or other materials used in the training. Date _____

Location of training _____

Training beginning time _____ Ending time _____

Presenter's name & position _____

Signatures of those trained

1. _____

20. _____

2. _____

21. _____

3. _____

22. _____

4. _____

23. _____

5. _____

24. _____

6. _____

25. _____

7. _____

26. _____

8. _____

27. _____

9. _____

28. _____

10. _____

29. _____

11. _____

30. _____

12. _____

31. _____

13. _____

32. _____

14. _____

33. _____

15. _____

34. _____

16. _____

35. _____

17. _____

36. _____

18. _____

37. _____

19. _____

38. _____

SELF-ASSESSMENT CHECKLIST

Check each activity that your organization always does or that needs improvement. Then make a plan to correct activities that are not always done correctly. Resource materials and applicable forms are available in this manual or from other resources.

1. All households or participants are provided with information about Civil Rights requirements when they enroll or apply. Alternate methods of communication are accommodated for persons with disabilities (e.g. hearing impaired, limited vision).
2. Households and participants who do not speak English are informed about the CNP. They are informed of the non-discriminatory nature of the Program in the appropriately translated material or translation services are used.
3. Ethnic and racial identities of participants are recorded and reported as required. The source documents used to collect racial/ethnic data are retained for three years. Confidentiality of the information is assured.
4. Racial Ethnic Distribution Form is completed and updated as needed annually.
5. The approved media release is made available to local news media annually.
6. Meals are offered to all participants without discrimination based on race, color, national origin, sex, age or disability, creed, sexual orientation, gender identity, or religion. The same meals are offered to all participants of approximately the same age according to program requirements.
7. The USDA "And Justice For All" poster is displayed as required.
8. The correct non-discrimination statements are in any material intended for public information. The statements related to USDA and Iowa are clearly identified. The font size of the notices is no smaller than the print on the page.
8. The Assurance Statement has been read and approved by the institution.
9. A complaint procedure policy is in place.
10. Staff know what to do in the event of a Civil Rights complaint.
11. Staff are trained on Civil Rights requirements annually. Training is documented with signatures, date, and training information. Documentation is kept for 3 years plus the current year.

Bureau of Nutrition & Health Services

Iowa Department of Education

PROCEDURES FOR HANDLING A CIVIL RIGHTS COMPLAINT

1. Civil rights complaints related to the National School Lunch Program, School Breakfast Program, Afterschool Care Snack Program, or Child and Adult Care Food Program are written or verbal allegations of discrimination based on USDA protected classes of race, color, national origin, sex, age, and disability.
2. Any person claiming discrimination has a right to file a complaint within 180 days of the alleged discrimination. See below for additional Iowa Civil Rights information. A civil rights complaint based on the protected classes above must be forwarded to the address on the nondiscrimination statement.
3. All complaints, whether written or verbal, must be accepted by the School Food Authority (SFA) and forwarded to USDA at the address or link on the nondiscrimination statement. An anonymous complaint should be handled the same way as any other. Complaint forms may be developed, but their use cannot be required. If the complainant makes the allegations verbally or in a telephone conversation and is reluctant or refuses to put them in writing, the person who handles the complaint must document the description of the complaint.
4. There must be enough information to identify the agency or individual toward which the complaint is directed and indicate the possibility of a violation. Every effort should be made to obtain at least the following information:
 - Name, address and telephone number or other means of contacting the complainant;
 - The specific location and name of the organization delivering the program service or benefit;
 - The nature of the incident(s) or action(s) that led the complainant to feel there was discrimination;
 - The basis on which the complainant feels discrimination occurred (race, color, national origin, sex, age, or disability);
 - The names, titles, and addresses of people who may have knowledge of the discriminatory action(s); and
 - The date(s) when the alleged discriminatory action(s) occurred or, if continuing, the duration of such action(s).
5. USDA is the cognizant agency for the Child Nutrition Programs listed and therefore is the first contact for the protected classes listed above for complaints received within 180 days. The link for submission of a complaint is: program.intake@usda.gov
6. In Iowa, protected classes also include sexual orientation, gender identity, religion or creed and complaints can be filed up to 300 days of occurrence. The address for Iowa complaints is: Iowa Civil Rights Commission, Grimes State Office building, 400 E. 14th St. Des Moines, IA 50319-1004; phone number 515-281-4121, 800-457-4416; website: <https://icrc.iowa.gov/>.

CHILD NUTRITION PROGRAMS CIVIL RIGHTS COMPLAINT FORM

COMPLAINT CONTACT INFORMATION:

NAME: _____

STREET ADDRESS, CITY, STATE, ZIP: _____

AREA CODE/PHONE: _____

E-MAIL ADDRESS: _____

COMPLAINT INFORMATION:

1. SPECIFIC NAME AND LOCATION OF THE ENTITY DELIVERING THE SERVICE OR BENEFIT:

2. DESCRIBE THE INCIDENT OR ACTION OF THE ALLEGED DISCRIMINATION OR GIVE AN EXAMPLE OF THE SITUATION THAT HAS A DISCRIMINATORY EFFECT ON THE PUBLIC, POTENTIAL PROGRAM PARTICIPANTS, OR CURRENT PARTICIPANTS:

3. ON WHAT BASIS DOES THE COMPLAINANT FEEL DISCRIMINATION EXISTS (race, color, national origin, sex, age, or disability)?

4. LIST THE NAMES, TITLES, AND BUSINESS ADDRESSES OF PERSONS WHO MAY HAVE KNOWLEDGE OF THE ALLEGED DISCRIMINATORY ACTION:

5. LIST THE DATE(S) DURING WHICH THE ALLEGED DISCRIMINATORY ACTIONS OCCURRED, OR IF CONTINUING, THE DURATION OF SUCH ACTIONS: _____

6. DATE COMPLAINT RECEIVED: _____

7. PERSON RECEIVING COMPLAINT: _____

8. ACTION(S) TAKEN:

Any person or representative alleging discrimination based on a prohibited basis has the right to file a complaint within 180 days of the alleged discriminatory action. Civil rights complaints are to be forwarded immediately to:

MAIL: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, WASHINGTON DC 20250-9410,

FAX: 1-202-690-7442;

EMAIL: program.intake@usda.gov

DIET MODIFICATION REQUEST FORM FOR ALL CNP's

Available in IowaCNP

Diet Modification Request Form

Modifications are required by The United States Department of Agriculture (USDA) to accommodate a disability. Under Section 504, the ADA, and Departmental Regulations of 7 CFR part 15b define a person with disability as any person who has a physical or mental impairment which substantially limits one or more major life activities, has a record of such impairment, or is regarded as having such an impairment. "Major life activities" are broadly defined and include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working. "Major life activities" also include operation of a major bodily function, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

This form must be completed by a "medical authority" that is authorized by state law to write medical prescriptions: In Iowa this includes only Medical Doctors (MD), Doctors of Osteopathic Medicine (DO), Physician's Assistants (PA), or Advanced Registered Nurse Practitioners (ARNP).

