



Civil Rights

Your Responsibilities in the School Nutrition Programs

**CONNECTICUT**
Education

Connecticut State Department of Education
Bureau of Child Nutrition Programs

School Year 2025-26

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Disclaimer

- The language in this PowerPoint addresses compliance with the U.S. Department of Agriculture (USDA) civil rights requirements and should not be modified

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Topics

- Civil Rights Overview
- Accommodations
- Assurances
- Customer Service
- Public Notification
- Conflict Resolution
- Data Collection
- Compliance
- Complaint Procedure
- Reviews/Resolution
- Language Assistance
- Required Training

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Civil Rights Overview

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Civil Rights Legislation

Law	Addresses
Title VI – Civil Rights Act of 1964	Race, color and national origin
Civil Rights Restoration Act of 1987	Clarifies scope of Civil Rights Act of 1964
Section 504 of the Rehabilitation Act of 1973, Americans with Disabilities Act (ADA) of 1990, and ADA Amendments Act of 2008	Disability
Title IX of the Education Amendments of 1972	Sex (including gender identity and sexual orientation)
Age Discrimination Act of 1975	Age

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Civil Rights Program Authorities

- 28 CFR Part 42: Nondiscrimination in Federally Assisted Programs
- Executive Order 13166: Addresses/improves access requirements for persons with Limited English Proficiency (LEP)
- U.S. Department of Agriculture (USDA)
- Food and Nutrition Service (FNS) Instruction 113-1 Appendix B

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Civil Rights Program Authorities, continued

- USDA LEP Policy Guidance (79 Federal Register No. 229. Friday, November 28, 2014)
- 7 CFR Part 16: "Equal Opportunity for Religious Organizations"

- USDA Regulation 4330-2: Prohibits discrimination in programs and activities receiving Federal financial assistance from USDA
- Bostock v. Clayton County, 140 S. Ct. 1731, 590 U.S. ____ (2020)


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USDA Civil Rights Policy

Food and Nutrition Service (FNS)
Instruction 113-1

To establish and convey policy and provide guidance and direction to the USDA FNS and its recipients and customers and ensure compliance with and enforcement of the prohibition against discrimination in all FNS programs and activities whether federally funded or not



<https://www.fns.usda.gov/fns-instruction-113-1>

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FNS Instruction 113-1 Applies To

- National School Lunch Program (NSLP)
- School Breakfast Program (SBP)
- Special Milk Program (SMP)

- Fresh Fruit and Vegetable Program (FFVP)
- Afterschool Snack Program (ASP)
- Seamless Summer Option (SSO) of the NSLP

<https://portal.ct.gov/sde/nutrition/school-nutrition-programs>

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Purpose of Civil Rights

- Equal opportunity to participate in and access benefits and services



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Civil Rights Goals


- Eliminate barriers that prevent or deter people from receiving benefits of a government sponsored/funded program
- Provide equal treatment in the delivery of programs and services to all applicants, participants and beneficiaries of a federal program



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Protected Classes



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USDA Protected Classes

- Race
- Color
- National origin
- Sex (including gender identity and sexual orientation)

- Disability
- Age
- Reprisal or retaliation for prior civil rights activity

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CSDE Protected Classes Include All Federal Plus

- Religious creed
- Pregnancy
- Workplace hazards to reproductive systems
- Ancestry
- Marital status
- Gender expression
- Genetic information
- Retaliation for previously opposed discrimination or coercion

- Intellectual disability
- Learning disability
- Physical disability
- Mental disability
- Military or Veteran status
- Status as a victim of domestic violence
- Criminal record in state employment

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Definition of Discrimination


The act of distinguishing one person or group of persons from others based on the protected bases

- Intentional, e.g., not accommodating a disabled child with a dietary need is verified by a recognized medical authority
- Neglect or omission
- Effect of actions or lack of actions, e.g., intentionally delaying approval of an eligibility application

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Assurances



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Written Assurance Required

- To qualify for federal financial assistance, all programs need a written assurance that the program or facility will be operated in compliance with the civil rights laws and implementing nondiscrimination regulations



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Agreements Between Local and State Agencies

- A civil rights assurance must be incorporated in **all agreements** between state and local agencies
 - Included in CSDE's Permanent Agreement for Child Nutrition Programs (CNP's)

