



Civil Rights Compliance and Enforcement Training

Illinois State Board of Education

Nutrition Department

800/545-7892

cnp@isbe.net

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.





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:

- Race
- Color
- National Origin
- Sex
- Age
- Disability

Background

Where did our current laws originate?

► 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 educational program or activity that is receiving federal financial assistance.

► Section 504 of the Rehabilitation Act of 1973

- Prohibits discrimination based on a disability.

Background

Where did our current laws come from?

➤ Americans with Disabilities Act of 1990

- Prohibits discrimination based on a disability.

➤ Age Discrimination Act of 1975

- prohibits discrimination based on age in programs or activities receiving Federal financial assistance.



➤ Civil Rights Restoration Act of 1987

- clarifies the intent of Congress as it relates to the scope of Title VI of the Civil Rights Act of 1964 and related nondiscrimination statutes to ensure nondiscrimination in all programs and activities of a recipient, whether those programs and activities are federally funded or not.



Civil Rights Training Components

Assurances

Data
Collection &
Analysis

Public
Notification

Outreach &
Education

Limited
English
Proficiency

Compliance
Reviews

Processing
Civil Rights
Complaints

Resolution of
Non-
Compliance

Reasonable
Modifications

Conflict
Resolution

Customer
Service

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 (for School Nutrition Programs only)
 - 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 required that ethnicity must be collected first and race second.

Ethnicity Categories:

Hispanic or Latino
Not Hispanic or Latino

Race Categories:

American Indian or Alaska
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.

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

The data that you collect should be compared to this county data annually.

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.



Program
Availability



Complaint
Info



Nondiscrimination
Statement

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](https://www.ascr.usda.gov/how-file-program-discrimination-complaint), (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 (866) 632-9992. 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.

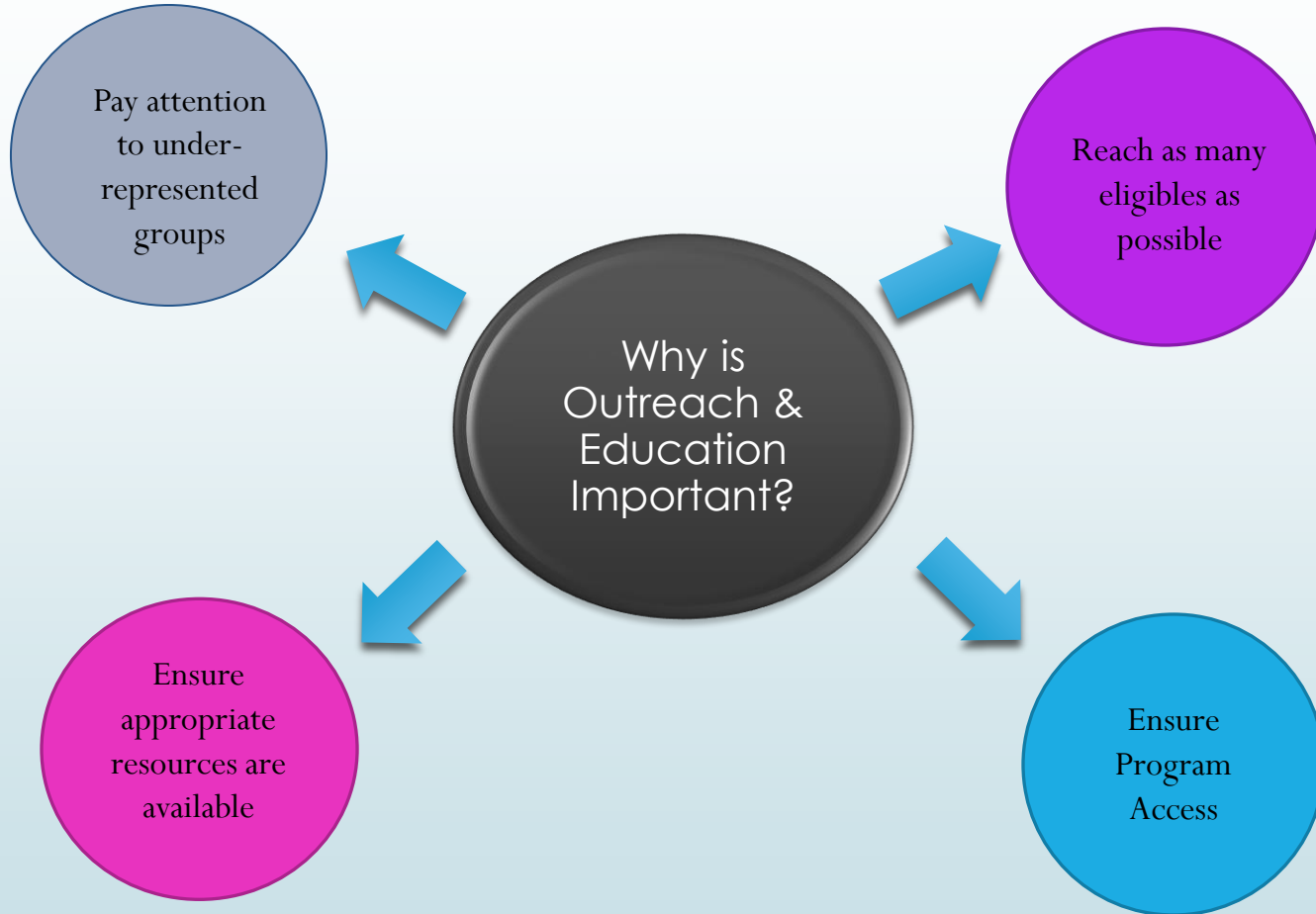
This institution is an equal opportunity provider.

