Civil Rights

Missouri
DEPARTMENT OF ELEMENTARY & SECONDARY
EDUCATION™

Purpose of Civil Rights Training

Objectives:

- To give participants a general overview of civil rights.
- To educate participants on their rights and responsibilities as overseers of child nutrition programs.
- To provide informational resources to participants.

Definitions

Civil Rights: "The nonpolitical rights of a citizen; the rights of personal liberty guaranteed to U.S. citizens by the 13th and 14th Amendments to the U.S. Constitution and by acts of Congress."

Discrimination: "The act of distinguishing one person from others, either intentionally, by neglect, or by the effect of actions or lack of actions based on their protected bases."

Civil Rights Legislation

- Civil Rights Act of 1964: Non-discrimination on the basis of race, color, or national origin.
- Title VI: Prevents discrimination in federally funded programs. Title VII: Prevents employment discrimination where the employer is involved in interstate commerce.
- Title IX: Non-discrimination on the basis of sex.
- The Americans with Disabilities Act of 1990: Non-discrimination on the basis of Disability/Handicap.
- Age Discrimination in Employment Act: Non-discrimination on the basis of age.

Protected Classes

- Race
- Color
- National Origin
- Sex
- Age
- Disability

USDA/ Food and Nutrition Services (FNS) Civil Rights Program

Cooperative Responsibility:

- **Ensure equal opportunity for participation in programs.**
- Administer programs so that they are accessible to every eligible participant regardless of their **race, color, national origin, sex, age, or disability**.

Common Issues

- How to serve children with disabilities
- Requirements for informing the public
- Appropriate speech
- Dealing with complaints

Children with Disabilities

- Definition: Disability

Definition of Disability: Under Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act (ADA), a “person with a disability” means “any person who has a physical or mental impairment which substantially limits one or more major life activity, has a record of such impairment, or is regarded as having such an impairment.”

Major life activities covered by this definition include caring for one’s self, eating, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, working and major bodily functions. The term “physical or mental impairment” includes, but is not limited to, such diseases, conditions, and functions as:

- Orthopedic, visual, speech and hearing impairments
- Cerebral Palsy, Epilepsy, Muscular Dystrophy and Multiple Sclerosis
- Digestive, bowel and bladder
- Neurological and brain
- Respiratory
- Cancer
- Cardiovascular, circulatory and heart
- Metabolic and endocrine
- Food anaphylaxis (severe food allergy)
- Mental retardation
- Emotional illness
- Drug addiction and alcoholism

Individuals who take mitigating measures to improve or control any of the conditions recognized as a disability are still considered to have a disability and require an accommodation.

Children with Disabilities

- *What is the school's responsibility to children with disabilities?*

  Substitutions must be made for children with disabilities to ensure their ability to access school meals. Exact accommodations needed must be certified in writing by a licensed physician.

- Reference:

  USDA's "Accommodating Children with Special Dietary Needs in Child Nutrition Programs."

  Available on Food and Nutrition Services, DESE Web site: http://dese.mo.gov/financial-admin-services/food-nutrition-services. Click on Civil Rights.

Informing the Public

Requirements:

1. The USDA's form AD-475C ("And Justice For All") must be posted at every food service/preparation site.
2. All information materials and sources, including Web sites used by Local Education Agencies (LEAs) to inform the public about Child Nutrition Programs, must contain a non-discrimination statement.
3. Provide information in other languages as needed by students.

Non-Discrimination Statement

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 (566) 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.

Non-Discrimination Statement Information

- The full Nondiscrimination Statement must be included on all print and non-print materials (including but not limited to audio, video, website, brochures, newsletters, by-laws, etc.).

- If the size of the material is too small to include the full statement, the material will at a minimum, include the following statement in the same size as the text:

"This institution is an equal opportunity provider."

Appropriate Speech

Speaking Protocol

~ How would you want to be addressed?

~ **Put the person first**

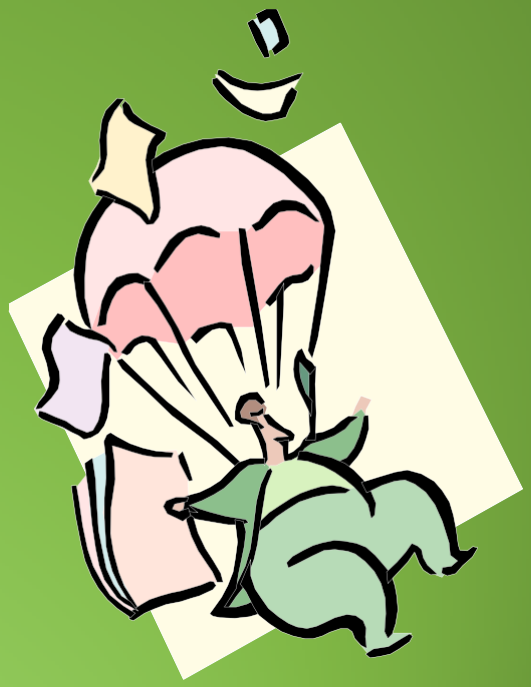
"A person with a disability"

~ **Use "politically correct" terms**

"Police Officer" not "Policeman"

