CIVIL RIGHTS COMPLIANCE

Child Nutrition Programs

Sponsors receiving USDA funds must follow Civil Rights regulations and policy:

Food and Nutrition Service (FNS) 113-1 regulations cover these programs:

- National School Breakfast, Lunch & Special Milk Programs
- Summer Food Service Program
- Food Distribution Program
- Child and Adult Care Food Program

Purpose for Civil Right Regulations

- Civil Rights Regulations direct sponsors on the proper procedures to follow so that benefits of the 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?

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

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.

Public Notification

Inform potentially eligible persons, applicants, participants, and grassroots organizations of the availability of the Child Nutrition Programs

All sponsors & their sites MUST display the "And Justice For All" non-discrimination poster in a prominent place, except in family day care homes.

-To order, contact Maggie Schabel with the sponsor name, mailing address, and number of posters needed.

Include the non-discrimination statement on all informational material and websites that describe the Child Nutrition Programs

Non-discrimination Statement

- All publications that mention USDA Child Nutrition Programs must include one of the following nondiscrimination statements depending upon the length of the document…

- **Do not change the wording** on the long or short non-discrimination statements.

Long Non-discrimination Statement

The U.S Department of Agriculture prohibits discrimination against its customers, employees, and applicants for employment on the bases of 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 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.)

If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, found online at http://www.ascr.usda.gov/complaint_filing_cust.html, or at any USDA office, or call (866) 632-9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter to us by mail at U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, by fax (202) 690-7442 or email at program.intake@usda.gov.

Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339; or (800) 845-6136 (Spanish).

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Short Non-discrimination Statement

Federal regulations allow use of a shorter non-discrimination statement on program material less than one page in length; i.e. brochures, coupons, electronic benefit cards, and flyers.

The short statement must be in the same size print as the text of the document.

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Non-Discrimination Statement

The non-discrimination statement must be included in the following informational materials …

1. Websites
2. Brochures
3. Employee Handbooks
4. Parent Handbooks
5. Print or Broadcast Ads
6. Newsletters
7. Flyers
8. Enrollment Forms

Non-Discrimination Statement

- A non-discrimination statement is NOT required to be imprinted on items that identify the program when the size of configuration makes it impractical.

- For example:
  - Cups
  - Buttons
  - Magnets
  - Pens

Racial/Ethnic Data Collection

- Sites need to establish a system to collect racial and ethnic data.
- Data must be collected on an **annual** basis and/or any time the population of the program changes significantly.
- This data must be kept for three years plus the current year in a secure and confidential manner.

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.

- Civil Rights website - http://www.doe.in.gov/student-services/nutrition/scn-civil-rights-requirements

Racial Ethnic Annual Data Collection Form - CACFP

CACFP Sponsors

CIVIL RIGHTS DATA COLLECTION AND COMPARISON *Census Data Year:* _____

(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.stats.indiana.edu)

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 areas your organization(s) service.

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

CURRENT YEAR ENROLLMENT DESCRIBED BY RACIAL/ETHNIC CATEGORIES (This must be recorded annually.)

Ethnic and racial classifications 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%.

Date Recorded Example: 2/20 2013		Ethnicity Hispanic or Latino	Ethnicity Not Hispanic or Latino	Race- Black or African American		Race- White		Race- American Indian or Alaskan Native		Race- Asian		Race- Native Hawaiian or Other Pacific Islander		Race- Persons reporting 2 or more races	
		Number %	Number %	Number	%	Number	%	Number	%	Number	%	Number	%	Number	%
/ 2013	Total Enrollment = _____														

Annual Civil Rights Forms

- Annual Racial/Ethnic Data Summary -CACFP
- Racial Data Form - SFSP
- How to Access Racial/Ethnic Data

Racial Ethnic Annual Data Collection Form - SFSP

Civil Rights Forms

- Training Requirements Form
- Civil Rights Compliant Form
- Civil Rights Compliant Log

Annual Civil Rights Forms

- Annual Racial/Ethnic Data Summary -CACFP
- Racial Data Form - SFSP
- How to Access Racial/Ethnic Data

SFSP Sponsors

SFSP ETHNIC AND RACIAL DATA FORM

Sponsor: _____

Site: _____

Address: _____

Site supervisor: _____

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."	
Non-Hispanic or Latino	
Racial Categories	
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 recognition.	
Asian. A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent, including, for	

2 Ethnic Categories

1. Hispanic or Latino are persons of Cuban, Mexican, Puerto Rican, South, or Central American, or other Spanish culture, or origin regardless of race.

2. Not Hispanic or Latino

5 Racial Categories

1. Black or African American
2. Asian
3. American Indian & Alaska Native
4. White
5. Native Hawaiian or Other Pacific Islander

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 medical 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 medical statement has indicated the substitutions or modifications that the participant needs.

The Medical Statement from a Health Care Provider who has Prescriptive Authority in the State of Indiana must be kept on file at the child care facility and/or school.

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.

Reasonable Accommodation Scenario

Example:

A parent of a student who has been diagnosed with celiac disease requests that gluten-free food items be provided to their child at all meals.

What must the school do and how does this relate to Civil Rights?

Reasonable Accommodation Scenario

The school is required to provide the gluten-free items if:

1. A Health Care Provider who has Prescriptive Authority in the State of Indiana has determined that the participant has a disability according to federal definitions
2. The Health Care Provider who has Prescriptive Authority in the State of Indiana has completed and signed the medical statement for dietary disability

The situation only becomes a Civil Rights issue if the participant has a recognized disability and the school has not accommodated the special dietary need.

Managing Civil Rights Complaints

Civil Rights Complaints

Can be either written OR verbal

Allege that discrimination has occurred in violation of one of the protected classes:

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

Procedures for Filing a Civil Rights Complaint

1. **Right To File A Complaint**

Any person alleging discrimination based on any of the protected classes has a right to file a complaint within 180 days of the date of the alleged discriminatory action. Complaints can be either written or verbal.

2. **Acceptance**

All civil rights complaints, written or verbal, shall be accepted and forwarded to the State Agency within three working days. 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.

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 directly to the USDA or to the State Agency.

Civil Rights Complaint Procedure

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

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 within any of the protected classes.**
- 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.**

Civil Rights Training

Civil Rights Training

Training is required so that people involved in all levels of administration of programs that receive Federal financial assistance understand …

- Civil rights related laws
- Regulations
- Procedures
- Directives

Local agencies are responsible for training their sub recipients, including “frontline staff.”

Civil Rights Training

"Frontline staff" who interact with program applicants or participants, and those persons who supervise "frontline staff," must be provided civil rights training on an **annual** basis.

Specific subject matter must include, but not be limited to:

- Collection and use of data
- Effective public notification systems
- Complaint 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 of the people who received civil rights training.

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
- ✓Collect and maintain Racial/Ethnic Data annually
- ✓Make reasonable accommodations for persons with disabilities

Summary: Civil Rights "Must Do List"

- ✓ Require one person to take the online Civil Rights quiz annually
- ✓ Train staff annually and retain proof of training
  - including agenda, training dates, & roster with signatures of attendees
- ✓ Develop & fully implement sponsor's CR Complaint Procedure
- ✓ Make available to all staff Civil Rights complaint form and Civil Rights Log

Online Civil Rights Quiz

Successfully complete the online quiz on Moodle

1. Access Moodle - http://moodler.doe.in.gov/
2. Log in
3. Scroll down to "Office of School and Community Nutrition" → "Civil Rights Requirement Training"
4. Pass quiz and print results
5. Train frontline staff (use DOE's training tools as a guide)

CONTACT INFORMATION

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THANK YOU

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