

CIVIL RIGHTS

Annual Training

Training Purpose

- USDA requires all Child Nutrition staff to attend civil rights training annually to prevent discrimination
- This training plays a key role in providing excellent customer service



Content Covered

- Civil Rights in Child Nutrition Programs Public Notification Systems
- Complaint Procedures
- Customer Service
- Conflict Resolution
- Ethnic and Race Data Collection
- Reasonable Accommodations
- Compliance During a Review
- Resolution of Noncompliance



Civil Rights Regulations in Child Nutrition Programs

- Civil Rights regulations direct sponsors on the proper procedures to follow so that benefits of Child Nutrition Programs are made available to all eligible persons in a non-discriminatory manner
- All sponsors receiving Federal \$\$ must implement Civil Rights requirements to be eligible for all Child Nutrition Programs
- Food and Nutrition Services (FNS) Instruction 113 is the federal regulation governing Civil Rights in the Child Nutrition Programs



What are Civil Rights?



Civil Rights are:

“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 the acts of Congress.”



Goals of Civil Rights

- ❑ Eliminate barriers to program benefits
- ❑ Provide equal treatment to all
- ❑ Explain rights and responsibilities
- ❑ Show respect and dignity to all



Civil Rights Laws



- Title VI – Civil Rights Act of 1964
 - Prohibits discrimination based on race, color, sex, and national origin – including persons with Limited English Proficiency
- Title IX of the Education Amendments of 1972
 - Prohibits discrimination based on sex under any education program or activity that is receiving federal financial assistance
- Section 504 of the Rehabilitation Act of 1973
 - Prohibits discrimination based on disability



Civil Rights Laws cont.



- Americans With Disabilities Act of 1990
 - Prohibits discrimination based on disability in all services, programs, and activities provided to the public by State and local governments, except public transportation services
- Age Discrimination Act of 1975
 - Prohibits discrimination based on age in programs or activities receiving Federal financial assistance
- Civil Rights Restoration Act of 1987
 - Prohibits discrimination based on race, color, and national origin



What is Discrimination?

- Discrimination is the act of distinction of one person or a group of persons from others; either intentionally, by neglect, or by actions or lack of actions based on their protected classes
- Protected classes:
 - Race
 - Color
 - National Origin
 - Sex
 - Age
 - Disability



Examples of Unlawful Discrimination

- Giving one group or type of participants larger or extra helpings of food while not providing the same to other groups or types of participants
 - Serving boys larger portions than girls
- Separating genders
 - Putting the girls separate from the boys



Examples of Unlawful Discrimination

- Failing to provide program information to all potential program participants
 - Not distributing program information in all language specific to the population of the service area such as Spanish

- Failing to provide children with special needs accommodating meals



Civil Rights Training

- All staff who work with Child Nutrition Programs must receive training on all aspects of civil rights compliance annually
- Specific subject matter:
 - Collection and use of data
 - Effective public notification systems
 - Compliant procedures
 - Compliance review techniques
 - Resolution of noncompliance
 - Requirements for reasonable accommodation of persons with disabilities
 - Requirements for language assistance
 - Conflict resolution
 - Customer service
- Retain training records, including the agenda and sign in sheet of the people who received civil rights training



Public Notification System

Program Availability

- Take specific action to inform applicants, participants, and potentially eligible persons of their program rights and responsibilities and the steps necessary for participation

Complaint Information

- Applicants and participants must be advised of their right to file a complaint, how to file a complaint, and the complaint procedures

Nondiscrimination Statement

- All information materials and sources, including websites, used to inform the public about FNS programs must contain a nondiscrimination statement



Methods of Public Notification



Inform of programs or changes in programs (eligibility, benefits, and services, the location of local facilities or service delivery points, and hours of service).

Can be communicated by methods such as internet, newspaper articles, radio and television announcements, letters, leaflets, brochures, computer applications, and bulletins.

Must include a non-discrimination statement



And Justice for All

Prominently Display the
“And Justice for All” USDA
nondiscrimination poster

- ✓ In each school
- ✓ In a location that is easily visible to the students and the public in the food service area
- ✓ Must be 11”x17” in size



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](http://www.ascr.usda.gov/complaint_filing_cust.html), (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 (866) 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. (3) email: program.intake@usda.gov.

This institution is an equal opportunity provider.



Non-discrimination Statement for Small Materials

If the material is too small to permit the full statement to be included, the material will, at a minimum, include the following statement in print size no smaller than the text:

“This institution is an equal opportunity provider.”



Non-Discrimination Statement

- Must be included in informational materials
- Convey the message of equal opportunity in all photographic and other graphics used to provide program or program-related information

○ Enrollment Forms	○ Menus	○ Employee handbooks	○ Newsletters
○ Brochures	○ Parent handbooks	○ Print or broadcast ads	○ Flyers
○ Websites	○ Public release	○ Computer-based applications	○ Bulletins

- Not required to be imprinted on small items where deemed impractical (cups, buttons, magnets, pens, etc.)



