Civil Rights Training

• This is intended for Child and Adult Care Food Program administrators.

• Additional materials and staff training resources are available at

Goals of Civil Rights

• To ensure equal treatment for all applicants and beneficiaries
• To understand rights and responsibilities
• To eliminate illegal barriers that prevent or deter people from receiving benefits
• To ensure dignity and respect for all
What Is Discrimination?

Discrimination is:

- different treatment which makes a distinction of one person or a group of persons from others;
- either intentionally, by neglect, or
- by actions or lack of action
United States Department of Agriculture (USDA) statutes and regulations prohibit discrimination in Child Nutrition Programs based on:

- Race
- Color
- National origin
- Sex
- Age
- Disability
What Is a Protected Class?

Any person, or group, who has characteristics for which discrimination is prohibited based on law, regulation, or executive order. Protected classes in Nutrition Programs are: race, color, national origin, sex, age, and disability.
Age disabilities

• Sponsors may easily understand race discrimination. But age is sometimes overlooked when attendees are infants, and may have special needs.
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.
- **Recipients of Federal financial assistance have a responsibility to take reasonable steps to ensure meaningful access to their programs and activities by persons with LEP.**

Primary factors to consider when determining reasonable steps:
- Number of proportion of LEP persons in the eligible service population
- Frequency of contact in the programs
- Importance of the service provided by the programs
- Resources available to the recipient or costs
Types of Discrimination

Limited English Proficiency (LEP)

• Household applications in other languages can be found at
  www.fns.usda.gov/cnd/FRP/frp.process.htm

• Spanish link on CACFP’s Web page
  – *Forms and Documents*

• Further information on LEP is available at
  www.LEP.gov
History
Where Did Our Current Laws Originate?

Civil Rights Laws

• **Title VI**—Civil Rights Act of 1964—Prohibits discrimination based on race, color, and national origin.

• **Title IX of the Education Amendments of 1972**—Prohibits discrimination based on sex under any education program or activity that receives federal financial assistance.

• **Section 504 of the Rehabilitation Act of 1973**—Prohibits discrimination based on disability.

• **Americans With Disabilities Act of 1990**—Prohibits discrimination based on a disability.

• **Age Discrimination Act of 1975**—This Act clarifies and elaborates on the original Civil Rights Act of 1964 by ensuring nondiscrimination in all programs and activities.

• **Civil Rights Restoration Act of 1987**—Expands prohibition of discrimination in all areas under jurisdiction of institution.
Civil Rights Components

I. Assurances
II. Data collection and analysis
III. Compliance reviews
IV. Complaints investigation
V. Outreach and education
VI. Technical assistance and training
VII. Reasonable accommodation
VIII. Customer service
I. Assurances

Assurances are contractual agreements in which a state agency, local agency, or the sub-recipient legally agrees to administer Food and Nutrition Service (FNS) programs in accordance with:

- all laws
- regulations or policies
- Instructions and guidance related to nondiscrimination.

Your assurance to comply with civil rights requirements is in your Permanent Agreement agreed to each year in your application.

Compliance verified through:
- compiling data
- maintaining records, and
- submitting required reports.
II. Data Collection and Reporting

Sites need to establish a system to collect racial and ethnic data.

• Self-identification - for example, on the household application.
• Staff can also make an observation of ethnicity and race, then record on site review form

RATIONALE: Discrimination is often based on perception, and others would probably have a similar perception to the person doing the coding.

• Collect ethnicity data first, then race data

• Ethnicity categories
  – Hispanic or Latino
  – Not Hispanic or Latino

• Race categories
  – American Indian or Alaskan Native
  – Asian
  – Black or African-American
  – Native Hawaiian or other Pacific Islander
  – White
Why do I have to collect racial and ethnic data?

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

How long do I have to keep the data?

- Three years plus the current year
- Data should be kept secure and confidential
III. Compliance Reviews

The purpose is to determine if the applicant or recipient of Federal financial assistance is in compliance with civil rights requirements.

Types of Compliance Reviews:

- **Pre-Operational Visit**—Takes place before approval for operation.
- **CACFP Review**—Takes place after a sponsor site has been approved and is operating. Civil rights compliance is reviewed as part of the administrative review at least every three years.
- **Special Review**—Takes place after a site has been approved due to a complaint, data collection, or as follow-up to previous non-compliance.
IV. Complaint Investigations

Who do I contact?

• To file a complaint, write to: USDA, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, DC 20250-9410 or call (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).

• For general information, in the Midwest Region, you may write to: Regional Director, Civil Rights/EEO, 77 West Jackson Boulevard, 20\textsuperscript{th} Floor, Chicago, IL 60604-3591 or call (312) 353-3353.

• Contact the Illinois State Board of Education, Nutrition Programs at 100 North First Street, Springfield, IL 62777, by phone at (800) 545-7892 or by email at cnp@isbe.net.
FNS 113 Complaint Processing Procedures & Timelines

Incident Occurs

Complainant Submits Complaint to:
- Secretary of Agriculture
- FNS Administrator
- FNS Regional Office
- Other Executive Recipient
- State Agency

Complaint Analysis by Civil Rights Specialist begins

Determined that complaint is outside of FNS Program Jurisdiction or requires referral?

Yes

Case is referred to appropriate office and/or agency and Complainant is notified

No

Acceptance Letter sent to Complainant within 5 Calendar Days

Does the complaint allege discrimination on the basis of age?

Yes

Case is forwarded to FMCS for mediation (within 10 days of receipt)

No

Is additional information required from Complainant?

Yes

20-day Letter sent to Complainant

No

An investigation is determined necessary

Was complaint submitted thru FNS Admin. or USDA Sec 7?

Yes

Investigation Completed

No

Region prepares and submits Investigative Report to HQ

FNS HQ prepares and issues Final Agency Decision

State prepares and submits Decision Report to Region within 5 Days

Region issues Decision Letter

' Regions report to HQ Quarterly on Regional and State Decisions

Review of representative case files of similarly situated program participants

Contact with Complainant & Review of Case File

State or Region Begins Investigation Process

Contact with State Agency for a response to allegations

Investigation performed by Region

Investigation performed by State

Maximum Time to Process Complaint = 90 Days
(From Acceptance to Issuance of HQ FAD, State or Regional Decision Letter)

90 Days

End
Complaint Process

• Develop a reporting method and train site staff on the importance of processing civil rights complaints in a timely manner.

• Have a “go to” person who knows the process

• Complaints can be written on a form or presented verbally to site staff.

• Site staff should put in writing all verbal complaints and details surrounding the event as quickly as possible.

• Complaints MUST be filed within 180 days of incident

• Best to file as soon as possible after incident.

• Once complaint at USDA, letter issued within five days.
Notification is important in order to:

- Inform community
- Reach potential eligible participants
- Ensure and assure program access
- Pay attention to under-represented groups
- Ensure information is available in other languages as needed

Include non-discrimination statement on all materials that mention USDA programs (including websites). However, you do not need to include the statement on menus.
All sites must provide information to eligible participants in the appropriate language concerning the availability and nutritional benefits of the meal program (CACFP).

Must have info on:
- Program Availability
- Complaint information
- Non-discrimination statement or link
- Location, times

Methods of Notification:
- ISBE does statewide
Local agencies:
- Brochures/fliers
- Letters
- Internet/website
- Local media

When using graphics, reflect diversity and inclusion.
“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 Civil Rights, 1400 Independence Avenue, S.W., Washington, DC 20250-9410 or call 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.”

(on And Justice for All posters)

At a minimum, the following must be on all materials that mention USDA programs (including websites):

*USDA is an equal opportunity provider and employer.*
• Prominently display this poster in each food service area so it is visible to participants

• Display in all administrative offices

• Posters are available free of charge from ISBE

Email: cnp@isbe.net or
Telephone: 800/545-7892 or 217/782-2491
How does CACFP work?

CACFP reimburses participating centers, emergency shelters, day care homes, and schools for serving nutritious meals. It is administered at the Federal level by the Food and Nutrition Service (FNS), an agency of the U.S. Department of Agriculture.

The Illinois State Board of Education (ISBE) administers CACFP in Illinois. ISBE approves institutions to operate the program on the local level. ISBE monitors the program and provides guidance and assistance to ensure these institutions meet program requirements.

Sponsoring organizations play a critical role in supporting licensed and license exempt day care homes and centers by providing training, technical assistance, and monitoring. Sponsoring organizations must be viable, capable, and accountable to be approved to administer CACFP.

Contacts

If you are interested in participating in CACFP or have questions about the Program, the Illinois State Board of Education, Nutrition Programs Division, can help. Please see our website (www.isbe.net/nutrition) for CACFP information or call 800/545-7892.

If you have questions or concerns about CACFP, listed below are the name and telephone number of the organization/facility caring for your child(ren).

Name and Telephone Number of Organization

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.

Non-discrimination Statement Last Updated April 2011
VI. Technical Assistance and Training

- Training is required annually for frontline staff.
- Teaching tools available on our website: https://www.isbe.net/Pages/Nutrition-and-Wellness-Civil-Rights-Compliance-and-Enforcement.aspx
Training Tips

• Cover the basics
• Provide an understanding of the origin of the requirements; i.e., laws that cover all federally-funded entities
• Recognize and value differences
• Use relevant examples and situations to illustrate concepts
ENSURE ACCESS FOR PEOPLE WITH DISABILITIES!

- Parking lot, entrances and exits, halls, elevators, restrooms, sign language interpreters, Braille signage, and service animals
- Alternative arrangements for service
VIII. Customer Service

PLATINUM RULE

Treat others the way they want to be treated (or at least be aware of what that is).
Through your data collection procedures, you recognized that even though the community is composed of a large Hispanic population (40 percent), only 2 percent of Hispanics are eligible for meal benefits.

What outreach efforts would you take to increase Hispanic program participation?
Answer to Scenario #1

- Good job on data collection!
- Educational information or materials may be needed in other languages.
- Provide outreach to other programs in the area which serves the Hispanic population.
- There are many outreach efforts which could increase program participation. Such as partnering with Social Service Agencies and working with neighborhood groups.
“Pizza Day” is the most popular day at your center. Near the end of the lunch period three African-American boys come through the line and are told by a Caucasian school lunch employee that the cafeteria is “out of pizza.” They can see two pieces of pizza remain. Shortly thereafter, a Caucasian boy comes through the line and the kitchen employee gives him one of two remaining pieces of pizza. You ask the employee why he gave the Caucasian child a piece of pizza after he told the three African-American children the cafeteria was out. The employee tells you the Caucasian child is his neighbor and he promised the child he would save him a piece of pizza the next time it was served.
Answer to Scenario #2

• Even though the cafeteria worker probably thought they were just being nice and saving a piece of pizza for the neighbor boy, it definitely looks discriminatory.

• The two slices of pizza should go to the first two children through the line that ask for it.
A family does not want to identify their race or ethnic background on the household application.

*What should the center staff do?*
• Staff should explain to the family that self identification is voluntary. Program applicants or participants are NOT required to furnish information on their race or ethnicity. When an applicant does not provide the information the data collector must, through visual observation, record the information for them.

• Center staff can point out that the collection of this information is strictly for statistical reporting requirements and has no effect on determining their eligibility.
A child care center does not provide infant foods and/or formula to infants in their care and requires parents to supply these items.

Is this a civil rights issue?
Yes. All children who attend a center must be provided equal access to the benefits of the CACFP. Therefore, infant formula and food must be offered to infants at the center and parents cannot be asked or required to supply these items. To withhold the program from any eligible age group is age discrimination.
Children whose first language is Spanish are asked to sit together at a Spanish-speaking table.

Is this a civil rights issue?
Yes, segregating or separating children who share a particular ethnic or racial characteristic into groups would be considered a civil rights issue and discrimination based on the protected class of national origin.

NOTE: Be careful of implied segregation, such as seating all boys or girls at separate tables. Unless done for disciplinary or other legitimate reasons, these are questionable practices.
For to be free is not merely to cast off one’s chains, but to live in a way that respects and enhances the freedom of others.

- Nelson Mandela