Food Service Facts

Table of Contents

5. Civil Rights Compliance

Civil Rights Laws....1
Requirements....1

Revised 1/2026

Food Service Facts

5. Civil Rights Compliance

Civil Rights Laws

Child Nutrition Programs have always been available to all children on an equal opportunity basis. In 1983 the U.S. Department of Justice issued civil rights compliance requirements for all federal agencies based on the following legislation:

- Title VI of the Civil Rights Act of 1964, which prohibits discrimination based on race, color, or national origin
- Title IX of the Education Amendments of 1972, which prohibits discrimination based on sex
- Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination based on disability
- Age Discrimination Act of 1975, which prohibits discrimination based on age

Requirements

Prior to participation in the USDA Child Nutrition Programs, a pre-award compliance review will be conducted by KSDE. As a result of the U.S. Justice Department's requirements, the U.S. Department of Agriculture (USDA) developed policy instructions for the Child Nutrition Programs (CNP). The USDA instructions require each local sponsor to take the following actions:

- Comply with all rules and regulations governing nondiscrimination in the administration of the CNP.
- Make CNP information available to the public upon request.
- Distribute the Announcement of Child Nutrition Programs (https://cnw.ksde.gov, KN-CLAIM, Checklist Tab) to major employers contemplating layoffs or to local media when there are major changes in programs.

- Ensure that all forms of communication and program materials regarding the CNP that are printed for public information, public education or public distribution include the following nondiscrimination statement and procedure for filing a complaint:

  In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, sex, disability, age, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA.

  Persons with disabilities who require alternative means of communication for program information (e.g. Braille, large print, audiotape, American Sign Language, etc.), should contact the Agency (State or local) where they applied for benefits. Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

  To file a program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, (AD-3027) found online at: http://www.ascr.usda.gov/complaint_filing_cust.html, and at any USDA office, or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by:

  (1) Mail: U.S. Department of Agriculture
  Office of the Assistant Secretary for Civil Rights
  1400 Independence Avenue, SW
  Washington, D.C. 20250-9410

  (2) Fax: (202) 690-7442; or

  (3) Email: program.intake@usda.gov.

  This institution is an equal opportunity provider.

- If the printed material is one page or less and there is not adequate space to permit the full statement to be included, the materials must include at a minimum the following statement, in print no smaller than the text:

  This institution is an equal opportunity provider.

- Display the USDA nondiscrimination poster in offices and at each serving site within view of the participants. The current poster features a green picture of the USDA Building in Washington, D.C. If additional or replacement copies are needed, please contact Child Nutrition & Wellness, KSDE at 785-296-2276.
- When a complaint of discrimination is received, immediately contact U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, by fax (202) 690-7442 or email at program.intake@usda.gov. Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339. Civil rights complaints may be made to federal, state, or local agencies. Any complaint received by KSDE will be forwarded to the USDA Mountain Plains Regional Office in Denver, Colorado.
- Provide the Civil Rights Complaint Form to any individual wishing to make a complaint of discrimination. If the complaint is made verbally or through a phone conversation, the person accepting the complaint should complete the form. Complaints may be written, verbal, or anonymous.

- Use of the Civil Rights Complaint Form cannot be required for acceptance of a complaint. However, it will assist the local agency, state agency, and USDA in determining the course of action to take.
- Civil rights complaints must not be handled internally by the sponsor. The completed Civil Rights Complaint Form and any corresponding documents should be forwarded immediately to USDA. USDA will resolve complaints following established methods and regulations.
- Civil rights complaints must be kept confidential. After forwarding information to USDA, the complaint documentation must be maintained and logged separately from other program complaints.
- Effective communication is key to good customer service and conflict resolution. When discussing concerns, listen to the person, ask open-ended questions, validate the person's concerns, and empower, empathize, and educate. While this can help prevent concerns, civil rights complaints cannot be handled internally by the sponsor – they must be sent to USDA.
- Convey the message of equal opportunity in all photos and graphics used to provide program information.
- Collect racial/ethnic data and record in the Kansas Individual Data System (KIDS) or on the Application for Child Nutrition Program Benefits as issued by KSDE. The application contains a section in which a household member or school personnel can note the racial/ethnic data for those students listed on the application. Data may be collected by any of the following methods:
    - Observation of school official, or
    - Personal knowledge.
    - Voluntary self-identification
- Maintain racial/ethnic data on file for five years after the close of the current school year. This data is used to determine how effectively programs are reaching potentially eligible individuals and beneficiaries.

Ethnic & Racial Classifications	
Ethnicity	H = *Hispanic or Latino*: A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race. The term "Spanish origin" can be used in addition to "Hispanic or Latino." N = *Not Hispanic or Latino*.
Race	W = W*hite*: A person having origins in any of the original peoples of Europe, the Middle East, or North Africa. B = *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.' I = *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. A = *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. P = *Native Hawaiian or Other Pacific Islander*: A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.

- Establish procedures that effectively restrict record access to only personnel authorized to access records.

- Provide information about program requirements and the procedure for filing a complaint in alternative formats for people with disabilities and in the appropriate language(s) for limited English proficiency (LEP) individuals. USDA translations in Spanish and many additional languages may be downloaded from: https://www.fns.usda.gov/cn/translated-applications. If using USDA's translations, also download their English version so the determining official can more readily interpret the information provided by applicants. Sponsors are responsible for providing interpreters when needed.

- On a case-by-case basis, a child with disabilities shall be provided modifications to the standard meals and snacks at no extra charge only when supported by a statement signed by a licensed healthcare professional that is authorized by Kansas state law to write medical prescriptions: licensed physician (MD or DO) or a physician's assistant (PA) or an Advanced Practice Registered Nurse (APRN) authorized by their responsible licensed physician. Registered Dietitians (RD) are also authorized to write medical statements for meal modifications. The supporting statement shall identify:
    - The child's disability and an indication of why the disability restricts the child's diet
    - The major life activity affected by the disability
    - The food or foods to be omitted from the child's diet and the food or foods that must be substituted

  Sponsors must make every effort to obtain food substitutions prescribed by the licensed healthcare professional. For further information concerning providing special diets for students with disabilities, refer to Chapter 19 of *Food Service Facts*.

- Train "front line staff" and their supervisors annually as required in the Civil Rights Act. These are employees who interact with program applicants or participants regarding program services and benefits. "Front Line Staff" would include school principals, food service directors, servers, school administrative assistants, determining officials, etc. At a minimum, these employees should review the information in this chapter of *Food Service Facts,* complete the online class *Civil Rights Compliance in Child Nutrition Programs* on the KSDE Training Portal at https://learning.ksde.org, or review A Quick Guide to Civil Rights Annual "Front Line Staff" Training each school year. Documentation of civil rights training from the prior program year must be uploaded in KN-CLAIM on the sponsor application as part of the renewal process.

- Cooperate with the civil rights compliance review conducted by Child Nutrition & Wellness, KSDE. This review will establish whether or not the sponsor has met all the obligations for administering the programs with equal access. The compliance review will be a part of the management evaluation process during Administrative Reviews (AR) conducted by the KSDE child nutrition consultant.

Separation by Gender Q&A

Question *Can students be separated by gender in seating areas and serving lines?*
Answer *No. Separation by gender is not allowed.*