



Civil Rights Training



**Division of Food,
Nutrition and Wellness**



Purpose

Civil Rights



What is Discrimination?



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

Protected Bases/Classes

- Race
- Color
- National Origin
- Sex (including gender identify and sexual orientation)
- Disability
- Age
- Retaliation/Reprisal





- **Public Notification System**
- **Resolution Of noncompliance**
- **Meaningful Access for Individuals with LEP**
- **Equal Opportunity for individual with Disabilities**
- **Data Collection**
- **Training**
- **Customer Service**
- **Compliance Reviews**
- **Civil Rights Complaints**
- **Assurances**

Areas of Civil Rights Compliance





Public Notification

Program availability, rights and responsibilities.

Policy of nondiscrimination.

Procedure for filing a complaint.





Program Availability

- **Make information available on benefits and services of the program in a language and format that they can understand**
- **Examples: news releases, radio, television, internet, letters, or bulletins**



United States Department of Agriculture

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AND JUSTICE FOR ALL

In accordance with Federal 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), age, disability, and 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 for program information (e.g., Braille, large print, audiotope, and 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 www.usda.gov/sites/default/files/documents/usda-program-discrimination-complaint-form.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 the 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

email:
program.intake@usda.gov.

This institution is an equal opportunity provider.

Conforme a la ley federal y las políticas y regulaciones de derechos civiles del Departamento de Agricultura de los Estados Unidos (USDA), esta institución tiene prohibido discriminar por motivos de raza, color, origen nacional, sexo (incluyendo identidad de género y orientación de sexual), edad, discapacidad, venganza o represalia por actividades realizadas en el pasado relacionadas con los derechos civiles.

La información del programa puede estar disponible en otros idiomas además del inglés. Las personas con discapacidades que requieran medios de comunicación alternativos para obtener información sobre el programa (por ejemplo, Braille, letra agrandada, grabación de audio y lenguaje de señas americano) deben comunicarse con la agencia estatal o local responsable que administra el programa o con el TARGET Center del USDA al (202) 720-2600 (voz y TTY) o comunicarse con el USDA a través del Servicio Federal de Transmisión de Información al (800) 877-8339.

Para presentar una queja por discriminación en el programa, el reclamante debe completar un formulario AD-3027, Formulario de queja por discriminación del programa del USDA, que se puede obtener en línea, en <https://www.usda.gov/sites/default/files/documents/USDAProgramComplaintForm-Spanish-Section 508 Compliant.pdf>, en cualquier oficina del USDA, llamando al (866) 632-9992, o escribiendo una carta dirigida al USDA. La carta debe contener el nombre, la dirección y el número de teléfono del reclamante, y una descripción escrita de la supuesta acción discriminatoria con suficiente detalle para informar al Subsecretario de Derechos Civiles (ASCR, por sus siglas en inglés) sobre la naturaleza y la fecha de la presunta violación de los derechos civiles. La carta o el formulario AD-3027 completado debe enviarse al USDA por medio de:

correo postal:
U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410; o

fax:
(833) 256-1665 o (202) 690-7442; o

correo electrónico:
program.intake@usda.gov.

Esta institución ofrece igualdad de oportunidades.

“And Justice for All” Poster

Posted at the point of service where the students can see the poster



Non-Discrimination Statement

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Collection and Use of Data



- **Data collection requirement**
 - Race & ethnicity
 - Identification methods
- **Privacy**
- **Retention**



Annual Training

- Civil rights training is required for all staff on an annual basis.
- Training must be documented and kept on file by the sponsor.
- Topics to be covered in the sponsor's training for staff should include:
 - Collection and use of data
 - Effective public notification systems
 - Compliant procedures
 - Compliance review techniques
 - Requirements for reasonable modifications and equally effective communication for individuals with disabilities
 - Requirements for language assistance for persons with limited English proficiency
 - Resolutions of noncompliance
 - Conflict Resolution
 - Customer Service



Recognizing a Civil Rights Discrimination Complaint

- **Can be verbal or written**
- **Must be discrimination based on one or more of the protected classes or retaliation/reprisal**
- **Can be made to any staff member or volunteer at the Sponsor, Site, the Florida Department of Agriculture, or USDA**
- **Follow specific complaint process and procedure**



What Information to Collect

- **Use a prototype form for consistency**
- **Collect the following information:**
 - **The complainant's contact information**
 - **The nature of the alleged incident**
 - **Any additional information that the complainant would like to include**



