

# **USDA Child Nutrition Programs Civil Rights Manual**

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Department of Education

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## Introduction

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

Following the ratification of Article XIII of the U.S. Constitution, the first Civil Rights legislation was passed by Congress in 1866 and was the first law to grant protection to all citizens regardless of race and color. That same Congress approved the Fourteenth Amendment which mandated 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 Child Nutrition Programs operated under its jurisdiction. Six protected classes are identified by USDA. Iowa Civil Rights law includes all Federal protected classes (except age) and includes creed, sexual orientation and religion.

This manual is not intended to be a definitive source of information on compliance with USDA Civil Rights requirements. 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.

### [USDA Food and Nutrition Services Civil Rights Webpage](#)

All programs receiving Federal and State dollars must ensure eligible participants know about and have equal access to Child Nutrition Programs. Expectations must be fulfilled in order to meet the requirements discussed in this manual:

- Protected Classes
- Data Collection
- Public Notification
- Accommodation of people with disabilities
- Language Assistance
- Complaint Procedures
- Compliance Review
- Resolution of Noncompliance
- Conflict Resolution
- Customer Service
- Annual Training

# Civil Rights

Civil Rights are the non-political rights of a citizen. The rights of personal liberty are guaranteed to United States citizens by the 13<sup>th</sup> and 14<sup>th</sup> Amendments to the United States Constitution and the acts of Congress. Child Nutrition Programs have always been available to all participants on an equal opportunity basis.

## Discrimination

Discrimination is defined as the act of different treatment which makes a distinction of one person or a group of persons from others; either intentionally, by neglect, or by the actions based on their protected classes.

## Protected Classes

In 1983, the United States Department of Justice issued Civil Rights compliance requirements for all federal agencies. Federal law prohibits discrimination based on six protected classes. Services are open and available and Food and Nutrition (FNS) meals are served to all participants regardless of race, color, national origin, age, sex, and disability.

Iowa Civil Rights law includes all Federal protected classes (except age) and includes creed, sexual orientation and religion. All Federal Child Nutrition Programs operating in the state of Iowa must adopt both Federal and State protected classes.

## Data Collection and Reporting

### Ethnic and Racial Designations

All Child Nutrition Programs must collect and report information about the ethnicity and racial identity of participants served by their program. All programs must have a system for annually collecting racial and ethnic data of Program participants. The information must be based on self-identification to the extent possible. If families choose not to self-identify, program operators may use individual school enrollment form data, if available. When operators are unable to obtain specific race and ethnicity data, their answer will be recorded as unknown. Program operators may also use aggregate school enrollment data to satisfy the data collection requirement for both potential and actual participants when actual participant data is not provided. Children are not to be surveyed. 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 plus the current year. It is required to determine ethnicity 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.

### School Programs and Summer Food Service Program Data Collection

### **The Iowa Eligibility Application now collects the information on page 2 for School and Summer Food Service programs. The information is based on household information rather than individual ethnic and Protected Classes**

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- 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;”
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- *White*: A person having origins in any of the original peoples of Europe, the Middle East, or North Africa.

### School Programs and Summer Food Service Program Data Collection

The Iowa Eligibility Application now collects the information on page 2 for School and Summer Food Service programs. The information is based on household information rather than individual ethnic and racial information. 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, program operators may use individual school enrollment form data, if available. When operators are unable to obtain specific race and ethnicity data, their answer will be recorded as unknown. When sites do not require enrollment forms and data for actual participants cannot be obtained via self-reporting, aggregate data on potential participants may be used. Aggregate data must be specific to the service area of the meal service site. Sites may use data from the American Community Survey at [www.census.gov/programs-surveys/acs/](http://www.census.gov/programs-surveys/acs/), which provides data by census block or tract or from the National Center for Education Statistics Common Core of Data database at <https://nces.ed.gov/ccd/schoolsearch/>, which provides data by school.

