

## CHAPTER 3-CIVIL RIGHTS

USDA/FNS Instruction 113-6 delineates the civil rights requirements for participants in the School Nutrition Program. The U.S. Department of Agriculture prohibits discrimination in all its programs and activities on the basis of race, color, national origin, sex, age, disability. The following is required for all schools participating in USDA Child Nutrition Programs.

### PUBLIC INFORMATION RESPONSIBILITIES

The SFA or other program recipient agency shall, within available resources: 1) take positive and specific actions to implement a public notification system which encourages participation and informs all potential participants, particularly minorities, of the availability and benefits of the program; 2) advises participants of the provision of nondiscrimination; and 3) sets forth the procedures or filing a complaint.

To implement the school's public information responsibility, each SFA or other program recipient shall:

1. Ensure that all forms of communication and printed program information which are disseminated, especially the free and reduced-price notification letters, application forms, and public releases, include 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: [http://www.ascr.usda.gov/complaint\\_filing\\_cust.html](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) 632-9992. 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](mailto:program.intake@usda.gov).

This institution is an equal opportunity provider.

2. Inform parents or guardians of students in participating schools, as well as the general population, potentially eligible populations, local minority and grassroots organizations, of the availability of program benefits and services, the nondiscrimination policy, and all significant changes in existing requirements that pertain to program eligibility and benefits. SFA must submit a press release to the local media unless all students receive free meals. See prototype on page 13. Be sure to modify the release to include information specific to the school food authority.  
Note: the income information in the press release changes annually prior to the beginning of the school session. Each year, contact SA for updated information.

SFAs can communicate using methods such as, but not limited to, Internet, newspaper articles, radio and television announcements, letters, leaflets, brochures, computer-based applications, and bulletins. SFAs should provide appropriate information, including Web-based information, in alternative formats for persons with disabilities and convey the message of equal opportunity in all photographic and other graphics used to provide program or program-related information. SFAs must submit the to the local media and grassroots organizations. The press release must be available upon request.

If you need to provide non-English speaking persons with program information and translated forms, contact the Arkansas Department of Human Services, School Nutrition Programs Unit.

3. Display in a prominent place the nondiscrimination poster developed by USDA. Schools may post posters in Spanish or another language as needed. A prominent place must be visible and where students dine. Contact state agency for copies of the Nondiscrimination poster. SFAs must post the “And Justice For All” poster released by USDA without modification.
4. Make available to the public and to participants and potential participants upon request, information about program requirements and the procedures for filing a complaint.
5. English and/or in the appropriate translation to non-English-speaking persons. Ensure that any person alleging discrimination based on race, color, national origin, sex, age or disability understands that he/she has a right to file a complaint. All School and RCCIs should have procedures on file for filing a complaint.

### **DATA COLLECTION AND ANNUAL DOCUMENTATION**

The Department of Justice Regulations, 28 CFR 42, requires SFAs to collect and report data on the actual number of children applying for free and reduced price meals.

The SFA or other program recipient agency shall:

1. Develop a method for collection of data. Methods include determination of the information by a school official through observation, personal knowledge, or voluntary self-identification. SFAs must also maintain the number of students that have been approved and denied for free and reduced-price by racial/ethnic categories, each year.

The method used to collect this data may include observation by a school official, the use of data currently collected by the school, voluntary self-identification on the application form or an estimate by the school principal or other school official based on his/ her knowledge of the ethnic breakdown of the students enrolled in the school.

On the household applications, families have the option to designate race and ethnicity. During data collection, SFAs must determine the ethnicity of each student first and then determine the race of each student. **Note:** race and ethnicity are two different categories. School personnel should use household applications, direct certification letters, or other school records to identify the classification of each student receiving free or reduced price meals. If households have not identified ethnicity or race, the school may use visual observation to classify students. At no time, should the school change the ethnicity or race designated on the student's application by a parent.

Schools may record ethnicity and racial identity of each student on the Master List found in Chapter 5 of the School Nutrition Programs Compliance Handbook.