Return the completed form to your organization or provider: _____
(Head Start, Summer Meal Provider, Day Care, Home Provider, or School)

Participant's Name: _____ Birth Date: _____ Grade: _____

Parent/Guardian: _____
(Name) (Phone or email)

1) Describe the medical need related to the diet order and "major life activity" (see above) affected. Example: Allergy to peanuts affects ability to breathe.	
2) Explain what must be done to accommodate the medical need:	
Food(s) or Formula to Omit:	Food(s) or Formula to Substitute:
Complete the back to provide additional details	
Modified Texture:	<input type="checkbox"/> Not Applicable <input type="checkbox"/> Chopped <input type="checkbox"/> Ground <input type="checkbox"/> Pureed
Modified Thickness of Liquids:	<input type="checkbox"/> Not Applicable <input type="checkbox"/> Nectar <input type="checkbox"/> Honey <input type="checkbox"/> Spoon or Pudding Thick
Special Feeding Equipment:	<input type="checkbox"/> Not Applicable <input type="checkbox"/> Equipment Needed: _____ (Example: large handled spoon, sippy cup, etc.)
Infants under one year of age must receive iron-fortified infant formula or breast milk unless a Diet Modification Request Form is on file. <input type="checkbox"/>	

Licensed prescribing medical professional: _____
(Name, print or type) (Title)

(Signature of medical professional) (Date)

The program must make accommodations for disabilities. Accommodation is encouraged for other medical conditions.
The parent/guardian may request a nutritionally equivalent substitute for fluid milk without direction from a medical professional. This site chooses to offer this nutritionally equivalent product: _____. Check here if you would like to request the milk substitute listed in place of fluid milk and list the reason for the request. _____
USDA allows a parent/guardian to supply substitute foods. Check here if you wish to provide the substitute foods:

Parent/Guardian signature: _____ Date: _____
(To document choices and permission to share with appropriate staff as needed to make accommodations.)

USDA is an equal opportunity employer and provider.

Check the box in front of food groups that should NOT be served and list the foods to be served instead.

<p>Lactose/milk – Do not serve the items checked below:</p> <p><input type="checkbox"/> Fluid milk as a beverage or on cereal? $\frac{1}{4}$ cup of fluid milk to be used on cereal? __yes __no</p> <p><input type="checkbox"/> Yogurt</p> <p><input type="checkbox"/> Milk based desserts such as ice cream and pudding</p> <p><input type="checkbox"/> Hot entrees with cheese as a prime ingredient such as grilled cheese, cheese pizza, or macaroni & cheese</p> <p><input type="checkbox"/> Cheese baked in products such as a casserole or on meat pizza</p> <p><input type="checkbox"/> Cold cheese such as string cheese or sliced cheese on a sandwich</p> <p><input type="checkbox"/> Milk in food products such as breads, mashed potatoes, cookies or graham crackers</p>	<p>Serve these items instead:</p>
<p>Soy - Do not serve the items checked below:</p> <p><input type="checkbox"/> Protein products extended with soy</p> <p><input type="checkbox"/> Processed items cooked in soy oil</p> <p><input type="checkbox"/> Food products with soy as one of the first three ingredients</p> <p><input type="checkbox"/> Food products with soy listed as the fourth ingredient or further down the list</p>	<p>Serve these items instead:</p>
<p>Egg - Do not serve the items checked below:</p> <p><input type="checkbox"/> Cooked eggs such as scrambled eggs or hard cooked eggs served hot or cold</p> <p><input type="checkbox"/> Eggs used in breading or coating of products</p> <p><input type="checkbox"/> Baked products with eggs such as breads or desserts</p>	<p>Serve these items instead:</p>
<p>Seafood – Do not serve the items checked below:</p> <p><input type="checkbox"/> Fish (Cod, tuna, tilapia, haddock, salmon, etc.)</p> <p><input type="checkbox"/> Shrimp</p> <p><input type="checkbox"/> Other: _____</p>	<p>Serve these items instead:</p>
<p>Peanuts – Do not serve the items checked below:</p> <p><input type="checkbox"/> Peanuts, individually or as an ingredient</p> <p><input type="checkbox"/> Foods containing peanut oil</p> <p><input type="checkbox"/> Foods items identified as manufactured in a plant that also handles peanuts</p>	<p>Serve these items instead:</p>
<p>Tree nuts – Do not serve the items checked below:</p> <p><input type="checkbox"/> All nuts</p> <p><input type="checkbox"/> Food items identified as manufactured in a plant that also handles nuts</p> <p><input type="checkbox"/> Other: _____</p>	<p>Serve these items instead:</p>
<p>Grains – Do not serve the items checked below:</p> <p><input type="checkbox"/> Foods containing wheat</p> <p><input type="checkbox"/> Foods containing gluten</p> <p><input type="checkbox"/> Oats</p> <p><input type="checkbox"/> Other: _____</p>	<p>Serve these items instead:</p>

CIVIL RIGHTS QUESTION AND ANSWERS

1. Q: Are non-public schools required to comply with civil rights requirements?

A: Yes. All participating organizations in a Child Nutrition Program must comply with USDA civil rights requirements. All public accommodations in Iowa must comply with Iowa civil rights requirements.

2. Q: What kind of positions are considered front line?

A: Front line staff include all people who interact with participants, participants' parents, potential participants/applicants and their parents; people who make eligibility determinations on the basis of applications or direct certification; people who collect or manage data. In almost all situations, front line staff will include servers, cooks, people who count meals or check tickets. It may also include superintendents or principals at schools if they help make decisions about eligibility, secretaries or other support staff who maintain records, etc. Classroom teachers in CACFP centers could be front line staff if they help supervise during meals or take meal counts. Home providers in CACFP are also front line staff. Volunteers who work in CNPs should be trained, too.

Reviews for Compliance

3. Q: Will Bureau staff be evaluating us on our civil rights compliance during regular reviews?

A: Yes, each program area has specific topics about civil rights that must be assessed during reviews. During regular reviews, if practices are observed that on their face violate civil rights of participants or don't meet specific USDA requirements, Bureau staff will tell you as soon as possible.

4. Q: What kind of specific USDA requirements for civil rights will Bureau staff be looking for during regular reviews?

A: Bureau staff will be checking for compliance with the 11 listed USDA requirements that have been discussed in this section of the broadcast. Consultants will also assess if obvious violations of civil rights requirements are apparent.

5. Q: What will happen during a review if we are found have a violation of the USDA requirements?

A: The consultant could allow you to correct the problem during the review or may require that you provide a plan of correction. For example, if a poster is not displayed, you may be allowed to correct that during the review. If posters are generally not displayed as required and other civil rights issues are found, the consultant will probably require a plan of correction.

6. Q: What would be an example of an "obvious violation of civil rights requirements?"

A: Examples could include excluding some participants from the program, providing different levels of service to some participants or treating some participants differently, if these differences appear to be based on one of the protected classes. Specifically, if orange children are required to wait until green children of the same age are served, this could be discrimination based on color. If boys are routinely served more food than girls of the same age, this could be discrimination based on age. If infants in a day care serving children through school age and participating in CACFP are not enrolled in the program, this could be discrimination based on age. If children of a particular religion request menu accommodations and are denied, but children of another religion comparable menu accommodations provided, this could be discrimination based on religion. Refusing to provide menu changes to a disabled child could be discrimination.

Violations

7. Q: If a day care or home provider did not accept infants at all, is this a civil rights violation?

A: It could be, BUT IT IS NOT RELATED TO THE CHILD NUTRITION PROGRAM. Making a decision about who you will serve, if it is based on discrimination, may be a violation, but the issue is outside the food program. Once a child is admitted to your facility or program, apparently discriminatory practices IN THE FOOD PROGRAM are subject to the civil rights requirements discussed today.

8. Q: If a parent complains that their child is discriminated against in the classroom or on the playground, is this a civil rights complaint?

A: Perhaps, BUT IT IS NOT RELATED TO THE CHILD NUTRITION PROGRAM. Refer the parent to the appropriate person in your organization or to the US Commission on Civil Rights or Iowa Civil Rights Commission.

Complaints

9. Q: Once a parent comes to us with a complaint that is part of the food program, are we allowed to try to work it out?

A: You are encouraged to try to work it out. If a parent or a staff member brings a situation to your attention that may be discriminatory, it is in everyone's best interest to try to work things out before a complaint is lodged. You may continue to try to work it out even after a complaint is lodged. Follow the complaint procedure, but keep working on it. Keep good notes. We can help you with the process of clearing the complaint.

10. Why won't the Bureau help us in determining if we are compliant with civil rights requirements?

A: The area of civil rights is complicated. It requires special training to understand and interpret and apply the many requirements that comprise civil rights protection. Bureau staff are not trained to do this. References in the manual have been provided to help you get answers to your specific question.

11. Q: How can the Bureau help with the process of clearing the complaint but not with determining if we are compliant?

A: We can help guide you through the complaint resolution process. But we cannot make a determination if the proposed solution to the complaint is compliant. But call us if a situation comes up. We can help you sort through the process.

12. Q: Can someone file a complaint with both USDA and Iowa Civil Rights Commission for the same situation?

A: Yes, the right to file a complaint exists under both systems. A person who complains about discriminatory treatment may file complaints with both organizations so long as the basis for the complaint is covered by both organizations. Remember that age is covered under USDA but not Iowa, and that Iowa's laws cover things that USDA does not. And remember that after July 1, 2008, people who file a complaint under Iowa law may file that complaint within 300 days.

13. Q: Are we required to have copies of the complaint forms on hand?

A: No, but staff should know where to find them on line. And remember that a complaint can be filed verbally, anonymously, by an individual or by a group.

14. Q: What is an example of an anonymous complaint?

A: If the superintendent of a school or a director of a day care or summer feeding program received an

unsigned letter reporting that green children were being served less food than orange children, this could be an anonymous complaint..

15. Q: How often have civil rights complaints been filed in the food program in Iowa?

A: There have been very few complaints filed over the years. This could mean that people don't know about their rights, but we believe that it is because food program administrators, directors and staff are conscientious in their efforts to treat everyone with fairness and respect. Our efforts today are to help you keep up this great record.

Civil Rights Training

16. Q: Will the Bureau provide a training like this annually?

A: Civil rights training will be a part of formal training provided by the Bureau. We don't have plans to provide a train-the-trainer opportunity such as today's session on a regular basis. But we will reconsider if a need is identified.

17. Q: Deleted

18. Q: Can we include the training for civil rights in other training?

A: Yes, please include civil rights training with other training if it makes sense for your program.

19. Q: When do you recommend that we do the training?

A: Programs that have a definite start and stop date, such as schools, camps, summer feeding programs, might consider doing the training as part of start-up training or pre-service. CACFP home providers might want to do training as part of the annual application training. Year round programs should do training when it makes the best sense for the program. And new employees should receive this training as part of their initial orientation.

20. Q: Do we have to train everyone at the same time?

A: No. Train people when it makes sense for you.

21. Q: Do we have to use the training the Bureau has provided?

A: NO! Spice it up with your own ideas. Include civil rights training with other diversity discussions. Break the training into different parts and intersperse it throughout your training schedule. Discuss the requirements for public notification when you are talking to staff about advertising your program, for example. We have provided several different formats for training for you to use if you wish, but you are free to change them to meet your needs. Just be sure that all the required elements have been covered, and that you have documentation.

22. Q: If we already do this kind of training, are we covered?

A: You might be. Go over the training you are already doing and compare it to the requirements in this manual. Several programs have found that the training they already do needed some minor tweaking to be compliant. If you are missing something, add it to your current training and be sure to document.

23. Q: It seems kind of silly to train the ladies who serve the kids lunch on the same topics as the secretaries who process free and reduced price applications.

A: Customize your training to meet the needs of your audience, but be sure to include all the required elements. For example, you might want to focus on how the ethnic and racial data is collected and kept when you train the secretaries. The ladies who serve might just need to know what kind of data is kept and that it is done by the secretaries. The ladies who serve might have more attention paid to

complaint resolution and how to be sure that all the kids are treated fairly during lunch. But everyone needs customer service.

24. Q: I am the head cook. The superintendent helps process free and reduced price applications. Is it MY responsibility to train the superintendent? I am nervous! What should I do?

A: In this example, the superintendent would need the annual training. But not every employee who must be trained, must be trained the same way. You might find that the kitchen staff are more interested in the PowerPoint trainings. Classroom teachers might like to go over the handout. Home providers might like to combine their training with taste-testing some new ethnic foods. Superintendents might prefer to read the handout on their own time. If it is your responsibility to be sure everyone is trained, just make sure you have documentation of training and all the required elements have been covered.

25. Q: About how long should it take to train our staff?

A: We think that about 20 minutes should do it but be sure all questions are answered. In the next section of this training, you will be presented with the model program. See for yourself!

26. Q: Where do we send the documentation that our staff has been trained?

A: Keep the documentation in your files. When Bureau consultants come to do a review, they will ask about your training. You can tell them all about it then. If they need to see the documentation, they will let you know.

27. Q: In CACFP, we can count civil rights training for a maximum of 30 minutes of annual training or the actual time, whichever is less. Why is this?

A: CACFPs are required to provide 1½ hours of training annually to their staff in the food program. We think that it is important that the training include a variety of topics. We also think that staff can benefit from much more than 1½ hours of training and that this training can be completed in 20 minutes. If you choose to focus more time on civil rights, we don't want this to be ALL the training that is provided. We want to see it balanced.

Manual and FNS 113-1

28. Q: Will the Bureau be keeping the manual updated on the web?

A: That is our plan.

29. Q: Are we required to have a printed copy of the updated manual on hand?

A: No.

30. Q: Are we required to read the USDA Instruction FNS 113-1, or keep a copy on hand?

A: No.

31. Q: Will the Bureau be sending out reminders about needing to train?

A: We may include reminders in a warrant insert, in one of the newsletters or in a regular announcement. But it is your responsibility to make sure it gets done whether a reminder is sent or not.

Customizing Training Materials

32. Q: May we use other resources than the ones listed in the manual?

A: Yes. You are encouraged to use local resources, especially grassroots organizations if they are available.

33. Q: Can we make changes to the pre-test/post-test?

A: Yes, modify it as you need to. But be sure the information is still consistent with requirements.

34. Q: Can we make changes in the PowerPoint presentations?

A: Yes, but be sure the information is consistent with requirements.

Reasonable Accommodations

35. Q: What is a reasonable accommodation?

A: A reasonable accommodation is a modification or an adjustment in the way services are provided, that makes it possible for a disabled person to participate in a program. For example, an accommodation may be made to provide soy milk for a child who cannot drink cow's milk. This definition is taken from the *Americans with Disabilities Act*.

36. Q: What is the definition of disabled?

A: Disabled means any person who has a physical or mental impairment which substantially limits one or more major life activities, has a record of such an impairment, or is regarded as having such an impairment. This is from the USDA guidance regarding accommodating children with special needs, and is based on ADA and other laws and rules.

37. Q: Are CNPs required to make reasonable accommodation for disabled persons?

A: It depends on which of the Child Nutrition Programs is involved. Generally, the CNP is required to make the accommodations if the participant is disabled. But some programs allow an exemption if the accommodation is burdensome or very difficult. Please call us if you have specific questions.

38. Q: If the CNP is required to make an accommodation, who pays for it?

A: It is considered an expense of the program. An extra fee cannot be charged to the participant or the participant's family to cover the expense. There is no additional money from the Bureau or USDA to cover the expenses.

39. Q: A home provider has refused to care for a child who is disabled. She is concerned that she will have to remodel her home for the wheelchair. Is this reasonable?

A: It may be reasonable. The provider should contact some of the references for assistance. But keep in mind that the term "disability" is not restricted to people who use a wheelchair. It also can include • orthopedic, visual, speech, and hearing impairments.

ATTACHMENT 1: LIMITED ENGLISH PROFICIENCY (LEP) Q&As

GENERAL INFORMATION

What is “Limited English Proficiency”?

A person with Limited English Proficiency (LEP) is someone who does not speak English as their primary language and who has a limited ability to read, speak, write, or understand English.

What are the main responsibilities for schools communicating with LEP individuals?

Consistent with Section 9(b) of the *Richard B. Russell National School Lunch Act*, 42 USC 1758(b), and according to 7 CFR 245.6 (a)(2), schools are required to communicate school meals eligibility information “in an understandable and uniform format and to the maximum extent practicable, in a language that parents and guardians can understand.”

Once a school becomes aware of an LEP individual’s needs, the school is responsible for ensuring that their application and other household materials (letter, instructions, notices, and verification materials) are available in a language the LEP individual can understand.

What factors should be considered when planning LEP communications?

According to *FNS Instruction 113-1*, when determining the need for and extent of LEP communications, State agencies, LEAs, and schools should consider:

- The overall number of students from households comprised of LEP individuals,
- The proportion of students from households comprised of LEP individuals as compared with the overall student population,
- The frequency of communications with LEP individuals,
- The means through which communications are sent (e.g., mail, telephone, websites, etc.), and
- The resources already available (i.e., USDA translation materials) and the resources that will need to be supplied (i.e., oral interpreters).

How can schools pay for translations that are not readily available, either on the USDA website, through the State agency, or through local partners?

The nonprofit food service account may be used to pay for translation services for food service purposes if there is a need to translate materials in a language that is not currently available.

How are schools evaluated for LEP compliance?

Compliance with LEP requirements is considered part of the general areas for review in an Administrative Review. Schools that fail to provide services to LEP individuals may be discriminating on the basis of national origin in violation of Title VI of the *Civil Rights Act of 1964*. Findings that indicate probable noncompliance must be handled in accordance with the procedures for resolving noncompliance contained in *FNS Instruction 113-1*.

IDENTIFYING LEP INDIVIDUALS

When should LEP individuals be identified?

FNS recommends identifying LEP individuals prior to the distribution of school meal applications and when additional eligibility information, such as approval or denial, is sent. Many schools identify a LEP individual's primary language during the school enrollment process, and store this information in an online database to ensure that communications sent to families throughout the school year are sent in the appropriate language. Using a central database also reduces duplication of efforts, and may reduce paperwork and administrative costs for the school food service staff.

How do schools determine which languages to include in household communications?

Most schools have a system in place to identify a parent or guardian's primary language. Options include:

- Conducting a Home Language Survey during student enrollment.
- Sharing USDA's "I Speak" document with parents and guardians to determine which language they are most comfortable speaking. The "I Speak" document can be downloaded from the USDA Translated Applications Web page: [USDA Webpage for Translated Income Eligibility Applications](#).
- Checking with organizations that work with local families, such as migrant or refugee assistance agencies, to determine which translations are needed.

Schools are responsible for ensuring LEP individuals receive the language services they need to complete the application, certification, and verification process. Simply offering the most common non-English language is not sufficient. Schools may use the Department of Justice's (DOJ) *Language Access Assessment and Planning Tool for Federally Conducted and Federally Assisted Programs* to evaluate their LEP activities. This resource is available at: [Department of Justice's Planning Tool for Language Access Assessment](#).

After assessing language needs, schools should determine where translation services in those languages may be obtained. Additional information and resources are available at www.LEP.gov

How are schools evaluated for LEP compliance?

Compliance with LEP requirements is considered part of the general areas for review in an Administrative Review. Schools that fail to provide services to LEP individuals may be discriminating on the basis of national origin in violation of Title VI of the *Civil Rights Act of 1964*. Findings that indicate probable noncompliance must be handled in accordance with the procedures for resolving noncompliance contained in *FNS Instruction 113-1*.

WRITTEN TRANSLATIONS

What is required in a written translation?

Information about school meals is often communicated in writing, so it is of particular importance that LEP individuals have access to accurate translations. As described in the *Eligibility Manual for School Meals*, applications and other related written materials must provide LEP individuals access to the same information that is provided to non-LEP persons.

