

CIVIL RIGHTS COMPLIANCE AND ENFORCEMENT TRAINING

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Agenda

Definitions



Overview of important terminologies will be defined.

Background



Where did our current laws originate from?

Civil Rights
Components



Data collection, public notification, complaint procedures, compliance reviews, resolution of non-compliance, reasonable accommodations, language assistance, conflict resolution & customer service.

Non-
discrimination
Statement



Requirements for when and where the non-discrimination statement must be used.

Scenarios



We will go through some possible scenarios that you could encounter.

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 bases.



What are Civil Rights?

A

Non-political rights of a citizen

B

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

C

All of the above

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Disability

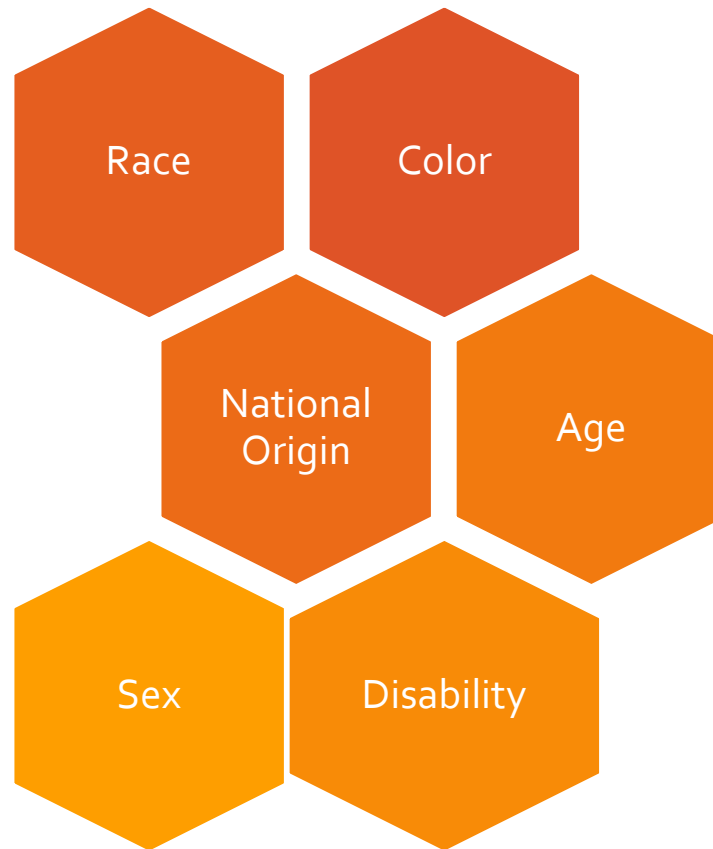
- A physical or mental impairment that substantially limits one or more of an individual's major life activities, having a record of such impairment, or being regarded as having such an impairment.



Protected Class

Any person or group of people who have characteristics for which discrimination is prohibited based on a law, regulation or executive order.

Protected Classes for the Child Nutrition Programs Include:



Background: Title VI Civil Rights Act of 1964



- Title VI (six) of the Civil Rights Act of 1964 states that “no person in the United States shall be discriminated against on the grounds of **race, color or national origin**, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity.”

Background: The Age Discrimination Act of 1975

- The Age Discrimination Act of 1975 provides that:

No person in the United States shall, on the basis of age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity receiving Federal financial assistance.



Background: IX of the Education Amendments of 1972

Title IX (nine) of the Education Amendments of 1972 states:

No person in the United States shall, on the basis of sex, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving Federal financial assistance.