6. Establish procedures to ensure that the information is made available only to authorized state and federal personnel during reviews or as a part of federal- or state-approved surveys. **To maintain compliance with civil rights each year, schools will complete the Civil Rights Worksheet on page 16 of this chapter.**
7. Maintain information on file for three years, plus the current year, and for additional periods when audits are pending.

## **CIVIL RIGHTS WORKSHEET**

All SFAs are required to complete the Civil Rights Worksheet annually as a self-review. When the school reviewer determines that the school is out of compliance, it must take steps to correct noncompliance. Additionally, the Civil Rights Worksheet should also be used to record ethnic and racial data. SFAs must complete this report annually and keep on file. Complete the worksheet during the first 30 days after applications have been approved for benefits.

## **CIVIL RIGHTS POLICY**

To comply with federal requirements, SFAs must adopt civil rights procedures for the School Nutrition Programs. SFAs can find a prototype **PROCEDURE FOR ACCEPTING AND FILING COMPLAINTS OF DISCRIMINATION IN SCHOOL NUTRITION PROGRAM** on page 15. This policy is specific to the USDA Child Nutrition Programs. Grievance and other complaint procedures cannot supersede the procedures for School Nutrition Programs. SFAs should not alter the language in the prototype except to add SFA information. The SA must approve any other changes.

## HANDLING A CIVIL RIGHTS COMPLAINT

Schools must adopt procedures for handling civil rights complaints. Civil rights complaint for the School Nutrition Programs cannot be handled through other civil rights complaints or grievance procedures. See page 15 of this chapter for prototype, *Procedures for Accepting and Filing Complaints of Discrimination in the School Nutrition Programs*.

Listed below are the guidelines for filing a civil rights complaint.

1. All written or verbal complaints alleging discrimination on the basis of race, color, national origin, sex, age, or disability shall be processed within 90 days upon receipt in the manner prescribed by this instruction.
2. USDA Food Nutrition Services Headquarters Civil rights Department (CRD) and the Food Nutrition Services Regional Office of Civil Rights (OCR) have been delegated the authority to determine whether or not complaints will be reviewed and, if so, the manner in which they are to be reviewed. Depending on where the complaint was initially filed, it must be forwarded to the appropriate OCR (FNS Headquarters, Regional, or State) for a determination on how the complaint will be handled. The appropriate OCR will prepare and issue letters of acknowledgment to the complainants.
3. A preliminary inquiry or an investigation will be conducted on all valid complaints to substantiate or refute the allegations.

### Examples of Discrimination

Discrimination is prohibited in all aspects of the delivery of school nutrition programs' benefits and services. Some specific examples of discrimination and noncompliance with the civil rights laws are as follows:

1. Exclusion of children from participating in the School Nutrition programs on the basis of race, color, national origin, age, sex or disability.
2. The disparate distribution of benefits and services to participants in the program.
3. Differential treatment on the basis of race, color, national origin, sex, age or disability of a participant, or a class of participants, from other participants in determining whether he or she satisfies any admission policies, enrollment, quota, membership or any other requirement.

### Procedure for Filing Complaints of Discrimination

1. Right to File: 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. Only the Secretary of Agriculture may extend this time under special circumstances. The complainant must be advised of confidentiality and Privacy Act applications. The complainant and the entity that the complaint is filed

against will be encouraged to resolve the issue at the lowest possible level and as expeditiously as possible.

2. **Acceptance:** All complaints, written or verbal, shall be accepted by the SFA, State Agency, or Food and Nutrition Service Regional Office (FNSRO), forwarded to the appropriate regional FNSRO, and then forwarded at once to the Civil Rights Division. It is necessary that the information be sufficient to determine the identity of the agency or individual toward which the complaint is directed and to indicate the possibility of a violation. Anonymous complaints shall be handled the same as any other complaint, to the extent feasible, based on available information.
3. **Verbal Complaints:** In the event a complainant makes the allegations verbally or in person and refuses or is not inclined to place such allegations in writing, the person to whom the allegations are made must write up the elements of the complaint for the complainant. Every effort should be made to have the complainant provide the following information:
  - a. Name, address, and telephone number, or other means of contacting the complainant.
  - b. The specific location and name of the entity, or local agency delivering the program service or benefit.
  - c. The nature of the incident(s) or action(s) that led the complainant to feel discrimination was a factor.
  - d. The basis on which the complainant feels discrimination exists (race, color, national origin, sex, age, or disability).
  - e. The names, titles, telephone numbers, and addresses of persons who may have knowledge of the alleged discriminatory action(s), and
  - f. The date(s) during which the alleged discriminatory action occurred, or if continuing, the duration of such actions.