The permanent nature of written translations imposes additional responsibility on LEAs and schools to ensure that the quality and accuracy permit meaningful access by LEP individuals. As stated in *Guidance to Federal Financial Assistance Recipients Regarding the Title VI Prohibition Against National Origin Discrimination Affecting Persons With Limited English Proficiency (USDA LEP Guidance)*, LEAs and schools opting to provide their own translations should ensure that translators understand the expected reading level of their audiences and, where appropriate, have fundamental knowledge about the target language group's vocabulary and phraseology. Community organizations may be able to determine whether a document is written at the appropriate level for the audience.

What are the minimum requirements for State agencies and LEAs when providing written translations?

According to the *USDA LEP Guidance*, when determining which materials should be translated, LEAs and schools should consider which materials are "vital" to an individual's participation. This may include, "applications to participate in a recipient's program or activity or to receive recipient benefits or services," such as school meal applications.

Consistent with previously issued LEP guidance, at a minimum, State agencies must make USDA's translations of prototype materials available to LEAs through a link on their website, and provide printed copies of application materials as needed. Alternatively, State agencies and LEAs may choose to develop written translations of their own application materials. FNS also expects LEAs to take appropriate measures to ensure that language and communication are not barriers to program participation.

Where can schools find written translations?

The USDA Translated Applications website includes two written translation resources available for use by State agencies, LEAs, and schools:

Translations for applications intended to be used directly by families: [USDA FNS Translated Income Eligibility Application webpage](#).

Translations for applications and verification form prototypes for State agency consideration: [USDA FNS Translated Applications Webpage](#).

The translated Free and Reduced Price School Meals Application package includes the letter to households, the application, the notification of selection for verification of eligibility, and the letter of verification results. The translated application package also includes optional materials that may be provided to

households, such as the form to share information with Medicaid/SCHIP and other programs.

LEAs may accept the USDA prototype of the translation, reach out to State or local organizations to inquire about the availability of translations in languages common in their community, or choose to develop translations of their own written materials. If a State or LEA makes changes to the USDA prototype application, the State or LEA is responsible for ensuring the translations are also changed accordingly.

What translations are available on USDA’s Child Nutrition Programs website?

The languages currently available through USDA include: Arabic, Armenian, Cambodian Chinese (Traditional), Chinese (Simplified), Croatian, English, Farsi, French, Greek, Gujarathi, Haitian-Creole, Hindi, Hmong, Japanese, Korean, Kurdish, Laotian, Mien, Polish, Portuguese, Punjabi, Russian, Samoan, Serbian, Somali, Spanish, Sudanese, Tagalog, Thai, Tigrinya, Ukrainian, Urdu, and Vietnamese.

To assist LEAs and schools in their effort to ensure meaningful access for individuals with LEP, USDA periodically updates the translations available on the Child Nutrition Programs website. For SY 2016-2017, the following translations will be added: Albanian, Amharic, Bengali, Burmese, Creole (French), Karen, Kru, Ibo, Ilokano, Italian, Jamaican Creole, Nepali, Romanian, Serbo-Croatian, Yiddish, and Yoruba.

Are schools required to include written translations for verification requests?

As noted in Q&A #9, when determining which materials should be translated, LEAs and schools should consider which materials are “vital” to an individual’s participation. According to the regulations, this may include, “any documents that require a response from applicants, beneficiaries, and other participants,” such as verification letters.

State agencies and LEAs are expected to have a system in place to provide verification notices to each household in the parent or guardian’s primary language, follow up with households that do not respond to the initial verification request, and provide oral assistance if the parent or guardian has difficulty understanding the written request. USDA translations of prototype verification materials are available on the FNS website.

Are schools required to provide written translations for their web-based materials?

As previously stated, schools are responsible for ensuring that their application and other household materials (letter, instructions, notices, and verification materials) are available in a language LEP individuals can understand. However, schools are not required to make online

Application tools available in all languages. Schools are encouraged to ensure language barriers do not prevent LEP individuals from navigating the website to find information about the school meal application process.

ORAL INTERPRETATION AND LANGUAGE ASSISTANCE

When must oral interpretations be provided?

According to *Executive Order No. 13166, Improving Access to Services for Persons with Limited English Proficiency*, 3 C.F.R. 50121-50125 (2000), each Federal agency is responsible for ensuring that recipients of Federal financial assistance, including schools operating the school meal programs, provide meaningful access to their LEP applicants and beneficiaries. Further, *Executive Order 13166* states that “...a recipient’s obligation to provide meaningful opportunity is not limited to written translations. Oral communication between recipients and beneficiaries often is a necessary part of the exchange of information.” *Executive Order 13166* is available at: [Department of Justice Executive Order 13166 webpage](#).

In previous guidance, including the *Eligibility Manual for School Meals*, USDA has said that State agencies and

LEAs must, “provide the necessary services so that parents or guardians, who are unable to read or have limited literacy, are assisted with completing the application process. This may entail providing oral interpretation services.” For example, if no written translation is available in a parent or guardian’s primary language, or if a parent or guardian has limited literacy or otherwise requires assistance for completing the school meal application, schools must provide an oral interpretation to ensure the LEP individual has a “meaningful opportunity” to benefit from the school meal programs.

As outlined in Q&A #3, however, State agencies, LEAs, and schools may consider the resources available and costs of providing services when determining what steps are considered “reasonable” as related to LEP. According to *FNS Instruction 113-1*, LEAs and schools “with more limited budgets are not expected to provide the same level of language services as larger recipients with larger budgets. In addition, ‘reasonable steps’ may cease to be reasonable where the costs imposed substantially exceed the benefits.”

LEP guidance from the Department of Education (ED) is consistent with this guidance. According to *U.S. Department of Education Policy Directive to Ensure Meaningful Access to Federally Conducted Services, Programs and Activities for Individuals with Limited English Proficiency*, to determine “accurate, meaningful, and effective” language services, Federal recipients should, on a “case-by-case basis, determine which mix of services should be provided.” ED’s LEP guidance is available at: [Department of Justice Meaningful Access Guidance webpage](#).

What steps can State agencies, LEAs, and schools take to reduce the costs of providing oral interpretations, when oral interpretations are necessary?

State agencies, LEAs, and schools should carefully explore the most cost-effective means of delivering competent and accurate language services before limiting services due to resource concerns. *FNS Instruction 113-1* includes several recommendations for Federal recipients working to provide oral interpretations to LEP individuals, including:

- Sharing language assistance materials and services among and between recipients, advocacy groups, and Federal grant agencies,
- Training bilingual staff to act as interpreters and translators,
- Using telephonic and video conferencing interpretation services,
- Centralizing interpreter and translator services to achieve economies of scale, and
- Formally using qualified community volunteers as interpreters.

Who should provide the oral interpretation?