Handling the Complaint

- **Person has 180 days to file a complaint from alleged incident.**
- **Contact the Division of Food, Nutrition and Wellness immediately**
- **FNW division must notify USDA of complaint within 3 days**
- **Complaint investigation and resolution will be determined by the USDA**



Compliance Reviews

**Annually verify
civil rights
compliance during
site visits**

- **Pre-award Compliance Reviews**
- **Routine Compliance Reviews:**
**Conducted during
Administrative Review**
- **Special Compliance Reviews**



Special Compliance Review

- A particular group in a specific area is not benefiting from the program
- Reports of alleged noncompliance are made by the media, grassroots organizations or advocacy groups
- Reports of alleged noncompliance are made by other agencies, such as Department of Education and Department of Health
- Patterns of complaints of discrimination have been documented



Assurances

A Civil Rights Assurance is incorporated in all agreements between the state agency and the sponsor in order to ensure all children have access to the programs and benefits.



Civil Rights, Customer Service, and Conflict Resolution



“Your most unhappy customers
are your greatest source of
knowledge”

- Bill Gates



Keys to Good Customer Service

- **Recognize customers have varied needs and few resources**
- **Recognize when the customer feels they have been treated in a rude or discourteous manner**
- **Learn to practice empathy when necessary**
- **Develop good listening skills**



Good Listening Techniques

- **Concentrate on what person is saying by blocking out distractions**
- **Maintain eye contact**
- **Use occasional nodding**
- **When appropriate, use such phrases as “I understand,” or “I see that you are frustrated.”**
- **Let the person talk as long as necessary.**



Behaviors To Avoid

- **Apathy**
- **“Brush-off” behavior**
- **Coldness**
- **Robotism**
- **Rule book**
- **Runaround**



Complaints Can Cause Conflict

- **Behavioral response to the complaint can cause some degree of conflict**
- **Can lead to fear, blame, and denial**
- **Physiological response to conflict**
- **Can be positive**
 - **Heightens awareness of other's perception, attitudes, and beliefs**
 - **Constructive analysis of own behavior/beliefs**



Conflict Resolution Components

- **Control emotional responses**
- **Seek understanding**
- **Identify need and common interests**
- **Seek mutual benefits or purpose**



Constructive Conflict Resolution

- **Define the problem/issue/complaint**
- **Identify the activity causing conflict and assess the details of the information provided**
- **Recognize, respect, and respond to the feelings of those involved in the conflict**
- **Identify points of similarity and differences that are in the conflict**



Civil Rights Plan

- 
- LEP – Limited English Proficiency
 - Meal Modifications for Children with Disabilities



Limited English Proficiency (LEP)





Purpose

- To convey policy and provide guidance to ensure compliance with prohibition against discrimination in the National School Lunch Program (NSLP) with Limited English Proficiency (LEP)

The following training material is derived from:

- Code of Federal Regulations Parts 210 and 245
- USDA's Food and Nutrition Service Instruction 113-1
- SP 37-2016 -Meaningful Access for Persons with Limited English Proficiency (LEP) in the School Meal Programs: Guidance and Q&As

What is Limited English Proficiency (LEP)?

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



Responsibilities for schools communicating with LEP individuals



- Be presented in an understandable and uniform format
- To the maximum extent feasible, in a language that parents and guardians can understand

When should LEP individuals be identified?