**To file a complaint, SFAs should administer the Civil Rights Complaint Form to students** (see page 15 of this chapter).

### LIMITED ENGLISH PROFICIENCY

State agencies, local agencies, or other subrecipients that fail to provide Limited English Proficiency (LEP) services to potentially eligible persons, applicants, and participants, or deny such persons access to federally assisted programs and activities, may be discriminating on the basis of national origin. Title VI and its regulations require State agencies, local agencies, or other subrecipients to take reasonable steps to assure “meaningful” access to the information and services they provide. What constitutes reasonable steps to assure meaningful access will be contingent on a number of factors.

Factors include:

1. The Number or Proportion of LEP Persons Served or Encountered in the Eligible Population The greater the number or proportion of LEP persons, the more likely language services are needed. Ordinarily, persons “eligible to be served or likely to be directly affected, by” a recipient’s program or activities are those who are served or

encountered in the eligible service population. This population will be program-specific, and includes persons who are in the geographic area that has been approved by a Federal grant agency as the recipient's service area. Where no service area has previously been approved, the relevant service area may be that which is approved by State or local authorities or designated by the recipient itself, provided that these designations do not themselves discriminatorily exclude certain populations.

Recipients should first examine their prior experience with LEP encounters and determine the breadth and scope of language services that were needed. In conducting this analysis, it is important to include language minority populations that are eligible for FNS programs or activities but may be underserved because of existing language barriers. Other data should be consulted to refine or validate a recipient's prior experience, including the latest census data for the area served, data from school systems and from community organizations, and data from State and local governments. Community agencies, school systems, religious organizations, legal aid entities, and others can often assist in identifying populations for whom outreach is needed and who would benefit from the recipients' programs and activities where language services are provided.

2. **The Frequency With Which LEP Individuals Come in Contact With the Program.** The more frequent the contact with a particular language group, the more likely that enhanced language services in that language are needed. The steps that are reasonable for a recipient that serves an LEP person on a one-time basis will be very different than those expected from a recipient that serves LEP persons daily. It is also advisable to consider the frequency of different types of language contacts. For example, frequent contacts with Spanish-speaking people who are LEP may require certain assistance in Spanish. Less frequent contact with different language groups may suggest a different and less intensified solution. If an LEP individual accesses a program or service on a daily basis, a recipient has greater duties than if the same individual's program or activity contact is unpredictable or infrequent. But even recipients that serve LEP persons on an unpredictable or infrequent basis should use this balancing analysis to determine what to do if an LEP individual seeks services under the program in question. This plan may be as simple as being prepared to use one of the commercially-available telephonic interpretations services to obtain immediate interpreter services. In applying this standard, recipients should take care to consider whether appropriate outreach to LEP persons could increase the frequency of contact with LEP language groups.
3. **The Nature and Importance of the Program, Activity, or Service Provided by the Program.** The obligations to communicate rights to a person who is arrested or to provide medical services to an ill or injured person, and to provide nutrition assistance to individuals or groups of persons differ, for example, from those to provide bicycle safety courses or recreational programming. A recipient needs to determine whether denial or delay of access to services or information could have serious or even life-threatening implications for the LEP individual. Decisions by a Federal, State, or local entity to make an activity compulsory, such as particular educational programs in the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) or the



communication of eligibility requirements, can serve as strong evidence of the program's importance.