As outlined in the *USDA LEP Guidance*, State agencies and LEAs are strongly encouraged to identify oral interpretation services available within the school or district that can be used to communicate with LEP individuals about school meal benefits. When possible, State agencies and LEAs are also encouraged to partner with local organizations, such as migrant or refugee assistance agencies, to provide oral interpretations. Third-party interpreters also may provide oral interpretations. Household members (especially students) are not expected to provide interpretive services. In many circumstances, household members are not competent to provide accurate interpretations and the use of household members to provide interpretations may create a conflict of interest. Oral interpreters should:

15) Demonstrate proficiency in and ability to communicate information accurately in both English and in the

- other language and identify and employ the appropriate mode of interpreting,
- 16) Have knowledge in both languages of any specialized terms or concepts peculiar to the recipient’s program or activity (i.e. school meals eligibility) and of any particularized vocabulary and phraseology used by the LEP person who is being assisted,
 - 17) Understand and follow confidentiality and impartiality rules to the same extent as the recipient (i.e. the school) for whom they are interpreting, and
 - 18) Understand and adhere to their role as an interpreter, without deviating into a role as counselor, advisor, or other inappropriate roles.

LEP guidance from ED is consistent with this recommendation. According to *U.S. Department of Education Policy Directive to Ensure Meaningful Access to Federally Conducted Services, Programs and Activities for Individuals with Limited English*

Proficiency, individuals providing services to LEP persons should, “understand their ethical obligations, and must emphasize confidentiality, impartiality, accuracy, (and) avoidance of a conflict of interest.”

Where can State agencies, LEAs, and schools find certified translators and interpreters?

DOJ’s Federal Coordination and Compliance Section includes the following key interpretation assessment and certification bodies on their website:

- 19) Federal Language Assessments Using the ILR Scale
- 20) The American Translation Association (ATA)
- 21) The Federal Court Interpreter Program (FCIP) Certification
- 22) The American Council for the Teaching of Foreign Languages (ACTFL)
- 23) The National Association of Judiciary Interpreters and Translators (NAJIT)
- 24) Select State court programs
- 25) Select university and college programs

For more information, see: [Department of Justice Assessment Information Webpage.](#)

ADDITIONAL INFORMATION

What can schools and LEAs do to improve access to school meals for migrant children?

Migrant students are categorically eligible for free schools meals and are therefore not required to complete an application. Categorically eligible migrant students are those enrolled in the Migrant Education Program (MEP) as determined by the State or local MEP coordinator. As stated in the *Eligibility Manual for School Meals*, LEAs need to establish procedures with the MEP coordinator to ensure prompt notification, especially when a new migrant child is identified. LEAs are encouraged to work directly with MEP officials or homeless liaison to identify migrant children and to document their eligibility for free benefits.

How should schools communicate with low-literacy LEP individuals?

As stated in the *Eligibility Manual for School Meals*, it is important for State agencies, LEAs, and schools to ensure that LEP individuals with limited literacy can complete the application, certification, and verification process. Schools are encouraged to take the following steps to reduce barriers for LEP individuals with limited literacy:

Use and accept USDA prototype materials, including translations, which are designed for a 6th grade reading level.

Develop applications and instructions using plain language. The Federal Government’s guidelines for plain

writing are available at [Plain Language Guidance webpage](#).

Ensure application materials only include information necessary to determine eligibility.

Make clear that only a single application is needed for all students in the household attending schools in the LEA.

Designate a school official that can complete an application for an individual student known to be eligible and for whom no application was submitted.

Are translated application materials available for USDA's other Child Nutrition Programs?

The CACFP Meal Benefit Income Eligibility Form, which may be used to determine individual income eligibility for the Child and Adult Care Food Program (CACFP) and the Summer Food Service Program (SFSP), is available in 33 languages. The translated CACFP Meal Benefit Income Eligibility Form package includes the letter to Tier I and Family Day Care Home Providers, the Child Day Care Meal Benefit Income Eligibility Form, and the Adult Day Care Meal Benefit Income Eligibility Form with instructions. The package contains the notification of selection for verification of eligibility and verification results. The translated application package also includes optional materials that may be provided to households, such as the form to share information with Medicaid/SCHIP and other programs.

The CACFP Meal Benefit Income Eligibility Form translations may be found here: [USDA FNS Translated Income Eligibility Application Webpage](#).

How do State and local laws interact with the requirement to provide meaningful access to LEP individuals?

Some State and local laws might identify language access obligations or requirements. According to the *USDA LEP Guidance*, LEAs and schools may apply State and local requirements, so long as they do not conflict with or set a lower standard than is required under Title VI and Title VI regulations. For example, some LEAs and schools may operate in a jurisdiction where English has been declared the official language. These recipients, however, continue to be subject to Federal nondiscrimination requirements, and must continue to provide meaningful access to LEP individuals.

Are translated application materials available for USDA's other Child Nutrition Programs?

The CACFP Meal Benefit Income Eligibility Form, which may be used to determine individual income eligibility for the Child and Adult Care Food Program (CACFP) and the Summer Food Service Program (SFSP), is available in 33 languages. The translated CACFP Meal Benefit Income Eligibility Form package includes the letter to Tier I and Family Day Care Home Providers, the Child Day Care Meal Benefit Income Eligibility Form, and the Adult Day Care Meal Benefit Income Eligibility Form with instructions. The package contains the notification of selection for verification of eligibility and verification results. The translated application package also includes optional materials that may be provided to households, such as the form to share information with Medicaid/SCHIP and other programs.

The CACFP Meal Benefit Income Eligibility Form translations may be found here: [USDA FNS Translated Income Eligibility Application Webpage](#).

How do State and local laws interact with the requirement to provide meaningful access to LEP individuals?

Some State and local laws might identify language access obligations or requirements. According to the *USDA LEP Guidance*, LEAs and schools may apply State and local requirements, so long as they do not conflict with or set a lower standard than is required under Title VI and Title VI regulations. For example, some LEAs and schools may operate in a jurisdiction where English has been declared the official language.

These recipients, however, continue to be subject to Federal nondiscrimination requirements, and must continue to provide meaningful access to LEP individual.

Alternative Dispute Resolution

What is Alternative Dispute Resolution at USDA?

The terms "alternative dispute resolution" or "ADR" are used to describe a variety of non-adversarial techniques to resolving conflict. When non-adversarial approaches are used, the parties in the conflict decide what techniques they want to use to resolve their own problems. This is different from traditional administrative processes used for Administrative Grievances, Negotiated Grievances, Unfair Labor Practices, and Prohibited Personnel Practices. ADR does not employ adjudicatory methods, in which a judge or hearing officer decides how to resolve the dispute for the people in the conflict.

How long does it take to resolve a matter through USDA's Alternative Dispute Resolution Programs?

Many disputes are resolved in one mediation session, which usually lasts between two hours and all day.

What services does the USDA Alternative Dispute Program offer?

