



**Civil Rights
Compliance in**

Child Nutrition Programs

This institution is an equal opportunity provider

The purpose of this training is to inform, educate, and support all staff on:

- Rights and responsibilities as administrators of a Child Nutrition Program;
- General USDA Civil Rights requirements; and
- Resources and information available to assist staff in carrying out their Civil Rights responsibilities



Sponsors receiving USDA funds must follow civil rights regulations and policy:

- ④ Food and Nutrition Service (FNS) 113 regulations cover these programs:
 - National School Lunch, Breakfast and Special Milk Programs
 - Summer Food Program
 - Food Distribution Program
 - Child Care Food Program

Civil Rights TRAINING -CN Programs

FNS Instruction 113-1 is the USDA policy and guidance for all CNP programs to ensure compliance with and enforcement of the prohibition against discrimination in all nutrition programs and activities, whether federally funded in whole or not.



Purpose for Civil Right Regulations

- ⦿ 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.

Civil Rights TRAINING -CN Programs

Civil Rights Requirements direct sponsors on the proper procedures to follow so that benefits of Child Nutrition Programs are made available to all eligible participants in an non-discriminatory manner.

All sponsors receiving Federal monies must implement the Civil Rights Requirements to be eligible for the program.



What are 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 the acts of Congress.”



What is Discrimination?

The act of distinguishing one person or group of persons from others, either intentionally, by neglect, or by the effect of actions, or lack of actions based on their protected classes.

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All participants must be treated in the same manner (i.e. seating arrangements, services and facilities, assignment of eating periods).

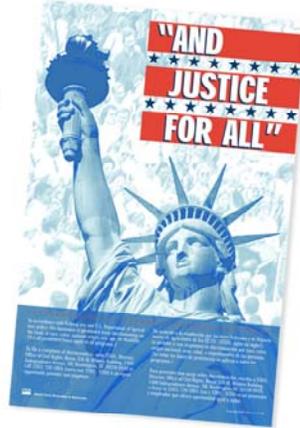
Examples of discrimination in a CN program:

- 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
- Requiring parents to provide infant formula and food for infants



Public Notification

- ⦿ All sites must display the "And Justice For All", nondiscrimination poster, in a public place.
- ⦿ Provide informational materials in the appropriate translation as needed.
- ⦿ Inform 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.
 - *Examples: free/reduce priced meal applications or*
 - *Parent letter for each enrolled child*



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The And Justice for All Poster must be placed in a public area where participants and potential participants have ready access. Example: all cafeterias, entrance to facilities, or main offices

The "And Justice For All" poster contains Civil Rights complaint procedures.

The poster can be obtained from Angela Barnes at abarnes@doe.in.gov.



Nondiscrimination Statement

Full Statement

"In accordance with Federal Law and U.S. Department of Agriculture policy, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, or disability.

To file a complaint of discrimination, write USDA, Director, Office of Adjudication, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410 or call toll free (866) 632-9992 (Voice). Individuals who are hearing impaired or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339; or (800) 845-6136 (Spanish). USDA is an equal opportunity provider and employer."

Minimum Statement

Sponsors may use the short non-discrimination statement on documents mentioning USDA if the document is 1 page or less in length.

"This institution is an equal opportunity provider"

The following statement is appropriate for all areas of compliance regarding civil rights. Sponsors need to include this statement in all printed communication when referring to the provision of Child Nutrition Programs.

If the material is less than a page, the minimum statement may be used, in print size no smaller than the text.



Non-Discrimination Statement

- ⦿ The non-discrimination statement must be included in informational materials such as enrollment forms, menus, employee handbooks, newsletters, brochures, parent handbooks, print or broadcast ads, flyers, and websites.
- ⦿ 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.

Also...

- ⦿ When using graphics, reflect diversity and inclusion.

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



Racial/Ethnic Data Collection

- ⦿ Sites need to establish a system to collect racial and ethnic data.
 - Self-identification preferred
 - Staff can make an observation of ethnicity and race then record
- ⦿ Data must be collected on an annual basis.
- ⦿ This data must be kept for three years plus the current year in a secure and confidential manner.

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Racial/Ethnic data is used to determine how effectively your program is reaching potentially eligible children and where outreach may be needed.

Sponsors are to collect racial and ethnic data annually and maintain the data on file for three years, plus the current year.