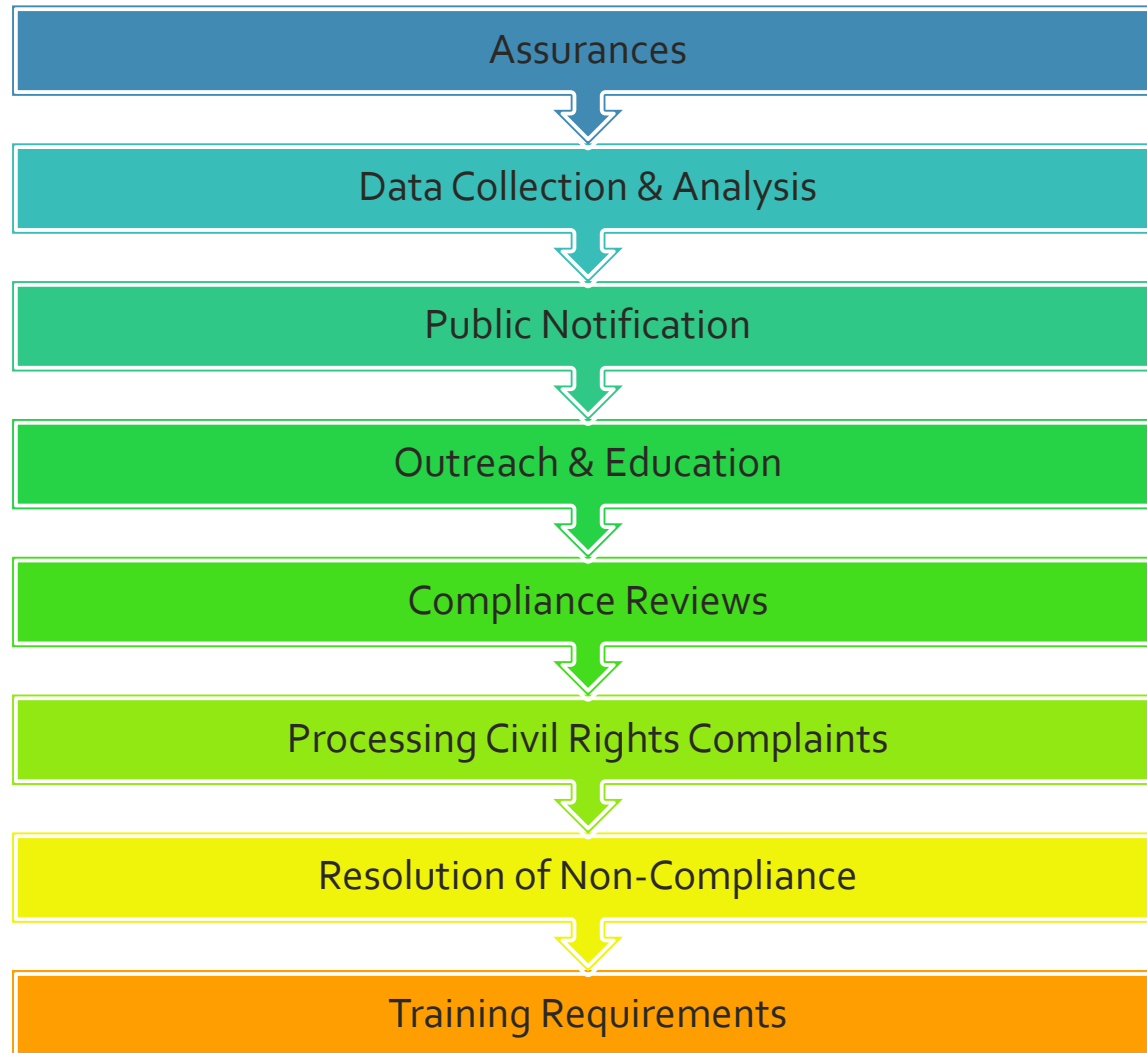


Background: Section 504 of the Rehabilitation Act of 1973 & The Americans with Disabilities Act of 1990



- Both Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 prohibit discrimination based on a disability.
- The Americans with Disabilities Act of 1990 extended the requirements to all services, programs and activities of State and local governments and prohibits discrimination based on a disability in other public services.

Civil Rights Training Components



Assurances

Contractual Agreements in which a state agency, local agency, or the sub recipient legally agrees to administer Food and Nutrition Services (FNS) programs in accordance with all laws, regulations, instructions, policies and guidance related to nondiscrimination.

- Compliance with these requirements is verified through compiling data, maintaining records and submitting required reports.

Data Collection & Reporting

A system must be in place for the collection of racial & ethnic data.

- Self-identification is the preferred method for collecting racial & ethnic data.
 - Ex. the household eligibility application requests this information, but is not required to be provided.
- Alternatively – if an applicant/participant does not self-identify then staff can make an observation of race & ethnicity.
 - Rationale: discrimination is often based on perception and others would probably have a similar perception to the person doing the data collection.

Data Collection & Reporting

It is recommended to collect ethnicity first and race second.

