

## **CHILD NUTRITION CIVIL RIGHTS GUIDANCE & COMPLAINT PROCESS**

### **GREENVILLE RENEWABLE ENERGY EDUCATION CHARTER SCHOOLS FOOD SERVICES**

The Civil Rights compliance guidance applies to the following programs at Green Charter Schools:

- National School Lunch Program
- School Breakfast Program

#### **Civil Rights Overview**

Sponsors agree to administer these programs in accordance with Civil Rights Laws. Sponsors must ensure equal access to all eligible participants regardless of race, age, color, sex, national origin, disability or Reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA. All participants must be treated in the same manner.

The goals of Civil Rights include:

- Eliminating barriers that prevent or deter people from receiving benefits of government sponsored or funded programs.
- To provide equitable treatment to all in the delivery of programs and services to all applicants, participants, and beneficiaries of a federal program.
- To ensure that all applicants and participants understand their rights and responsibilities
- To show respect and dignity to all

Civil Rights requirements for Child Nutrition Programs can be found in FNS Instruction 113.1.

#### **USDA FNS Protected Classes**

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

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

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

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

- Giving one group or type of participants larger or extra helpings of food
- Separating genders
- Failing to provide children with a dietary disability accommodating meals
- Failing to provide program information to all potential program applicants

### **Collecting and Reporting Participant Data**

All schools that participate in a USDA Child Nutrition Program must have a system to collect the racial and ethnic data of program participants in accordance with FNS Instruction 113-1. This data is used to determine the state's compliance with Federal Civil Rights laws. This information is strictly for statistical reporting requirements and has no effect on the determination of eligibility for program benefits. This data is maintained in a confidential file for 3 years plus the current year and this information is restricted to authorized school personnel and other authorized state and federal personnel, when requested.

Green Charter Schools collect this information on free and reduced-price meal applications. Applicants may first check one of the two boxes with regard to ethnicity:

- Hispanic or Latino – A person of Cuban, Mexican, Puerto Rican, South or Central America, or other Spanish culture or origin, regardless of race.
- Not Hispanic or Latino

Applicants may then check one or more of the second set of boxes with regard to race:

- American Indian or Alaska Native – A person having origins in any of the original peoples of North and South America (including Central America) and who maintains tribal affiliation or community 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, Pakistan, The Philippine Islands, Thailand, and Vietnam.
- Black or African American – A person having origins in any of the black racial groups of Africa.
- 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.

Self-identification or self-reporting is the preferred method of obtaining characteristic data. USDA regulations state that “respect for individual dignity should guide the process and methods for collecting data on race and ethnicity.”

### **Public Notification Systems**

Green Charter Schools annually notify the public of their participation in the program. Notification to applicants and participants includes information regarding program availability, program rights and responsibilities, the procedure for filing a complaint, and the policy of nondiscrimination.

The public notification system includes the following elements:

- **Public Release:** the public is informed of their program rights and responsibilities and the steps necessary for participation in the program.
- **Display of “And Justice for All” poster:** schools display the “And Justice” poster in the correct size (11” x 17”) in a prominent location where it is visible to all participants in the program. The poster provides the USDA address and phone numbers that the public can use to file a complaint if they think their civil rights are violated.
- **Nondiscrimination statement:** all informational materials, including websites used by schools to inform the public about FNS programs will contain the nondiscrimination statement. The nondiscrimination statement will be included, in its entirety, on all program materials. Examples of items requiring the statement include, but are not limited to:
  - Public Release
  - Notification letter for free/reduced-price meals
  - Promotional Literature
  - Websites
  - Menus

If the material is too small to permit the full statement to be included, the material will at a minimum include the statement, in print size no smaller than the text that “The USDA and the CDE are equal opportunity providers and employers.”

### **Reasonable Accommodations for Persons with Disabilities**

Reasonable food substitutions or modifications are required for a student with a dietary disability if a medical statement is on file that is completed and signed by a licensed physician. The CDE Medical Statement form or a written medical statement (i.e. prescription) is required for each child that has a disability. This written medical statement must clearly identify the child's:

- Disability
- Major life activity or bodily function affected by the disability
- Diet prescription
- Food or foods to be omitted from his or her diet
- Reasonable food or choice of foods that must be substituted in his or her meals

A child with a disability will be provided with reasonable dietary accommodations when that need is supported by a written medical statement. The USDA does not require meals for a child with a disability that involves dietary restrictions documented in the written medical statement to meet the current mandated meal patterns.