IDOE may require to see this information at any time. Additionally, IDOE will review the racial and ethnic data during administrative reviews.



Collection of Racial and Ethnic Data



- ⦿ Sponsor collects data from Free/Reduced Priced Applications, or staff may make a visual identification of participants' category.
- ⦿ For **schools**, this data is typically collected at the time of student enrollment or by other student data systems.
- ⦿ Sponsors who don't have a student data system must complete the Racial/Ethnic Data Summary form. The form is on the Civil Rights Requirement website.

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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.

Racial and Ethnic Data Collection is a two-step process. Separate categories will be used when collecting and reporting Race and Ethnicity of participants. You may collect this information either from enrollment records, actual attendance, Free/Reduced Priced Meal Application, or student data system.

Racial Ethnic Annual Data Collection Form

CACFP Sponsors

SFSP Sponsors

CIVIL RIGHTS DATA COLLECTION AND COMPARISON
 (This form compares racial/ethnic data of participants to the racial/ethnic data of the service area.)

SERVICE AREA DESCRIBED BY RACIAL/ETHNIC CATEGORIES (Census data is available at <http://www.cen.usda.gov>)
 The service area is: _____ (name of county or city)

Using the most current Census Data information, document the percentage for each racial/ethnic category for the service area (separately) as follows:

Ethnicity	Ethnicity	Race	Race	Race	Race	Race	Race	Race
Hispanic or Latino	Not Hispanic or Latino	Black or African American	White	American Indian or Alaska Native	Asian	Native Hawaiian or Other Pacific Islander	Persons reporting 2 or more races	
%	%	%	%	%	%	%	%	%

CURRENT YEAR ENROLLMENT DESCRIBED BY RACIAL/ETHNIC CATEGORIES (This must be recorded annually.)
 Ethnic and racial characteristics must be recorded separately. In the first two columns, record ethnicity (i.e. if the participants are "Hispanic or Latino" or "Not"). In the other columns, record the racial category of all participants. Calculate the percentage for each column by taking the total number of children in that category and dividing the number by "Total Enrollment". Note: The first two columns (ethnicity) should equal the "Total Enrollment" and the percentages should add to 100%. The remaining six columns (race) should also equal the "Total Enrollment" and the percentages should add to 100%.

	Ethnicity	Ethnicity	Race		Race		Race		Race		Race	
			Hispanic or Latino	Not Hispanic or Latino	Black or African American	White	American Indian or Alaska Native	Asian	Native Hawaiian or Other Pacific Islander	Persons reporting 2 or more races		
2011	Total Enrollment	%	Number	%	Number	%	Number	%	Number	%	Number	%

Indiana Department of Education
 SUPPORTING STUDENT SUCCESS

SFSP RACIAL/ETHNIC DATA FORM

Sponsor Name: _____ Agreement No. _____
 Site: _____ Site No. _____
 Address: _____
 Site supervisor: _____

Racial and Ethnic Categories	Number of Participating Children
Hispanic or Latino. A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race. The term "Spanish origin" can be used in addition to "Hispanic or Latino."	
Not Hispanic or Latino	
American Indian or Alaska Native. American Indian or Alaska Native. A person having origins in any of the original peoples of North and South America, including Central America, and who maintains tribal affiliation or community attachment.	
Asian. A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent, including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippines Islands, Thailand, and Vietnam.	
Black or African American. A person having origins in any of the Black	

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Sponsors are required to collect information annually on the above form these forms can found on the Civil Rights Requirement website.

Record number of potentially eligible beneficiaries by the USDA racial-ethnic categories for the area served by each institution. Use the most current census data.

Collect actual participant data by racial-ethnic data for each site. Visual identification may be used to determine a participant's racial-ethnic category or parents/guardians may be asked to identify this information.



2 Ethnic Categories

- **Hispanic or Latino** are persons of Cuban, Mexican, Puerto Rican, South, or Central American, or other Spanish culture, or origin regardless of race.
- **Not Hispanic or Latino**



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Step One – Ethnic information will be determined. For each participant, determine if they are Hispanic or Latino. Or Not Hispanic or Latino.

5 Racial Categories

- Black or African American
- Asian
- American Indian & Alaska Native
- White
- Native Hawaiian or Other Pacific Islander

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

Racial and Ethnic data may be collected on the Free and Reduced-Priced Meal Application or can be collected using a visual identification method. When using visual method, review the category definitions and make the determination to the best of your ability.

