

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814
(916) 322-4134



August 31, 1979

ALL-COUNTY LETTER NO. 79-58

TO: ALL COUNTY WELFARE DIRECTORS
CIVIL RIGHTS COORDINATORS

SUBJECT: CIVIL RIGHTS REQUIREMENTS UNDER FOOD STAMP ACT OF 1977.

REFERENCE: MPP DIVISION 21

As you are aware, some significant changes have recently been implemented in the Food Stamp Program under the new Food and Nutrition Services (FNS) regulations implementing the Food Stamp Act of 1977. Included in the regulations are several new requirements pertaining to the Civil Rights Program, particularly in the area of bilingual services and discrimination complaints. A copy of the relevant sections of the regulations is attached.

The Civil Rights Bureau is in the process of revising Division 21 to incorporate requirements of the Food Stamp Act, to reflect other changes in the overall program, and to clarify some ambiguities. The proposed Division 21 changes will be distributed for review and discussed in public hearing as prescribed by the State regulation process.

Division 21, as it now stands, is basically in compliance with the new food stamp regulations. However, certain areas need to be clarified and/or explained to encompass requirements contained therein.

The purpose of this letter is to provide clarification of the Food Stamp Act's effect on the Civil Rights Program as presently administered in the counties.

Following are the civil rights requirements as stated in the new regulations, with an explanation of how they will be incorporated into Division 21 and implemented by the counties.

Discrimination Complaints (Section 272.7)

The FNS regulations state that individuals who believe they have been discriminated against may file a written complaint with either the local agency (county or state) or directly with the U.S. Department of Agriculture (USDA).

Currently, Division 21 extends the right to an individual to file a complaint with the local agency or directly with DHEW. The revision to Division 21 merely adds the USDA as an avenue of appeal, if the complaint involves food stamps.

The FNS regulations require that copies of reports of investigations of discrimination complaints be submitted directly to USDA. Division 21 requires the counties to submit such reports to the Civil Rights Bureau. The Civil Rights Bureau will be responsible for any investigation reports to be submitted to USDA.

Bilingual Services (Section 272.4(c))

The FNS regulations require that district offices serving 100 or more "single-language minority low-income households" have the capability to provide services in that language. Division 21 requires that bilingual services be provided in any situation where there is a need, regardless of the size of the non-English speaking population. In addition, Division 21 requires a proportionate number of bilingual employees in public contact positions in each district office when the number of non-English speaking caseload exceeds five percent. The current regulations meet or exceed the FNS requirements.

The FNS regulations require the provision of outreach and certification materials in languages other than English where the need is substantial. According to an agreement with FNS, they will provide the translation of federal forms and materials.

Division 21 encourages, but does not specifically require, the translation of forms or materials. However, under state law (Dymally-Alatorre), state-mandated forms and materials are available in Spanish. Thus, the only change involves the use of non-English food stamp forms and materials when appropriate.

Ethnic Origin Information (Section 272.6(f)(1) and 272.7(g))

The FNS regulations require that ethnic origin information on food stamp households be collected and reported to FNS. Each county is currently collecting and reporting ethnic origin/primary language information on the ABCD 350 and submitting the information to DSS semiannually. Since a copy of the ABCD 350 can be forwarded to FNS by the Civil Rights Bureau, there is no change anticipated in the current procedure.

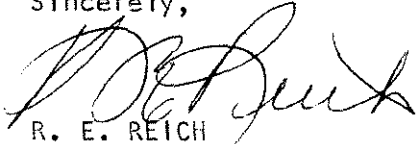
Public Information (Section 272.7(f))

The FNS regulations require agencies to provide written information, such as pamphlets and brochures, to applicants. This information shall contain the procedures for filing a discrimination complaint, the rights of the participant and the agency's nondiscrimination policies. Division 21.107 already requires the dissemination of information and places responsibility on the local agency to ensure that all applicants are provided with such information.

The FNS regulations add age and handicap to the ground of discrimination. Handicap has been incorporated into Division 21. Age will be added with the next revision; however, detailed instruction on what constitutes age discrimination has not been formalized at the federal level. Therefore, it will be treated in the same manner as the other civil rights jurisdictions.

In summary, although the above requirements should not have a significant impact on the current operation of the Civil Rights Program at the county level, it is important that all counties be aware of them. If you have any questions regarding the requirements, please notify the Civil Rights Bureau at (916) 322-4134.

Sincerely,



R. E. REICH
Deputy Director
Administration Division

Attach.

cc: CWDA
R. E. Mellinger