4. The Resources Available to the Recipient and Costs Smaller recipients 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. Technological advances may reduce resource and cost issues; the sharing of language assistance materials and services among and between recipients, advocacy groups, state and Federal grant agencies; and reasonable business practices. Where appropriate, training bilingual staff to act as interpreters and translators, information sharing through industry groups, telephonic and video conferencing interpretation services, pooling resources and standardizing documents to reduce translation needs, using qualified translators and interpreters to ensure that documents need not be "fixed" later and that inaccurate interpretations do not cause delay or other costs, centralizing interpreter and translator services to achieve economies of scale, or the formalized use of qualified community volunteers, for example, may help reduce costs.

Recipients should carefully explore the most cost-effective means of delivering competent and accurate language services before limiting services due to resource concerns. Large entities and those entities serving a significant number or proportion of LEP persons should ensure that their resource limitations are well-substantiated before using this factor as a reason to limit language assistance. Such recipients may find it useful to be able to articulate, through documentation or in some other reasonable manner, their process for determining that language services would be limited based on resources or costs.

SFAs must take steps to ensure that all benefit information remains confidential. Certified interpreters, school staff, and volunteers cannot share any data provided by the household to determine benefit eligibility. The School district should also contact OKDHS to determine available resources.

Our office does not encourage the use of family members, relatives, or friends to serve as an interpreter, especially children. When certified interpreters or translators are available at the school district level or at the affiliated organizational level, the schools should access those services. Family members and friends may not be qualified to serve as an interpreter because members and friends are not familiar with technical terms. Family and friends may also breach confidentiality. Also clients may be unwilling to provide critical information to family member and friends. SFAs should use family members and friends as a last resort.

### **ACCOMADATING CHILDREN WITH DISABILITIES**

*The Rehabilitation Act of 1973* prohibits discrimination against qualified persons with disabilities in the programs or activities of any agency of the federal government's executive branch or any organization receiving federal financial assistance.

Section 504 of the *Rehabilitation Act of 1973* specifically mandates that: "no otherwise qualified individual with a disability shall solely by reason of his or her disability be

excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." SFAs can find this mandate in 7 CFR Part 15b, USDA's nondiscrimination regulations.

*Education of the Handicapped Act*, (now, the *Individuals with Disabilities Education Act*), which requires that a free and appropriate public education be provided for children with disabilities, who are aged 3 through 21, and the *Americans with Disabilities Act*, a comprehensive law which broadens and extends civil rights protections for Americans with disabilities.

Title II of the *Americans with Disabilities Act* (ADA), enacted in 1990, requires equal availability and accessibility in State and local government programs and services, including public schools.

The U.S. Department of Agriculture's (USDA) nondiscrimination regulation (7 CFR 15b), as well as the regulations governing the National School Lunch Program and School Breakfast Program, make it clear that substitutions to the regular meal must be made for children who are unable to eat school meals because of their disabilities, when that need is certified by a licensed physician.

In most cases, children with disabilities can be accommodated with little extra expense or involvement. The nature of the child's disability, the reason the disability prevents the child from eating the regular school meal, and the specific substitutions needed must be specified in a statement signed by a licensed physician. Often, the substitutions can be made relatively easily. There are situations, however, which may require additional equipment or specific technical training and expertise. When these instances occur, it is important that school food service managers and parent(s) be involved at the outset in preparations for the child's entrance into the school.

Title III of the ADA extends requirements for public accommodations to privately owned facilities. All private schools participating in the federally funded child nutrition programs must make accommodations to enable children with disabilities to receive school meals.

Although religious organizations are exempt from the public accommodations requirements of Title III, church-operated schools which receive Federal funding assistance under the child nutrition programs continue to be subject to the non-discrimination requirements of Section 504.

For additional guidance for accommodating children with disabilities refer to the *Accommodating Children with Special Dietary Needs in the School Nutrition Programs: Guidance for School Food Service Staff*, Fall 2001. SFAs can find additional information regarding the requirements for substituting meals in chapter 2 of this handbook.