I Speak Statements

- | | |
|--|--|
| <input type="checkbox"/> Unë flas shqip (Albanian) | <input type="checkbox"/> Ἄ ἢ ἄ ἢ ἄ Klào Win. (Kru) |
| <input type="checkbox"/> አማርኛ እናገራለሁ (Amharic) | <input type="checkbox"/> ຂ້າພະເຈົ້າເວົ້າ ພາສາລາວ. (Lao) |
| <input type="checkbox"/> انا اتكلم اللغة العربية. (Arabic) | <input type="checkbox"/> Yie gorngv Mienh waac. (Mien) |
| <input type="checkbox"/> Ես խոսում եմ հայերեն (Armenian) | <input type="checkbox"/> म नेपाली बोल्छु (Nepali) |
| <input type="checkbox"/> আমি বাংলা ভাষী। (Bengali) | <input type="checkbox"/> Mówię po polsku . (Polish) |
| <input type="checkbox"/> Ja govorim bosanski jezik (Bosnian) | <input type="checkbox"/> Eu falo Portugês . (Portuguese) |
| <input type="checkbox"/> ကျွန်တော်တို့ပြောသော ဝေါဟာရများသည်။ (Burmese) | <input type="checkbox"/> ਇ ਸ੍ਰਪੰਆਕ ਪੰਜਾਬੀ (Punjabi) |
| <input type="checkbox"/> 我说中文 (Chinese Simplified) | <input type="checkbox"/> Cunosc limba Română . (Romanian) |
| <input type="checkbox"/> 我說中文 (Chinese Traditional) | <input type="checkbox"/> Я говорю по-русски . (Russian) |
| <input type="checkbox"/> Ja govorim hrvatski . (Croatian) | <input type="checkbox"/> Ou te tautala faaSamoa . (Samoan) |
| <input type="checkbox"/> اینجانب به زبان فارسی صحبت می کنم (Farsi) | <input type="checkbox"/> Govorim srpski . (Serbian) |
| <input type="checkbox"/> Je parle français . (French) | <input type="checkbox"/> Waxaan ku hadlaa Somali . (Somali) |
| <input type="checkbox"/> Je parle le Français haïtien (French Creole) | <input type="checkbox"/> Yo hablo español . (Spanish) |
| <input type="checkbox"/> Μιλάω ελληνικά . (Greek) | <input type="checkbox"/> أتحدث السودانية (لغوي سوداني) (Sudanese) |
| <input type="checkbox"/> હું ગુજરાતી બોલું છું (Gujarati) | <input type="checkbox"/> Marunong po akong magsalita ng Tagalog . (Tagalog) |
| <input type="checkbox"/> Mwen pale Kreyòl . (Haitian Creole) | <input type="checkbox"/> ข้าพเจ้าพูด ภาษาไทย (Thai) |
| <input type="checkbox"/> म हिंदी बोलता हूँ (Hindi) | <input type="checkbox"/> አነ ትግርኛ ይዳረገህ እየ. (Tigrinya) |
| <input type="checkbox"/> Kuv hais lus hmoob . (Hmong) | <input type="checkbox"/> Я розмовляю українською . (Ukrainian) |
| <input type="checkbox"/> Ana m a sụ Igbo (Igbo) | <input type="checkbox"/> میں اردو بولتا/ بولتی ہوں۔ (Urdu) |
| <input type="checkbox"/> Parlo Italiano (Italian) | <input type="checkbox"/> Tôi nói tiếng Việt . (Vietnamese) |
| <input type="checkbox"/> 私は 日本語 を話します (Japanese) | <input type="checkbox"/> איך יידיש רעד איך (Yiddish) |
| <input type="checkbox"/> Mi chat Jamiekan langwjjj (Jamaican Creole) | <input type="checkbox"/> Mo gbọ Yoruba (Yoruba) |
| <input type="checkbox"/> ykt ក្រហម ប (Karen) | |
| <input type="checkbox"/> ខ្ញុំនិយាយភាសាខ្មែរ (Khmer) | |
| <input type="checkbox"/> 본인의 모국어는 한국어 입니다 (Korean) | |
| <input type="checkbox"/> ئە ز زمانى كوردى ده ناخفم. (Kurdish) | |



Planning LEP Communications

The overall number of students from households comprised of LEP individuals

The proportion of students from households comprised of LEP individuals as compared with the overall student population

The frequency of communications with LEP individuals

The means through which communications are sent e.g., mail, telephone, websites, etc.

The resources already available i.e., USDA translation materials and the resources that will need to be supplied i.e., oral interpreter



Written Translation for LEP



Written Translation

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

- Translations for applications intended to be used directly by families: <https://www.fns.usda.gov/cn/applying-free-and-reduced-price-school-meals>
- Translations for applications and verification form prototypes for State agency consideration: <https://www.fns.usda.gov/cn/translated-applications>
- Arabic, Armenian, Cambodian Chinese (Traditional), Chinese (Simplified), Croatian, English, Farsi, French, Greek, Gujarathi, Haitian-Creole, Hindi, Hmong, Japanese, Korean, Kurdish, Laotian, Mien, Polish, Portuguese, Punjabi, Russian, Samoan, Serbian, Somali, Spanish, Sudanese, Tagalog, Thai, Tigrinya, Ukrainian, Urdu, and Vietnamese, Albanian, Amharic, Bengali, Burmese, Creole (French), Karen, Kru, Ibo, Ilokano, Italian, Jamaican Creole, Nepali, Romanian, Serbo-Croatian, Yiddish, and Yoruba

