

Civil Rights Compliance and Enforcement Training for Administrators

Illinois State Board of Education
Nutrition Programs Division
800/545-7892 or 217/782-2491
www.isbe.net/nutrition
cnp@isbe.net





What Is Discrimination?



Discrimination is defined as 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 actions based on . . .

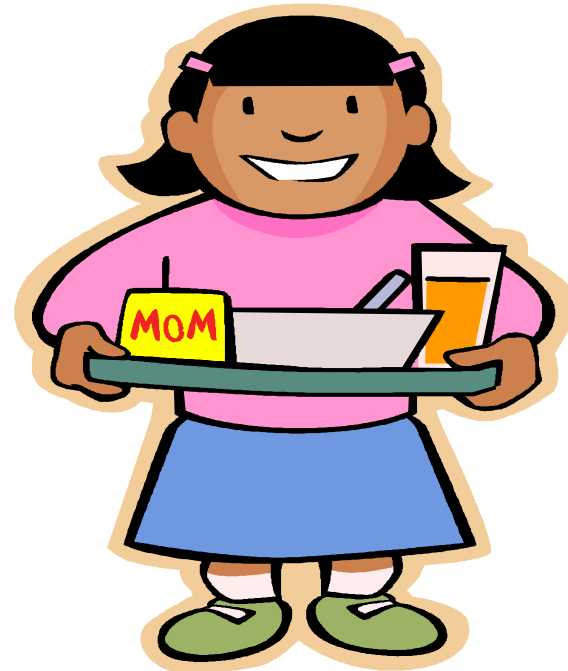
What Is Discrimination?

(continued)



United States Department of Agriculture (USDA) program 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 of people who have characteristics for which discrimination is prohibited based on a law, regulation, or executive order. Protected classes in special Nutrition Programs are race, color, national origin, age, sex, and disability.





History Lesson



Where Did Our Current Laws Originate?



Civil Rights Laws



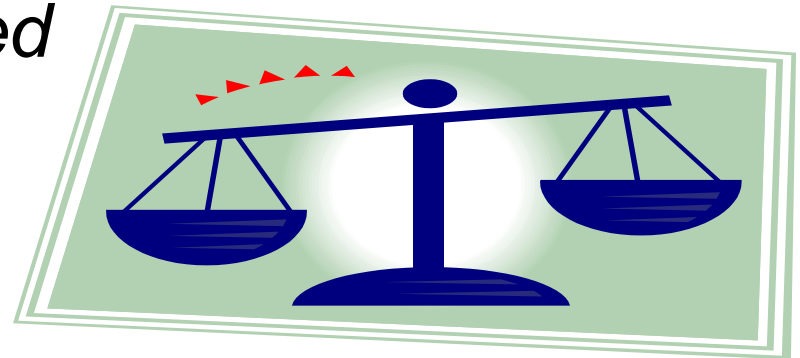
- *Title VI—Civil Rights Act of 1964—Prohibits discrimination based on race, color, and national origin.*
- *Title IX of the Education Amendments of 1972—Prohibits discrimination based on sex under any education program or activity that is receiving federal financial assistance.*
- *Section 504 of the Rehabilitation Act of 1973—Prohibits discrimination based on disability.*

Civil Rights Laws

(continued)



- 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—*Prohibits discrimination based on race, color, and national origin.*





Illinois State Board of Education

Jesse Ruiz, Board Chair
Dr. Christopher Koch, State Superintendent



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selecting Browse at the top of the screen, click on Full Screen, and then right-click on Speaker Notes.

- ▶ [Civil Rights Training PowerPoint Presentation for Program Frontline Staff](#)—This is a condensed version of the above PowerPoint that can be utilized by program administrators to conduct the required annual civil rights training for frontline staff.
- ▶ [And Justice for All Poster](#)—The civil rights poster is required to be displayed in a prominent location at each site where it is visible to all participants of Child Nutrition Programs. This is a temporary printable poster; please contact our office to receive a free poster (s). Contact us via email at cnp@isbe.net or by telephone at 800/545-7892 or 217/782-2491 to request a poster.
- ▶ [Executive Summary](#)—This is a condensed version of the FNS Instruction 113-1
- ▶ [Civil Rights Compliance and Enforcement](#)—Nutrition Programs and Activities-FNS Instruction 113-1—This FNS Instruction has been developed to ensure increased accountability and efficiency at all levels. This instruction includes detailed explanations of roles and responsibilities, and it removes ambiguity regarding the process of managing complaints of discrimination.

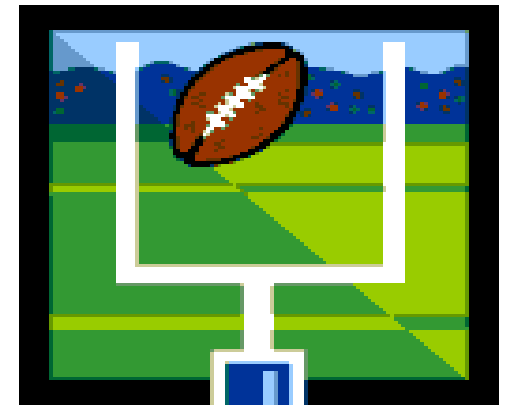
- Requirements
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In accordance with Federal law and United States Department of Agriculture policy, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, or disability. To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW, Washington, D.C. 20250-9440 or call

Goals of Civil Rights



- Equal treatment for all applicants and beneficiaries
- Knowledge of rights and responsibilities
- Elimination of illegal barriers that prevent or deter people from receiving benefits
- Dignity and respect for all



Civil Rights Components



- I. Assurances
- II. Data collection and analysis
- III. Compliance reviews
- IV. Complaint investigations
- 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 Services (FNS) programs in accordance with all laws, regulations, instructions, policies, and guidance related to nondiscrimination.
- Compliance is verified through compiling data, maintaining records, and submitting required reports.

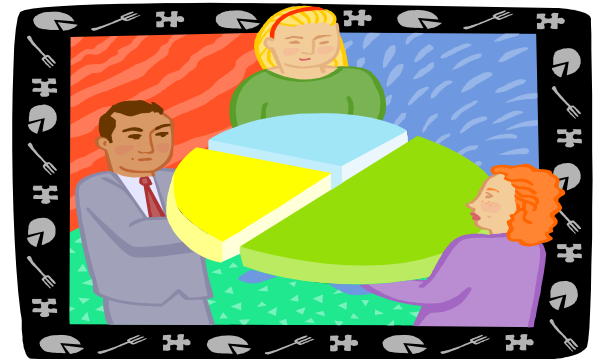
II. Data Collection and Reporting



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

- Self-identification preferred; for example, on the household application.
- Alternatively, staff can make an observation of ethnicity and race.

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



Data Collection and Reporting (continued)



- Collect ethnicity data first, then race data
- 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

Gathering Social Security Number Data



The household application does require the social security number of the household member who is completing an application based on income. If the household member does not have a social security number, they must indicate that by marking the box labeled “I do not have a social security number.”

Gathering Social Security Number Data (continued)



If the household member completing the application does not list their social security number or mark the box indicating they do not have a social security number, the application is considered incomplete and the application cannot be approved for benefits.

Gathering Social Security Number Data (continued)



Remember, a household member who has a social security number must disclose it; they cannot mark that they do not have a social security number because they do not wish to provide it. If they have a social security number, they must provide it.

Data Collection and Reporting (continued)



Why do I have to collect racial and ethnic data?

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



Purpose: to determine if the applicant or recipient of Federal financial assistance is in compliance with Civil Rights requirements.



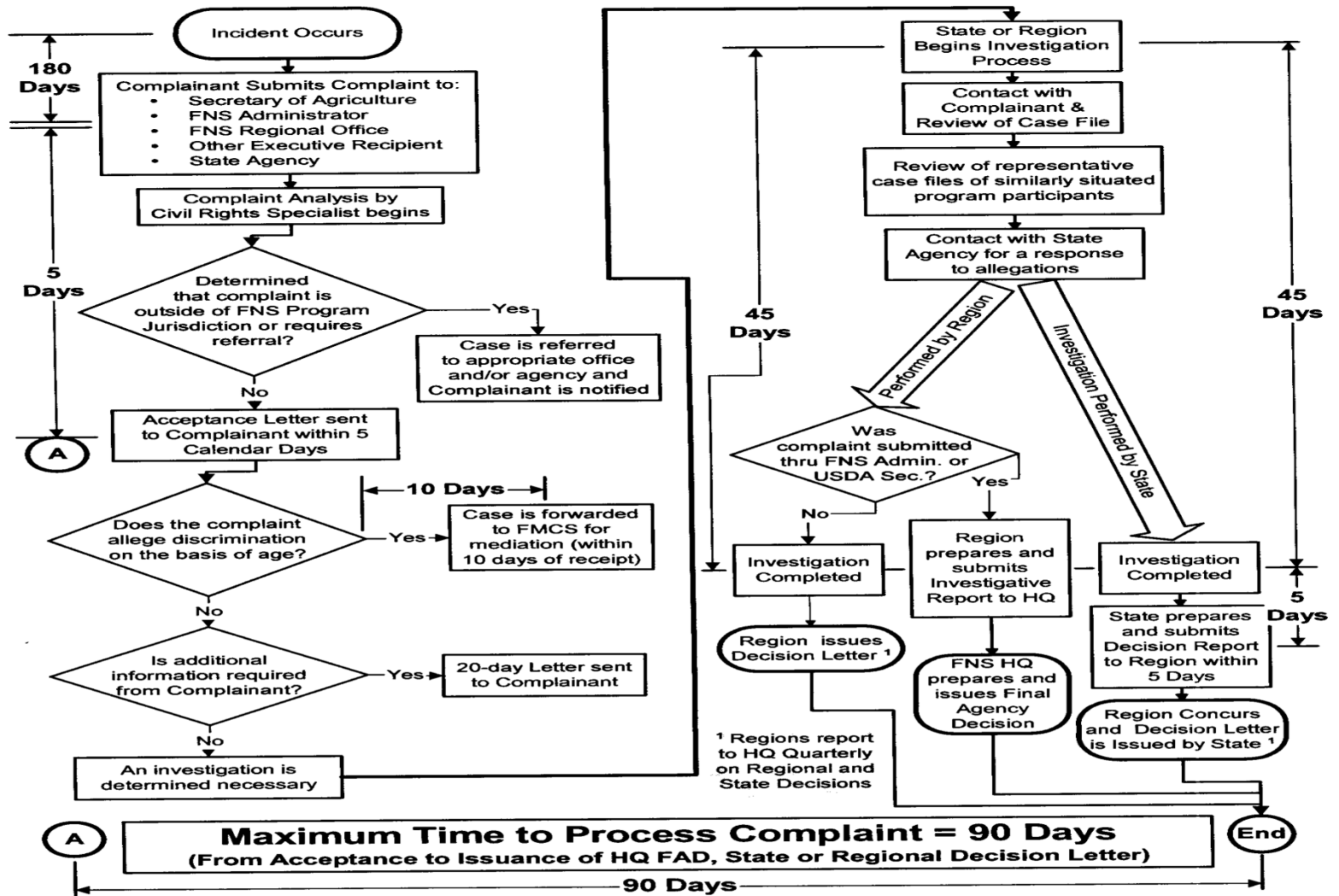
IV. Complaint Investigations



Who do I contact?

- To file a complaint, write to: USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410 or call (800) 795-3272 or (202) 720-6382 (TTY).
- In the Midwest Region, write to Regional Director, Civil Rights/EEO, 77 West Jackson Boulevard, 20th Floor, Chicago, Illinois 60604-3591 or call (312) 353-3353.
- Contact the Illinois State Board of Education, Nutrition Programs at 100 North First Street, Springfield, Illinois 62777-0001, by phone at (800) 545-7892, or by email at cnp@isbe.net.

FNS 113 Complaint Processing Procedures & Timelines





V. Outreach and Education Importance:

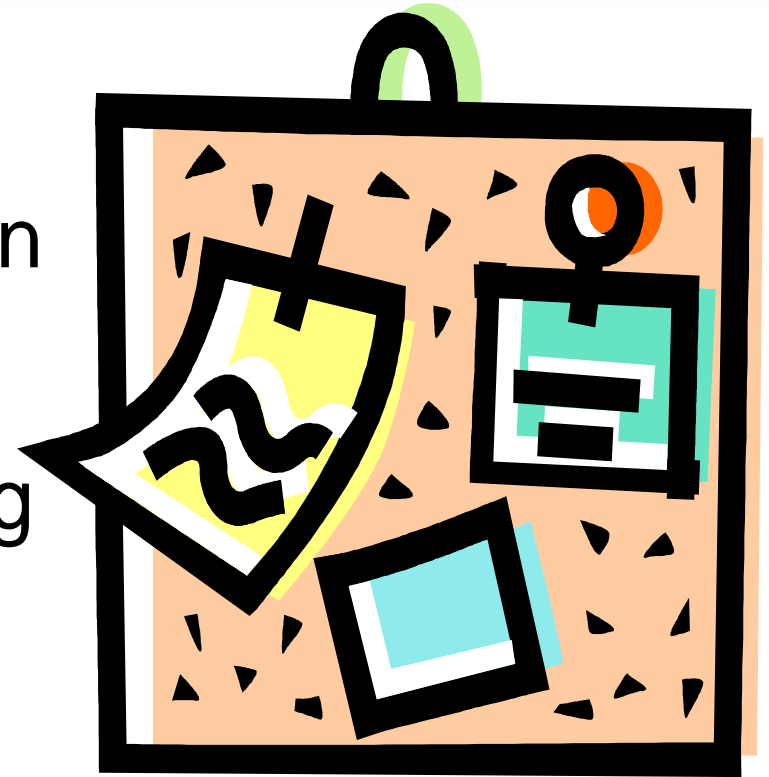


- You want to reach as many potential eligibles as possible
- You want to ensure program access
- You need to pay attention to under-represented groups
- You need to ensure information is available in other languages as needed

Public Notification System



All sites must provide informational materials in the appropriate translation concerning the availability and nutritional benefits of the meal programs including the National School Lunch Program, School Breakfast Program, Special Milk Program, After-School Program, and Child and Adult Care Food Program.



- Forms
- Glossary
- ISBE Info
- Learning Standards
- Press Releases
- Programs
- School Info
- Send ISBE a file
- Student & Parent Info
- Teacher Info



Other Important Documents

Note: We are in the process of updating our forms to Acrobat 9.0. This will allow the user with Acrobat Reader 9.0 to complete the information and save the completed form to your computer. You can download the free reader at <http://www.adobe.com/products/acrobat/readstep2.html>.

- ▶ [At-risk After-School Snack/Supper Program Verification Document \(ISBE 63-82\)](#)
This verification document is used for an institution participating in the At-risk After-School Snack/Supper Program to document the location of the after-school program.
- ▶ [At-Risk Monitor Form for Sponsors \(ISBE 67-77\)](#)
Sponsoring organizations with more than one site should use this form to complete three monitoring visits each year for At-Risk After-School Snack/Supper Programs. This document includes the 5 day reconciliation requirements.
- ▶ [Building for the Future \(Tri-fold Brochure\)](#)
All institutions must provide parents at enrollment a copy of this brochure or display it on a bulletin board or in a noticeable location.
- ▶ [CACFP Program Review Checklist](#)

- ▶ Food Recall Information
- ▶ Illinois Commodity System/USDA Food Distribution Programs
- ▶ Instructions for Online Applications and Reports
- ▶ Legislation, Regulations, and Policy
- ▶ Map—Illinois Nutrition Programs
- ▶ Monitoring and Program Requirements
- ▶ Newsletters
- ▶ Nutrition Education Loan Library
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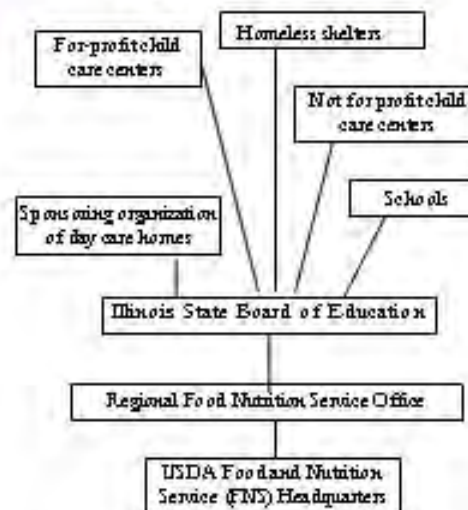
How does CACFP work?

CACFP reimburses participating centers, homeless 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 accessible to be approved to administer CACFP.

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 Ave., SW, Washington, D.C. 20250-9410 or call 800/795-3272 (voice) or 202/720-6382 (TDD). USDA is an equal opportunity provider and employer.

CACFP Partners***Contacts***

If you are interested in participating in CACFP or have questions about the Program, the Illinois State Board of Education, Nutrition Programs 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).

Must add name

***Illinois State Board
of Education***

***Child and
Adult Care
Food Program
(CACFP)***

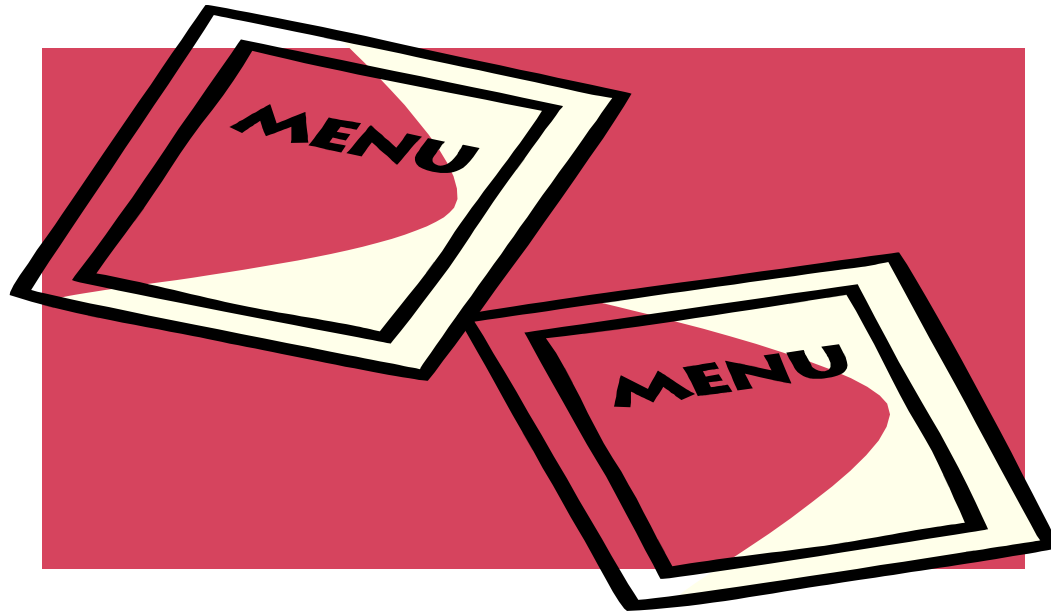


***Building for the
Future***

Outreach and Education



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



Civil Rights Statement



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- *At a minimum, the following must be on all materials that mention USDA programs (including websites): This institution is an equal opportunity provider.*

Outreach and Education



When using graphics, reflect diversity and inclusion.





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.



LEP (continued)



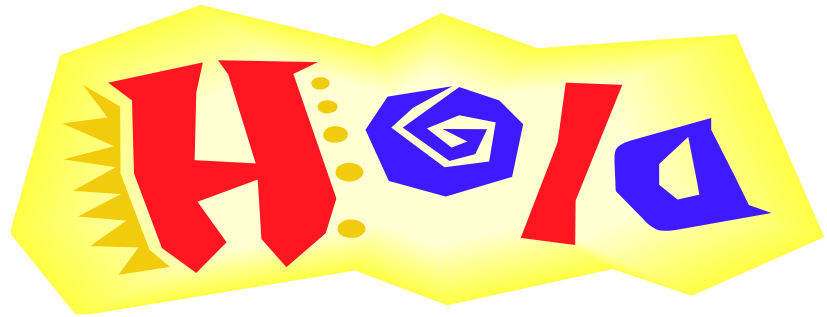
Primary factors to consider when determining reasonable steps:

- Number or proportion of LEP persons in the eligible service population
 - The greater the number, the higher the need
- Frequency of contact in the programs
 - Can do outreach
- Importance of the service provided by the programs
- Resources available to the recipient/costs

LEP (continued)



- NSLP Household Eligibility Applications in other languages are available at www.fns.usda.gov/cnd/FRP/frp.process.htm .
- Further information on LEP is available at www.LEP.gov.

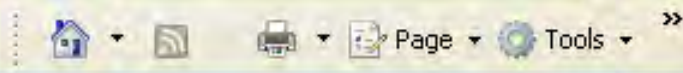




http://www.fns.usda.gov/cnd/FRP/frp.process.htm



Free and Reduced Price Meal Benefit Information

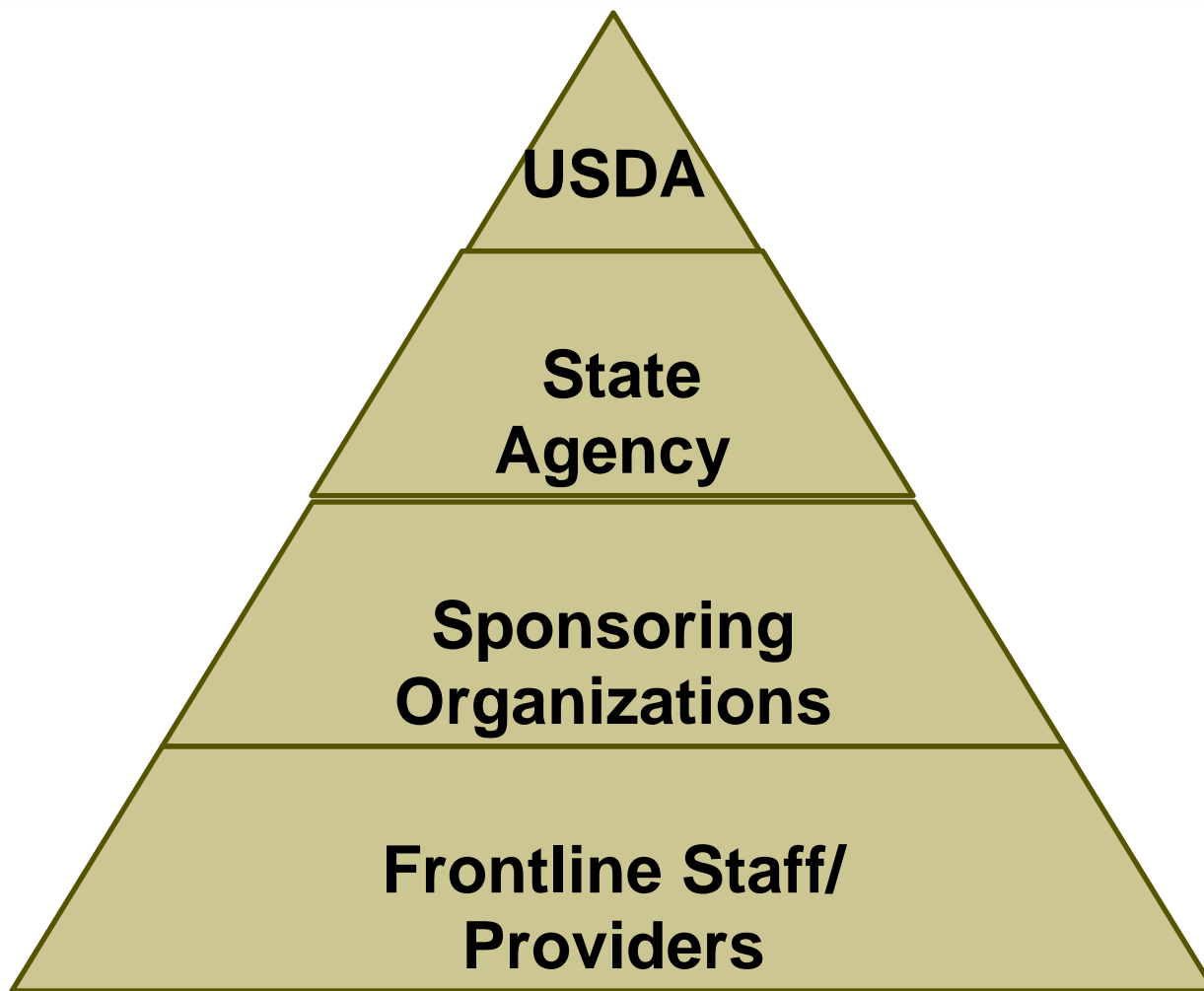


- Regulations
- Program Policy
- Guidance & Resources
- CN Labeling
- Food Safety
- School Nutrition
- Grants
- Research & Reports

English	(.doc)	(.pdf)
Arabic	(.doc)	(.pdf)
Cambodian	(.doc)	(.pdf)
Chinese (Mandarin)	(.doc)	(.pdf)
Farsi	(.doc)	(.pdf)
French	(.doc)	(.pdf)
Greek	(.doc)	(.pdf)
Haitian Creole	(.doc)	(.pdf)
Hindi	(.doc)	(.pdf)
Hmong	(.doc)	(.pdf)
Japanese	(.doc)	(.pdf)
Korean	(.doc)	(.pdf)
Kurdish	(.doc)	(.pdf)
Laotian	(.doc)	(.pdf)
Polish	(.doc)	(.pdf)
Portuguese	(.doc)	(.pdf)
Russian	(.doc)	(.pdf)
Samoan	(.doc)	(.pdf)
Serbo-Croatian	(.doc)	(.pdf)
Somali	(.doc)	(.pdf)
Spanish	(.doc)	(.pdf)
Sudanese	(.doc)	(.pdf)
Tagalog	(.doc)	(.pdf)
Thai	(.doc)	(.pdf)
Urdu	(.doc)	(.pdf)
Vietnamese	(.doc)	(.pdf)



VI. Civil Rights Training



VI. Technical Assistance and Training



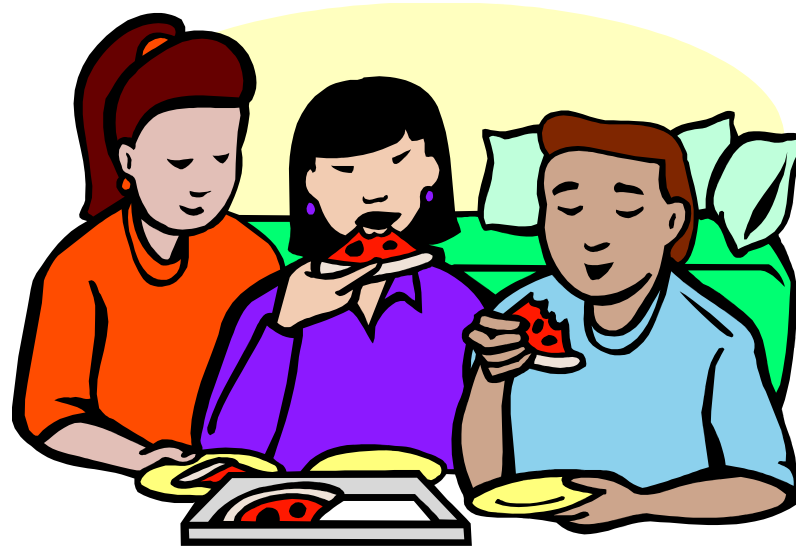
- Training is required annually for frontline staff and providers.
- Teaching tools available on our website:
 - This PowerPoint™ presentation
 - Front-line staff PowerPoint™ presentation
 - Civil rights requirements handouts available by program type

VIII. Customer Service



PLATINUM RULE

***Treat others the way they want to be treated
(or at least be aware of what that is).***



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

Child Nutrition Scenario #1



A family does not want to identify their race or ethnic background on their Household Income Eligibility Application.

What should the provider do?

Answer to Child Nutrition Scenario #1



- The provider 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.
- The provider can point out that the collection of this information is strictly for statistical reporting requirements and has no effect on determining their eligibility.

Child Care Scenario #1



A child care home 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?

Answer to Child Care Scenario #1



Yes. All children who attend a home must be provided equal access to the benefits of the CACFP. Therefore, infant formula and food must be offered to infants at the home and parents cannot be asked or required to supply these items. To withhold the program from any eligible age group is age discrimination.

Child Care Scenario #2



Children whose first language is Spanish are asked to sit together at a *Spanish-speaking* table.

Is this a civil rights issue?

Answer to Child Care Scenario #2



Yes, segregating or separating children who share a particular 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. This is a questionable practice unless it is done for disciplinary or other legitimate reasons.

In the End . . .



Memories of our lives, of our works, and our deeds will continue in others, who believe and act for fairness and justice.

Rosa Parks
1913–2005





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