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.



Reasonable Accommodations

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.

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If the participant is not disabled, the sponsor may make food substitutions at their discretion.



Reasonable Accommodations cont.

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.
- ⦿ All organizations receiving Federal financial assistance have a responsibility to take "reasonable steps" to ensure meaningful access to their programs and activities by persons with LEP.

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Sponsors must have a method for assisting families who need help when inquiring about available 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.



Equal Access

- ⦿ All children who attend a child care facility and/or school must be provided equal access to the benefits of Child Nutrition Programs. Therefore, 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.

Managing Civil Rights Complaints



If and when your center/school is faced with a civil rights complaint there are some procedures to keep in mind to be in compliance with the regulations.



Civil Rights Complaints

Can Be Either Written or Verbal

Discrimination has to occur in violation of one of the protected classes →→→→→→→→→→

Protected Classes

- Race
- Color
- National origin
- Sex
- Age
- Disability

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Civil rights violations are tied to the six protected classes listed on this slide. The protected classes that are specific to Child Nutrition Programs are 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 a disparate manner due to being a member of one or more of the protected classes listed above.



Procedures for Filing a Civil Rights Complaint

1. Right To File A Complaint

Any person alleging discrimination based on race, color, national origin, sex, age, or disability has a right to file a complaint within 180 days of the date of the alleged discriminatory action.

2. Acceptance

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

3. Verbal 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 elements of the complaint for the complainant. Every effort should be made to have the complainant provide sufficient information to assist in resolving the complaint.

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It is a basic right for a person to file a complaint; however, there is a time limit for filing the complaint. It is very important to document all conversations and information that might be pertinent 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.



Components of Verbal Complaints

- Contact information for the complainant.
- **The specific location and name of the entity delivering the service or benefit.**
- The nature of the incident or action that led the complainant to feel that discrimination was a factor.
- **The basis on which the complainant feels discrimination exists (race, color, national origin, sex, age, or disability).**
- The names, titles, and business addresses of persons who may have knowledge of the discriminatory action.
- **The date(s) during which the alleged discriminatory actions occurred or, if continuing, the duration of such actions.**

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This slide outlines important information that you need to obtain for a verbal complaint.

*Name of person with complaint and contact information

*Name of the facility/department where the alleged discrimination took place

*What happened

*Which right was violated

*Witnesses

*Date the discriminatory action occurred



Civil Rights Complaint Procedure

Complainants may choose to directly contact the USDA with their complaint, or they may notify the sponsor of their complaint. If a complainant returns a complaint form or provides a verbal complaint, the sponsor must forward the complaint to the State Agency within three working days.

CR Complaint received by Sponsor
(Verbal or Written)



CR Complaint documented
in CR Complaint Log



Sponsor gives Complainant CR Complaint Form
and/or Sponsor assists in completing form

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These are the steps to follow to assure that the complaint is received, recorded and handled correctly.

Civil Rights Training





Civil Rights Training

All staff who work with Child Nutrition Programs must receive training on all aspects of civil rights compliance **annually**.

- Topics:
- 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?
 - Reasonable Accommodations
 - Limited English Proficiency

Retain training records of the people who received civil rights training.

Civil Rights TRAINING -CN Programs

All staff involved with Child Nutrition Program functions must receive **annual training** on Civil Rights Requirements.

This Civil Rights training will cover the following compliance areas mentioned on this slide.



Civil Rights Training

- Develop & fully implement sponsor's civil rights complaint procedure.
- Explain to all staff what to do if they receive a complaint.
- Make available to all staff civil rights complaint forms, logs, and complaint procedures.
- Explain to all staff that it is the basic right of the individual to file a complaint.

Summary of Civil Rights Requirements





Summary: Civil Rights “Must Do List”

- ✓ 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.
- ✓ Must offer meals to all students in the school and/or child care facilities.
- ✓ Offer any Child Nutrition Programs in a Non-Discriminatory Manner.



Summary: Civil Rights “Must Do List”

- ✓ Train staff annually on Civil Rights and complete the training form .
- ✓ Develop & fully implement sponsor’s CR Complaint Procedure.
- ✓ Make available to all staff CR complaint forms, CR Log, and CR complaint procedure.



Contact Information

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