SFSP sponsors are not required to use Iowa Eligibility Applications, depending upon the site type and eligibility data utilized. SFSP organizations should use the Racial Ethnic Data Collection Form, located in the IowaCNP Download Forms to collect the information for their actual site participants.

### Child and Adult Care Food Program (CACFP) Centers and CACFP Home Programs Data Collection

It is recommended CACFP childcare programs use the CACFP (center or home) enrollment form to collect ethnic and racial information, located in IowaCNP Download Forms. This information can also be obtained from part four of the Income Eligibility 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, program operators may use individual school enrollment form data for participants, if available. When operators are unable to obtain specific race and ethnicity data, their answer will be recorded as unknown. When sites do not require enrollment forms and data for actual participants cannot be obtained via self-reporting, aggregate data on potential participants may be used. Aggregate data must be specific to the service area of the meal service site. Sites may use data from the American Community Survey at [www.census.gov/programs-surveys/acs/](http://www.census.gov/programs-surveys/acs/), which provides data by census block or tract or from the National Center for Education Statistics Common Core of Data database at <https://nces.ed.gov/ccd/schoolsearch/>, which provides data by school.

Emergency Shelters, Outside School Hours Childcare Centers, At-risk Program and Adult Care centers are not required to use CACFP enrollment forms. These organizations should use the Racial Ethnic

Data Collection Form, located in the CACFP Administrative Manual or IowaCNP Download Forms to collect the information for their participants.

### Geographical Service Area

- All programs participating in a CNP are required to report the racial/ethnic makeup of the geographic areas their program serves
- The organization can define its own service area (e.g., school district, city, county, etc.).
- Racial/ethnic data for a geographical area may be obtained from the following sources:
  - [FRAC Summer Food Mapper](#)
  - [FRAC Child and Adult Care Food Program Mapper](#)

### Reporting Ethnic and Racial Data

The following forms are to be completed annually

- School Programs: Complete the Racial Ethnic Form (IowaCNP Download Forms).
- SFSP: Enter potentially eligible participant data for the area served on the IowaCNP Organization Application and complete the Racial Ethnic Data Form (IowaCNP Download Forms) for the actual site participants.
- CACFP Centers: Enter data on the IowaCNP Organization Application.
- CACFP Homes: Home sponsors can use the Annual Ethnic Racial Calculation of Enrolled Participants form or a similar form in their CACFP software. The total information is to be updated and reported annually on their CACFP organization application in the Ethnicity Data (#43) and Racial Data sections (#45).

## Assurances

To qualify for Federal financial assistance, the program application must be accompanied by a written assurance that the program or facility will be operated in compliance with the Civil Rights laws and implementing nondiscrimination regulations. A Civil Rights assurance must be incorporated in all agreements between State and local agencies.

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

The Sponsor hereby agrees that it will comply with:

- i. Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.);
- ii. Title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.);
- iii. Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794);
- iv. Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.);
- v. Title II and Title III of the Americans with Disabilities Act (ADA) of 1990 as amended by the ADA Amendment Act of 2008 (42 U.S.C. 12131-12189);
- vi. Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency." (August 11, 2000);
- vii. All provisions required by the implementing regulations of the Department of Agriculture (USDA) (7 CFR Part 15 et seq.);
- viii. Department of Justice Enforcement Guidelines (28 CFR Parts 35, 42 and 50.3);
- ix. Food and Nutrition Service (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 the benefits of, or otherwise be subject to discrimination under any program or activity for which the Program applicant receives Federal financial assistance from USDA; and



hereby gives assurance that it will immediately take measures necessary to effectuate this Agreement.

- x. The USDA non-discrimination statement that 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 Thee The USDA non-discrimination statement that 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, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs).