Ethnicity Categories:

Hispanic or Latino
Non-Hispanic or Latino

Race Categories:

American Indian or Alaskan
Native
Asian
Black or African American
Native Hawaiian or Other Pacific
Islander
White

Data Collection & Reporting

What do I need to do with the information that I collect?

- The information that is collected should be compiled and compared to data that shows the make up of your area of the state.
- We provide you with data from your county on your program application approval letter each year.
- The data that you collect should be compared to this county data annually.

Illinois State Board of Education

Civil Rights Disclosure

The United States Department of Agriculture regulations implementing Title VI of the Civil Rights Act of 1964 requires each school-based Child Nutrition Programs sponsor to determine and have available for review data on the potential eligible beneficiaries by racial/ethnic category for the areas served by the institution.

To assist you in determining the potential beneficiaries, this office is providing the Illinois census estimates of population for your county(s).

If the figures do not accurately reflect the racial/ethnic makeup of the area from which the attendance is drawn for the school-based Child Nutrition Program(s) in which you participate; cross out and insert the information. It is not necessary to submit changes of this information to ISBE but maintain on file for review or audit. All changes must be documented with the source of your information. All records related to school-based Child Nutrition Programs must be maintained for a period of three years plus the current year.

All sponsors should annually review the civil rights brochure available on our website at http://www.isbe.net/nutrition/pdf/civil_rights.pdf. The purpose of the brochure is to notify participants of the school-based Child Nutrition Programs policies regarding civil rights and to provide guidance on nondiscrimination in the administration of the program. A copy of this brochure is available upon request.

County	Percent White	Percent Black	Percent Native American	Percent Asian	Percent Hispanic	Percent Other
Sangamon	87.42	9.65	0.21	1.10	1.06	1.21

Data Collection & Reporting

Why do I have to collect & compare this data?

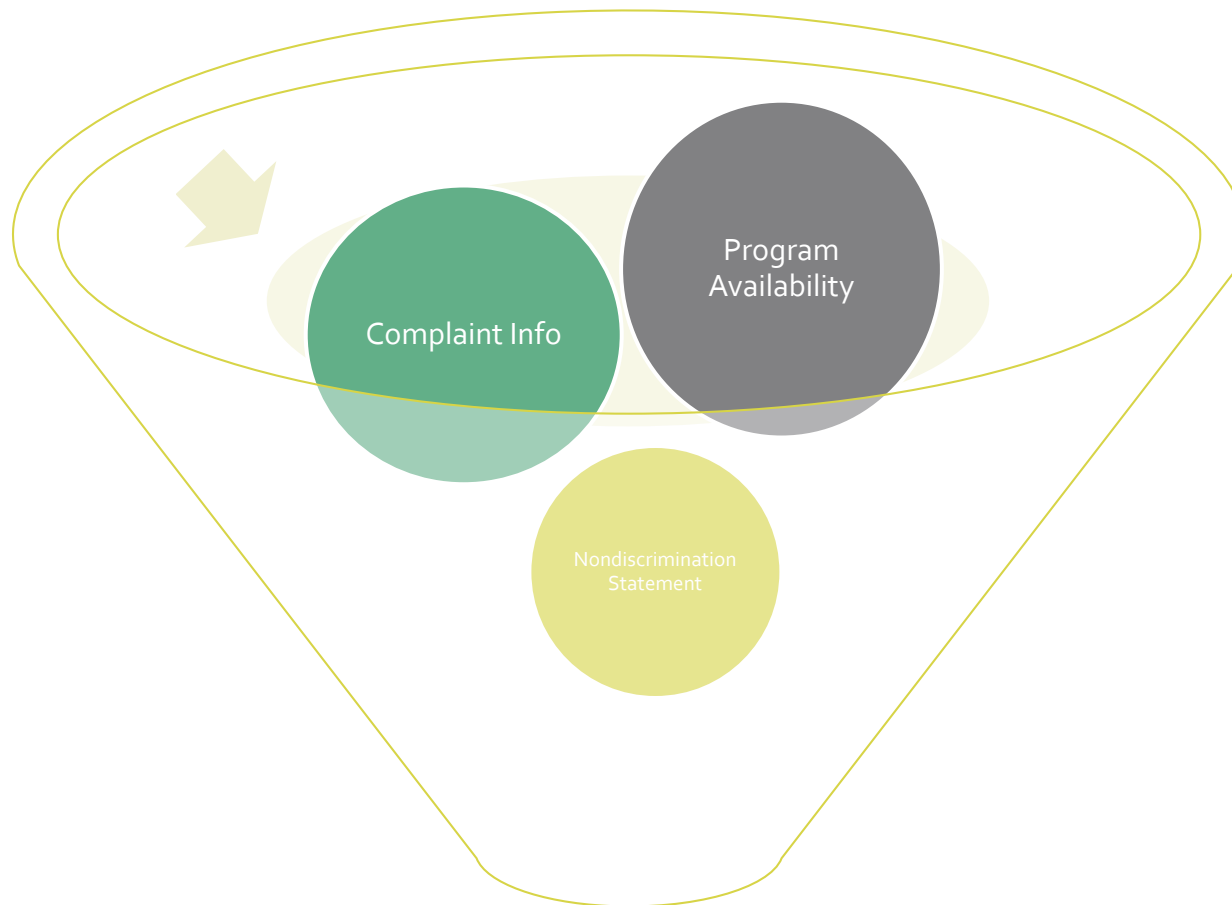
The data is used to determine how effectively your program is reaching potentially eligible children and where outreach may be needed.