## **CIVIL RIGHTS TRAINING**

Training is required for all levels of administration of programs that receive Federal financial assistance understand civil rights related laws, regulations, procedures, and directives. State agencies are responsible for training local agencies. Local agencies are



responsible for training their subrecipients including, “frontline staff,” responsible for the implementation and operation of the foodservice program. This includes foodservice workers, teachers, and administrators who interact with program applicants or participants. Civil Rights training must be provided on an annual basis. Specific subject matter must include, but not be limited to: a) collection and use of data, b) effective public notification systems, c) complaint procedures, d) compliance review techniques, e) resolution of noncompliance, f) requirements for reasonable accommodation of persons with disabilities, g) requirements for language assistance, h) conflict resolution, and i) customer service. Contact the SA for a PowerPoint presentation for Civil Rights training.

## **EQUAL OPPORTUNITY FOR RELIGIOUS ORGANIZATIONS**

Federal regulations 7 CFR Part 16 eliminates unwarranted barriers to the participation of faith-based organizations in USDA programs. Organizations are eligible to participate in USDA programs without regard to their religious character or affiliation, and can not be excluded from competition for direct USDA assistance simply because they were religious affiliations. Religious organizations are eligible to compete for USDA assistance on the same basis, and under the same eligibility requirements, as all other non-profit organizations. USDA, as well as State and local governments administering USDA programs, can not discriminate against organizations on the basis of religion, religious belief, or religious character in the administration or distribution of USDA assistance, including grants and commodities.

Organizations receiving USDA funding must restrict the use of direct USDA assistance for inherently religious activities, such as worship, religious instruction, or proselytization. If the organization engages in such activities, it is required to offer them separately, in time or location, from the programs or services supported by direct USDA assistance, and participation would have to be voluntary for the beneficiaries of such programs or services. This requirement does not mean that an organization that receives direct USDA assistance cannot engage in inherently religious activities. It means that an organization cannot pay for these activities with direct USDA assistance or require program beneficiaries to participate in such activities as a condition of receiving services. Restrictions on inherently religious activities does not apply where indirect USDA assistance was provided to religious organizations as a result of a genuine and independent private choice of a beneficiary (e.g., under a program that gave a beneficiary a voucher, coupon, certificate, or another funding mechanism from USDA designed to give that beneficiary a choice among providers) or through other indirect means, provided the religious organizations otherwise satisfied the secular requirements of the program.

Regulations also state that a religious organization that participates in USDA programs can retain its independence and can continue to carry out its mission, including the definition, practice, and expression of its religious beliefs, provided that it did not use direct USDA assistance to support any inherently religious activities, such as worship, religious instruction, or proselytization. Among other things, a faith-based organization can use space in its facilities to provide services supported with direct USDA assistance without removing religious art, icons, scriptures, or other religious symbols. In addition, a religious organization can retain religious terms in its organization’s name, select its board members

and otherwise govern itself on a religious basis, and include religious references in its organization's mission statements and other governing documents.

An organization that receives direct USDA assistance is not allowed, in providing program assistance supported by such assistance, to discriminate against a program beneficiary or prospective program beneficiary on the basis of religion or religious belief.

SFAs may use USDA funds for the acquisition, construction, or rehabilitation of structures only to the extent that those structures are used for conducting eligible activities under the specific USDA program involved. Where a structure is used for both eligible and inherently religious activities, USDA funds may not exceed the cost of those portions of the acquisition, construction, or rehabilitation that are attributable to eligible activities.

## **CUSTOMER SERVICE**

To comply with Civil Rights Policies, school staff must provide customer service in a manner that does not discriminate against any of the protected classes. Listed below are recommendations for conducting "Customer Service".

- Treat all participants in the same manner
- Each student receives the same menu items in the same amounts- regardless of age or sex or other protected class
- Each student is allowed to participate in meals, snacks, activities
- Meals are altered or restricted as a form of punishment
- Each student receives positive comments, as well as constructive education regarding meal time, nutrition, manners, etc
- Staff treats everyone with respect and dignity
- Staff provides timely services
- Approaching difficult/tense situations with self-regulation
- Staff avoids casual comments involving race, color, national origin, sex, age or disability

**PUBLIC RELEASE**

Due to regulations, all school food authorities (SFAs)/institutions must annually submit a public release to the informational media, local unemployment offices, and any major companies contemplating layoffs in that district's area, grassroots organizations, and interested individuals upon request.