The program offers:

- Consultation- providing advice or coaching on how to address a specific conflict;
- Fact-Finding- an (impartial) expert that does not favor one person over the other completes a report that describes the issues, interest potential settlement options, and possible procedures to resolve a conflict;
- Group Dynamic Problem Solving- use of a skilled facilitator to assist a team or group with resolving problems in a manner acceptable to all; and
- Mediation- using a mediator (neutral third party) to help two or more parties in conflict reach a resolution that each finds acceptable. Unlike litigation, the mediator does not impose a decision upon the participants. Nothing is decided in mediation unless both parties agree to the terms.

How can I determine if my conflict or complaint is appropriate for USDA Alternative Dispute Resolution?

Any workplace conflict that you wish to resolve is appropriate for Alternative Dispute Resolution. This includes interpersonal disputes, Equal Employment Opportunity complaints, USDA employment issues relating to leave, performance evaluations, non-selection for a position, training, and reasonable accommodation.

Who do I contact for information about Alternative Dispute Resolution at USDA?

Contact the Office of Early Resolution and Conciliation Division

1400 Independence Avenue, SW

Room 4023-South Building

Washington, DC 20250

Telephone: 202-720-7664 or toll free at 1-888-428-8961

What should I expect when I contact the Office of Early Resolution and Conciliation Division about Alternative Dispute Resolution?

When you the contact the Office of Early Resolution and Conciliation Division a member of the staff will ask the nature of the dispute and will then help you determine whether the situation is suitable for Alternative Dispute Resolution. If you want help thinking through how to respond to or prevent a conflict, experienced conflict management specialists will provide free consultation. Generally, participation in mediation is voluntary for all parties. However, if you choose mediation, in most instances it will take place. Both parties to

the conflict can choose to bring an attorney, union representative, or other personal representative to the session. A mutually acceptable date, location, and time will be arranged for the mediation. If the conflict involves more than two parties, such as in an office, division or team, we work with the employees and managers together: (1) to identify the issues of the group, and then (2) to assist in finding solutions that each person believes will resolve the issues.

26) cerebral palsy;

27) epilepsy;

28) muscular dystrophy;

29) multiple sclerosis;

30) cancer;

31) heart disease;

32) metabolic diseases, such as diabetes or phenylketonuria (PKU);

33) food anaphylaxis (severe food allergy);

34) mental retardation;

35) emotional illness;

36) drug addiction and alcoholism;

37) specific learning disabilities;

38) HIV disease; and

39) Tuberculosis.

Prayers

40. Q: We are a church-operated program. We say prayers before and after meals. Do we have to stop?

A: No. Faith based programs may continue to engage in their faith practices, such as prayer, so long as public money is not used to support the practice. You could not use CNP money to print copies of hymns, for example, but you may sing the hymns at meal time.

41. Q: Our day care is owned and operated by the town. We say prayers before and after meals. Do we have to stop?

A: This is a little more slippery. You should contact the Iowa Civil Rights Commission for advice.

English-only

42. Q: Iowa has a law designating English as the official language. Why do we have to provide information to people in other languages?

A: Federal rules override Iowa law. USDA's Child Nutrition Program is a federal program, and participation in it requires compliance with the federal standards. Federal rules require you to make reasonable efforts to serve people who do not speak English in their own language.

43 Q: If I need a translated free and reduced price application, I know where to find it on the USDA website. But how do I know what it says? I only speak English!

A: Print a copy of the English version, too. All the translations are laid out the same way. You can follow along in English.

Relay Iowa Information

www.relayiowa.com/tai/

1. **Calling Protocol for Relay Calls** – Please have the telephone number that you wish to call ready in advance. If you would like a Communication Assistant (CA) of a certain gender, please make that request when the CA answers your call. Then give the phone number you are calling to the CA. Voice users should speak clearly and at a moderate speed. Direct your conversation to the party you are calling as if the CA were absent.

Incorrect: Hello, Communication Assistant. Please tell Jim the meeting is at two this afternoon. Can he come? Go ahead.

Correct: Hello, Jim. The meeting is at two this afternoon. Can you come? Go ahead.

The CA is required to relay everything that you type or speak, and will also relay all background noises. For

example, a fire alarm ringing in the background will be relayed. All calls are held strictly confidential.

TTY – An individual who is deaf, hard of hearing, deaf-blind or has difficulty speaking can use a Text Telephone (TTY) to type his or her conversation to a CA, who then reads the typed conversation to the other party. The CA relays the other party’s spoken words by typing them back to the TTY user.

40) Dial 711 or 1-800-735-2942

41) Relay Iowa will answer: “Relay Iowa CA # _____, F/M (for CA gender), NUMBER TO CALL PLS Q GA (GA denotes go ahead).

42) Type the area code and phone number you wish to call and then type GA.

43) The CA will dial the number and relay the conversation to and from your TTY. Type GA at the end of each message to let the other party know it is their turn to respond.

Voice – Standard telephone users can easily initiate calls to TTY users. The CA types the voice user’s spoken words to the TTY user and reads back the typed replies.

44) Dial 711 or 1-800-735-2943

45) You will hear: “Relay Iowa CA # _____. Area code and number to call please.”

46) Give the CA the area code and telephone number you wish to call and any further instructions.

47) The CA will process your call, relaying exactly what the Relay user is typing. The CA will relay what you say back to the Relay user. Be sure to talk directly to the person you are calling, and avoid saying “tell him” or “tell her”, and say “go ahead” at the end of your response.

Voice Carry Over (VCO) – VCO allows individuals who are deaf or hard of hearing to speak directly to a standard telephone user. When the standard phone user speaks, a CA will type everything said to you on a TTY or text display.

48) Dial 711 or 1-800-735-4313

49) Relay Iowa will answer: “Relay Iowa CA # _____, F/M (for CA gender) and VCO ON. This will show after you request an automatic VCO from your line to the CA.

50) You will speak directly to the other party. The CA will not repeat what you say but only type to you what the other party says. You both need to say “GA” or “go ahead” at the end of each response.

Visually Assisted Speech-to-Speech (VA STS)

Many individuals who have difficulty speaking are best understood when they can be seen. VA STS provides the opportunity to use both speech and visual cues when interacting with the Communication Assistant during Speech-to-Speech calls.

VA STS involves the use of a live video connection between the CA and the VA STS user. Utilizing a webcam and computer Skype™ software, the CA is able to see the VA STS user’s mouth movements, facial expressions and gestures as they are speaking. The CA uses these visual cues to assist in better understanding the VA STS user’s side of the conversation.

51) Dial 800-855-7400 to connect with a CA.

52) Using Skype, the CA establishes a video connection with the VA STS user.

53) The VA STS user gives the CA the number to dial and any specific call handling instructions.

54) The CA dials the requested number and facilitates the conversation.