### **Non-Severe Food Allergies and/or Food Intolerance**

The school food authority is not required to make food substitutions for children with non-severe food allergies or food intolerances, who do not have a disability. The School Food Authority may choose to make reasonable food substitutions, at their discretion, for individual children who do not have a disability, but who are medically certified as having a special medical or dietary need. Determinations are made on a case-by-case basis. Any accommodation must meet the mandated meal pattern. A medical statement for a child who does not have a disability must be signed by a licensed physician, physicians' assistant, or nurse practitioner.

In accordance with USDA regulation, for students with lactose intolerance or a nonlife threatening milk allergy, no other beverage can be substituted for milk except a lactose-free beverage that meets the nutritional requirements of milk.

School food authorities are not required to make food substitutions based on food choices or food preferences.

Reasonable accommodations also refer to ensuring that participants with a disability have physical access to programs and services; such as easily accessible entrances.

### **Reasonable Accommodations for Persons with Limited English Proficiency (LEP)**

- The Green Charter Campus distributes the Application for Free and Reduced Meals in English and Spanish.
- The online application is available in English and Spanish.
- The menus are distributed and posted on the school nutrition website in English and Spanish.
- The “And Justice for All” poster, which includes information on how to file a complaint of discrimination, is displayed and provided in both English and Spanish.
- The District translator assists Spanish speaking callers or visitors who have questions regarding child nutrition services.
- Assistance is received from the office of the Director of Curriculum, Accountability and Continuous Improvement for other language speakers.

### **Preventing Overt Identification**

Overt identification is any action that may result in a child being recognized as potentially eligible to receive or certified for free or reduced price school meals. A child’s eligibility status is not disclosed at any point in the process of providing free or reduced-price meals, including notification of the availability of free or reduced-price benefits; certification and notification of eligibility; provision of meals in the cafeteria; and the point of service. The names of those eligible to receive free or reduced-price meals will not be published, posted, or announced in any manner.

Students eligible for free or reduced-price meals will not be required to:

- Work for their meals
- Use a separate lunchroom or other service area
- Go through a separate serving line
- Enter the lunchroom through a separate entrance
- Eat meals at a different time
- Eat a meal different from the one sold to children paying the full price
- Use a method of payment or distribution of tickets or tokens different from the method used by children paying full price

Menus items will not differ at different school sites based on the percentage of free and reduced-price students in the population. For example, a school with an 80% free and reduced-price population will not receive reduced choices or different menu choices than a school with a 25% free and reduced-price population.

The information on rosters and computer screens at the point of sale is coded to avoid other students discerning any student's eligibility status.

### **Training**

The Director of Food Services will provide annual training to Food Service Child Nutrition Program staff in 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
- Customer Service

### **Site Compliance Reviews**

During each school year Food Service Supervisors conduct site monitoring reviews for each meal programs. Food Service Supervisors check to ensure:

- There is no overt identification of students
- There is no disparate treatment based on anyone's protected class.
- The "And Justice for All" poster is prominently displayed.

None compliance requires a corrective action and follow-up visit. Completed monitoring forms and corrective actions are sent to the food service office where they are reviewed by the Director of Food Services and/or designee. Further follow-up or action may be warranted based on these reviews.

### **Customer Service**

All Green Charter School campuses are committed to treating all of our customers with dignity and respect. We aim to provide excellent customer service regardless of race, age, color, sex, national origin,

political views or disability. We welcome questions concerning our programs and aim to consistently provide full and timely information to enable our customers to make necessary decisions.

### **Conflict Resolution**

The Food Service Department recognizes the right of all of our customers to file a complaint. We also recognize that there may be many occasions when conflicts may be resolved in house. The department is committed to exerting every effort in providing solutions when conflicts arise by seeking to listen to understand; demonstrating empathy and discovering needs; identifying barriers to a resolution and overcoming those barriers; turning problems into possibilities; and whenever possible finding a win/win solution.

## **GREENVILLE RENEWABLE ENERGY EDUCATION CHARTER SCHOOLS CHILD NUTRITION PROGRAMS**

### **CIVIL RIGHTS COMPLAINT PROCEDURE**

#### **Handling Complaints**

Any person alleging discrimination based on race, color, national origin, sex, age, or disability has a right to file a complaint. Complaints may be made to federal, state or local agencies. When a complaint of discrimination is received by an SFA:

- Notify either SCDE or USDA within five working days of receiving the complaint.