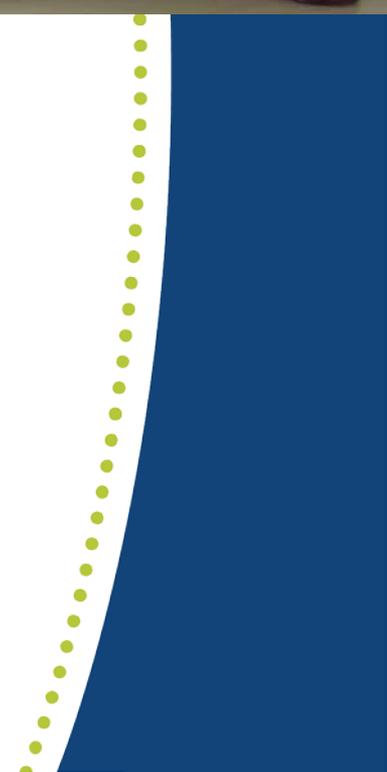


Written Translation

- “Vital” to an individual’s participation
 - Any documents that require a response from applicants, beneficiaries, and other participants
 - Applications
 - Other household materials (letter, instructions, notices, and verification materials)
- 



ORAL INTERPRETATION AND LANGUAGE ASSISTANCE





ORAL INTERPRETATION AND LANGUAGE ASSISTANCE

- Sharing language assistance materials and services among and between recipients

- Training bilingual staff to act as interpreters and translators

- Using telephonic and video conferencing interpretation services

- Centralizing interpreter and translator services to achieve economies of scale, and advocacy groups, and Federal grant agencies

- Formally using qualified community volunteers as interpreters



ORAL INTERPRETATION AND LANGUAGE ASSISTANCE

Certified Translator - A certified translation is the one that comes with a signed statement of the linguistic expert to attest to the quality of the work. It is considered the most accurate type of translation. It is the only type of translation that is accepted by the authorities.

Qualified Translator - is defined as a highly trained individual who is able to render text from a source language into a target language while preserving meaning and adhering to generally accepted translator ethics and principles, including confidentiality.



Who should provide oral interpretation and language assistance?

1

Demonstrate proficiency in and ability to communicate information accurately in both English and in the other.

2

Have knowledge in both languages of any specialized terms or concepts peculiar to the recipient's program or activity (i.e., school meals eligibility).

3

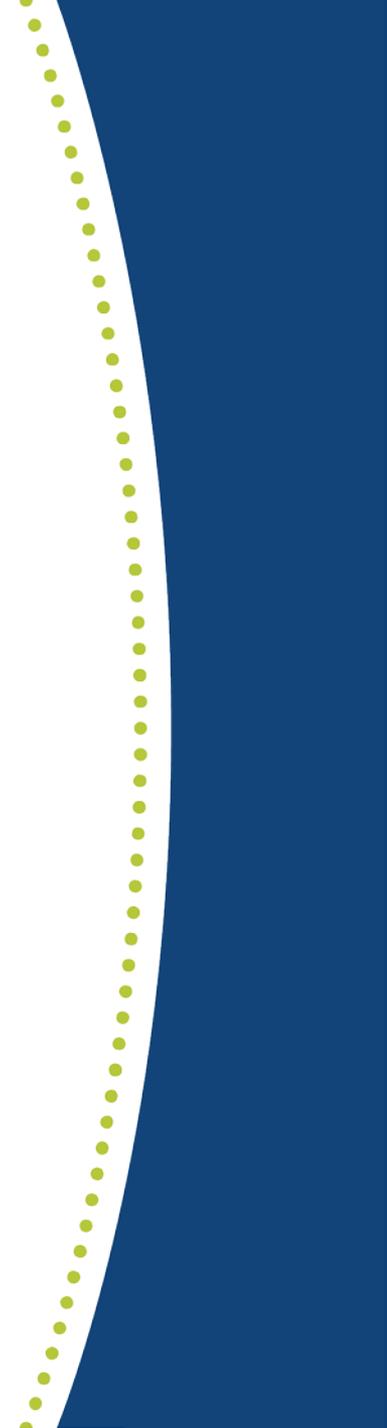
Understand and follow confidentiality and impartiality rules to the same extent as the recipient for whom they are interpreting.

4

Understand and adhere to their role as an interpreter, without deviating into a role as counselor, advisor, or other inappropriate roles.