Relay Iowa Information

VCO with Privacy – This is similar to the standard VCO feature. However, the CA will not hear your voice and

only types the other party's responses back to the VCO user. If you do not want the CA to listen to your voice, tell the CA you want "Privacy ON".

Two-Line VCO – Two-Line VCO allows a customer with two telephone lines to use one line for speaking directly to a hearing person while the other line is used to receive the hearing person's typed responses. This feature provides a more natural flow of conversation without the pauses of traditional VCO calls.

VCO to TTY – The CA will only type what the VCO user says to the TTY user. Whatever the TTY user types will go directly to the VCO user's TTY or VCO equipment.

VCO to VCO – VCO users can contact other VCO users through Relay Iowa. The CA will type to both parties what is said.

Hearing Carry Over (HCO) – HCO allows individuals who have difficulty speaking to listen to the person they are calling. The HCO user types his or her conversation for the CA to read to the standard telephone user.

1. Dial 711 or 1-800-735-2942
2. Relay Iowa will answer: "Relay Iowa CA #_____, F/M (for CA gender) and NUMBER TO CALL PLS Q GA (GA denotes go ahead).
3. Type the area code and phone number you wish to call and then type HCO PLEASE GA.
4. The CA will make the connections and voice your typed conversation to the called party. After you type GA, pick up the headset to listen to the spoken reply. You can also request an automatic HCO connection with a customer profile.

HCO to TTY – HCO users can listen while the CA is voicing the TTY user's typed message. The HCO user types his or her conversation directly to the TTY user.

HCO to HCO – HCO users can contact other HCO users through Relay Iowa. The CA will voice to both parties what is typed on each user's TTY.

Speech-to-Speech (STS) – If you have difficulty speaking, you can take advantage of Relay Iowa's Speech-to-Speech (STS) service. With STS, specially-trained CAs repeat the STS user's side of the conversation as needed.

STS is available 24 hours a day, 365 days a year with no restrictions on the length or number of calls placed. All Relay calls are strictly confidential, as Federal law mandates that CAs cannot reveal any information about any call. Dial 1-877-735-1007 You will hear: "Relay Iowa CA #_____. The area code and number to call, please?". Voice the telephone number of the party you want to call plus any special instructions. Once the call is connected, everyone on the call will be able to hear each other. The CA will repeat 3 to 4 word segments upon request. The CA will clarify anything that is not clear before repeating. Pausing while the CA repeats is helpful. You or the person you are calling may request that the CA stay in the background. This is especially helpful when calling family, friends or others who are familiar with your speech. Say GA when you are finished speaking and ready for a response. If you need the CA to begin repeating at any time during the call, you must request the CA to do so.

Speech-to-Speech User Training Line

The Speech-to-Speech User Training Line is a resource for groups and individuals in Iowa to familiarize themselves with the proper etiquette and standard procedures of using STS. Individuals who are residents of Iowa and/or intend to use the STS service with an Iowa resident are eligible to call the training line.

The User Training Line is available 24 hours a day, 7 days a week, and can be reached by contacting Customer

Care at 800-855-8444.

Relay Iowa Information

Captioned Telephone (CapTel®) – The State of Iowa offers a service designed for individuals who have difficulty hearing over the telephone. CapTel provides captions for the telephone, similar to the closed captioning provided on most television programs.

CapTel is especially helpful for:

55) People who have a hearing loss and find it difficult to understand telephone conversations

56) People who use hearing aids or assistive listening devices

57) People who are deaf or hard of hearing with understandable speech

CapTel allows the user to receive voice and text in real time through specialized equipment.

With CapTel, you won't have to struggle to hear what others say on the phone. You have the opportunity to supplement your residual hearing by viewing captions on your CapTel phone's screen for added clarity. You also enjoy the freedom of using your own voice during phone conversations. [To find out how to get a CapTel phone, click here.](#)

Spanish Relay Service – Relay Iowa offers Spanish Relay service. Relay users can type or speak in Spanish and the conversations will be relayed in Spanish. To request Spanish Relay, dial 1-800-264-7190. Relay Iowa also offers Spanish to English translation service.

Emergency Calls – In case of emergency, TTY users should call the TTY-equipped 911 Center or emergency services center in their community. All customers should verify the emergency phone numbers for TTY calls in their area. Calls placed directly and immediately to the local TTY emergency number can save valuable time in urgent situations. For more information on how to obtain emergency numbers in your area, call [Relay Iowa Customer Care](#).

References from USDA

FNS Civil Rights regulation 113-1 <http://www.fns.usda.gov/sites/default/files/113-1.pdf>

Alternative Dispute Resolution <http://www.fns.usda.gov/cr/alternative-dispute-resolution>

“Justice for All” poster <http://www.fns.usda.gov/cr/and-justice-all-posters>

Free and Reduced Price meal applications translations <http://www.fns.usda.gov/school-meals/translated-applications>

Memos

SP 37-2016 Meaningful Access for Persons with Limited English Proficiency (LEP) in School Meal Programs: Guidance and Q & As– May 25, 2016

MPRO SP 01-2016 (revised 10-22-2015) Equal Opportunity Public Notification Policy

FNS and CNPP Civil Rights Policy 2013-3

Other Training Resources (Institute for Child Nutrition)

Human Resource Management Skills: Leadership Development for Managers

<http://www.theicn.org/Templates/TemplateDefault.aspx?q=cEIEPTIzOA==>

Agencies

US Commission on Civil Rights <http://www.usccr.gov/index.php>

Iowa Civil Rights Commission <https://icrc.iowa.gov/>

Services for the Deaf or Hard of Hearing

Relay services

Relay services enable people who are deaf or hard of hearing to send and receive communication from hearing persons. By including providers on this list, no recommendation or endorsement is made for any relay provider. Relay providers may charge a fee or require a subscription for their services.

These services require a telecommunication device for the deaf (TTY or TDD) to be used by the person who is deaf or hard of hearing. The relay operator reads the TTY/TDD transmission to the hearing person and types in the response.

www.relayiowa.com/tai/

www.sprintrelayonline.com/

Interpreters for the Deaf

Iowa State Registry of Interpreters for the Deaf

www.iowastaterid.org/

Language Interpretation

Language interpretation services over the telephone is available. A fee is charged for this service.

<https://www.languageline.com/client-services>

Alternative Dispute Resolution Services

By including providers on this list, no recommendation or endorsement is made for any provider. Providers may charge a fee for their services.

USDA Food and Nutrition Services www.fns.usda.gov/cr/adr.htm

Mediators in Iowa www.mediate.com/iowa/

Iowa Mediation Services www.iowamediationservice.com/

AEA Resolution Facilitator Process www.iowa.gov/educate/content/view/612/1396/

Complaint Forms

Iowa: <https://icrc.iowa.gov/>

USDA: <https://www.educateiowa.gov/documents/nutrition-learning-tools/2016/11/iowa-school-programs-civil-right-complaint-form>