- FNS Instruction 113-1 Appendix B contains required language for NSLP, SMP, SBP, FFVP, and ASP

<https://portal.ct.gov/sde/nutrition/school-nutrition-programs>

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Retailer/Vendor Agreements and Contracts

- Retailer and vendor agreements and contracts must also include an assurance of nondiscrimination

Example


If school food authority (SFA) contracts with food service management company (FSMC) to provide food service to students, SFA is responsible for ensuring that FSMC complies with civil rights requirements

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Contacts, MOU, and MOA

- Prescribed language must be included in all
 - Contracts
 - Memoranda of Understanding (MOU)
 - Memoranda of Agreement (MOA)




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Contacts, MOU, and MOA, continued

- Assurance is binding on program application and its successors, transferees, and assignees as long as they receive assistance or retain possession of any assistance from USDA



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Civil Rights Assurance Statement

"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 50.3 and 42; and FNS directives and guidelines, to the effect that, no person shall, on the grounds of race, color, national origin, sex (including gender identity and sexual orientation), disability, age, or reprisal or retaliation for prior civil rights activity 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, and submit reports as required, to 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."

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Public Notification

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Public Notification Requirement

- Sponsors must notify the public of their participation in the USDA school nutrition programs
 - Program availability
 - Program rights and responsibilities
 - Policy of nondiscrimination
 - Procedure for filing a complaint


- Inform community of program and details
 - Eligibility
 - Benefits
 - Services
 - Facility location
 - Hours
 - Delivery points

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Examples of Public Notification Methods

- Internet
- Newspaper articles
- Radio and TV announcements
- Letters
- Bulletins



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Public Notification for Disabilities and LEP

- Provide appropriate information in alternative formats for persons with disabilities
- Provide appropriate information in appropriate languages for LEP persons



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Equal Opportunity in Photos and Graphics

- Convey equal opportunity in photos and other graphics in program-related information



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Include Required Nondiscrimination Statement

- Must be on all appropriate
 - publications
 - websites
 - posters
 - informational materials



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And Justice for All®
(AJFA) Poster

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AJFA Poster Form AD-475-A

- All entities participating in CNPs must prominently display USDA's "And Justice for All" (AJFA) poster where participants and potential participants have access
- Updated USDA AJFA posters are in production and will be distributed to all SFAs when available




<https://www.usda.gov/sites/default/files/documents/ad-475a.pdf>

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AJFA Poster for Classroom Meals

- Schools serving all meals in classroom can display posters in prominent locations throughout the school
 - bulletin board in building entrance
 - school office
 - another area frequently visited by parents/guardians and children
- Schools may copy posters and put one in each classroom




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AJFA Poster for School Year 2024-25

- Must prominently display in all facilities and locations that distribute CNP benefits or administer services
- May display AJFA posters dated September 2019 until new posters are received
- If the 2019 AJFA posters are not available for display, paper copies may be substituted as necessary if SFA has not received new posters (issued 2019)



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USDA Nondiscrimination Statement

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USDA Nondiscrimination Statement (NDS)

In accordance with federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, this institution is prohibited from discriminating on the basis of race, color, national origin, sex (including gender identity and sexual orientation), disability, age, or reprisal or retaliation for prior civil rights activity.

Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication to obtain program information (e.g., Braille, large print, audiotape, American Sign Language), should contact the responsible state or local agency that administers the program or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339.

To file a program discrimination complaint, a Complainant should complete a Form AD-3027, USDA Program Discrimination Complaint Form which can be obtained online at: <https://www.usda.gov/sites/default/files/documents/ad-3027.pdf>, from any USDA office, by calling (866) 632-9992, or by writing a letter addressed to USDA. The letter must contain the complainant's name, address, telephone number, and a written description of the alleged discriminatory action in sufficient detail to inform the Assistant Secretary for Civil Rights (ASCR) about the nature and date of an alleged civil rights violation. The completed AD-3027 form or letter must be submitted to USDA by:

- mail: U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410;
- fax: (833) 256-1665 or (202) 690-7442; or
- email: program.intake@usda.gov.


This institution is an equal opportunity provider.

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Where USDA NDS Statement is Required

- The most current nondiscrimination statement must be on
 - application forms
 - notification letters
 - state agency and SFA's CNP webpages (English and Spanish)
 - information developed for public information



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When Short USDA NDS is Allowed

- Short statement can be used only in special circumstances (e.g., menu, one-page flier)
 - "This institution is an equal opportunity provider."

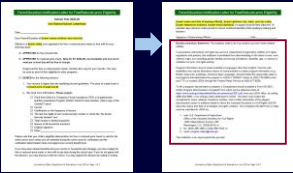


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USDA NDS is Required for Vital Documents

- Vital documents about sensitive topics require full NDS, even if one page
- Example:** CSDE's sample parent/guardian notification letter for free and reduced-price meals has full USDA NDS on page 2



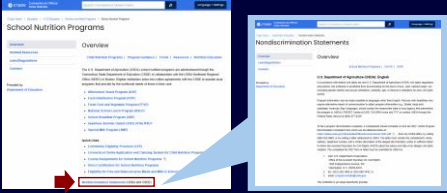
<https://portal.ct.gov/sde/nutrition/eligibility-for-free-and-reduced-price-meals-and-free-milk-in-school-nutrition-programs/parent-and-guardian-notification-letters>

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Webpages with Information About CNPs

- Must include full statement **or** direct link to full statement



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Data Collection

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Data Collection Requirements

- Develop a method for data collection on the racial/ethnic breakdown of potential participants (free and reduced applications or data collected by school officials)
- Sources include census or public school enrollment




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Maintaining Data

- Any data collected about beneficiaries must be kept secure and confidential
- Maintain all records
 - Current to 3 years prior




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CSDE Resource

Records Retention Requirements for the School Nutrition Programs



https://portal.ct.gov/-/media/sde/nutrition/nsip/adminrev/records_retention_snp.pdf

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Data Use

▪ To determine how effectively CNPs are reaching potentially eligible persons and beneficiaries


▪ Outreach efforts can be targeted

▪ Information is used for statistical purposes only and has no effect on eligibility criteria

▪ Verification of citizenship or immigration status should **never** give rise to discrimination

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Complaint Procedures

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Right to File a Complaint

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



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Written Complaint Procedure Required

▪ Outlined in FNS Instruction 113-1

▪ SFA must have a written formal procedure for receiving and processing complaints alleging discrimination within FNS programs (NSLP, SBP, SMP, FFVP, ASP)

▪ SFAs **must** use CSDE-issued Civil Rights Complaint Procedures for School Nutrition Programs, dated **July 2025**

▪ The procedure as written cannot be edited

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CSDE Resource

Civil Rights Complaint Procedures for School Nutrition Programs



https://portal.ct.gov/-/media/sde/nutrition/civilrights/civil_rights_snp_complaint_procedures.docx

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Providing Procedures to Complainant

▪ SFA will provide complainant with information pertaining to filing a program discrimination complaint as a USDA customer

▪ Nondiscrimination statement provides instructions (English and Spanish)

▪ SFA will refer complainant to FNS Civil Rights website

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Where to Submit Complaints

- All civil rights complaints shall be accepted and forwarded to USDA Office of the Assistant Secretary for Civil Rights (OASCR)
 - mail: U.S. Department of Agriculture Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410; or
 - fax: (833) 256-1665 or (202) 690-7442; or
 - email: program.intake@usda.gov

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Filing Complaints

- Individuals must file a complaint within 180 days from the act of discrimination
- Complaints may be written or verbal
- Never discourage groups or individuals from filing complaints or from voicing allegations of discrimination
- Notify CSDE that a complaint has been or may be filed

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Filing Complaints, continued

- Maintain tracking log of complaints received and forwarded to OSCAR
- Procedures for receiving a complaint should not prevent a complaint from being accepted
- SFA must not attempt to resolve the complaint themselves

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Verbal Complaints

- If complainant will not put the complaint in writing, SFA must do so
- Use USDA Discrimination Complaint Form to ensure all required information is captured

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USDA Discrimination Complaint Form: English

Form AD-3027
U.S. Department of Agriculture
USDA Program Discrimination Complaint Form

<https://www.usda.gov/sites/default/files/documents/ad-3027.pdf>

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USDA Discrimination Complaint Form: Spanish

Form AD-3027S
Departamento de Agricultura de Estados Unidos
Formulario de quejas por discriminación en los programas del USDA

<https://www.usda.gov/sites/default/files/documents/ad-3027s.pdf>

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Language Assistance

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Limited English Proficiency (LEP)