Where to find certified translators and interpreters

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



LEP GUIDANCE



State agencies must conduct assessments to determine language profile for their state, taking into account regional differences and updating as appropriate.



Translation of vital documents is required.



Interpretation services are also required.



Staff training regarding how to provide LEP populations with meaningful access is paramount (frontline staff).



LANGUAGE SERVICES

Language services

- Applicants and participants cannot be asked to bring their own interpreters.
- Children should **not** be used as interpreters.
- Use qualified, competent language resources.

Examples of language services

- Qualified, competent bilingual staff
- Telephone interpreter lines
- Oral interpretation services
- Written language services
- Qualified, competent community organizations and volunteers



Resources

**Federal Limited English
Proficiency site**

<http://www.lep.gov>

**Meaningful Access for Persons
with Limited English Proficiency
(LEP) in the School Meal
Programs: Guidance and Q&As**

<https://www.fns.usda.gov/sites/default/files/cn/SP37-2016os.pdf>

DOJ LEP Mapping Tools

<http://www.lep.gov/maps/>



MODIFICATIONS TO ACCOMMODATE INDIVIDUALS WITH DISABILITIES IN SCHOOL MEAL PROGRAMS



**Division of Food,
Nutrition and Wellness**

**Florida Department of Agriculture and
Consumer Services**



MEAL MODIFICATIONS FOR STUDENTS WITH DISABILITIES

Agenda-

- Legal Framework/Civil Rights Authorities
- Disability definitions
- Reasonable modifications
- Program access and integration
- Meal Modification requests
- Implementation
- Compliance/Admin Reviews for regulations/processes
- Practice Scenarios
- Resources/web links/forms
- Questions



CIVIL RIGHTS AUTHORITIES

- Title VI of the Civil Rights Act of 1964
- **Civil Rights Restoration Act of 1987**
- **Section 504 of the Rehabilitation Act of 1973**
- **Americans with Disabilities Act of 1990**
- **ADA Amendments Act of 2008**
- Title IX of the Education Amendments of 1972
- Age Discrimination Act of 1975



CIVIL RIGHTS AUTHORITIES cont.

- **7 CFR 15, 15a, 15b & 15c**
- 28 CFR 35 Title II of the ADA
- 28 CFR 36 Title III of the ADA
- 28 CFR 41 Implements Executive Order 12250- DOJ Leadership & Coordination of Nondiscrimination Laws
- Executive Order 13166- Improving Access to Services for Persons with Limited English Proficiency (LEP)
- USDA Departmental Regulation 4330-2



CIVIL RIGHTS AUTHORITIES cont.

- FNS 113-1 Civil Rights and Compliance and (Appendix B (NSLP, SMP, SBP))
- SP59-2016 USDA FNS Policy Memorandum on Modifications to Accommodate Disabilities in the School Meal Programs
- SP26-2017 USDA FNS Accommodating Disabilities in the School Meal Programs: Guidance and Questions and Answers (Q&A)
- SP40-2017 USDA FNS Accommodating Children with Disabilities in the School Meal Programs: Guidance for School Food Service Professionals



ADA AMENDMENTS ACT OF 2008:

Disability:

- A person with a physical or mental impairment that substantially limits one or more major life activities
- A person who has a record of such an impairment
- A person who is regarded as having such an impairment



ADA AMENDMENTS ACT OF 2008:

- The term “substantially limits” requires a lower degree of functional limitation than the standard previously applied by the courts.
- The term “substantially limits” is to be construed broadly.
- Determination of impairment requires an individualized assessment
- Determination of impairment is made without regard to the ameliorative effects of mitigating measures
- An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active.
- The determination of disability should not require extensive analysis.



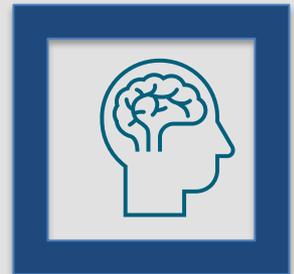
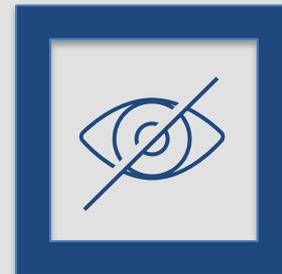
THE EXPANDED DEFINITION OF DISABILITY