~ **Speak in terms of a person's heritage, not color**

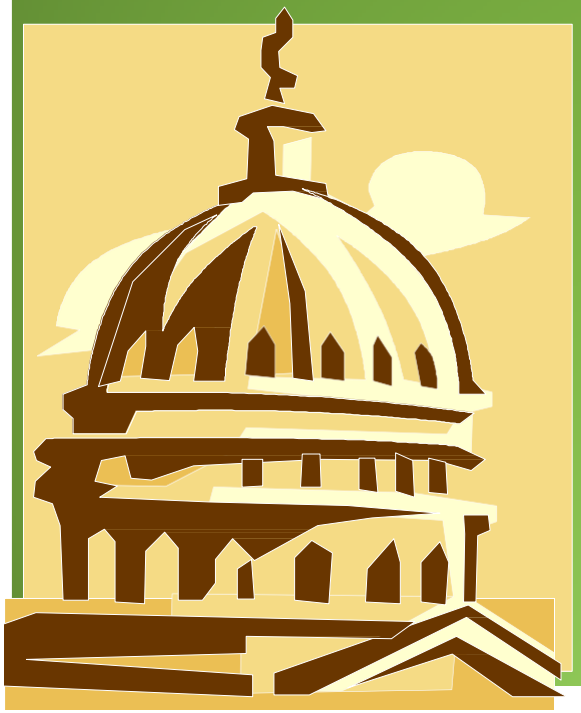
"African American" "Caucasian"



Complaints

Dealing with complaints:

- Listen politely
- Take corrective action
  - Get required information
  - Refer the person to the contact information on the "And Justice For All" poster
- 180 days to file a complaint
- Complaint form is available on FNS, DESE Web site. Click on Civil Rights.



Complaints

- USDA, Director, Office for Civil Rights, 1400 Independence Avenue, S.W., Washington

  D.C. 20250-9410, or call (800) 795-3272 (voice) or (202) 720-6382 (TTY)
- For public schools only, inquiries and complaints may also be directed to the Kansas City Office, Office of Civil Rights, U.S. Department of Education, 8930 Ward Parkway, Suite 2037, Kansas City, MO 64114; telephone: (816) 823-1404, TDD: (877) 521-2172

Reduce the Risk of Discrimination

Ask yourself each time you interact with participants:

- Am I treating this person in the same manner I treat others?
- Have I informed this person exactly what information I need to make a determination on the application?
- Have I given this person the opportunity to clarify all relevant factors or inconsistencies?
- Have I provided this person with information he or she needs to make necessary decisions?

Civil Rights Training

- State agencies are responsible for training LEAs on an **annual basis.**

LEAs are responsible for training their staff, including "frontline staff " and supervisors who deal with applicants or participants on an **annual basis**.

Civil Rights Training

- **USDA/FNS Civil Rights Instruction 113-1, Civil Rights Compliance and Enforcement – Nutrition Programs and Activities**
  - Conveys policy and provides guidance to ensure compliance with and enforcement of the prohibition against discrimination in all FNS nutrition programs and activities.
  - Available on Food and Nutrition Services, DESE Web site.

Civil Rights Training

Subject matter required, but not limited to:

- Collection and use of data
  - Self reporting of racial and ethnic data on free and reduced price meal application is optional.
  - If applicant declines self-identification, visual identification will be made if information is not available from other school sources.
  - The collection of this data is a tool to help make out any patterns that could identify possible discrimination.

Civil Rights Training

Subject matter required, but not limited to (continued):

- Effective public notification systems
- Complaint procedures
- Compliance review techniques
- Resolution of noncompliance
- Requirements for reasonable accommodation of persons with disabilities
- Requirement for language assistance
- Conflict resolution
- Customer service

Civil Rights Training

- Power Point presentation is available on Food and Nutrition Services, DESE Web site, under Civil Rights.
- Documentation of training is required
  - Date of training
  - Attendees

****NEW: Civil Rights Training Documentation Form must now be uploaded to DESE Web Applications**

Civil Rights Training Documentation

Local Education Agency_____

Agreement No._____**Date of Training** _____

Attendees Printed Name	Attendees Job Title

Did attendees' view Department of Elementary and Secondary Education, Food & Nutrition Services PowerPoint training presentation? ☐ Yes ☐ No

If No, what training was provided? _____

Upload to Application Packet under Checklist Summary. Previous year documentation must be provided at the beginning of the current school year.
Keep form on file with School Nutrition Records.

DESE Web Applications

Packet Assigned To: unassigned

Action	Form Name	Latest Version	Status
View | Modify | Admin	LEA Application	Original	Not Submitted
View | Modify | Admin	Community Eligibility Provision (CEP) Schedule		Submitted
Details	FSMC Contracts		
Details	Meal Pattern Compliance Dashboard		Pending
Details	Checklist Summary (1)		Not Submitted
Details	Application Packet Notes		
Details	Attachment List		

SNP Checklist Summary

Required Forms/Documents to send to State Agency		Document Submitted to State Agency	Date Submitted to State Agency	Document on File w/State Agency	Status	Status Date	Last Updated By
Prior School Year Annual Civil Rights Training Documentation/Attendees		☐		☐	Pending Approval	05/22/2014	aalbertsa

Action	Checklist Item	Comment	Attachment Date/Time
There are no attachments			

Save Cancel

Questions?

Resources For More Information

- Food and Nutrition Services, DESE (573) 573-751-3526
- http://dese.mo.gov/financial-admin-services/food-nutrition-services
  - Click on Civil Rights
- www.usda.com
  - Information on civil rights policy, including "And Justice for All" posters

Missouri
DEPARTMENT OF ELEMENTARY & SECONDARY
EDUCATION™