For example: if you find that 40% of your county is Asian but only 3% of applicants for the meal programs are Asian than that is an indicator that perhaps more outreach is needed to the Asian population. A solution may be that you need to have the Household Eligibility Application available in different languages in order to meet the needs of your student population.



Public Notification:

Purpose: to inform applicants, participants and potentially eligible persons of the program availability, program rights and responsibilities, the policy of nondiscrimination and the procedure for filing a complaint.



Public Notification System


- Near the beginning of each school year, the public must be notified that the National School Lunch Program, School Breakfast Program, and/or Special Milk Program are available in the school or school district. This notice must include the Income Eligibility Guidelines for reduced-price meals and/or free milk. The public announcement must be provided to the local news media.
- The Illinois State Board of Education submits a statewide public announcement on behalf of all participating sponsors annually. However, local education agencies (LEAs) **must** submit public announcements to local employment offices and major employers contemplating large layoffs in the attendance area of the school. When submitting a public announcement for print, LEAs should request the announcement be free of charge. Copies of the public announcement must be made available upon request to any interested person. A prototype is available online.

Informational materials concerning the availability & nutritional benefits of the meal programs must be provided in the appropriate translations

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](#) , (AD-3027) found online at <https://www.ascr.usda.gov/how-file-program-discrimination-complaint>, 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 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.

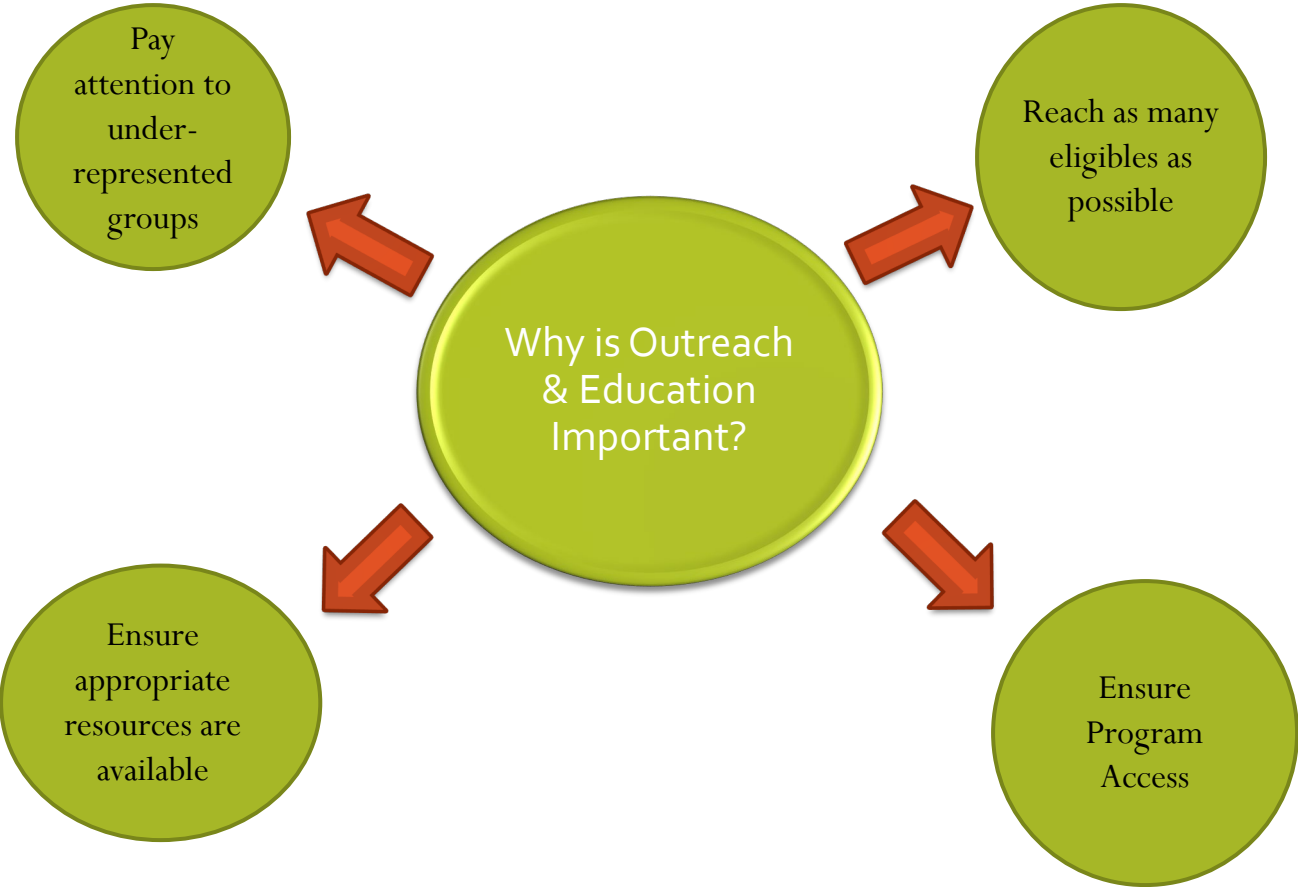
- [Spanish](#) 

Outreach & Education

The non-discrimination statement must be included on all materials that mention the USDA programs (including websites). However, you do not need to include the statement on your menus.

There is a shortened statement that can be used in rare cases. This shortened version can not be used just because it will not fit on the document, you must determine who the audience is and if the full statement is needed.

Outreach & Education



Outreach & Education And Justice for All Poster

This poster must be prominently displayed and visible to program applicants & participants.

We do not currently have posters available to be mailed out to schools.

There is a temporary poster on our website that you can print and post until we have posters available.



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.

Limited English Proficient (LEP) Americans

States with the largest LEP populations:

California (6.8 million)
Texas (3.4 million)
New York (2.5 million)
Florida (2.1 million)
Illinois (1.1 million)

60 Million

Americans speak more than one language

350 Languages

25 Million

require language assistance



Limited English Proficiency (LEP)

Resources

School Nutrition Programs & Child and Adult Food Care Program both have English & Spanish Household Eligibility Applications (HEA) available on their websites along with a link to the HEA in additional languages on the USDA webpage.

Albanian	Farsi	Italian	Nepali	Spanish
Amharic	French	Iu Mien	Polish	Tagalog
Arabic	French Creole	Jamaican Creole	Portuguese	Thai
Armenian	Greek	Japanese	Punjabi	Tigrinya
Bengali	Gujarati	Karen	Romanian	Ukrainian
Bosnian	Haitian Creole	Khmer	Russian	Urdu
Burmese	Hindi	Korean	Samoan	Vietnamese
Chinese (Simplified)	Hmong	Kru	Serbian	Yiddish
Chinese (Traditional)	Igbo	Kurdish	Somali	Yoruba
Croatian	Ilokano	Laotian	Sudanese	

Compliance Reviews

Compliance reviews are used to determine that the applicant or recipient of federal financial assistance is in compliance with civil rights requirements.

- **Pre-Award Reviews:**

- Take place before the sponsor is approved for operation. This would be for new applicants to our programs.

- **Post-Award Reviews:**

- Take place after a sponsor is approved for operation. An example would be during an Administrative Review.

- **Special Reviews:**

- Take place after a site has been approved due to a complaint, data collection or as follow-up to previous non-compliance.

Where Can Civil Rights Complaints be Given?