Complaints of Discrimination

- Allegation may be based on race, color, national origin, age, sex or disability
- Filed within 180 days; written or verbal
- SFAs must make an effort to obtain:
 - Name, address, and telephone number of the complainant
 - The nature of the incident or action
 - The basis on which the complainant believes discrimination exists
 - The names, telephone numbers, titles, and business or personal addresses of persons who may have knowledge of the action
 - The date(s) during which the alleged actions occurred
- Forward the complaint



Complaints of Discrimination

- Complaints of Discrimination should be directed to the USDA, Office of the Assistant Secretary for Civil Rights:
 - U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, S.W.,
Washington D.C. 20250-9410,
Fax: (202) 690-7442
Email: program.intake@usda.gov
- Once the above requirement is complete, complaints may also be directed to Kansas City Office of Civil Rights (public schools only):
 - Office for Civil Rights, Kansas City Office, U.S. Department of Education,
1010 Walnut Street, Suite 320
Kansas City, MO 64106
Telephone: (816) 268-0550
Fax: (816)268-0559
Email: OCR.KansasCity@ed.gov



LEA Complaint Procedure

LEAs must have a written complaint procedure. The procedure should outline:

- Accepting a Complaint
 - Verbally and in writing
- Transcribing a Complaint (complaint form can be used but cannot be a prerequisite to filing a complaint)
 - Collecting relevant information
- Forwarding a Complaint
 - Agency complaints are forwarded to the office of civil rights



Customer Service

- A school must provide equal access to all eligible participants regardless of race, color, national origin, sex, age, or disability
- All participants must be treated in the same manner
 - Each participant receives the same menu items in the same amounts
 - All participants are included in meals, snacks, activities, and discussions
 - Participants with special needs will have their needs addressed based on the severity of the need
 - Standards of behavior are not based on membership in a protected class



Conflict Resolution

- Skills can help staff provide good customer service and avoid potential civil rights complaints
- 5 goals:
 - Avoid the desire to blame
 - Improve the situation
 - Communicate your feelings directly
 - Improve relationships and increase communication
 - Avoid repeating the situation



Conflict Resolution Scenario

A group of high school students is unhappy about the menu served at school. They decide to write a letter to the editor of the local newspaper instead of speaking directly with the cafeteria manager. The cafeteria manager is unaware of the problem until she faces the angry principal with the newspaper in hand.

Principal position: Do something about this, I don't need bad publicity for my school! The principal schedules a meeting at 9:00am today with the unhappy students, the principal, and cafeteria manager.



Racial/Ethnic Data Collection

- SNP operators need to establish a system to collect racial and ethnic data
 - Data is used to determine how effectively your program is reaching potentially eligible children and where outreach may be needed
- Data must be collected on an annual basis
 - For schools, this data is typically collected at the time of student enrollment or by other student data systems
 - Free/Reduced Priced Applications, or make a visual identification of participants' categories
 - Records must be kept for 3 yrs. + current in secure manner



Ethnic Categories

- There are 2 Ethnic Categories. Choose 1:
 - Hispanic or Latino: persons of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture, or origin regardless of race
 - Not Hispanic or Latino



Racial Categories

- There are 5 Racial Categories. Option to Choose 1 or more
 - Black or African American
 - Asian
 - American Indian & Alaska Native
 - White
 - Native Hawaiian or other Pacific Islander



Reasonable Accommodations - Disability

- All LEAs participating in Child Nutrition Programs are required to provide food substitutions or modifications if:
 1. A statement signed by a medical authority is on file that describes the child's physical or mental impairment that is sufficient to allow the LEA to understand how it restricts the child's diet and...
 2. Explanation of what must be done to accommodate the child and the food or foods to be omitted and recommended alternatives if appropriate.

The Medical Statement must be kept on file
at the facility/school



Reasonable Accommodations – Limited English Proficiency (LEP)

Definition: Individuals who do not speak English as their primary language and have a limited ability to read, speak, write, or understand English.

- Upon request, make available to the public, participants, and potential participants information about program eligibility, benefits, services, and the procedures for filing a complaint, in English and/or in the appropriate translation to non-English speaking persons
- If needed, the use of alternative means of communication (Braille, large print, audiotape, etc.) are required



Civil Rights Compliance During an
Administrative Review

Review Questions and Documents

800. What is the non-discrimination statement used for appropriate Program materials (provide exact language)?

Use the most current non-discrimination statement:
<http://www.cde.state.co.us/nutrition/civilrights>

801. Provide a copy of the LEAs public release

802. Is there a need for services for LEP households? If so, what services does the LEA provide?

803. What is the LEAs procedure for receiving and processing complaints alleging discrimination within FNS Meal Programs? If procedures are written, provide a copy

Review Questions and Documents

804. Has the LEA received any written or verbal complaints alleging discrimination in FNS Programs in the current or prior school year?

805. What procedures are in place for accommodating students with special dietary needs?
 Ensure regulations are followed: <http://www.cde.state.co.us/nutrition/nutriSpecDietaryNeeds.htm>

806. When was the LEAs most recent civil rights training for staff who interact with program applicants or participants and their supervisors?

- Who attended these trainings? Provide a sign-in sheet.
- What topics were covered by the training? Provide the training agenda.

807. How does the SFA collect racial/ethnic data? How often is the data collected?

Examples of Noncompliance

- Denying an individual or household the opportunity to apply for FNS program benefits or services on the basis of a protected class
- Providing FNS program services or benefits in a dissimilar manner on the basis of a protected class (except as a disability accommodation)
- Selecting FNS program sites or facilities in a manner that denies an individual access to FNS program benefits, assistance, or services on the basis of a protected class



Resolution of Noncompliance

- If non-compliance is indicated, corrective action must be taken immediately to achieve voluntary compliance



Summary

- ✓ Prominently display the And Justice for All poster
- ✓ Non-discrimination statement must be on all printed materials available to the public which mention USDA and/or Child Nutrition meals and snacks
- ✓ Collect and maintain Racial/Ethnic Data annually
- ✓ Make reasonable accommodations for persons with disabilities
- ✓ Train staff annually on Civil Rights and document the training
- ✓ Develop & fully implement the sponsor's CR Complaint Procedure
- ✓ Make available to all staff Civil Rights complaint form



Resources

- <https://dese.mo.gov/financial-admin-services/food-nutrition-services/civil-rights>
- <http://www.fns.usda.gov/sites/default/files/113-1.pdf>
- <http://www.nfsmi.org/ResourceOverview.aspx?ID=67>

