Civil Rights Training Script

Slide 1 - Thank you for joining this training session on the Civil Rights requirements. This is a prerecorded webinar and can be stopped or paused at any point. To get started make sure your speakers are on and turned up. You will use the pause button located at the bottom left of the screen to pause the webinar and the stop button to start the webinar over. You can adjust the volume using the speaker key located next to the stop button. Next slide.

Slide 2 - The purpose of this training is to inform, educate, and train all staff involved with the Child Nutrition Programs on Civil Rights responsibilities and requirements. Most importantly, should you have any questions or concerns, please know that you can call the State office for assistance. We are here to help! Next slide.

Slide 3 - FNS Instruction 113-1 is the USDA policy and guidance for all Child Nutrition Programs to ensure compliance and enforcement of the prohibition against discrimination in all nutrition programs and activities. Next slide.

Slide 4 - Civil Rights policies and instructions can direct sponsors, which are schools/child care facilities/churches/camps, on the proper procedures to follow so that benefits of Child Nutrition Programs are made available to all eligible participants in a non-discriminatory manner.

Child Nutrition Program sponsors receive Federal monies, and all sponsors receiving Federal monies must implement the Civil Rights requirements to be in compliance and eligible for the program. Next slide.

Slide 5 – Civil Rights are the nonpolitical rights of a citizen; the rights of personal liberty guaranteed to US citizens by the 13th and 14th Amendments to the US Constitution and the acts of congress. Next slide.

Slide 6 – Sponsors must ensure that participants of the Child Nutrition Programs do not experience discrimination. Discrimination is the act of distinguishing one person or group of persons from others, either intentionally, by neglect, or by the effect or actions, or lack of actions based on their protected classes. The six protected classes that are specific to the Child Nutrition Programs are Race, Color, National Origin, Sex, Age, and Disability.

All participants must be treated in the same manner in regards to seating arrangements, services and facilities, and assignment of eating periods.

Examples of discrimination in a Child Nutrition program include:

- Students whose language is Spanish are required to sit at a “Spanish-speaking” table for meals
- Leftovers at the end of the meal service are only offered to the boys
- Selectively distributing outreach materials to certain households
- Requiring parents to provide infant formula and food for infants. In this last example, Infants must be offered infant formula and food at the child care facility/school, and parents cannot be asked or required to supply these items. To withhold the program from any eligible age group is *age* discrimination. Next slide.

Slide 7 –The And Justice for All Poster must be placed in an area where participants and potential participants have access to view the poster. This can include cafeterias, entrances to facilities, and main offices. Do not place the poster in the kitchen hidden away from participants and potential participants.

The “And Justice For All” poster contains Civil Rights complaint procedures. During a State review, the State Agency will make sure that the And Justice For All poster is posted in an area where participants and potential participants have access to view the poster. The poster may be obtained from Sarah Kenworthy by email at skenwothy@doe.in.gov or by phone at 317-232-0857.

It is a sponsor’s responsibility to informs parents or guardians, as well as, local minority and grassroots organizations about the availability of benefits and services and the requirements for eligibility and benefits.

- *For example: All parents should be made aware of free/reduced priced meal applications that ultimately could provide benefits to some families.*

OR

- *Sponsors could send out a parent letter for each enrolled child that explains any benefits available and the requirements for eligibility.* Next slide.

Slide 8 - The next two slides feature the new long and short nondiscrimination statements. The following statements are the approved statements that sponsors must include in all printed communication when referring to the Child Nutrition Programs. Featured in this slide is the long nondiscrimination statement that must be used on materials that are longer than one page front to back.

It is important to notice that in the first paragraph of the new long nondiscrimination statement, the protected classes have been extended. The new statement now includes 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 if 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 bases will apply to all programs and/or employment activities.)

Even though the new nondiscrimination statement consists of more protected classes, like mentioned in a couple slides back, the only ones that apply to Child Nutrition Programs are race, color, national origin, sex, age, and disability.

Child Nutrition Program sponsors still have to write the new nondiscrimination statement as is with its new extended protected classes, even though the six protected classes (race, color, national origin, sex, age, and disability) are the only ones that affect the sponsors. Next slide.

Slide 9 - If the material is less than one page front to back, sponsors may use the short statement, in print size no smaller than the text. Sponsors should not change the wording in the long or short statements. Example: Sponsors should not change the short non-discrimination statement to say “Apple School Corporation is an equal opportunity provider and employer.” It must say that, **USDA is an equal opportunity provider and employer**. Next slide.

Slide 10 – Keep in mind that the non-discrimination statement should be included in the following documents – menus, websites, all school nutrition correspondence to households, brochures, parent handbooks, print or broadcast ads, flyers, and enrollment forms. Anything that is advertised to the community, public, or parents, must contain the nondiscrimination statement. During a State agency review, the State will check all outreach materials to make sure the long or short non-discrimination statement has been included.

It is not required that the nondiscrimination statement be included on every page of the program information Website. At the minimum, the nondiscrimination statement, or a link to it, must be included on the home page of the program information.

A nondiscrimination statement is not required to be imprinted on items such as cups, buttons, magnets, and pens that identify the program, when the size or configuration makes it impractical. Next slide.