Complainants may choose to:

- Contact USDA directly or
- Contact the State Agency directly, or
- Notify the SFA or Institution of their complaint

SFAs and Institutions must forward all discrimination complaints received regarding Child Nutrition Programs to their State Agency within 5 working days

Who would I refer someone to at the USDA if they wish to file a complaint:

To file a program complaint of discrimination, complete the USDA Program Discrimination Complaint Form PDF Document, (AD-3027) found online at <https://www.ascr.usda.gov/how-file-program-discrimination-complaint>, 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 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.

Complaints to the State Agency or School

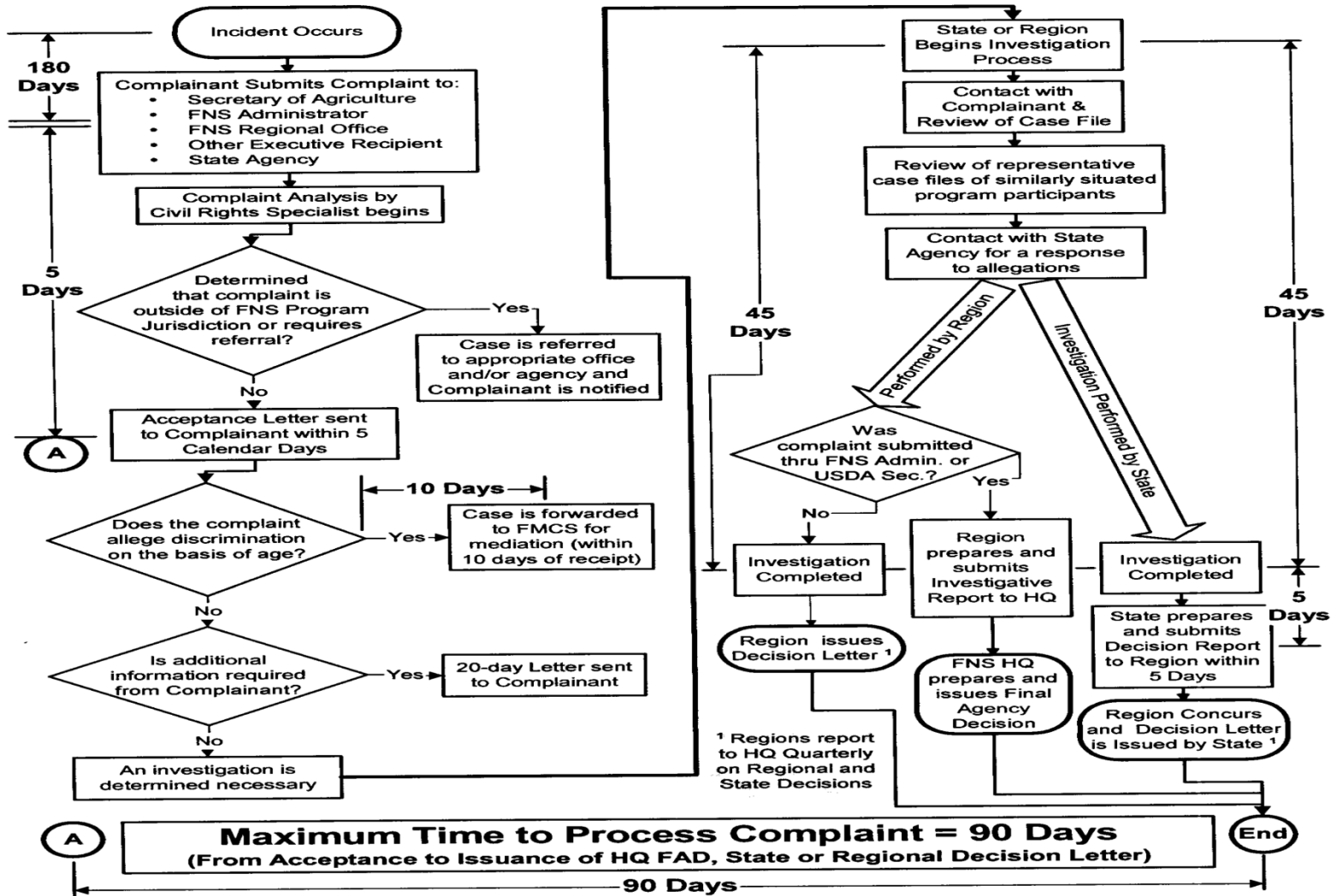
All complaints alleging discrimination on the basis of race, color, national origin, age, sex, or disability, either written or verbal, must be processed within the time frames established by Departmental regulations and agreements.

