



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12234

Office for Prekindergarten through Grade 12 Education
School Operations and Management
Child Nutrition Program Administration
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www.nysed.gov/cn/cnms.htm

**To: District Superintendents
Superintendents of Public Schools
Chief Administrators of Non-Public Schools
Executive Directors of Residential Child Care Institutions
New York City Department of Education**

From: Paula Tyner-Doyle, Coordinator

Date: September 6, 2013

Subject: Child Nutrition Program Civil Rights Requirements

The United States Department of Agriculture (USDA), Food and Nutrition Services (FNS) is required to comply with the regulations of the United States Office of Civil Rights. Local Education Agencies (LEAs) that receive federal funds from USDA such as Child Nutrition Program lunch, breakfast, snack, or milk reimbursements must collect data specific to their operations regarding non-discrimination and civil rights. Most school districts and many non-public schools already collect this data as part of the No Child Left Behind Act. Therefore most schools, including all public school districts, no longer need to complete the Civil Rights Data Collection form that was required annually in the past because it is duplicative. The data collected must ensure that it includes all potential eligible participants by race and ethnic category, and that it is accessible for review with regard to participation in the child nutrition programs. The ethnic category data must identify/specify Hispanic or Latino and Not Hispanic or Latino. The categories for race must include American Indian or Alaskan Native, Asian, Black or African American, Native Hawaiian or Other Pacific Islander, and White. Since this information is collected on the Basic Educational Data System (BEDS) report that is submitted to the State Education Department each fall, it is not necessary to duplicate efforts with regard to data collection.

For those schools or facilities participating in the Child Nutrition Programs that do not collect this specific data in another department, the attached Civil Rights Compliance Report must be completed and kept on file in your district, school or residential childcare institution.

Regardless, Annual Civil Rights training must be provided by the LEA for all staff, including front line cafeteria staff who deal directly with program applicants and participants. A PowerPoint presentation is available on our website for your use in training staff. It is located under workshops/meetings/training. A record of the annual training provided, which include a sign-in sheet, the date, location, and who provided the training, must be kept for three years plus the current year as required for all program documents.

In addition, a non-discrimination poster (e.g., “Justice for All”) must be on display in all buildings where Child Nutrition Programs are in operation. Federal and State reviewers are required to observe the poster and check for Civil Rights data collection. All materials associated with the Child Nutrition Programs must include the correct non-discrimination statement as shown below:

“The U.S. Department of Agriculture prohibits discrimination against its customers, employees, and applicants for employment on the basis 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 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 basis 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 Form, found online at http://www.ascr.usda.gov/complaint_filing_cust.html, or at any USDA office, or call (866) 632-9992 to request a 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.

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 (Spanish).

USDA is an equal opportunity provider and employer.”

To obtain “Justice for All” posters, please send an e-mail to Jacquelyn Bolon at jbolon@mail.nysed.gov or call her at (518) 402-3620 or contact a child nutrition representative in your respective Child Nutrition Program office.