ARDHS also recommends that you attach a copy of the public release to the School Website along with other required policies as a form of public notification if participating in the School Nutrition Programs.

When submitting the public release, the notification, the complete statement must be sent, including the full nondiscrimination statement.

Do not modify the nondiscrimination statement. If for any reason, the published material is too small to permit the full nondiscrimination statement, the material at a minimum must include the statement, in print size no smaller than the text, that "USDA is an equal opportunity provider."

Date submitted to news media:

Name(s) of media outlets and companies submitted to:

Retain this form and a copy of your public release.

**PUBLIC RELEASE DATA**

This is the public release that

\_\_\_\_\_ will send to:

(Name of Institution/Facility)

(Name of News Media, Grassroots Organizations, Employment Security Division, Outlets)

On \_\_\_\_\_. (These groups must be advised of program availability, any new programs, or changes in existing programs.)

**PUBLIC RELEASE**

The \_\_\_\_\_

(Name of Institution/Facility)

Today announced its sponsorship of the USDA Food Program. Meals will be available at no separate charge or at a reduced charge for National School Lunch Program and at no charge for Child and Adult Care Food Program participants enrolled at the participating institution(s) listed below. The U.S. Department of Agriculture (USDA) prohibits discrimination against its customers, employees, and applicants for employment on the bases of race, color, national origin, age, disability, sex, gender identity, religion, reprisal and, where applicable, political beliefs, marital status, familial or parental status, sexual orientation, or if all or part of an individual's income is derived from any public assistance program, or protected genetic information in employment or in any program or activity conducted or funded by the Department. (Not all prohibited bases will apply to all programs and/or employment activities.)

If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, found online at [http://www.ascr.usda.gov/complaint\\_filing\\_cust.html](http://www.ascr.usda.gov/complaint_filing_cust.html), or at any USDA office, or call (866) 632-9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter to us by mail at U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, by fax (202) 690-7442 or email at [program.intake@usda.gov](mailto:program.intake@usda.gov).

Individuals who are deaf, hard of hearing, or have speech disabilities and wish to file either an EEO or program complaint please contact USDA through the Federal Relay Service at (800) 877-8339 or (800) 845-6136 (in Spanish).

Persons with disabilities, who wish to file a program complaint, please see information above on how to contact us by mail directly or by email. If you require alternative means of communication for program information (e.g., Braille, large print, audiotape, etc.) please contact USDA's TARGET Center at (202) 720-2600 (voice and TDD).

USDA is an equal opportunity provider and employer.

Institution \_\_\_\_\_

Or Facility:

ADDRESS: \_\_\_\_\_

**PUBLIC RELEASE 2016-2017**

(Delete references to the School Breakfast Program and/or the After-School Snack Program if not applicable.)

(name of school) today announced its policy for free or reduced-price meals for children served under the National School Lunch Program (NSLP), the School Breakfast Program (SBP), and the After-School Snack Program (ASSP)(only list programs that apply).

This public release is on file at the schools and is made available upon request to any interest party.

The income eligibility guidelines listed below will be used to determine eligibility for free and reduced price meal benefits. Children from households whose income is at or below the levels shown are eligible for free or reduced price meals.

**INCOME ELIGIBILITY GUIDELINES**  
[Effective from July 1, 2016 to June 30, 2017]

Household Size	Federal poverty guidelines—130%					Reduced price meals—185%				
	Annual	Monthly	Twice Monthly	Bi-weekly	Weekly	Annual	Monthly	Twice Monthly	Bi-weekly	Weekly
1	\$15,444	1,287	644	544	297	21,978	1,832	916	846	423
2	20,826	1,736	868	801	401	29,637	2,470	1,235	1,140	570
3	26,208	2,184	1,092	1,008	504	37,296	3,108	1,554	1,435	718
4	31,590	2,633	1,317	1,215	608	44,955	3,747	1,874	1,730	865
5	36,972	3,081	1,541	1,422	711	52,614	4,385	2,193	2,024	1,012
6	42,354	3,530	1,765	1,629	815	60,273	5,023	2,512	2,319	1,160
7	47,749	3,980	1,990	1,837	919	67,951	5,663	2,832	2,614	1,307
8	53,157	4,430	2,215	2,045	1,023	75,647	6,304	3,152	2,910	1,455
Each add'l family member add	+5408	451	226	208	104	7,696	642	321	296	148

Application forms are being sent to all homes with a letter to parents or guardians. To apply for free or reduced-price meals, households should fill out the application and return it to the school. Additional copies are available at the principal's office in each school. The information provided on the application is confidential and will be used for the purpose of determining eligibility and may be verified at any time during the school year by school or other program officials. Households may submit an application at any time during the year.

For SFA officials to determine eligibility, households receiving *Supplemental Nutrition Assistance Program (SNAP)*, *Temporary Assistance to Needy Families (TANF)*, or *Food Distribution Program on Indian Reservations (FDPIR)* benefits must list the children's names, a SNAP, TANF, or FDPIR case number; and the signature of an adult household member. All children in households with any household member receiving benefits under assistance programs are eligible for free meals. Children in Other Source Categorically Eligible (i.e., children categorized as homeless, migrant, runaway, Head Start, Even Start, and foster children, if known) are also eligible for free meals.

**DIRECT CERTIFICATION:** When known to the school, households will be notified of their children's eligibility for free meals if they are members of households receiving assistance from SNAP, TANF, or FDPIR. No application is required for free meal benefits for notified households. Households can decline benefits by contacting the SFA.

**IF YOU DO NOT LIST A SNAP, TANF, OR FDPIR CASE NUMBER,** then the application must have the children's names, total household members, the amount of income each member received last month, the signature of an adult household member, and the last four digits of the adult's social security number or the mark the box if he or she does not have one. Foster children also categorically qualify for free meals/milk, regardless of the child's income. If you have foster children living with you and wish to apply for such meals or milk for them, complete the application as instructed. Under the provisions of the policy, the determining official at the school will review applications and determine eligibility. Parents or guardians wishing to make a formal appeal may make a request either orally or in writing to: name and number of hearing official for a hearing to appeal the decision. The school's policy statement contains an outline of the hearing procedure.

Each school has a copy of the policy which may be reviewed by any interested party.

The United States Department of Agriculture (USDA) prohibits discrimination against its customers, employees, and applicants for employment on the bases of race, color, national origin, age, disability, sex, gender identity, religion, reprisal, and where applicable, political beliefs, marital status, familial or parental status, sexual orientation, or all or part of an individual's income is derived from any public assistance program, or protected genetic information in 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.

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(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](mailto:program.intake@usda.gov).

This institution is an equal opportunity provider.



Prototype Policy**PROCEDURE FOR ACCEPTING AND FILING COMPLAINTS OF DISCRIMINATION IN SCHOOL NUTRITION PROGRAM****I. Right to File a Complaint**

Any person alleging discrimination based on race, color, national origin, sex, age or disability has a right to file a complaint within 180 days of the alleged discriminatory action.

**II. Acceptance**

All complaints, written or verbal, shall be accepted by the School Food Authority (SFA) or Residential Child Care Institution (RCCI) and be submitted to the School Nutrition Programs, Oklahoma Department of Human Services or sent directly to **Director, Office of Adjudication, 1400 Independence Avenue, SW Washington, D.C. 20250-9410, or faxed to (202) 690-7442 or emailed to [program.intake@usda.gov](mailto:program.intake@usda.gov)**. It is necessary that the information be sufficient to determine the identity of the agency or individual toward which the complaint is directed, and to indicate the possibility of a violation. Only the USDA Director of Civil Rights can reject a complaint based on lack of merit. Anonymous complaints shall be handled as any other complaint.

**III. Verbal Complaints**

In the event that a complainant makes the allegation verbally or through a telephone conversation and refuses or is not inclined to place such allegations in writing, the person to whom the allegations are made shall write up the elements of the complaint for the complainant. Every effort should be made to have the complainant provide the following information:

- a. Name, address and telephone number or other means of contacting the complainant.
- b. The specific location and name of the entity delivering the program service or benefit.
- c. The nature of the incident(s) or action(s) that lead the complainant to feel discrimination was a factor.
- d. The basis on which the complainant feels discrimination exists (race, color, national origin, sex, age, or disability).
- e. The names, titles, and addresses of persons who may have knowledge of the discriminatory action(s).
- f. The date(s) during which the alleged discriminatory action occurred, or if continuing, the duration of such actions.