- LEP individuals
 - Do not speak English as their primary language
 - Have limited ability to read, speak, write, or understand English
- SFAs must take “reasonable steps” to ensure meaningful access to their programs and activities by a LEP person

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Reasonable Steps to Ensure Meaningful Access

- Providing documents in a variety of languages (translation)
- Providing interpretation services to those that need help in completing applications
- Providing verbal information for individuals who are unable to read the written information provided

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Factors Determining What Constitutes “Reasonable Steps”

- Number or proportion of LEP persons eligible to be served or likely to be encountered within the area serviced by the recipient
- 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 and their costs

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Meaningful Access

- Accomplished by providing reasonable, competent/qualified, accurate, and effective language services to individuals with LEP when accessing recipient programs and activities



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Providing Language Assistance

- USDA provides application forms in many foreign languages (refer to link below)
- Foreign language teachers and community organizations may have resources to help with translations (written and verbal)
- May use volunteers but make sure they are competent/qualified, understand interpreter ethics, and maintain participant confidentiality
- Cannot use children as interpreters

<https://www.fns.usda.gov/schoolmeals/model-application/translations>

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Provide Documents/Services in Predominant Languages

- SFAs must identify their district’s predominant languages and provide documents or services to participants and their families in those languages

Documents or Services


- Free and reduced-price applications
- Notification letters
- Interpretive services for parent questions

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LEP Taglines

- A phrase in different languages that guides a person to where they can obtain language assistance services




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Top Six Languages Spoken in Connecticut Schools

- Spanish
- Portuguese
- Arabic
- Chinese Mandarin
- Polish
- Haitian-Creole



October 2023 Public School Information System (PSIS) Data Collection


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CSDE Resource

Taglines and Providing Meaningful Access to the Child Nutrition Programs

- Sample taglines



https://portal.ct.gov/-/media/sde/nutrition/nsip/forms/treed/taglines_providing_meaningful_access_cnps.pdf

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LEP Accessibility for District Websites

- Does the website have the ability to provide information in another language?
- Would an LEP individual be able to find out how to access the webpage in another language?

- Work with your IT department to make the district website more accessible to LEP persons


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Website LEP Examples

- If Spanish was your native language and you could not read English, which format would be the most helpful to indicate the website was available in other languages?

Example 1



Example 2



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Website LEP Examples: Answer

Example 2

ESPAÑOL | PORTUGUESE | PORTUGUES

Search

view it in a fast, simple, efficient and open manner

Shows the language options recognizable to a LEP individual

Work with your district or school website designer to see if the website has the capability to offer language assistance in this way

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CSDE Webpage

English Learner/
Multilingual
Learner (EL/ML)

English Learners and Bilingual Education Statutes

Connecticut English Language Proficiency (CELP) Standards

English Learners Data Bulletin

https://portal.ct.gov/sde/english-learners/english-learner-multilingual-learner

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Federal LEP Website

More information and resources

LEPgov

Justice Department Reaches Agreement with the New Jersey Judiciary to Resolve Language Access and Retaliation Investigation August 15, 2024

https://www.lep.gov/

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Accommodations

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Laws Prohibit Disability Discrimination

Sections 504 and 508 of the Rehabilitation Act of 1973 and 7CFR Part 15b, prohibit discrimination based on disability in programs or activities receiving Federal financial assistance

The ADA, 28 CFR Part 35, Title II, Subtitle A, prohibits discrimination on the basis of disability in all services, programs and activities provided to the public by State and local government

These civil rights laws protect persons with disabilities if they are potential applicants or participants in any FNS funded programs

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Definition of Person with a Disability

Has a physical or mental impairment which substantially limits one or more major life activity, has a record of such an impairment, or is regarded as having and impairment

Source: Section 504 of the Rehabilitation Act of 1973 and the American with Disabilities Act (ADA) of 1990, and the ADA Amendments Act of 2008 (P.L. 110-325)

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SFAs Must Ensure Accessibility

- It is imperative that SFA websites and online application systems are readily accessible to and useable by persons with visual impairments and other disabilities
- Programs must ensure physical accessibility for buildings and facilities, particularly to persons in wheelchairs and with mobility disabilities
- In some cases, different or special treatment may be necessary to ensure effective aids, benefits and services are reasonable

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Examples of Accommodations

- Access for persons in wheelchairs and other mobility limitations
- Access for those with limited vision
- Using American Sign Language (ASL) and interpreters
- Substitutions for participants whose disability restricts their diet (meal modifications)

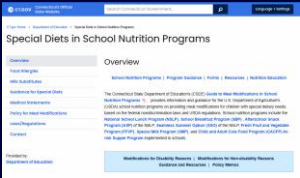
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CSDE Webpage

Special Diets in School Nutrition Programs

- Guide to Meal Modifications in School Nutrition Programs
- Summary Chart: Overview of USDA Requirements
- Medical Statement
- Guidance and Instructions for Medical Statement
- Allowable Milk Substitutes
- Training Links
- Additional Resources



<https://portal.ct.gov/sde/nutrition/special-diets-in-school-nutrition-programs>

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Customer Service



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Importance of Customer Service

- Good customer service reduces chances of discrimination complaints




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Tips for Customer Service

- Be courteous and thoughtful
- Be patient and listen carefully
- Treat all students equally
 - No seating arrangements, serving lines, services and facilities, or eating periods separated by protected class



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Conflict Resolution

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Conflict Resolution Requirements

- Must be covered in SFA’s Civil Rights procedures
- Include how SFA will process a complaint with the goal of providing a solution with assistance of state agency and USDA, as needed

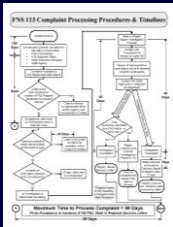


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Complaint Processing Procedures and Timelines


- Diagram that summarizes how to handle Civil Rights complaints and required timeframes
- Last page of FNS-113



<https://www.fns.usda.gov/fns-instruction-113-1>

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Required Training

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Required Annual Civil Rights Training

- USDA requires annual Civil Rights training for all staff who work with program applicants or participants
 - Food service staff
 - Front line staff
 - Supervisors
 - Determining officials, verifying officials, and hearing officials



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Required Training Topics


- Data collection and use
- Effective public notification
- Complaint procedure
- Compliance review techniques
- Resolution of noncompliance
- Reasonable accommodations for disabilities
- Language assistance
- Conflict resolution
- Customer service

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CSDE Training Resource

- This PowerPoint presentation is available for SFAs to provide staff training
- “Presentation” section of CSDE’s Civil Rights for School Nutrition Programs webpage



<https://portal.ct.gov/sde/nutrition/civil-rights-for-child-nutrition-programs/civil-rights-for-school-nutrition-programs#Presentation>

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Document Staff Training

- Document training for each staff member as part of the Professional Standards training requirements



<https://portal.ct.gov/sde/nutrition/professional-standards-for-school-nutrition-professionals>

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Resources

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CSDE Webpage

Civil Rights for Child Nutrition Programs


- Civil Rights for School Nutrition Programs section



<https://portal.ct.gov/sde/nutrition/civil-rights-for-child-nutrition-programs/civil-rights-for-school-nutrition-programs>

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CSDE School Nutrition Programs Staff

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Contact Information for CSDE Staff

County	CSDE Staff
Madison County (includes Regions 6, 18, and 17) Tolland County (includes Regions 8 and 19) RCCs: Adelbrook, Inc. – The Children’s Home	Jennifer Bove jennifer.bove@ct.gov 860-807-2044
Fairfield County (includes Region 9) Litchfield County (includes Regions 1, 7, 12, 14, and 20)	Fionnuala Brown fionnuala.brown@ct.gov 860-807-2129
Hartford County (includes Region 10 and the Connecticut Technical Education & Career System (CTECS))	Teri Dandaneau teri.dandaneau@ct.gov 860-807-2079
New Haven County (includes Regions 5, 15, and 16) RCCs: Children’s Center, Boys & Girls Village, Inc.	Greg King greg.king@ct.gov 860-713-6804
New London County Windham County (includes Region 11) RCCs: Waterford Country School	Susan Ashton susan.ashton@ct.gov 860-807-2081

<https://portal.ct.gov/-/media/sde/nutrition/cnstaff/countyassign.pdf>

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Questions

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USDA NDS

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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: (833) 256-1665 or (202) 690-7442; or
3. email: program.intake@usda.gov.

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CSDE NDS

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