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.

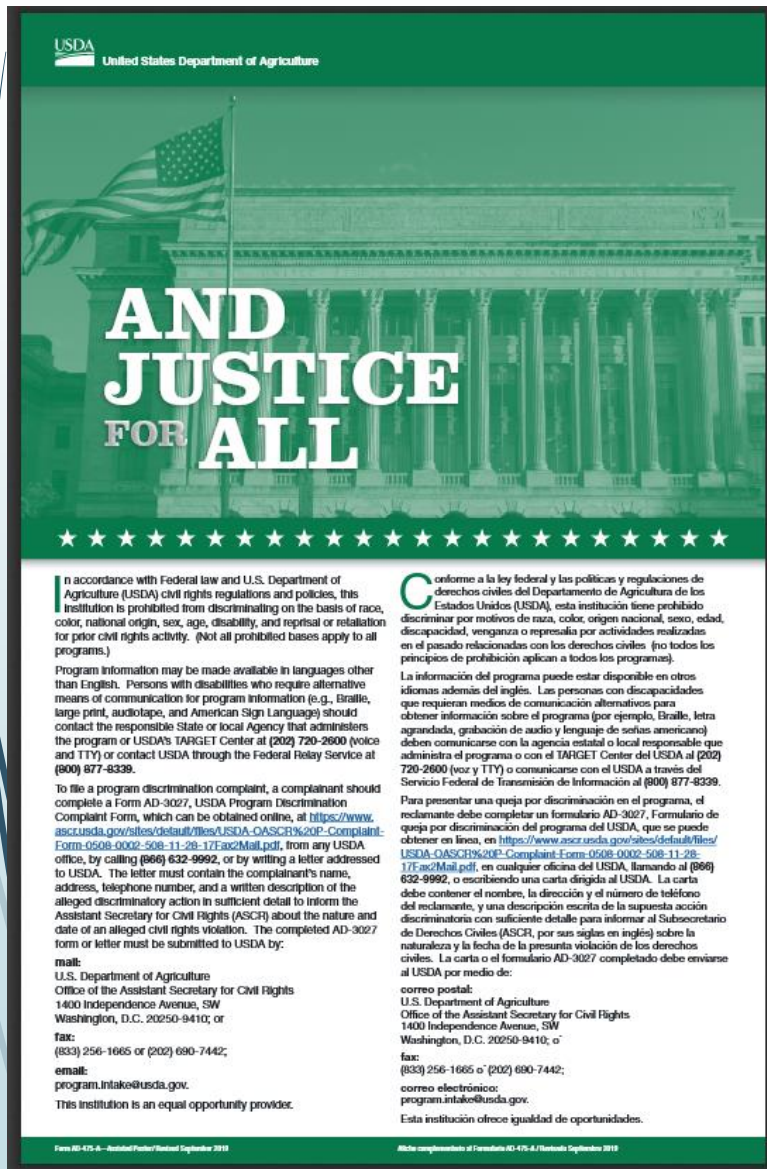
There is a shortened statement that can be used in rare cases. This shortened version can not be used just because the full statement will not fit on the document, you must determine who the audience is and if the full statement is needed.

Outreach & Education



Outreach & Education

And Justice for All Poster



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

Posters are available free of charge from the Illinois State Board of Education Nutrition & Wellness Programs Division upon request.

Send all requests to cnp@isbe.net and include the name of the sponsor requesting the poster, the address to mail it to and the number of requested posters.



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 Proficiency (LEP)

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.
 - ▶ Opportunities for outreach
- ▶ Importance of the service provided by the programs
- ▶ Resources available to the recipient/costs



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.

➤ School Nutrition Programs

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	

➤ Child and Adult Food Care Programs

Arabic	Greek	Kurdish	Samoan	Thai
Armenian	Gujarathi	Laotian	Serbian	Tigrinya
Chinese Simplified	Hindi	Mien	Somali	Traditional Chinese
Creole	Hmong	Polish	Spanish	Ukrainian
Croatian	Japanese	Portuguese	Sudanese	Urdu
Farsi	Khmer	Punjabi	Tagalog	Vietnamese
French	Korean	Russian		

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.

Processing a Civil Rights Complaint

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.

- ▶ All complaints written or verbal must be forwarded to the appropriate Regional Civil Rights Officer or USDA Office of Civil Rights. Contact the state agency and we will be happy to assist you.
- ▶ Phone: 800/545-7892
- ▶ Email: cnp@isbe.net

A sample complaint form is available on the USDA Civil Rights webpage at:
https://www.usda.gov/sites/default/files/documents/Complain_combined_6_8_12_508.pdf

Processing a Civil Rights Complaint

Steps of the complaint procedure

If you are a school or sponsor in our programs, many of these steps are not for you to complete, they are for the state agency, USDA regional office or the FNS Office of Civil Rights (OCR).

This just provides an overview of the general process.

Step 1: Right to File

- Any person or representative alleging discrimination based on the prohibited basis has the right to file a complaint within 180 days of the alleged discriminatory action.

Step 2: Receipt

- All complaints must be forwarded to the appropriate Regional Civil Rights Officer or USDA Office of Civil Rights.

Step 3: Processing

- FNS CRD, Regional office and/or State Agency (SA) will process the complaint, review & evaluate the facts gathered and determine the necessary actions.

Step 4: Completion

- All complaints alleging discrimination based on the prohibited bases must be processed within 90 days of receipt.

Where Can Civil Rights Complaints be Submitted?

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

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.



Reasonable Modifications

ENSURE ACCESS FOR PEOPLE WITH DISABILITIES!

- Parking lot, entrances and exits, halls, elevators, rest rooms, sign language interpreters, Braille signage, and service animals
- Alternative arrangements for service



Conflict Resolution

In no way is a SFA to impede a customer's right to file a civil rights complaint. However, most conflicts are easily resolved by using appropriate tools. Conflict resolution consists of useful skills to assist with the solution of complaints. These skills include:

Using a win/win approach: change the conflict from an attack and defense to cooperation and

Avoid the desire to blame.

Use a creative response: turn problems into possibilities to improve the situation.

Demonstrate empathy: help others feel that they are understood by being an active listener.

Appropriate assertiveness: state your case without arousing the defenses of another person.

Remember to use "I" statements to communicate your feelings directly.

Manage emotions: stick strictly to the facts of the complaint and communicate your feelings directly.

Have a willingness to resolve- identify barriers to a resolution and overcome those barriers.

Avoid repeating the situation.

Customer Service

Good service
makes the
difference!



THE PLATINUM RULE
Treat others the
way **THEY** want to
be treated!

Customer Service

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All participants must be treated in the same manner:

- ✓ seating arrangements
- ✓ serving lines
- ✓ services and facilities
- ✓ assignment of eating periods
- ✓ methods of selection for application approval processes

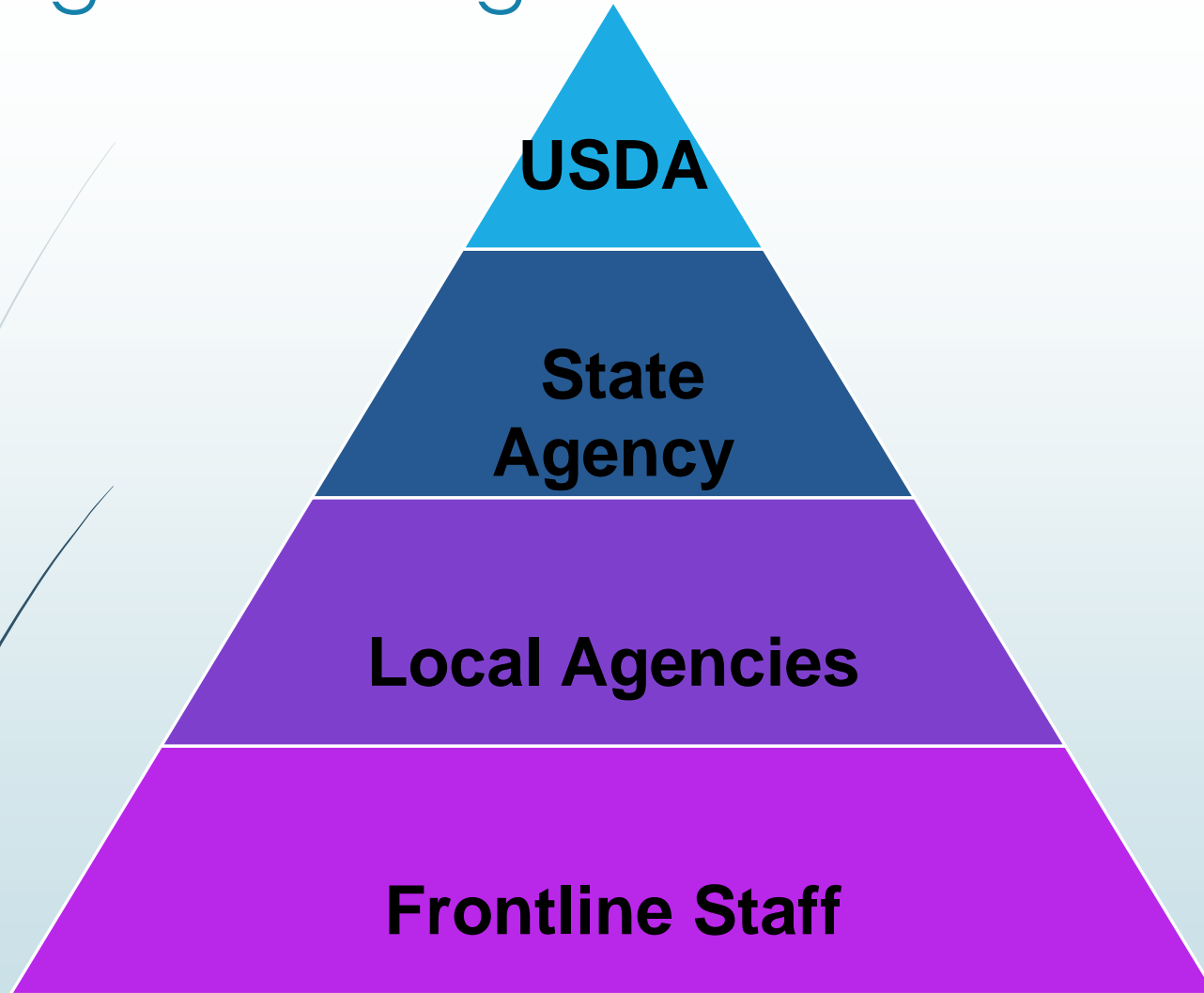


Civil Rights Training Requirements

- ▶ 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



Training of Frontline Staff is required on an annual basis.

Resources that are available to help you meet that requirement:



Civil Rights Training

- This recorded training module
- 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.

READY FOR A

QUIZ?

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

When the State Agency has time to train her

C

It should be a part of her new staff member orientation

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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

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

A

the football team

B

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C

the 12th graders

D

All students

3) Its Pizza Day, the most popular day in the cafeteria. The cafeteria only provides cheese pizza to Hispanic students who come through the line even though they request peperoni and there's plenty of pepperoni pizza available. Then a couple of minutes later a white student comes through the line. She is given the option of all available pizzas. Is this a Civil Rights concern?

A

Yes

B

No

3) It's Pizza Day, the most popular day in the cafeteria. The cafeteria only provides cheese pizza to Hispanic students who come through the line even though they request pepperoni and there's plenty of pepperoni pizza available. Then a couple of minutes later a white student comes through the line. She is given the option of all available pizzas. Is this a Civil Rights concern?

A

Yes. The cafeteria worker appears to be treating the Hispanic students differently by limiting the available pizza options served to them.

B

No

4) Is a child care center that participates in the Child and Adult Food Care Program (CACFP) required to provide infant foods and/or formula to infants in their care?

A

No. Parents need to provide formula and infant food.

B

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.

C

Depends. If the child requires a special formula due to a disability, then the parents need to provide the formula and food.

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C

Depends. If the child requires a special formula due to a disability then the parents need to provide the formula and food.

5) A family does not want to identify their race or ethnic background on the Household Eligibility Application at a school. 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.

5) A family does not want to identify their race or ethnic background on the Household Eligibility Application at a school. 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.

6) You receive a physician's statement from a parent that indicates that a child has PKU. The doctor's statement indicates that PKU is a disability. The doctor provides a list of food items that the child should not receive and provides a list of food items that the child may have to replace those items they can not have. What responsibilities does the site have in regards to this child's meals?

A

None. The parent should provide this child's meals.

B

The school must follow the Dr.'s orders.

C

The modifications would be costly, therefore the school can make those modifications and can charge \$2.00 more per meal in order to cover the added cost to prepare that meal.

6) You receive a physicians statement from a parent that indicates that a child has PKU, the doctors statement indicates that PKU is a disability and the Dr. provides a list of food items that the child should not receive and provides a list of food items that the child may to replace those items they can not have. What responsibilities does the site have in regards to this child's meals?

A

None. The parent should provide this child's meals.

B

The site must follow the Dr.'s orders. Modifications must be made for persons with disabilities. The Dr. needs to provide detailed information on what should be omitted from the diet and what to replace those items with. Those modifications must be made with no additional cost to household for that meal.

C

The accommodations would be costly, therefore the school can make those accommodations and can charge \$2.00 more per meal in order to cover the added cost to prepare that meal.

NOTE: Modifications are only required for persons with Disabilities. Modifications are not required based on requests or likes/dislikes.

7) A family files a civil rights complaint against a child care center. The child care center wants to find a way to kick the family out of the child care center. Is this allowable?

A

No. Retaliation is not allowed.

B

Yes. The child care center can kick out any households that they wish to.

7) A family files a civil rights complaint against a child care center. The child care center wants to find a way to kick the family out of the child care center. Is this allowable?

A

No. Retaliation is not allowed. The laws prohibit recipients of federal financial assistance from intimidating or retaliating against anyone because he/she has either taken action or participated in action to secure rights protected by these laws. Even if the complainant had no grounds for filing the original complaint, you cannot retaliate for filing a complaint.

B

Yes. The child care center can kick out any households that they wish to.

Contact Information

Illinois State Board of Education- Nutrition & Wellness Programs



www.isbe.net/nutrition



800/545-7892



cnp@isbe.net

To receive credit for this training, a certificate is NOT required. Please keep a tracking log of trainings completed each year for Professional Standards & Civil Rights requirements. Training logs must include staff attendee name, date, and title of training completed.