- If a school receives a civil rights complaint - All complaints written or verbal must be forwarded to the appropriate regional or Office of Civil Rights Director.
- Contact the state agency and we will be happy to assist you.
- Phone: 800/545-7892
- Email: cnp@isbe.net

Remember any complaint filed with the school must be forwarded to the State Agency within 5 working days!

A sample complaint form is available on the ISBE Civil Rights webpage at:
http://www.isbe.net/nutrition/htmls/civil_rights.htm

FNS 113 Complaint Processing Procedures & Timelines



Non-Compliance



A factual finding that any Civil Rights requirement, as provided by law, regulation, policy, instruction, or guidelines is not being adhered to.

There are no “minor” or “major” categories of noncompliance. All instances of non-compliance are considered equally.

Resolution of Non-Compliance

Non-compliance: a finding of noncompliance may be the result of a routine review, a special review or an investigation.

Noncompliance is a factual finding that any CR requirement, as provided by law, regulation, policy, instruction or guidelines, is not being adhered to.

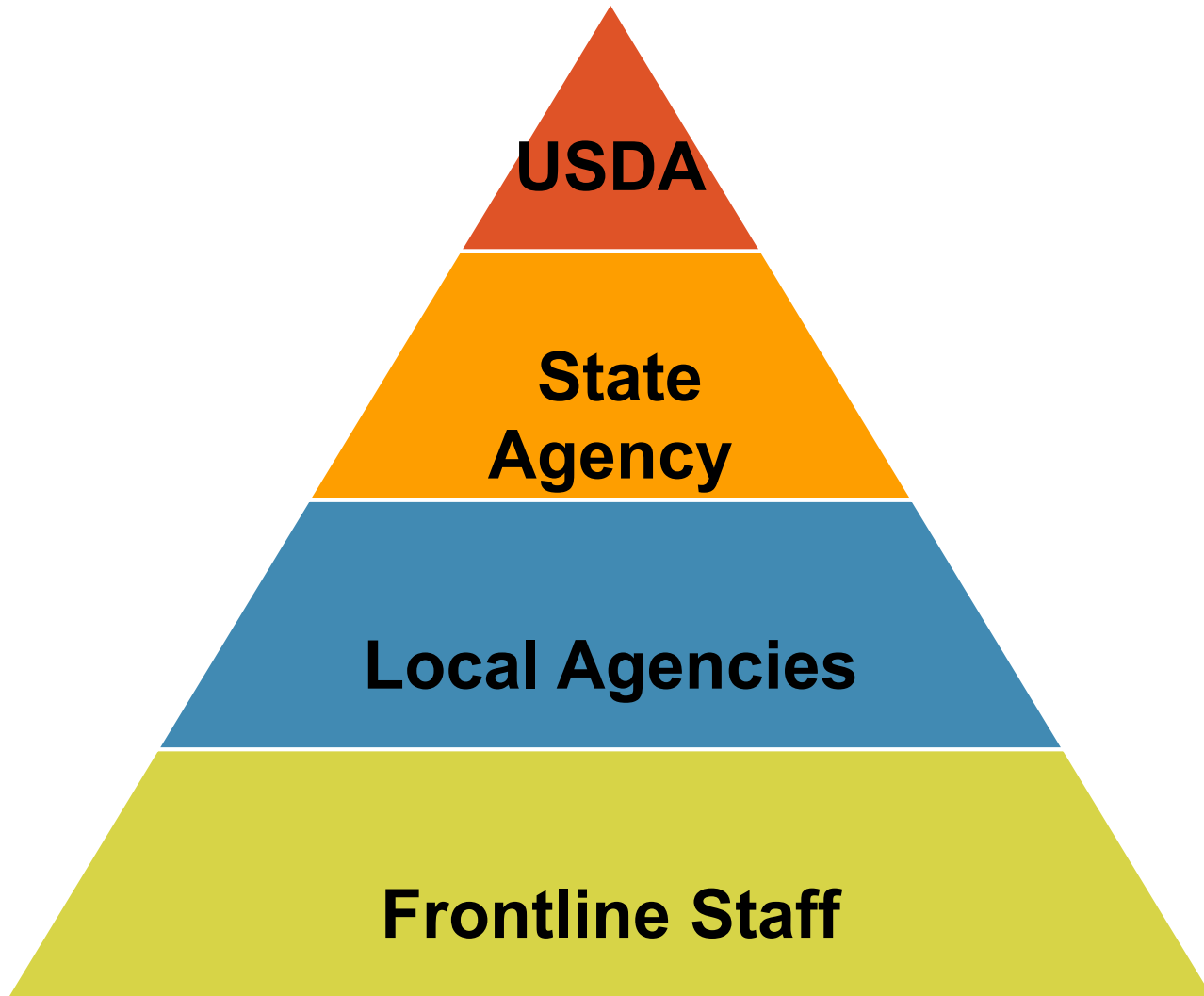
- **Achieving Voluntary Compliance:** once noncompliance is determined, steps must be taken immediately to obtain voluntary compliance.
- **Termination or Suspension of Assistance:** as a last resort, if voluntary compliance is not completed within the allotted time period termination or suspension of assistance may result.

