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# Civil Rights

## School Nutrition Program

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2015

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If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, found online at [http://www.ascr.usda.gov/complaint\\_filing\\_cust.html](http://www.ascr.usda.gov/complaint_filing_cust.html), or at any USDA office, or call (866) 632-9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter to us by mail at U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, by fax (202) 690-7442 or email at [program.intake@usda.gov](mailto:program.intake@usda.gov).

Individuals who are deaf, hard of hearing, or have speech disabilities and wish to file either an EEO or program complaint please contact USDA through the Federal Relay Service at (800) 877-8339 or (800) 845-6136 (in Spanish).

Persons with disabilities who wish to file a program complaint, please see information above on how to contact us by mail directly or by email. If you require alternative means of communication for program information (e.g., Braille, large print, audiotape, etc.) please contact USDA's TARGET Center at (202) 720-2600 (voice and TDD).

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## **CIVIL RIGHTS POLICY STATEMENT**

The Tennessee Department of Education (TDOE) and local education agencies (LEAs) will comply with Title VI of the Civil Rights Act of 1964 (Title VI), Title IX of the Education Amendments of 1972 (Title IX), Section 504 of the Rehabilitation Act of 1973 (Section 504), the Age Discrimination Act, and all applicable civil rights legislation that prohibits discrimination on the basis of race, color, national origin, sex, disability, and/or age.

TDOE and LEAs will ensure equitable access to and participation in its projects or activities by addressing the special needs of students, teachers, and other program beneficiaries and by overcoming any type barriers to equitable participation in/for any projects/programs, including barriers/deficits with resources in regards to race, color, national origin, sex, disability, and age.

TDOE and LEAs will adopt and use proper methods of administering covered programs, including the enforcement of any obligations imposed by law, the correction of deficiencies in program operations as identified through the program audits, monitoring, and/or evaluation, and the adoption of written procedures for the receipt and resolution of complaints that allege violations of law in the administration of such programs.

### **TDOE OFFICE FOR CIVIL RIGHTS**

The TDOE Office for Civil Rights (TOCR) is charged with increasing overall awareness and understanding of TDOE's and LEA's responsibilities under civil rights laws and ensuring that TDOE and all public school districts comply with civil rights laws and policies. TOCR staff:

1. Develop the TDOE's Title VI and Title IX implementation plans and plan updates;
2. Provide overall direction to TDOE's Title VI and Title IX compliance activities, including professional development;
3. Review and resolve complaints and enforces civil rights laws in LEAs, whether complaints emerge from parents, students, the Tennessee Human Rights Commission, or the USDA;
4. Liaise with federal and other state personnel on Title VI and Title IX issues and concerns;
5. Provide information and guidance to help LEAs comply with applicable civil rights laws.

Elizabeth Taylor serves as the Staff Attorney and Director of Office for Civil Rights for the Tennessee Department of Education and may be contacted as follows: phone (615) 253-1550, fax: (615) 253-5567, or email: [Elizabeth.Taylor@tn.gov](mailto:Elizabeth.Taylor@tn.gov).

## NONDISCRIMINATION STATEMENT

The U.S. Department of Agriculture (USDA) issued a new nondiscrimination statement on May 24, 2013. All state agencies, local agencies, or other sub-recipients of USDA federal financial assistance are required to incorporate the USDA nondiscrimination statement into all materials and sources used to inform the public about Food and Nutrition Service's child nutrition programs. Please ensure that your LEA's nondiscrimination statement matches the following<sup>1</sup>:

The U.S. Department of Agriculture (USDA) prohibits discrimination against its customers, employees, and applicants for employment on the bases of race, color, national origin, age, disability, sex, gender identity, religion, reprisal and, where applicable, political beliefs, marital status, familial or parental status, sexual orientation, or if all or part of an individual's income is derived from any public assistance program, or protected genetic information in employment or in any program or activity conducted or funded by the Department. (Not all prohibited bases will apply to all programs and/or employment activities.)