Slide 11 - Racial/Ethnic data is used to determine how effectively your program is reaching potentially eligible children and where outreach may be needed. Sponsors are required to collect racial and ethnic data annually and maintain the data on file for three years, plus the current year.

The State agency may require to see this information at any time. Additionally, the State will evaluate the racial and ethnic data during a State review. Next slide.

Slide 12 – All sponsors must collect and record Racial and Ethnic Data for all participants at all sites on an annual basis. An important point to make is that it is optional for households to provide you with racial and ethnic information, however, it is a requirement for sponsors to collect and maintain Racial and Ethnic data on an annual basis. (If this issue arises, it is acceptable for sponsors to visually identify the participant's race and ethnicity in order to place them in a certain category.)

Sponsors may collect and record racial and ethnic data through a variety of methods such as enrollment records, actual attendance, student data systems, visual identification by staff, or parents/guardians identifying this information.

Sponsors in the School Nutrition Programs (National School Lunch Program or Special Milk Program) typically collect this information either from enrollment records, actual attendance, or student data systems for each site/building. Food Service Contacts should be aware of who is collecting this information to make sure that racial and ethnic data is collected annually. Food Service Contacts may need to work with their technology department or administration. During a School Nutrition Programs review, the State agency will make sure that racial and ethnic data has been collected. Next slide.

Slide 13 – For the Child and Adult Care Food Program and Summer Food Service Program, sponsors are required to collect information annually on the forms featured in the next two slides. Sponsors can find these forms on the Civil Rights Requirement website.

For the Child and Adult Care Food Program, the form shown on the slide must be completed annually for each site/building. Sponsors will use the most current census data to fill out the top of the form by accessing the STATS Indiana website at www.stats.indiana.edu.

To fill out the bottom portion of the form, Child and Adult Care Food Program sponsors will use either visual identification or collect actual data through enrollment records, actual attendance, or data systems.

During a Child and Adult Care Food Program review, the State agency will make sure that this form has been filled out and kept on file. Next slide.

Slide 14 – For the Summer Food Service Program, sponsors must use the required form, shown on the slide, to record racial/ethnic data. Sponsors must use visual identification to fill out this form and the form must be completed annually for each site/building. During a Summer Food Service Program review, the State agency will make sure that this form has been filled out and kept on file. Sponsors can find this form on the Civil Rights Requirement website.

Also each program year in the CNPweb, where claims are filed, for Summer Food Service Program, sponsors will use the most current census data to fill out the site information sheet for the Racial/Ethnic data section by accessing the STATS Indiana website at www.stats.indiana.edu. Next slide.

Slide 15- Racial and Ethnic Data Collection is a two–step process. Step One – Ethnic information will be determined. For each participant, determine if they are Hispanic or Latino. Or Not Hispanic or Latino. Next slide.

Slide 16 - The second step is to determine one *or more* racial designations. Participants may be considered in one or more of these categories.

If you refer to pages 18 and 19 of the Food and Nutrition 113-1 Instruction on the Civil Rights Requirements website you will see a definition and descriptive listing of the cultural groups that may be included under each racial category listed on this slide. Next slide.

Slide 17 - Sponsors must make reasonable accommodations for persons with disabilities.

All sponsors participating in Child Nutrition Programs are *required* to provide FOOD SUBSTITUTIONS or MODIFICATIONS if:

1. A physician's statement is on file that describes the participant's disability (a disability as defined in federal regulations) that prevents the participant from eating the regularly offered foods, and…

2. The physician has indicated the substitutions or modifications that the participant needs.
The Special Diet Statement from the physician must be kept on file at the child care facility and/or school.

Milk intolerance is not considered a disability**.** This is considered a special dietary need but not a disability. Since the disability law does not apply, a school is not required to substitute.

Check out the USDA Special Dietary Needs Manual for further information or contact Beth Foland for specific questions on Special Dietary Needs at efoland@doe.in.gov or by phone at 317-232-0870. Next slide.

Slide 18 - Sponsors must have a method for assisting families who need help when inquiring about the Child Nutrition Programs services and who need assistance to fill out the meal applications to apply for program benefits. Examples of providing assistance include the availability of a staff member at your site who can interpret information for non-English speaking household members. Another example is to have foreign language meal applications available if needed. Providing assistance to complete the applications is also required. The interpreter does not need to be a food service staff employee but does need to keep the information that they become aware of confidential. Next slide.

Slide 19 - If and when a sponsor is faced with a civil rights complaint, there are steps that sponsors must take to be in compliance. Next slide.

Slide 20 - Civil rights violations are tied to the six protected classes listed on this slide. The six protected classes that are specific to the Child Nutrition Programs are once again Race, Color, National Origin, Sex, Age and Disability.

A person can allege that discrimination has occurred and file a discrimination complaint because they feel that they were denied benefits, OR they received delayed benefits, OR they received benefits in an unequal manner due to being a member of one or more of the protected classes listed in the slide. Next slide.