**Adopted or Approved by:**

School Name \_\_\_\_\_

Name \_\_\_\_\_

Title \_\_\_\_\_

On (date) \_\_\_\_\_

**Civil Rights Worksheet**

**Date of Completion** \_\_\_\_\_

- |   |       |       |
|---|-------|-------|
| 1. Do all printed material and letters to household include:  | Yes   | No    |
| a. the required nondiscrimination statement?  | _____ | _____ |
| b. where a complaint may be filed?  | _____ | _____ |
|   |       |       |
| 2. Is a USDA/FNS approved poster displayed in a prominent place, visible to program participants?   | _____ | _____ |
|   |       |       |
| 3. Has the School/SFA sent out a public release to local media, community and/or grassroots organizations?  | _____ | _____ |
|   |       |       |
| 4. Are foreign language translations available when a significant number of persons speaking only a foreign language are in the population?                             | _____ | _____ |
|   |       |       |
| 5. Are written procedures established to receive complaints alleging the discrimination?  | _____ | _____ |
|   |       |       |
| 6. Have there been any written or verbal complaints alleging discrimination?  | _____ | _____ |
|   |       |       |
| 7. If YES, have these complaints been reported to the State Agency?   | _____ | _____ |
|   |       |       |
| 8. Are Program Benefits made available and provided to all children without Discrimination on the basis of their race, color, national origin, sex, age, or disability? | _____ | _____ |
|   |       |       |
| 9. Are incorrectly denied free and reduced-priced application disproportionately composed of minority applications?   | _____ | _____ |
|   |       |       |
| 10. Are disabled students provided program benefits as prescribed by regulations (including special dietary needs), as appropriate?                                     | _____ | _____ |
|   |       |       |
| 11. Is a prescription from the physician on file for each individual with special dietary needs?  | _____ | _____ |
|   |       |       |
| 12. Is Civil Rights training provided to staff responsible for food service?  | _____ | _____ |

Racial and Ethnic Classifications (see definition on side 2)	Enrollment	Number of Approved for Free and Reduced-Priced Meals/Free Milk	Number Denied
Ethnicity:			
Hispanic or Latino			
Not Hispanic or Latino			
Race:			
American Indian or Alaska Native			
Asian			
Black or African American			
Native Hawaiian or other Pacific Islander			
White			
Total Students			

**Data must be collected annually and retained according to federal recordkeeping requirements**

**Instructions for determining ethnic and racial classifications.**

On the household applications, families have the option to designate race and ethnicity. When completing the Civil Rights Worksheet, determine the ethnicity of each student first and then determine the race of each student. **Note:** race and ethnicity are two different categories. School personnel should use household applications, direct certification letters, or other school records to identify the classification of each student receiving free or reduced price meals. If households have not identified ethnicity or race, the school may use visual observation to classify students. At no time, should the school change the ethnicity or race designated on the student's application by a parent.

Schools may record ethnicity and racial identity of each student on the Master List found in Chapter 5 of the School Nutrition Programs Compliance Handbook.

**Definition of Racial and Ethnic Classifications**

**Ethnicity:** One designation for each student receiving benefits.

**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."

**Not Hispanic or Latino**

**Race:** Applications may note one or more racial designations. When an application notes more than one race, count each designation on the Civil Rights Worksheet.

**American Indian or Alaska Native-** a person having origins in any of the original peoples of North and South America (including Central American), and who maintains tribal affiliations 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.

**NOTE:** The ethnic and racial information collected for this program is made available only to authorized State and Federal personnel as requested, or as part of Office of Management and Budget (OMB) approved surveys.

For the current USDA CIVIL RIGHTS COMPLAINT FILING FORM go to;

<https://www.ascr.usda.gov/filing-program-discrimination-complaint-usda-customer>