If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, found online at [http://www.ascr.usda.gov/complaint\\_filing\\_cust.html](http://www.ascr.usda.gov/complaint_filing_cust.html), or at any USDA office, or call (866) 632-9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter to us by mail at U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, by fax (202) 690-7442 or email at [program.intake@usda.gov](mailto:program.intake@usda.gov).

Individuals who are deaf, hard of hearing, or have speech disabilities and wish to file either an EEO or program complaint please contact USDA through the Federal Relay Service at (800) 877-8339 or (800) 845-6136 (in Spanish).

Persons with disabilities, who wish to file a program complaint, please see information above on how to contact us by mail directly or by email. If you require alternative means of communication for program information (e.g., Braille, large print, audiotope, etc.) please contact USDA's TARGET Center at (202) 720-2600 (voice and TDD).

USDA is an equal opportunity provider and employer.

If material is too small to permit the use of the full statement, include the following statement in a font no smaller than the text size throughout the document itself:

"USDA is an equal opportunity provider and employer."

The LEA must also inform individuals on how to file a complaint of discrimination. An example is provided below:

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<sup>1</sup> Note that *printed* public notification materials that have the previous statement may be used until they are depleted. All newly printed forms and publications must include the May 2013 statement. Websites, online applications, and IT systems should be updated immediately. TDOE will share updates to the statements and "And Justice for All" posters as they are received from USDA.

If you feel you or another individual have been discriminated against and wish to file a civil rights complaint of discrimination, you may contact either TDOE or USDA.

To file a complaint with TDOE, you may contact Elizabeth Taylor, Staff Attorney and Director of Office for Civil Rights , at phone (615) 253-1550, fax: (615) 253-5567, or email: [Elizabeth.Taylor@tn.gov](mailto:Elizabeth.Taylor@tn.gov).

To file a complaint with the USDA, please complete the USDA Program Discrimination Complaint Form, which can be obtained at any USDA office, online at [http://www.ascr.usda.gov/complaint\\_filing\\_cust.html](http://www.ascr.usda.gov/complaint_filing_cust.html), or by calling (866) 632-9992 to request the form. You may also file a complaint by writing a letter containing all of the information requested in the form. Send your completed complaint form or letter to the USDA by mail (U.S. Department of Agriculture; Director, Office of Adjudication; 1400 Independence Avenue, S.W.; Washington, D.C. 20250-9410), by fax (202-690-7442) or by email ([program.intake@usda.gov](mailto: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; or (800) 845-6136 (in Spanish).

## PROCEDURES FOR CIVIL RIGHTS COMPLIANCE

To comply with USDA guidance,<sup>2</sup> TDOE disseminates, follows, and enforces the following compliance guidelines for all participating agencies and institutions within the Food and Nutrition Service (FNS) program.

1. TDOE will provide “And Justice For All” posters to all participating agencies and institutions.<sup>3</sup> The correct nondiscrimination statement is located on the sample Complaint Form.
2. TDOE will make available to all participating agencies and institutions a copy of TDOE’s Civil Rights Policy Statement.
3. TDOE will conduct ongoing civil rights compliance reviews of participating agencies and institutions.
4. TDOE will provide a news release annually to the public regarding program activities and requirements and benefits with the nondiscrimination statement in a prominent place in the release.
5. TDOE will provide civil rights training to all participating agencies and institutions.
6. TDOE utilizes the data collection procedures currently existing in TDOE and will use data to ensure fair and equitable administration.
7. TDOE’s School Nutrition Program will inform each participating agency and institution of the required complaint procedures necessary for compliance with USDA Guidance FNS 113-1<sup>4</sup>, which are as follows:
  - a. All agencies and institutions participating in the School Nutrition Program will develop a written complaint procedure for discrimination, disseminate this information to all food service staff, and make the complaint procedure available to all program recipients.
  - b. All agencies and institutions will record all verbal and written complaints of discrimination and forward those complaints to TDOE’s office for civil rights within one hundred eighty (180) days.
  - c. All agencies and institutions shall keep a record of all discrimination complaints, both written and verbal, for a period of three years plus the current year.