This assurance is given in consideration of and for the purpose of obtaining any and all Federal financial assistance, grants, and loans of Federal funds, reimbursable expenditures, grant, or donation of Federal property and interest in property, the detail of Federal personnel, the sale and lease of, and the permission to use Federal property or interest in such property or the furnishing of services without consideration or at a nominal consideration, or at a consideration that is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale, lease, or furnishing of services to the recipient, or any improvements made with Federal financial assistance extended to the Program applicant by USDA. This includes any Federal agreement, arrangement, or other contract that has as one of its purposes the provision of cash assistance for the purchase of food, and cash assistance for purchase or rental of food service equipment or any other financial assistance extended in reliance on the representations and agreements made in this assurance. By accepting this assurance, the State agency agrees to compile data, maintain records, and submit records and reports as required, to permit effective enforcement of nondiscrimination laws and permit authorized USDA personnel during hours of program operation to review and copy such records, books, and accounts, access such facilities and interview such personnel 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 State agency, 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 behalf of the State agency/Sponsor.

## Public Notification

Several requirements must be met by CNPs in Iowa to help ensure compliance with Civil Rights rules and laws. These requirements are described in more detail below.

### Public Notice

The CNP must notify the public of Program availability, the Program's policy of nondiscrimination, Program rights and responsibilities and procedures for filing complaints. Alternate formats must be provided for persons with disabilities. The following public notices are required:

- Use of the appropriate nondiscrimination statements,
- Display of the USDA Civil Rights poster, "And Justice for All,"
- A media notice, and
- If photos or graphic depictions are used, they 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

- **National School Lunch Program (NSLP):** media release must be provided to the local newspaper, radio or television station each year to inform the community of their participation in the NSLP. The media release form is available in IowaCNP Download Forms.
- **Summer Food Service Program (SFSP):** announcement must be provided to the local media for open sites and closed enrolled sites that are area eligible. Programs are not required to ensure the announcement is published. Sponsors of closed enrolled sites that are not area eligible and residential/non-residential camp sites must make the announcement to program participants. Sponsors may meet this requirement by including SFSP information in their enrollment packet or other program material that is distributed to all participants. The SFSP media release for open and closed enrolled/camp sites are available in IowaCNP Download Forms.
- **Child and Adult Care Food Program (CACFP):** Centers-based organizations, with the exception of emergency shelters, must provide a media release to the local newspaper, radio or television station each year to inform the community of their participation in the CACFP. Programs are not required to ensure the announcement is published. The media release templates for both pricing and non-pricing organizations are available in IowaCNP Download Forms. Centers must also reach out to grass-roots organizations serving minorities in their communities to notify them about their services and the availability of the CACFP.
- **Home Sponsors:** must provide the announcement to the local media in their service area. Programs are not required to ensure the announcement is published.

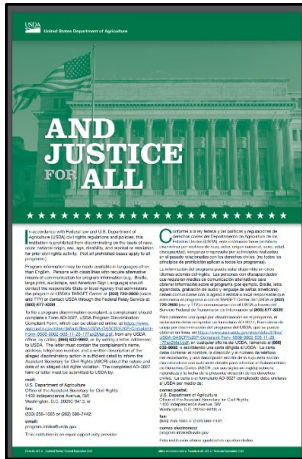
### CACFP Building for the Future Brochure

The USDA Building for the Future brochure or flyer must be used to inform families who participate in the Program, is available in both English and Spanish at this website <https://www.fns.usda.gov/cacfp/build-future>. The brochure is also available in the CACFP Center Administrative Manual, Chapter 8 and IowaCNP Download Forms (in English and Spanish).

### Poster

The USDA poster "[And Justice for All](#)" must be displayed by all programs in a location visible to participants and potential participants. The poster advises 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. The poster must be printed in 11" x 17" format and in color. Local reproduction is authorized if meeting regulation size.

CACFP Home Sponsor programs must display the poster in the offices of the sponsor. It need not be displayed in day care homes. Poster may be obtained by requesting from the State agency or by downloading from the website below:



## Nondiscrimination Statements

All informational materials and sources used to inform the public about FNS programs must contain the USDA and Iowa Nondiscrimination Statements.