Preferably, notify SCDE at (803) 734-8188. Forward any written materials received to SCDE Office of Health and Nutrition, Attention: Carla Garland, 1429 Senate Street, Suite 706-C, Rutledge Building, Columbia, SC 29201. SCDE may be able to assist the SFA in handling the complaint. SCDE will forward all materials to USDA within five working days of receipt.

Alternatively, notify USDA's Southeast Regional Office at (404) 562-1801. Forward any written materials received to them at: Regional Civil Rights Director, Southeast Regional Office, Food and Nutrition Service, 621 Forsyth Street, S.W., Suite 8T36, Atlanta, GA 30303-3427. USDA will resolve all complaints following established methods and regulations.

- Provide the Discrimination Complaint Form (Form 4-B) provided in the forms section for any individual wishing to make a complaint of discrimination. Complaints may be made using the form provided, in another format, or verbally. If the complaint is made verbally (either in person or through a phone conversation), the person accepting the complaint should complete the form on behalf of the person with the complaint.

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/USDA-OASCR%20P-Complaint-Form-0508-0002-508-11-28-17Fax2Mail.pdf>, from any USDA office, by calling (866) 632-9992, or by writing a letter addressed to USDA. The letter must contain the complainant's name, address, telephone number, and a written description of the alleged discriminatory action in sufficient detail to inform the Assistant Secretary for Civil Rights (ASCR) about the nature and date of an alleged civil rights violation. The completed AD-3027 form or letter must be submitted to USDA by:

1. **mail:**  
U.S. Department of Agriculture  
Office of the Assistant Secretary for Civil Rights  
1400 Independence Avenue, SW  
Washington, D.C. 20250-9410; or
2. **fax:**  
(833) 256-1665 or (202) 690-7442; or
3. **email:**  
[Program.Intake@usda.gov](mailto:Program.Intake@usda.gov)

This institution is an equal opportunity provider.

07/25/2022 Note: The only protected classes covered under the Child Nutrition Programs are race, color, national origin, sex (including gender identity and sexual orientation), age, disability or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA.

#### **4-B Discrimination Complaint Form**

*Any person or representative alleging discrimination based on race, color, national origin, sex, age, or disability has the right to file a complaint within **180 days** of the alleged discriminatory action. Complaints received by a School Food Authority or state agency must be forwarded to USDA within five working days. This form must be printed front to back and not on separate pages.*

1. Your Name:
  
  
2. Your Address (street, city, state, zip)
  
  
3. Your telephone-Home :(\_\_\_\_\_) \_\_\_\_\_ Work: \_\_\_\_\_)
  
  
4. Name, phone and address of person(s) discriminated against, if different from above:
  
  
5. Name and address of the person(s) or organization(s) you are filing a complaint against:

6. List date(s) during which the alleged discriminatory actions occurred, or if continuing, the duration of such actions:

7. Describe as clearly as possible what happened, why you believe it happened, and how you were discriminated against. Indicate who was involved. Be sure to include how other persons were treated differently from you. (Please use additional paper as needed and attach them and any other materials pertaining to your case to this form.)

8. State on what basis you feel discrimination exists (race, color, national origin, sex, age or disability).

9. Provide contact information for any person(s) who may have knowledge of the actions described above:

a) Name:

b) Title:

c) Phone:

d) Address:

10. Do you have any other information that you think is relevant to the investigation? (Use additional paper if needed.)

What remedy are you seeking for the alleged discrimination?

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Signature Date

***Forward Civil Rights complaints to:***  
Office of Health and Nutrition

South Carolina Department of Education  
7<sup>th</sup> Floor Rutledge Building  
1429 Senate Street.  
Columbia, SC 29201  
Phone: (803) 734-8188

***OR***

Director, Civil Rights  
Food and Nutrition Service, USDA  
Southeast Regional Office  
61 Forsyth St., S.W.  
Atlanta, GA 30303-3427 Phone: (404) 562-1801

**OFFICE USE ONLY:**

Date Complaint Received: \_\_\_\_\_

Person Receiving Complaint: \_\_\_\_\_

Action(s) Taken: