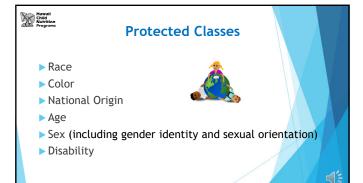
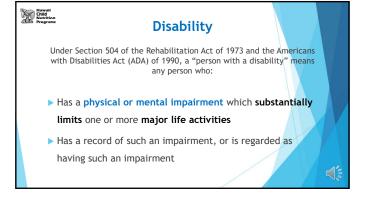


For more information, refer to FNS regulation 113-1, Appendix B, Part D https://www.fns.usda.gov/fns-instruction-113-1









USDA's Expanded Definition

- ▶ Traditionally Recognized Disability Categories:
 - ▶ Seeing, Hearing, Walking, Speaking, Learning, Reading, Eating,



- ► Major Bodily Activities:
 - Digestive, Immune, Respiratory, Circulatory, Neurological Systems





ADA Amendments Act of 2008



- Expanded and clarified the definition of Disability
- Did NOT change the expectation to provide a reasonable modification
- ▶ DID make clear the emphasis must be on providing the reasonable modification and not burdening the disabled person with 'proving' he or she has a disability





Expanded Definition of Disability for

Revises 'Substantially Limits':

- ▶ Need not prevent or severely prevent a major life activity
- ► Individualized Assessment
- ▶ Without regard to current disability status
- May include disability that is episodic or in remission





Types of Disability Discrimination

- ▶ **Denial** of benefits or services
- ▶ **Delay** in receiving benefits or services
- ▶ **Different** treatment that leads to a disadvantage
- ▶ Ineffective communication
- ▶ Failure to provide reasonable accommodation(s)
- ► Inaccessible facilities







Requirements for Reasonable **Accommodations**

'Reasonable Modification': a change or alteration in policies, practices, and/or procedures to accommodate a disability

- ▶ Duty to negotiate
- ► Case-by-case basis
- ▶ Accommodating is primary objective





Requirements for Reasonable Accommodations

- ► Handicap accessibility
- ► Meal modifications
- ► Accommodations/Modifications addressed in 504, Individual Education Plan (IEP)
- ▶ Accommodations need not be exactly as requested
- ▶ Provided free of charge
- ► Contact HCNP if further guidance needed



	Hawall Child Nutrition
63.20	Programi

Procedural Safeguards

- ➤ SFAs required to provide notice and information to parents and guardians regarding how to request a reasonable modification, including the right to:
 - ▶ File a grievance
 - ▶ Receive a prompt response
 - ► An impartial hearing
 - ▶ Be represented by counsel
 - ▶ Receive notice of final decision

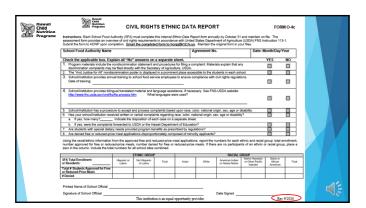


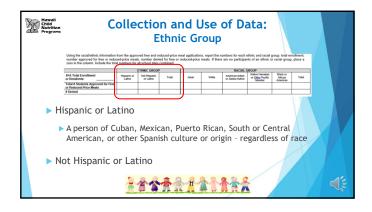
Hawaii Child Nutrition Programs

Collection and Use of Data

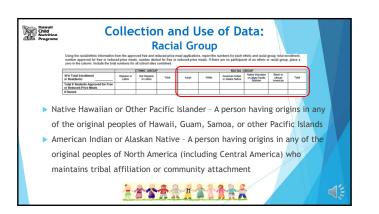
- ▶ Required to obtain data by ethnic and racial category
- ▶ Systems for collecting data may be program specific
- ▶ Annual reporting on ethnic and racial data
- ► Civil Rights Ethnic Data Report, Form 0-4c https://hcnp.hawaii.gov/wp-content/uploads/2024/09/9.2024-0-4C-Ethnic-Data-Report-1.doc
- ▶ Email the completed form to hcnp@k12.hi.us

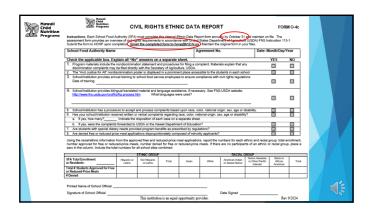


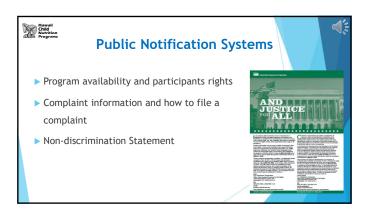


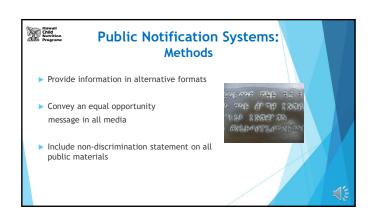


Hawaii Child Nutrition Programs	Collection and Use of Data: Racial Group Using the radiationic inferentiate for the agency late and redesigner man application, any of the number in the red collection of the agency late and redesigner man application, any of the number in the number of the collection and the red of the collection and the red of the collection and the number of the number of the collection and the red of the collection and the number of the collection and the number of the nu											
	zero in the column. Include the total	al numbers for	all school sites	combined.	_							
	SFA Total Enrollment	Hispanic or	Not Hispanic	Total	Asian	Vibite	American Indian	Native Havalian or Other Pacific	Black or African	Total	1	
	or Residents: Total # Students Approved for Free	Latino	or Latino	1002	Asian	Trials.	or Alaska Native	Islander	American	1008		
	or Reduced-Price Meals											Ν,
 Black or African American - a person having origins in any of the black racial groups of Africa White - a person having origins in any of the original peoples of Europe, the Middle East, or North America 												
Asian - a person having origins in any of the peoples of the Far East,												
	utheast Asia, c	•			_							J.000









Long Statement

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 retallation 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 alternative means of communication to obtain program information (e.g., Braille, large print, audiotape, American Sign Languages), should contact the responsible state or local agency that administers the program or USDAS TRACE/Center at (202) 720-2600 (voice and ITT) or contact USDA through the Federal Relay Service at (200) 277-237-237.

Complaint Form which can be obtained ordine at: Little Information American Service (1998) 279-297, or by writing a letter addressed to USDA. The letter must contain the complainant's mane, address, telephone number, and a written description of the alleged discriminatory action in sufficient detail to inform the Assistant Secretary for Civil Rights (ACSCR) about the nature and date of an alleged civil rights violation. The completed AD-3027 form or letter must be submitted to mail.

mail:
U.S. Department of Agriculture
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:

Nondiscrimination Statement Translations: https://www.fns.usda.gov/cr/fns-nondiscrimination-statement



Hawaii Child Nutrition Programs

Short Statement

This institution is an equal opportunity provider.

- ▶ Use other languages as needed
- Font size cannot be smaller than the text used in the program material
- ▶ Small items such as pens, buttons, etc. are exempt due to size





Nondiscrimination Statement Where must it be?

- ► Application Form(s)
- Notification of Eligibility
- Notice of Adverse Action Form
- ▶ Program Web Page (home page)
- ▶ Public Information, including program literature
- ▶ When in doubt, include the nondiscrimination statement



Complaint Procedure

- ▶ Right to File
 - Any person alleging discrimination based on a protected class has right to file a complaint within $180 \; days$ of the alleged action
- - All complaints must be forwarded to the State Agency within FIVE (5) DAYS
- ▶ Verbal
 - ▶ If verbal complaint received, person to whom allegations are made must write complaint, making attempt to collect specific information

HCNP Discrimination Complaint Form (Template):

https://hcnp.hawaii.gov/civil-rights-2/

Under 'Forms with Translations' section

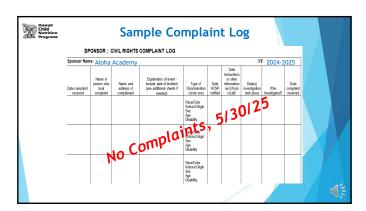


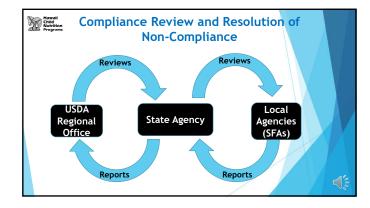
Sponsor Complaint Procedure, Log, & **Form**

- Sponsors must have a Civil Rights binder or file with required documents:
 - ▶ Written Civil Rights Complaint Procedure
 - ▶ Annually dated Civil Rights Complaint Log
- ▶ Copies of Civil Rights Complaint Forms
- ▶ Template Civil Rights forms are available on HCNP's website: https://hcnp.hawaii.gov/overview/nslp/ Under 'Civil Rights' section











Conflict Resolution

- All complaints alleging discrimination on basis of one or more protected class - Race, Age, Color, National Origin, Sex (including gender identity and sexual orientation), or Disability:
 - ▶ Forwarded to State Agency within 5 days
 - ▶ Processed by USDA within 90 days
 - Complainant has right to file within 180 days of alleged incident(s)





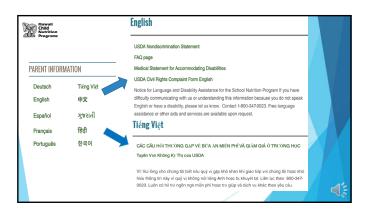
Requirements for Language Assistance for Limited English Proficiency (LEP) individuals

- LEP Limited ability to read, speak, write or understand English
- ▶ Meaningful Access to Language Services:
 - ► Reasonable
 - ► Timely
 - Appropriate
 - ► Competent
- ▶ Free of Charge





Hawaii Child Nutrition Programs	I Speak Statements	4/3
LLS.ESS Programs	☐ Unë flas shqip (Albanian)	☐ Ň a po Klão Win. (Kru)
	□ λማርኛ አናንራላው (Amharic)	🔲 ຂ້າພະເຈົ້າເວົ້າ ພາສາລາວ . (Lao)
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	🔲 Ես խոսում եմ հայերեն (Armenian)	🔲 म नेपाली बोल्क् (Nepali)
	🔲 আমি বাংলা ভাষী। (Bengali)	☐ Mówię po polsku. (Polish)
	☐ Ja govorim bosanski jezik (Bosnian)	☐ Eu falo Portugês. (Portuguese)
USDA "I Speak Statements"	ကျွန်တော် မြန်မာစကား ပြောသည်။ (Burmese)	🔲 ਇ ਸ੍ਪੇਆਕ ਪੰਜਾਬੀ (Punjabi)
	□ 我说中文 (Chinese Simplified)	 Cunosc limba Română. (Romanian)
Available on HCNP's website:	□ 我說中文 (Chinese Traditional)	Я говорю по-русски. (Russian)
	☐ Ja govorim hrvatski. (Croatian)	Ou te tautala faaSamoa. (Samoan)
https://hcnp.hawaii.gov/wp-	اینجانب به زبان فارسی محبت سی کنم	Govorim srpski. (Serbian)
content/uploads/2021/05/I-	(Farsi)	☐ Waxaan ku hadlaa Somali . (Somali)
speak-card.pdf	☐ Je parle français. (French)	☐ Yo hablo español . (Spanish)
	☐ Je parle le Français haïtien (French Creole)	أتحدث السودانية (لغوي سوداني) [Sudanese]
	Μιλάω ελληνικάι. (Greek)	 Marunong po akong magsalita ng Tagalog. (Tagalog)
	🗆 હું ગુજરાતી બોલુ છું (Gujarati)	ธัาทเจ้าพูด ภาษาไทย (Thai)
	Mwen pale Kreyòl. (Haitian Creole)	🗆 እን ትማርኛ ይዛረብ እየ. (Tigrinya)
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		(Ukrainian)
		(Urdu) میں اردو بولتا/ بولتی موں .
		Tôi nói tiếng Việt . (Vietnamese)
	□ 私は日本語を話します (Japanese)	יידיש רעד איר (Yiddish)









Hawall Child Nutrition Programs

SFA Checklist (continued)

- ▶ Maintain Civil Rights Complaint Binder, Log, forms
- Include non-discrimination statement on all printed materials related to school nutrition programs
- ▶ Keep all records for 3 years plus the current year (or longer, depending on your SFA's policy)



Hawaii Child Nutrition Programs



Civil Rights Quiz

Link to google Forms Quiz: https://forms.gle/HA6UejmXirdTpPfG6

CODE WORD: nondiscrimination



Hawall Child Nutrition Programs	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 relatiation 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, audiciape, American Sign Language), should contact the responsible state or local agency that administers the program or USDA's TARGET Center at (202), T20-2060, voice and TTT) 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.sussa.gov/stee/cefeat/files/foccement/USDA-OASCR20P-Complaint-Form-0508-0002-508-11-28-117-822-Bit_00f_ , from any USDA office, by calling (866) 632-9979, or by writing a letter addressed to USDA. The letter must contain the complainant's mane, 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 40-3027 from 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. (2020-9410, or	
	fax: (833) 256-1665 or (202) 690-7442; or	
	email: program.intake@usda.gov	