Slide 21- It is a basic right for a person to file a complaint, written or verbal, based on discrimination towards the 6 protected classes of race, color, national origin, sex, age, or disability; however, there is a time limit for filing the complaint. It is very important to document all conversations and information that might be important to a possible civil

rights complaint because the person who wishes to file a complaint may report as late as 6 months after the date of the alleged occurrence.

All civil rights complaints, written or verbal, received at the school/child care facility level shall be accepted and forwarded to the State Agency. It is necessary that the information provided be sufficient to determine the agency or individual towards which the complaint is directed and indicate the possibility of a violation. Anonymous complaints should be handled as any other complaints.

In the event a complainant makes the allegations verbally or through a telephone conversation and refuses or is not inclined to place such allegations in writing, the person to whom the allegations are made shall write up the basics of the complaint for the complainant. Every effort should be made to have the complainant provide sufficient information to assist in resolving the complaint. Next slide.

Slide 22 – Displayed on the slide are the steps to follow to assure that the complaint is received, recorded, and handled correctly.

1st – Civil Rights Complaint is received by the Sponsor, either verbal or written
2nd – The complaint must be documented in a complaint log. A standard template of a complaint log is located on the Civil Rights website. Sponsors must print off this complaint log and make sure other Child Nutrition Programs staff understands where the complaint log is located.
3rd – For written complaints, sponsor will give the complaint form to complainant and/or sponsor assists in completing the form. The complaint form is also located on the Civil Rights website. Sponsors should print off this complaint form and make sure other Child Nutrition Programs staff understands where the complaint form is located. For verbal complaints, the sponsor will document the information for the complainant. Verbal documentation requirements are described in the next slide.

Complainants may choose to directly contact the USDA with their complaint or can notify the sponsor of their complaint. If a complainant returns a written complaint or provides a verbal complaint, the sponsor must forward the complaint to the State Agency. Next slide.

Slide 23 –
If a sponsor is not using the complaint form to fill out a verbal complaint, this slide outlines the information that sponsors need to obtain for a verbal complaint.
*Name of person with the complaint and contact information
*Name of the facility/department where the alleged discrimination took place

*What happened?
*Which right from the protected classes was violated?
*Witnesses – including the names, titles, and business addresses of persons who may have knowledge of the discriminatory action
*Date the discriminatory action occurred Next slide.

Slide 24- There are Civil Rights training requirements that all sponsors must do annually to continue to be in compliance with the Child Nutrition Programs. Sponsors must develop & fully implement written civil rights complaint procedures. Next slide.

Slide 25 - All staff involved with the Child Nutrition Program functions must receive annual training on Civil Rights Requirements. One person from your organization needs to take the online quiz through Moodle and must train the rest of the staff involved with the Child Nutrition Programs.

This Civil Rights training with other Child Nutrition Programs staff should cover the following compliance topics as mentioned on this slide.

-What is Discrimination?
-Collecting/recording racial/ethnic data
-Where to display posters
-What is a Civil Rights complaint
-How to handle a Civil Rights complaint such as where staff can find complaint forms, logs, and complaint procedures
-Reasonable Accommodations
-Limited English Proficiency

The person that trains the rest of the staff must document and date those who received civil rights training and maintain it on file. During a State review, the State Agency will check that the sponsor has completed the Moodle quiz and training with the staff. The person training the rest of the staff can use the State agency's prerecorded webinar or PowerPoint presentation to help train others. Next slide.

Slide 26 – The next few slides will summarize the Civil Rights requirements Next slide.

Slide 27 – In summary, displayed on the next couple of slides, is some valuable information to take away from this webinar:

- ✓ 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 Program meals and snacks. Therefore menus, brochures, newsletters, flyers, ads, and websites must contain the non-discrimination statement.

- ✓ Collect and maintain Racial/Ethnic Data annually. School Nutrition Programs typically collect racial/ethnic data through enrollment forms, actual attendance, and data systems. Child and Adult Care Food Program sponsors must fill out and complete annually the form provided on the Civil Rights website. Summer Food Service Program sponsors must fill out the form available on the Civil Rights website and update the site information sheet in the CNPweb each year.
- ✓ Make reasonable accommodations for persons with disabilities**.** Next slide.

Slide 28 –

- ✓ Require one person to take the online Civil Rights Moodle quiz annually and require that person to train staff annually on Civil Rights. Document the date and attendees at the training
- ✓ Develop & fully implement sponsor's Civil Rights Complaint written Procedures.
- ✓ Print off the complaint form and log from the Civil Rights website and make available to all Child Nutrition Programs staff. Next slide.

Slide 29 – For questions or concerns, please contact Maggie Stephon. Maggie can be reached by email at mstephon@doe.in.gov, by phone at 317-232-2130 or also you can call toll-free at 1-800-537-1142 ext. 22130.

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SCN website: www.doe.in.gov/food Next slide.

Slide 30 – Thank you for listening to the civil rights requirements webinar. Remember to complete the civil rights quiz located under Step 3 on the Moodle Civil Rights webpage. The designated person that takes the quiz should then train the remaining staff. There is no certificate available after you complete the online quiz, therefore just print your results at the end and keep it on file for when the state agency comes to review your site.