Civil Rights Training Requirements

- Annual training is required for all “frontline staff”.
- Frontline Staff include those who interact with program applicants or participants and those who supervise frontline staff.
- This training module can be used to meet this annual training requirement.



Civil Rights Training



Civil Rights Training

- Training of Frontline Staff is required on an annual basis.
- Resources that are available to help you meet that requirement:
 - This conference session
 - recorded training module posted on our website
 - Civil Rights brochure
 - Review of the USDA's Instruction 113-1 (Civil Rights Compliance & Enforcement)

*** Ensure that you document the date, what resources were utilized and who completed the annual training. Sample documentation forms are available on our Civil Rights webpage.

QUIZ

1. What are the six federally protected classes under USDA Requirements?

Answer

What are the six federally protected classes under USDA Requirements?

Race

Color

National
Origin

Age

Sex

Disability

1) Lincoln School District scheduled and held its annual Civil Rights training for frontline staff on May 13th. On August 20th a new teacher named Tina begins working at the center.

When should Tina receive her first training on Civil Rights?

A

Next year at their annual civil rights training

B

Whenever someone has time to train her

C

It should be a part of her new staff member orientation

1) ABC-123 Kids Care scheduled and held its annual Civil Rights training for frontline staff on May 13th. On August 20th a new teacher named Tina begins working at the center.

When should Tina receive her first training on Civil Rights?

A

Next year at their annual civil rights training

B

Whenever someone has time to train her

C

It should be a part of her new staff member orientation

2) Occasionally the cafeteria will have leftovers, who can have some of the leftovers?

- A the football team
- B the boys
- C the 12th graders
- D All students

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A

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B

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C

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D

All students

3) Which of the following staff would be required to receive annual civil rights training?

A

Food service director

B

cashier

C

Cook/server

D

Admin staff that review Household Eligibility Applications

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Food service director

B

cashier

C

Cook/server

D

Admin staff that review Household Eligibility Applications

4) Who can someone file a civil rights complaint with?

A

The school

B

The State Agency

C

The USDA

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A

The school

B

The State Agency

C

The USDA

5) Can a site seat all children that speak the same language at the same table? For ex. have all students that speak Russian sit together at the same table and all students that speak Vietnamese at a different table.

A

Yes

B

No

5) Can a site seat all children that speak the same language at the same table? For ex. have all students that speak Russian sit together at the same table and all students that speak Vietnamese at a different table.

A

Yes

B

No. Segregating or separating children who share particular characteristics 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. This is a questionable practice unless it is done for disciplinary or other legitimate reasons.

6) A family does not want to identify their race or ethnic background on the Household Eligibility Application. What should the staff do?

A

The application is incomplete – return it to the household to complete that section of the application.

B

Leave that section of the application blank – you don't need that information.

C

Have staff complete that section based on a visual observation.

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The application is incomplete – return it to the household to complete that section of the application.

B

Leave that section of the application blank – you don't need that information.

C

Have staff complete that section based on a visual observation.

Contact Information

Illinois State Board of Education- Nutrition & Wellness Programs



www.isbe.net/nutrition



800/545-7892



cnp@isbe.net

Don't forget to complete your evaluation for this session!

Thank you