- **Major Life Activities:**

Seeing, hearing, walking, speaking, learning, eating, breathing

- **Major Bodily Functions:**

Digestive, immune system, respiratory, circulatory, neurological/brain





**UNDER 7 CFR 15B.3
SCHOOLS MUST
MAKE
SUBSTITUTIONS FOR
STUDENTS WHO ARE
CONSIDERED TO
HAVE A DISABILITY
AND WHOSE
DISABILITY RESTRICTS
THEIR DIET.**

7 CFR 210.10 (M)





REASONABLE MODIFICATIONS



REASONABLE MODIFICATIONS



Determined on a case-by-case basis



Providing the modification is your goal, not determining if the individual has a disability



Modifications should be negotiated, the modification requested does not always have to be the modification provided



A change or alteration in policies, practices and procedures to accommodate a disability



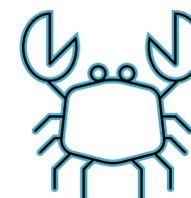
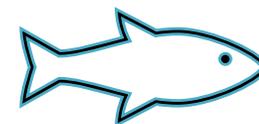
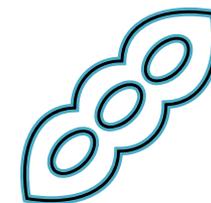
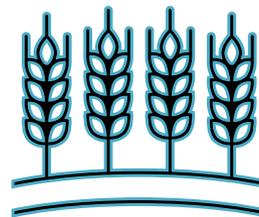
MODIFICATION PROVIDED:

- Should be related to the disability or limitations caused by the disability
- Does not have to be the modification requested
- Must (generally) be free of charge
- Should be implemented even when the person requesting the modification believes more should be done



FOOD ALLERGIES

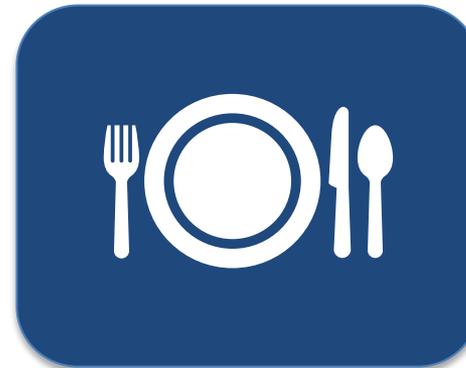
MANY FOOD
ALLERGIES FALL
UNDER THE
DEFINITION OF
DISABILITY



PROGRAM ACCESSIBILITY



**ENSURE ALL FOOD SERVICE
AREAS ARE ACCESSIBLE**



**PROVIDE AUXILIARY AIDES
AND SERVICES, SUCH AS:
ADAPTIVE FEEDING
EQUIPMENT OR STAFF TO
ASSIST WITH EATING**



INTEGRATED ENVIRONMENT

- SECTION 504 CONTAINS INTEGRATION CLAUSE
- APPLIES TO FOOD ALLERGIES
- BALANCE SAFETY VERSUS STIGMA





SECTION 504 COORDINATOR

- REQUIRED WHEN EMPLOYING 15 OR MORE INDIVIDUALS
- RESPONSIBLE FOR ADDRESSING ACCOMMODATION REQUESTS
- RESPONSIBLE FOR ENSURING COMPLIANCE WITH DISABILITY REQUIREMENTS



Medical Statement for Meal Modifications in School Nutrition Programs

This form applies to requests for meal modifications for children participating in the U.S. Department of Agriculture's (USDA) [school nutrition programs](#). School nutrition programs include the National School Lunch Program (NSLP), School Breakfast Program (SBP), After-school Snack Program (ASP), Seamless Summer Option (SSO) of the NSLP, Special Milk Program (SMP), and Fresh Fruit and Vegetable Program (FFVP). Schools and institutions are required to make reasonable meal modifications for children whose physical or mental impairment restricts their diet. For guidance on meal modifications and instructions for completing this form, see the Florida Department of Agriculture and Consumer Services' (FDACS) document, [Guidance and Instructions: Medical Statement for Meal Modifications in School Nutrition Programs](#).

Please Note: For submitted medical statements, the USDA requires the parent/guardian includes: 1) information about the child's physical or mental impairment that is sufficient to allow the school food authority (SFA) to understand how the physical or mental impairment restricts the child's diet; 2) detailed steps or an explanation of what must be done to accommodate the child's disability; and 3) if appropriate, the food or foods to be omitted and recommended alternatives. Schools and institutions should not deny or delay a requested meal modification because the medical statement does not provide sufficient information. When necessary, schools and institutions should work with the child's parent or guardian to obtain the required information.