**At a minimum, the Nondiscrimination statements should be on:**

- Income Eligibility Application;
- Notification of eligibility or ineligibility;
- Expiration of eligibility notification;
- Discontinuation of benefits notification;
- Program website (at a minimum on the home page of the program information); and
- Public information materials including media.

The full statements are provided below. When the full statement is used, the spacing must be the same and no smaller than font size 9. When printed materials are one page or less, the abbreviated statement, *“This institution is an equal opportunity provider,”* can be used. The font size of the statement must be no smaller than the smallest font used in the document. The Nondiscrimination Statement is not required to be imprinted on small items where it is deemed impractical (i.e. pens, buttons, etc.).

### USDA Nondiscrimination Statement

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

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

To file a program discrimination complaint, a Complainant should complete a Form AD-3027, USDA Program Discrimination Complaint Form which can be obtained online at:

<https://www.usda.gov/sites/default/files/documents/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; or

fax:

(833) 256-1665 or (202) 690-7442; or

1. email:  
[Program.Intake@usda.gov](mailto:Program.Intake@usda.gov)
2. This institution is an equal opportunity provider.

### Iowa Nondiscrimination Statement

It is the policy of this CNP provider not to discriminate on the basis of race, creed, color, sex, sexual orientation, 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, 6200 Park Ave, Suite 100, Des Moines, IA 50321; phone number 515-281-4121, 800-457-4416; website: [Iowa Civil Rights Commission Webpage](http://www.ircw.org)

## Reasonable Accommodations/Equal Access

### Services to Persons with Limited English Proficiency (LEP)

USDA guidance requires State agencies, Local Education Agencies (LEAs), schools, SFSP sponsoring organizations, and CACFP participants that receive Federal funding to ensure language is not a barrier to receiving 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.

### 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.
- Resources available to the recipient and costs.

Meaningful access is accompanied by providing reasonable, timely, appropriate, competent/qualified, accurate, and effective language services to individuals with LEP when accessing recipient programs and activities.

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 (i.e. availability of a staff member who can interpret information for non-English speaking household members).

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 organizations (such as colleges, churches, other refugee or immigrant settlement services) to discuss translation or assistance from within the community. Income applications are available in Spanish in Iowa CNP Download Forms.

### Population Data Sources

Resources to view current trends and determine where bilingual services might be needed in their communities.

- US Census Data: <https://www.census.gov/quickfacts/fact/table/US/PST045219>
- American Community Survey: <http://www.census.gov/acs/>
- Migration Policy Institute's National Center on Immigrant Integration Policy: <http://www.migrationpolicy.org>
- LEP.gov: <http://www.lep.gov>
- School statistics collected by the U.S. Department of Education

### "I SPEAK"

"I SPEAK" is a resource available to help identify the primary language of non-English speakers in a household. It uses a short phrase in each of the 49 languages that an applicant can check to indicate the language they speak. "I Speak" can help organizations select the appropriate translation as well as ensure consistent and effective interaction with applicants who have limited English proficiency.

### Reasonable Steps

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 including:

- 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.
- How frequently they have or should have contact with an LEP individual from different languages seeking assistance. Reasonable steps for a recipient serving an LEP person on a one-time basis will be very different from those expected from a recipient encountering LEP persons daily.
- The importance of the activity. 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. For example, the need for LEP services in order to communicate program eligibility requirements is different and more important than say communicating rules on to play volleyball or operate a DVD player.
- A recipient's level of resources and the costs. 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.

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.

## Services to Persons with Hearing and Vision Impairments

[Relay Iowa Webpage](#): a telecommunications relay service 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.

[Iowa State Registry for Interpreters of the Deaf \(RID\) Webpage](#): has a list of skilled sign language interpreters to help staff communicate with deaf individuals.

## 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. Faith-based organizations can use space in their facilities to provide USDA-funded service without removing religious art, icons, scriptures, or other religious symbols.

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

Discrimination in favor of or against an organization on the basis of religion, religious belief, or religious character in the administration and distribution of federal funds is prohibited. Religious organizations are allowed to participate in USDA programs to retain independence and continue to carry out their mission, provided direct USDA funds do not support any inherently religious activities such as worship, religious instruction, or proselytization.

## Disability Discrimination

A 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 is considered having a disability under the expanded USDA definition of disability.

- Major life activity means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.
- Disabilities include function of the immune system, normal cell growth, digestive bowl, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, and reproductive functions.

State and local agency websites and online application systems should be readily accessible to and usable 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. At times, different or special treatment may actually be necessary in order to ensure effective aids, benefits, and services are reasonable. [USDA-FNS Accommodating Children with Disabilities in the School Meal Programs](#)

## Diet Modification

Federal regulations governing diet modifications in Child Nutrition Programs require sponsors to offer to make modifications at no charge to the standard meal for participants who are considered disabled and whose disability restricts their diet.

The expanded definition of disability was also revised to redefine the words "substantially limits". The disability does not need to prevent or severely/significantly restrict a major life activity.

- The disability is evaluated on a case by case basis, not one size fits all.

- The disability should not be disregarded if it is made better by medication (i.e. diabetics taking insulin).
- The disability should be acknowledged even if it is not active (i.e. Crohn's disease or Irritable Bowel Syndrome).

Organizations should do their best to make accommodations based on the information they have available. If anything is unclear, clarification should be sought but accommodation should be made in the meantime. If the meal pattern cannot be followed in order to accommodate the disability, a statement signed by a medical authority is required in order to claim the meal for reimbursement.

Food substitutions must be made if the participant is considered to have a disability and/or if food substitutions are ordered by the medical authority. Medical professionals who can sign diet modification requests include Registered Dietitians or a medical authority that is authorized to write prescriptions in the State of Iowa. This includes Medical Doctors, Doctors of Osteopathic Medicine, Advanced Registered Nurse Practitioners, Physician's Assistants and Dentists. Since disability is a protected class reasonable modifications or accommodations must be made when the disability impacts the person's diet.

### **Lifestyle Choices**

It is encouraged but not required to accommodate lifestyle choices (i.e. vegetarian, religious, or other personal preferences) since they are not considered disabilities. Most requests can be handled within Offer vs Serve or Family Style Meal service. However, only creditable foods should be substituted within the same food component.

### **Record Retention and Confidentiality**

The diet modification forms or other documents supporting the provision of dietary accommodations must be kept on file for three years plus the current year, or longer if the orders are still current and being followed. The documents only need to be updated when the participants' diet modifications change. Child Nutrition Program staff should have access to this information on a need to know basis. Home providers and Home Sponsors must maintain copies of diet modifications for enrolled participants. This information should otherwise be kept confidential and not displayed where visible to other participants or the general public.

The diet modification request form is located in IowaCNP Download Forms, in both English and Spanish.

## **Complaints Procedure Policy**

Civil rights complaints related to the National School Lunch Program, School Breakfast Program, Afterschool Care Snack Program, Summer Food Service 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.

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.

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 within five days of receipt. 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.

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).

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 complaint must be submitted to the Food and Nutrition Services (FNS) Civil Rights Division (CRD) within five calendar days of receipt by the State or local office. The email address for submission of a complaint is: [program.intake@usda.gov](mailto:program.intake@usda.gov). In addition to sending the complaint to USDA, the SFA is required to send a copy of the complaint to the SA. The SA will log the complaint in the Iowa Civil Rights Complaint Log.

In Iowa, protected classes also include religion or creed and complaints can be filed up to 300 days of occurrence. The address for Iowa complaints is: Iowa Civil Rights Commission, 6200 Park Ave. Suite 100, Des Moines, IA 50321; phone number 515-281-4121, 800-457-4416; website: <https://icrc.iowa.gov/>.

## Complaints Policy

CNPs must have a local policy describing their process to ensure complaints are handled properly.

- [Iowa School Programs Civil Rights Complaint Procedure Policy](#) - This policy can be adopted by school districts as a civil rights complaint procedure in the state of Iowa.
- [Iowa School Programs Civil Rights Complaint Form](#) - This form can be used to document Civil Rights complaints in the state of Iowa.
- Details on filing a USDA complaint can be found at the following website: [U.S. Department of Agriculture USDA Program Discrimination Complaint Form](#)

## Compliance with Civil Rights Requirements

### Local Self-Monitoring

Compliance reviews examine the activities of local agencies and sub recipients to determine adherence with Civil Rights and program requirements. Every year all programs are required to review their own adherence with Civil Rights requirements including the public release, equal access, complaint procedure to ensure compliance, and annual civil right training by all staff with Child Nutrition Program responsibilities and home providers.

### Federal Monitoring



FNS Civil Rights and Program staff review both state agency (SA) and local agency adherence with Civil Rights and program requirements. These reviews are typically conducted during the SA administrative management evaluation but may be conducted as a separate compliance management evaluation of either the SA, local agency or both. The FNS office will notify the SA and local agency of the findings and recommendations.

### State Agency Monitoring

The SA is required to monitor participating entities for compliance with USDA Civil Rights standards. During the Administrative Review of CNPs, consultants from the SA will review civil rights practices and procedures related to access, public notice, accommodations, complaint management, data management, and customer service. State agencies are required to report significant findings of noncompliance to FNS. There are three types of compliance reviews – each will be discussed in detail:

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

### The Pre-Award Compliance review

Prior to participation in any Child Nutrition Program, a 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 all eligible populations have opportunity to participate;
- 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;
- Findings by 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, includes the following eight areas:

- Eligible persons and households have an equal opportunity to participate;
- Case records are coded by race or ethnic origin;
- “And Justice for All” poster is displayed in a prominent location;
- Nondiscrimination statement is included in program materials such as application, notices, and brochures;
- Availability of program information to eligible persons, program applicants and participants;
- Racial ethnic data collection and maintenance for 3 years;
- Complaint processing; and
- Training.

### Special Compliance Reviews

Special Compliance 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 have a direct impact on the delivery of FNS program services and/or benefits.

When statistical data indicates a particular minority group is not participating in or benefitting from the Program to an extent indicated by the population of potentially-eligible participants, corrective action may be required to ensure equal access. Reports of noncompliance made by other agencies need to be substantiated. If patterns of complaints of discrimination have developed these may be identified and require follow-up.

### Resolution of Noncompliance

Noncompliance is a factual finding of any Civil Rights requirement, as provided by federal and state law, regulation, policy, instruction, or guidelines, is not being adhered to by a State agency, local agency, or other subrecipient.

- There are no minor or major categories of noncompliance. No matter the level or severity, noncompliance must be reported.
- If the SA determines a participating entity 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).

The following are examples of noncompliance with the resolution following proper procedures.

- 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. This is noncompliance due to National Origin.
  - Resolution: The school district official completes the USDA complaint form and forwards the completed form to the State of Iowa, Bureau of Nutrition and Health Services, Bureau Chief. 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.
- 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 State of Iowa, Bureau of Nutrition and Health Services, Bureau Chief. 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.
- Serving breakfast in suburban school locations only, but not at schools located in areas with a 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 State of Iowa, Bureau of Nutrition and Health Services, Bureau Chief. The Bureau Chief will forward the resolution information to the USDA Midwest Regional Office in Chicago, IL and or the Iowa Civil Rights Commission. 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 Iowa Civil Rights Requirements

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

### Conflict Resolution

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 to 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 a participant's Individualized Educational Plan (IEP).
- All participants must be included in meals, snacks, activities, and discussions.
- All participants must be treated with courtesy and respect.

### CACFP and SFSP Requirements

Program operators employing 15 or more individuals must designate at least one person to coordinate compliance with disability requirements. This position is often referred to as the Section 504 Coordinator. The Section 504 Coordinator, who is responsible for addressing requests for accommodations in the center, day care home, or summer site, may also be responsible for ensuring compliance with disability requirements related to meals and the meal service. A separate Section 504 Coordinator responsible only for meal modifications is not required. USDA FNS recommends Program operators employing less than 15 individuals have someone on staff who can provide technical assistance to centers, day care homes, and summer sites when they are making meal modifications for participants with disabilities.

Program operators employing 15 or more individuals must also establish grievance procedures that incorporate appropriate due process standards and provide for the prompt and equitable resolution of complaints as set forth in 7 CFR 15.b(6)(b).

## Annual Training

Training helps ensure individuals involved in all levels of administration of programs receiving Federal financial assistance understand the Federal laws, regulations, instructions, policies, and other guidance. The State Agency (SA) is required by USDA to provide training to participating entities on Civil Rights, based on the USDA protected classes. In addition, the Bureau of Nutrition and Health Services provides training on the Iowa Civil Rights requirements.

### Compliance with Training

The SA is required to ensure participating entities comply with training requirements prior to approving applications to participate in nutrition programs funded through USDA. This responsibility will be fulfilled based on certifying statements made by participating entities in the application process and/or by submitting training documentation. Feeding sites, sponsored centers and home providers must be reviewed annually for compliance with training requirements. The sites, sponsored centers and home providers must be notified in writing of the review findings, required correction and recommendations for improvement.

### Requirements for Specific Programs

Local agencies are responsible for training their subrecipients, including “frontline staff” and volunteers who interact with applicants or participants, on an annual basis. New employees must be trained before participating in program activities.

- School Meals: Local Education Agencies (LEAs) are required to ensure program staff receive Civil Rights training annually.
- CACFP Centers: 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.
- CACFP Home Program: Requires annual Civil Rights training for staff and providers in addition to the annual two-hour CACFP related training requirements. New providers should receive Civil Rights training at the beginning of their CACFP participation.
- SFSP: Civil Rights training must be completed prior to the beginning of operations.

### Training Requirements

All front-line staff and direct supervisors must be trained annually. Front line staff are those people who interact with applicants or participants (e.g. servers, secretarial staff who distribute or collect Iowa Eligibility Applications, staff conducting verification, staff conducting household contacts, and staff who supervise children during mealtimes). Additional staff may be trained at the program’s discretion.

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.

### Training Format

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 operating more than one program simultaneously (e.g., school meals and CACFP) may train all staff at the same time as long as all pertinent information is conveyed. 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.

### Training Resources

Resources have been developed to assist participating entities with the delivery of training to their staff regarding general USDA Civil Rights requirements and increase awareness of information available to carry out Civil Rights responsibilities.

- [Iowa Department of Education Civil Rights Training for Child Nutrition Programs](#)
- CACFP Civil Rights Training (Center Based Organizations) – is provided in Iowa CACFP Steps to Success (Module 10). Staff can complete the Module and take the quiz individually; each person receives their own certificate. A training brochure is also available in the CACFP Administrative Manual, Chapter 8 and on the [CACFP Center Resources Google Website](#) (access required). A separate training brochure is available for At-Risk Programs and is also available under IowaCNP Download Forms for schools sponsoring CACFP At-Risk sites. The brochure is intended to be discussed in a group setting where attendance is documented with sign-in sheets.

### Documentation

Documentation of training must include:

- Date the training was conducted;
- Location where training was provided (may be online);
- Time the training began and ended and time spent per topic;
- Name of the person overseeing or delivering the training;
- Names and/or signatures of all participants; and
- Outline of the training provided and a copy of handouts.

### Self-Assessment

CNP sponsors must review their feeding sites, including schools, independent centers, sponsored centers and home providers for Civil Rights compliance.

