

2019 Civil Rights Training Video – Script

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Thank you for participating in the Idaho State Department of Education Child Nutrition Programs Civil Rights Training.

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The purpose of this presentation is to provide annual training for sponsors of USDA funded Child Nutrition Programs. An additional purpose is to ensure compliance with and enforcement of the prohibition against discrimination in all Food and Nutrition Service nutrition programs and activities, whether federally funded or not. Documenting your participation in this training provides compliance with regulations required by United States Department of Agriculture (USDA) funded Food and Nutrition Service agencies, sponsors, and volunteers. This training fulfills Professional Standards Learning Code 3430 – Develop employee training plans, including a plan for tracking training.

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The information conveyed in this training is required civil rights training for USDA Child Nutrition Program sponsors, staff, and volunteers. The following civil rights topics will be covered in this presentation:

Purpose

- Training requirements
- Assurances
- Discrimination considerations
- Protected classes
- Collection and use of data
- Public notification systems
- Long and short non-discrimination statements
- Complaint procedures
- Compliance review and resolution
- Requirements for language assistance and requirements for reasonable accommodations for those with disabilities
- Conflict resolution
- Customer service
- Helpful links

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Civil rights requirements ensures that programs are providing equal access to participants and ensures that program recipients are being treated without discrimination while participating in Child Nutrition Programs.

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Training is required so that all people involved in the administration of programs that receive Federal financial assistance will understand civil rights related laws, regulations, procedures, and directives.

Persons responsible for reviewing civil rights compliance must receive training to assist them in performing their review responsibilities. This training may be carried out as part of ongoing technical assistance.

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State agencies are responsible for training Child Nutrition Program sponsors. Sponsors are responsible for training their staff, which includes food service employees, hearing, confirming and determining officials, frontline staff and those who supervise frontline staff and volunteers.

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“Frontline staff” and those who supervise frontline staff must be trained on Civil Rights. Frontline staff are those who interact with program applicants and/or participants.

Sponsors are also required to train volunteers who interact with program applicants and/or participants.

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Civil rights training must occur before the staff or volunteer assumes their duties in Child Nutrition Programs and then annually thereafter. Civil rights documentation must be kept for three years plus the current year. Sponsors must document the training with an agenda containing the date(s) training occurred, the topics of the training and a sign-in sheet for all participants.

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The training agenda must include the following minimum training requirements:

- Assurances
- Collection and use of data
- Effective public notification systems
- Complaint log and procedures
- Compliance review techniques
- Resolution of noncompliance
- Requirements for reasonable accommodation of persons with disabilities

- Requirements for language assistance
- Conflict resolution
- Customer service

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All Child Nutrition Program sponsors and facilities must provide written assurances that the program will be operated in compliance with the Civil Rights laws and implementing nondiscrimination regulations. This is accomplished with the Permanent agreement and annual renewal certification in MyIdahoCNP.

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Sub recipient agreements must also include a Civil Rights assurance of nondiscrimination. This includes sponsor agreements with unaffiliated sites. Sponsors that contract with Food Service Management Companies to provide food service to students are responsible for ensuring that the Food Service Management Company is in compliance with Civil Rights regulations.

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Preventing discrimination is a key component of civil rights training. Discrimination complaints are defined as, "Any complaint filed by persons (non-employee), organizations or companies who, based on being a member of a protected class, allege discrimination in a program or activity conducted or assisted."

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Discrimination occurs when participants are **Denied** benefits or services that others receive, when participants are **Delayed** in receiving benefits or services that others receive, or when participants are treated **Differently** than others, resulting in a disadvantage.

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A few examples of potential discrimination may be: refusing a person's **enrollment** in a program based on disability, failure to provide **reasonable accommodation** to disabled individuals, serving meals at a **time, place, or in a manner** that is discriminatory, or failing to provide materials that give non-English speaking persons **full and equal opportunity** to receive benefits.

Civil rights are in place to protect participants and families from being discriminated against while participating in USDA funded food programs.

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Civil Rights ensures that all participants are treated equally based on six protected classes. The six protected classes recognized in USDA funded Child Nutrition Programs are:

- Race
- Color

- National Origin
- Age
- Sex
- Disability

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Sponsors are required to report ethnicity and race of all program participants annually. The preferred method of data collection, according to Food and Nutrition Service, is self identity. For example, a parent checks an ethnicity or race box on their enrollment form. In the case that no self identification is made, a visual identification should be documented.

Please remember you cannot ask a participant his or her race or ethnicity.

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State agencies require annual reporting on the ethnic and racial data of participants during the annual application process. Each Child Nutrition Program area has data collection procedures specific to their program.

Sponsors may develop a system of data collection specific for their individual organization.

Data collection must be kept for three years plus the current year.

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When obtaining data, both ethnicity and race need to be recorded for each participant.

Ethnicity refers to the question: "Is a person Hispanic or Latino or Not Hispanic or Latino?" A Hispanic or Latino is defined as "A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin - regardless of race".

Participants can choose from either category. The total enrollment should equal these two ethnic categories.

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Race refers to specific country of origin of the program participant. Racial categories include:

- Black or African American: A person having origins in any of the black racial groups of Africa
- White: A person having origins in any of the original peoples of Europe, the Middle East, or North America

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- Asian: A person having origins in any of the peoples of the Far East, Southeast Asia, or the Indian subcontinent, including: Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam

- Native Hawaiian or Other Pacific Islander: A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands
- American Indian or Alaskan Native: A person having origins in any of the original peoples of North America (including Central America) who maintains tribal affiliation or community attachment

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Sponsors are required to make public their program availability to ensure that qualified participants are aware of the program.

Participants must be advised at the service delivery point of their right to file a complaint and the complaint process.

The “And Justice for All” poster must be prominently displayed where there is a USDA presence and where it may be read by the public. Family daycare homes are exempt from this requirement.

Please make sure you are displaying the correct non-discrimination poster. The revised poster is green and is dated December 2015.

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Methods of public notification include:

Informing potentially eligible applicants about the program (outreach).

Providing information in other formats for those with disabilities. An example of this may be providing large print or braille menus for those who are visually impaired.

Conveying equal opportunity when using photographs. Include a good representation of various ages, races, genders, etc.

Prominently displaying the current “And Justice for All” poster.

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The Non-discrimination statements must be included on all media mentioning USDA funded Child Nutrition Programs, including menus, flyers, internet pages, and other food related program announcements.

This slide shows an example of a flyer mentioning a sponsor’s food program with the short non-discrimination statement included at the bottom.

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The non-discrimination statement is a USDA statement that must be present on all publications and media announcements mentioning USDA Child Nutrition Programs. The long non-discrimination statement must be listed on all printed material over one page in length.

Web pages and documents over 1 page in length must have the full statement.

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This slide shows the long statement. When you use the long statement, make sure that the entire statement is reproduced on the document.

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This slide shows an example of the long non-discrimination statement in Spanish. It is important to use the Spanish version in Spanish speaking communities.

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The short statement can be used on material that is less than one page front and back if there is no room for the full non-discrimination statement.

This slide shows the short non-discrimination statements in English and Spanish for any document where the full non-discrimination statement would significantly change the format of the document. Typically, the short non-discrimination statement is used on documents that are one page or one sheet of paper in length (including front and back).

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Any person alleging discrimination based on a protected class has the right to file a complaint within 180 days of the discriminatory action.

All complaints, written or verbal, must be forwarded to the State agency within three days. Anonymous complaints will be handled as any other complaints.

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The USDA has set a procedure for discrimination complaints based on instructions in FNS Instruction 113, revision 1. Sponsors are also required to make civil rights complaint information available upon request.

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When documenting a civil rights complaint, the following information should be included:

Name, address, and telephone number of the complainant

Specific location delivering the service

Nature of the incident that led to the complainant to feel discrimination was a factor

The basis on which the complainant believes that discrimination exists

Names and titles, phone numbers, and business or personal addresses of persons who may have knowledge of the discriminatory action

Date(s) the action occurred

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If a person makes a verbal complaint via phone or in person and refuses or is not inclined to place allegations in writing, the person to whom the allegations are made must write up the complaint, making an attempt to collect specific information.

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Sponsors must keep a Civil Rights Binder or File with the required civil rights complaint documents including the following:

A written civil rights complaint procedure. The procedure should state the organization's policy on how to proceed when obtaining a civil rights complaint.

An annually dated civil rights complaint log, even when no complaints are received or documented.

Copies of the civil rights complaint form. Complaint forms must be available at all Child Nutrition Program sites.

Information in the civil rights binder or file must be annually updated and maintained for three years plus the current year for State agency review.

A sample complaint form can be found on the Idaho State Department of Education website. The procedures, logs, etc., are all available on the Idaho Department of Education Child Nutrition Programs website.

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Here are samples of civil rights complaint logs. You must have one report for each program year. At the end of the program year, if the site has had no complaints, best practice is to note "No Complaints" on that log along with the date. Then begin a fresh log for the new, upcoming program year.

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This slide represents the flow of information when a complaint and or procedure for civil rights is being followed up on for compliance.

- The USDA regional office is responsible for the review of State agencies
- The State agency is responsible for review of local agencies
- The State agency must report any significant finding(s) to the regional USDA office
- Initially, local agencies must receive a pre-approval compliance review from the State agency to determine civil rights compliance before receiving funds
- If the State agency reports a finding, corrective action will be put in place until noncompliance is resolved
- All reports must be maintained as part of records for future review

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Civil rights requirements state that provisions must be made for non-English speaking program participants. For example, enrollment forms or menus may need to be translated into Spanish in areas

where Spanish is necessary in order for families to comprehend the information. Another example of language assistance would be providing braille or large print for visually impaired program participants.

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Civil rights requirements state that reasonable accommodation must be made for persons with disabilities.

For example, to allow food program access, ramps could be available to accommodate those in wheel chairs.

Another example of an accommodation would be having food component substitutions available for those with medically documented disabilities. For example, a participant who has celiac disease or a gluten intolerance must have a choice of a bread or grain item that is gluten free. The sponsor may not use Offer versus Serve to eliminate a specific food component for a participant with a disability; in this case, the sponsor must offer a grain substitute for a participant who cannot consume gluten.

Providing reasonable accommodations is done on an individual basis. If you are unsure, contact the State agency for further guidance.

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Let's take a closer at the term disability as it relates to civil rights in Child Nutrition Programs.

The Americans with Disabilities Act (ADA) Amendments Act of 2008 made important changes to the meaning and interpretation of the term "disability" under section 504 of the Rehabilitation Act of 1973. These changes made it easier for individuals to establish that they have a disability. After the passage of the ADA Amendments Act, most physical and mental impairments constitute a disability.

The central concern for sponsors of Child Nutrition Programs should be working collaboratively with families to ensure equal access to Program benefits for participants with disabilities.

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A person with disabilities, as defined in the ADA Amendments Act of 2008, is any person who has a physical or mental impairment which substantially limits one or more "major life activities", has a record of such impairment, or is regarded as having such an impairment. The term "physical or mental impairment" includes many diseases and conditions.

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"Major life activities" are broadly defined and include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working.

"Major life activities" also include the operation of a major bodily function, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

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Sponsors are required to make substitutions for participants with medically documented disabilities.

Sponsors also have the option to accommodate food preferences for participants without disabilities. They are encouraged to consider participants' cultural, religious, and ethical preferences when planning and preparing meals, but unlike accommodations for disabilities, they are not required to do so.

A vegetarian diet is an example of a meal preference.

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Disabilities must be determined and documented with a medical statement form signed by a recognized or licensed medical authority within the state. In the state of Idaho, a disability may only be determined and signed by the following recognized medical authorities: licensed physician (Medical Doctor or Doctor of Osteopathy), physician assistant, nurse practitioner, and dentist. The signed form must also indicate appropriate substitutions.

Sponsors are required to make substitutions for appropriately documented medical disabilities and must keep all documentation in regards to disabilities, foods to be substituted, and foods to be omitted.

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This slide provides an example of a Medical Statement Form for Child Nutrition Programs. Sponsors should visit the Idaho Child Nutrition Programs website for access to the Medical Statement Form.

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- Food service staff must never revise or change a written prescription or diet order
- Diet orders do not need to be renewed on a yearly basis; however, they should be up to date to reflect the current medical and/or nutritional needs of the participant
- Medical information must be kept confidential. Information should only be shared with staff that needs to know in order to provide for the health, safety, and well-being of the participant
- Keep all documentation in regards to disabilities, foods to be omitted, and menu substitutions

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Persons with limited English Proficiency are defined as individuals who do not speak English as their primary language and who have limited ability to read, speak, write, or understand English.

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Sponsors are required to take reasonable steps to ensure that Limited English Proficient (LEP) persons have "meaningful" access to their programs and activities.

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There are several factors to consider in providing meaningful access to information and services for persons of Limited English Proficiency:

The number or proportion of Limited English Proficiency persons served or encountered in the eligible population.

The frequency with which Limited English Proficient individuals come in contact with the program.

The nature and importance of the program, activity, or service provided by the program, and

The resources available to the program and costs.

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Sponsors are required to provide translation of vital documents and provide notification of free interpretation services to persons with Limited English Proficiency. Sponsors must also provide training to program staff and front line staff on how to provide Limited English Proficient populations with meaningful access to programs.

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The process for conflict resolution includes making sure all complaints alleging discrimination on the basis of race, age, color, national origin, sex, or disability must be forwarded to the State agency within three business days and must be processed by USDA within ninety days.

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Customer service involves treating all program participants and their families fairly and equally. Frontline servers should be enabled to provide the best customer service possible to families and recipients of Child Nutrition Programs. Awareness of discrimination, and accountability, is a key component to good customer service.

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Let's summarize the important civil rights sponsor requirements for participation in Child Nutrition Programs.

Requirements include:

- Train all staff and volunteers annually on Civil Rights topics covered today
- Document the training with an agenda, dates and signatures and have documentation available for the State agency to review
- Prominently display the current "And Justice For All" poster where there is a USDA presence and where it may be read by the public. Best practice is to place the poster both in a public entry as well as in the food service area. Posters must be displayed where free and reduced applications are determined and where money is collected
- Collect and record race and ethnic data for all participants annually. Remember, data collection must be specific to your program
- Offer meals to all participants in care, including infants, without discrimination

- Place the appropriate non-discrimination statement on all printed materials mentioning Child Nutrition Programs, including menus, enrollment forms and electronic announcements mentioning the USDA funded food programs
- Keep all Civil Rights records for three years plus the current year. This includes maintaining an annually updated Civil Rights Complaint Binder containing a complaint procedure, an annually updated complaint log, and complaint forms

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This slide contains helpful civil rights links to the United States Department of Agriculture [Civil Rights](#) website and the Idaho State Department of Education Child Nutrition Programs website.

The links direct you to civil rights webpages where you can access civil rights Laws, Regulations, Executive Orders, and related Other Guidance, including FNS Instruction 113-revision 1.

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This slide contains the required USDA Child Nutrition Programs non-discrimination statement for this presentation.

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On behalf of all Child Nutrition Program participants, and our staff here at the Idaho State Department of Education Child Nutrition Programs - THANK YOU for viewing the annual Civil Rights Training presentation and THANK YOU for doing your part to provide healthy meals to Idaho's citizens.

This concludes the presentation. Please contact Child Nutrition Programs at 208-332-6820 if you need further information.