Section A – Completed by parent or guardian

1. Name of child: _____ 2. Birth date: _____
3. Name of parent or guardian: _____
4. Phone number (with area code): _____ 5. E-mail address: _____
6. Address: _____ City: _____ State: _____ Zip: _____
7. In accordance with the provisions of the Health Insurance Portability and Accountability Act (HIPAA) of 1996 and the Family Educational Rights and Privacy Act (FERPA), I hereby authorize _____
printed name of child's recognized medical authority
to release such protected health information of my child as is necessary for the specific purpose of special diet information to _____
printed name of school district
and I consent to allow the recognized medical authority to freely exchange the information listed on this form and in my child's records with the school district as necessary. I understand that I may refuse to sign this authorization without impact on the eligibility of my request for a special diet for my child. I understand that I may rescind permission to release this information at any time, except when the information has already been released.
8. Signature of parent or guardian: _____ 9. Date: _____

Section B – Completed by child's recognized medical authority

This section must be completed by the child's physician, physician assistant, doctor of osteopathy, or advanced practice registered nurse (APRN). APRNs include nurse practitioners, clinical nurse specialists, and certified nurse anesthetists who are licensed as APRNs.

10. Physical or mental impairment: Does the child have a physical or mental impairment that restricts the child's diet?
 No Yes: Describe in detail how the child's physical or mental impairment restricts the child's diet.
11. Diet plan: Explain the diet/meal modification for the child. Attach a specific diet/meal plan, if needed.

MEDICAL STATEMENT FOR MEAL MODIFICATIONS MUST INCLUDE:

- ✓ The child's disability-DIAGNOSIS NOT REQUIRED
- ✓ The major life activity affected by the disability
- ✓ How the diet is modified
- ✓ Food texture requests and/or food(s) to be omitted/substituted



MEAL MODIFICATIONS FOR FOOD ALLERGIES

FOOD ALLERGY RELATED MEDICAL STATEMENT
MUST INCLUDE 3 ESSENTIAL COMPONENTS:

1. The food(s) to be avoided
2. Brief explanation of how exposure to the food(s) affects the student
3. Recommended food substitutions



IMPLEMENTATION



PROCEDURAL SAFEGUARDS

PROVIDE NOTICE OR INFORMATION OF THE:

- PROCESS FOR REQUESTING MODIFICATION
- DECISIONS REGARDING REQUESTS
- PROCEDURAL RIGHTS
- OPPORTUNITY TO EXAMINE THE RECORD
- PROCESSES TO FILE A GRIEVANCE
- ALLOWANCE TO REQUEST AN IMPARTIAL HEARING
- REVIEW OF PROCEDURES



SCHOOL FOOD SERVICE SCENARIOS



QUESTION:

A large number of children in an elementary school have a peanut allergy. Should the school go “peanut-free?”

?



QUESTION:

A large number of children in an elementary school have a peanut allergy. Should the school go “peanut-free?”

RESPONSE:

Universal exclusion of specific foods (or food groups) is not FNS policy but could be appropriate depending on local circumstances.

However, if a school chooses to enact a universal ban, the specific allergen must never be present in the school, as the family will assume the school is a safe place for their child based on the stated ban.



QUESTION:

A child with autism is very sensitive to food textures and will only eat foods with a smooth texture. Is the child's condition considered a disability, and if so, must the school food service make a modification for the child?

?



QUESTION:

A child with autism is very sensitive to food textures and will only eat foods with a smooth texture. Is the child's condition considered a disability, and if so, must the school food service make a modification for the child?

RESPONSE:

Yes. According to the ADA, any physical or mental impairment impacting the "major life activity" of eating is considered a disability.

Some children with autism have sensory sensitivities and prefer food of a certain texture or color.

They may require the same foods every day and need to maintain a regular routine.

If a child's autism impacts their ability to consume Program meals, the sponsor must provide a reasonable modification.



QUESTION:

The “regular” menu item for lunch at the local middle school is whole grain rich pasta with cheese and vegetable toppings. Must the school food service director prepare whole grain rich pasta with lactose-free cheese and vegetable toppings for a child with lactose intolerance?

?



QUESTION:

The “regular” menu item for lunch at the local middle school is whole grain rich pasta with cheese and vegetable toppings. Must the school food service director prepare whole grain rich pasta with lactose-free cheese and vegetable toppings for a child with lactose intolerance?

RESPONSE:

No. In a disability situation, the meal modification or meal item substituted does not need to mirror the menu item offered each day.

The sponsor’s responsibility is to serve the child a safe meal that accommodates their disability, not to mirror the Program meal served that day.

In the example used in this question, the sponsor would not be required to serve a whole grain rich pasta dish and could instead serve a different meal that meets the child’s modification request, such as a sandwich with whole grain rich bread.



STATE AGENCY REVIEW OF SPONSORS



SUPPLEMENTAL QUESTIONS- OFF-SITE/ON-SITE FOR MEAL MODIFICATION FOR STUDENTS WITH DISABILITIES

805. A-H

- A. Do you have any current ***Medical Statements for Meal Modifications in School Nutrition Programs*** requests on file?
- B. What are your written processes for a parent/guardian to request a ***Meal Modifications for Children with Disabilities?***
- C. Are the processes for requesting ***Meal Modifications for Children with Disabilities*** posted on your school web page, if applicable, in a language they can understand?
- D. Do you provide any staff training related to ***Meal Modifications for Children with Disabilities?***

SUPPLEMENTAL QUESTIONS- OFF-SITE/ON-SITE FOR MEAL MODIFICATION FOR STUDENTS WITH DISABILITIES

805. A-H cont.

- E. Do you have an appointed staff member to handle 504 plans/Medical Statements?
- F. Has the school received any information from a parent/guardian related to a student with an allergy? If yes, do you have a process in place to address allergen information?
- G. Do you have processes and training for staff in handling allergic reactions?
- H. Do you allow auto injectors of epinephrine on campus and have a staff member trained to administer auto injectors?

AREAS OF REVIEW- OFF-SITE/ON-SITE FOR MEAL MODIFICATION FOR STUDENTS WITH DISABILITIES

Off-Site Questions 800-Series

806. When was the SFA's most recent civil rights training for staff who interact with program applicants or participants (i.e., cafeteria staff, determining officials) and their supervisors? Who attended these trainings? What topics were covered by the training? Provide supporting documentation for the responses.

The SFA must provide documentation indicating that the civil rights training occurred and that required participants attended. **Documentation must** indicate that the following subjects were covered: Collection and Use of Data, Effective Public Notification Systems, Complaint Procedures, Compliance Review Techniques, Resolution of Noncompliance, **Requirements for Reasonable Accommodations of Persons with Disabilities**, Reasonable Modifications and auxiliary aids and services, Requirements for Language Assistance, Conflict Resolution, and Customer Service. For example, the SFA may provide a copy of the agenda for the relevant training and a corresponding sign-in sheet for individuals with limited English proficiency.

ADDITIONAL RESOURCES/GUIDANCE

- *Food Allergy Resources* (Institute of Child Nutrition):
<https://theicn.org/icn-resources-a-z/food-allergies-for-school-nutrition-directors/>
- *School Tools: Allergy & Asthma Resources for Families, Clinicians and School Nurses* (American Academy of Allergy, Asthma & Immunology):
<http://www.aaaai.org/conditions-and-treatments/school-tools>
- *Managing Food Allergies in Schools* (Centers for Disease Control):
<https://www.cdc.gov/healthyschools/foodallergies/index.htm>
- *Food Intolerance vs Food Allergy* (American Academy of Allergy, Asthma, & Immunology):
<https://www.aaaai.org/conditions-and-treatments/library/allergy-library/food-intolerance>
- *Food Problems: Is it an Allergy or Intolerance?* (Cleveland Clinic):
<https://my.clevelandclinic.org/health/diseases/10009-food-problems-is-it-an-allergy-or-intolerance>

ADDITIONAL RESOURCES/GUIDANCE

- [CICN Menu Strategies for Special Diets and Allergens](#)
- [SP 26-2017: Accommodating Disabilities in the School Meal Programs: Guidance and Questions and Answers \(Q&As\), April 25, 2017](#)
- [Voluntary Guidelines for Managing Food Allergies In Schools and Early Care and Education Programs \(cdc.gov\)](#)
- [Guidelines for Managing Allergies in Schools 12-2020 \(nationalpeanutboard.org\)](#)
- The FASTER Act – new legislation making sesame the 9th common allergen
[Food Allergy Safety, Treatment, Education, and Research Act of 2021 - Public Law 117-11](#)

QUESTIONS?

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/fi...>, 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 email: program.intake@usda.gov

This institution is an equal opportunity provider.