*LEAs must provide the following information to all employees and staff and document that employees and staff have received the information orally or in writing.*

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<sup>2</sup> “Civil Rights Compliance and Enforcement in the School Nutrition Program,” FNS Instruction 113-1, dated 11/08/2005, available at <http://www.fns.usda.gov/sites/default/files/113-1.pdf>.

<sup>3</sup> “And Justice for All” posters, which were last updated in December 1999, can be found online <<http://www.fns.usda.gov/cr/and-justice-all-posters>>. Click on 475C.pdf for the correct poster.

<sup>4</sup> “Civil Rights Compliance and Enforcement in the School Nutrition Program,” FNS Instruction 113-1, dated 11/08/2005.

## PROCEDURES FOR CIVIL RIGHTS COMPLIANCE

In compliance with USDA policy,<sup>5</sup> \_\_\_\_\_ School Nutrition Program ("our LEA")  
(Name of LEA)

will disseminate, abide by, and enforce the following guidelines:

1. Our LEA will provide "And Justice For All" posters to all participating schools. (Poster can be located at [www.fns.usda.gov/cr/justice.htm](http://www.fns.usda.gov/cr/justice.htm); click on 475C.pdf for the correct poster and the poster size must be 11"x17".)
2. Our LEA will make available to all participating schools a copy of the Civil Rights Policy Statement of the Tennessee Department of Education.
3. TDOE will provide a news release annually to the public regarding program activities, requirements and benefits, and a nondiscrimination statement to be placed in a prominent place in the release.
4. Our LEA's School Nutrition Program (SNP) will provide annual civil rights training to all individuals identified as front line staff, including those who take applications, make benefit decisions, or provide a meal.
5. Our LEA will utilize the data collection procedures currently existing in TDOE.
6. Our LEA's SNP will inform each participating school of the required civil rights complaint procedures necessary for compliance with FNS 113-1, which is:
  - a. Our LEA's SNP will develop a written complaint procedure for discrimination and will disseminate this information to all food service staff and make the complaint procedure available to all program recipients.
  - b. Our LEA's SNP will record all verbal and written complaints of discrimination and forward those complaints to TDOE by contacting Elizabeth Taylor, Staff Attorney and Director of Office for Civil Rights at phone (615) 253-1550, fax: (615) 253-5567, or email: [Elizabeth.Taylor@tn.gov](mailto:Elizabeth.Taylor@tn.gov).
7. Our LEA will provide access to language translation services.
8. Our LEA has designated the following individual in the LEA to receive complaints of discrimination:

Name \_\_\_\_\_

Address \_\_\_\_\_

Telephone Number \_\_\_\_\_

Email Address \_\_\_\_\_

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<sup>5</sup> "Civil Rights Compliance and Enforcement in the School Nutrition Program," FNS Instruction 113-1, dated 11/08/2005, available at <http://www.fns.usda.gov/sites/default/files/113-1.pdf>.

(Sample)

**CIVIL RIGHTS COMPLAINT FORM**  
School Nutrition Program

School (System)/Institution \_\_\_\_\_ Date of the Incident \_\_\_\_\_  
Name of person or persons accused of discrimination: \_\_\_\_\_

Complaint: Written: \_\_\_\_\_ (Attach copy) Verbal: \_\_\_\_\_

Complaint Filed by: Name \_\_\_\_\_ Date \_\_\_\_\_  
Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_  
Telephone \_\_\_\_\_ FAX \_\_\_\_\_ E-Mail \_\_\_\_\_

Nature of complaint (include location, date, time, circumstances surrounding the alleged incident, and description of what happened)

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Names/signatures of witnesses:

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\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Complaint received by: \_\_\_\_\_ State Notification Date \_\_\_\_\_

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