- NSLP and SBP: School Programs may use the NSLP Civil Rights Self-Assessment Checklist, located in the School Nutrition Resource site to ensure compliance with Civil Rights requirements.
- SFSP: Organizations are required to complete one or more site monitoring reviews. There is a Civil Rights section in the monitoring review form that includes questions to ensure each organization and facility is adhering to Civil Rights requirements within their program. The Site Monitoring Review Forms are available in IowaCNP Download Forms.
- CACFP Centers: Organizations may use the Civil Rights Checklist located in the CACFP Administrative Manual to evaluate compliance with requirements. All CACFP organizations are required to complete one or more site monitoring reviews. There is a Civil Rights section in the

monitoring review form that includes questions to ensure each organization and facility is adhering to Civil Rights requirements within their program. The Site Monitoring Review Forms for center-based organizations are available in IowaCNP Download Forms and in the CACFP Administrative Manual. There are separate forms for child care, adult care, emergency shelters and At-Risk programs.

**CACFP Home Sponsors:** Sponsors must complete the Civil Rights section on the home monitoring form every time a monitoring review is completed during the year. Civil Rights training needs to be discussed during the monitoring review, whether it has been completed or still needs to be completed before the end of the fiscal year.

## Glossary

**ADR:** Alternative Dispute Resolution - 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:** 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 - 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 providing services or benefits of a Child Nutrition Program.

**FNS:** Food and Nutrition Services - division of the United States Department of Agriculture

**LEA:** Local Education Agency

**LEP:** Limited English Proficiency - People 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:** Any place offering goods or services to the public for a price, such as retail stores, restaurants, movie theaters, banks, sporting events, fitness centers, hospitals.

Any place offering free services, if the place receives governmental support or subsidy, such as food banks, shelters, disaster relief, and civic festivals.

Any state, local, or governmental unit receiving tax support, such as police departments, schools, mass transit, libraries.

**SA:** State Agency

**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

## Legal Authorities

### Civil Rights Legal Authorities

- Title of the Civil Rights of 1964: Race, Color, and National Origin
- Civil Rights Restoration Act of 1987: Clarifies the scope of the Civil Rights Act of 1964
- Section 504 of the Rehabilitation Act of 1973 & Americans with Disabilities Act (ADA) of 1990 amended by the ADA Amendment Act of 2008: Disability
- Disability: Title IX of the Education Amendments of 1972: Sex
- Age Discrimination Act of 1975: Age
- 28 CFR Part 42: Nondiscrimination in Federally Assisted Programs
- FNS Instruction 113-1 Appendix B (NSLP, SMP, SBP)
- Executive Order 13166 - addresses/improves access requirements for persons with Limited English Proficiency & USDA LEP Policy Guidance
- 7 CFR Part 16, "Equal Opportunity for Religious Organizations" – allows religiously affiliated organizations to compete equally for USDA assistance
- USDA Departmental Regulation 4330-2 – prohibits discrimination in programs and activities receiving Federal financial assistance from USDA
- USDA Departmental Regulation 4300-003 – Equal Opportunity Public Notification Requirements

### NSLP/SBP/SMP Legal Authorities

- Richard B. Russell National School Lunch Act of 1946
- Child Nutrition Act of 1966
- 7 CFR Part 210 (NSLP)
- 7 CFR Part 215 (SMP)
- 7 CFR Part 220 (SBP)
- 7 CFR Part 245 (NSLP / SMP / SBP) [Eligibility]

### Iowa Code sections 216.7 and 216.9

- Iowa Basic Civil Requirements: The [Iowa Civil Rights Commission](#) is the source of information and advice regarding compliance.  
6200 Park Ave, Suite 100, Des Moines, IA 50321; phone number 515-281-4121.
- Iowa Civil Rights Policy: 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, national origin, religion, or disability in any program, activity, or employment.



