

New to Child Nutrition Programs?

USDA

↓

Pennsylvania Department of Education

↓

**Nonprofit organizations
Sometimes for-profit organizations**

Child Nutrition Programs

Promote:

- Healthy nutrition
- Active lifestyle

Child Nutrition Programs

CACFP

21

>> WHAT are civil rights?

>> WHO is required to have civil rights training?

>> WHY are civil rights important?

>> WHAT are your responsibilities?

22

Civil Rights and Nondiscrimination



Civil rights are the rights of individuals to receive equal treatment and to be free from unfair treatment or discrimination.



Did you know?



All programs and activities receiving federal financial assistance must follow these requirements.



Why is this important?

Adherence to civil rights laws ensures that all participants have equal access to the benefits and services of the program and that there are not barriers to participation.

23

Who is required to participate in civil rights training?

Program directors and administrators

Teachers with CNP duties

Food service workers

Office staff with CNP duties

Monitors

Site level staff with CNP duties

All of the above

24

Who is required to participate in civil rights training?

- Program directors and administrators
- Teachers with CNP duties
- Food service workers
- Office staff with CNP duties
- Monitors
- Site level staff with CNP duties
- All of the above

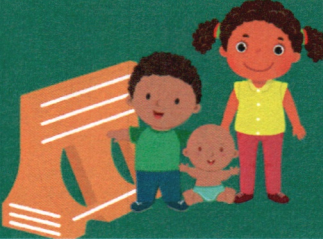
25

USDA requires annual civil rights training for everyone who interacts with Program participants

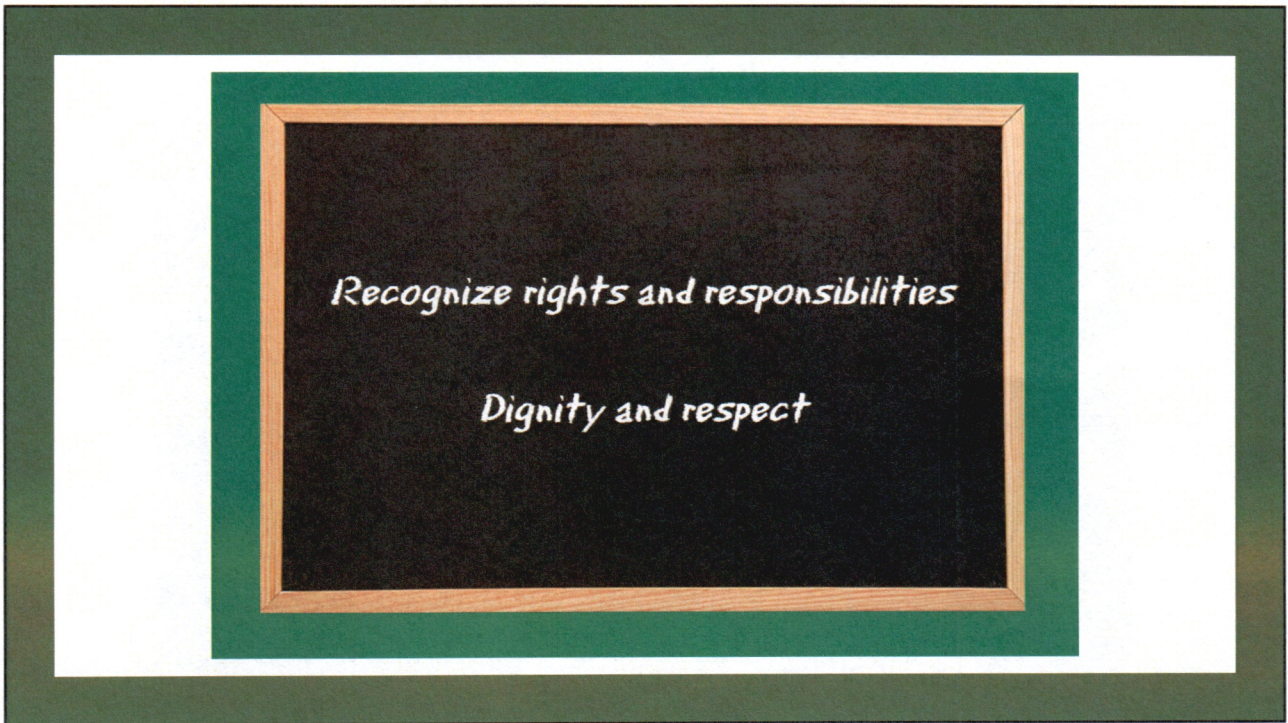
State Agencies → Train → Local Agencies → Train → Staff

Child Nutrition Programs exist to serve all eligible participants

Equal access
No barriers to participation



26



27

What is discrimination?



Different treatment that makes a distinction of one person or group of persons from others, either intentionally, by neglect, or by the actions or lack of actions

28



The 4 Ds:

- Denied benefits
- Delayed benefits
- Treated Differently
- Given Disparate treatment

29

Let's talk about Discrimination

Discrimination may include:

- Failing to provide reasonable accommodations based on a disability
- Serving meals at a time, place, or manner that is discriminatory
- Refusing to provide foreign language services when there is a language barrier
- *a person is considered disabled if they have a physical or mental impairment that substantially limits one or more major life activities**


30



6 Protected Classes

Race	Age
Disability	National Origin
Color	Sex

31



6 Protected Classes

Race	Age
Disability	National Origin
Color	Sex

AND JUSTICE FOR ALL

FOR ALL

- In accordance with Federal law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, disability, and reprisal or retaliation for prior civil rights activity.

32

A child whose first language is Russian is told by a staff member to attend a different facility with other Russian speaking children. Is this a civil rights violation?

Yes

No

33

Civil Rights Violation!

Discrimination based on national origin

34

After a meal has been distributed, there are leftovers. A food service worker offers the leftovers only to the boys, based upon her belief that boys generally eat more than girls. Is this a civil right violation?

Yes

No

35

Civil Rights Violation!

Sex discrimination

36

What are our Responsibilities'?

- Assurance
- Collection and use of data
- Effective Public Notification System
- Compliant Procedures
- Compliance Review Techniques
- Resolution of Noncompliance
- Requirements for Reasonable Accommodation of Person with disabilities
- Requirements of Language Assistance
- Conflict Resolution
- Customer Service

Assurance – all applicants must complete program applications that include written assurances that they will operate in compliance with the civil rights laws and nondiscrimination regulations

37

<p>To qualify for Federal</p>  <p>All applicants must complete applications that include written assurances</p>	<p>Racial and Ethnic data:</p> <ul style="list-style-type: none"> • Determines how effectively Child Nutrition Programs are reaching potentially eligible children • Identifies areas where additional outreach is needed • Ensures fair and equal access to the Programs 
<p>The same assurances must be required in all contracts and vendor agreements</p> <p>Assurances are binding</p>	<p>Self-identification by the household:</p> <ul style="list-style-type: none"> • Complete the Household Income Application for Summer Meals or Meal Benefit Eligibility Form <p>School data:</p> <ul style="list-style-type: none"> • Sponsors can request the local school district share individual racial and ethnic information <p>Census data:</p> <ul style="list-style-type: none"> • Sponsors can utilize USDA data from census.gov or local data for a group of children <p>Other data sources:</p> <ul style="list-style-type: none"> • Non-Child Nutrition Program forms where the racial and ethnic data is collected

38



Race:

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

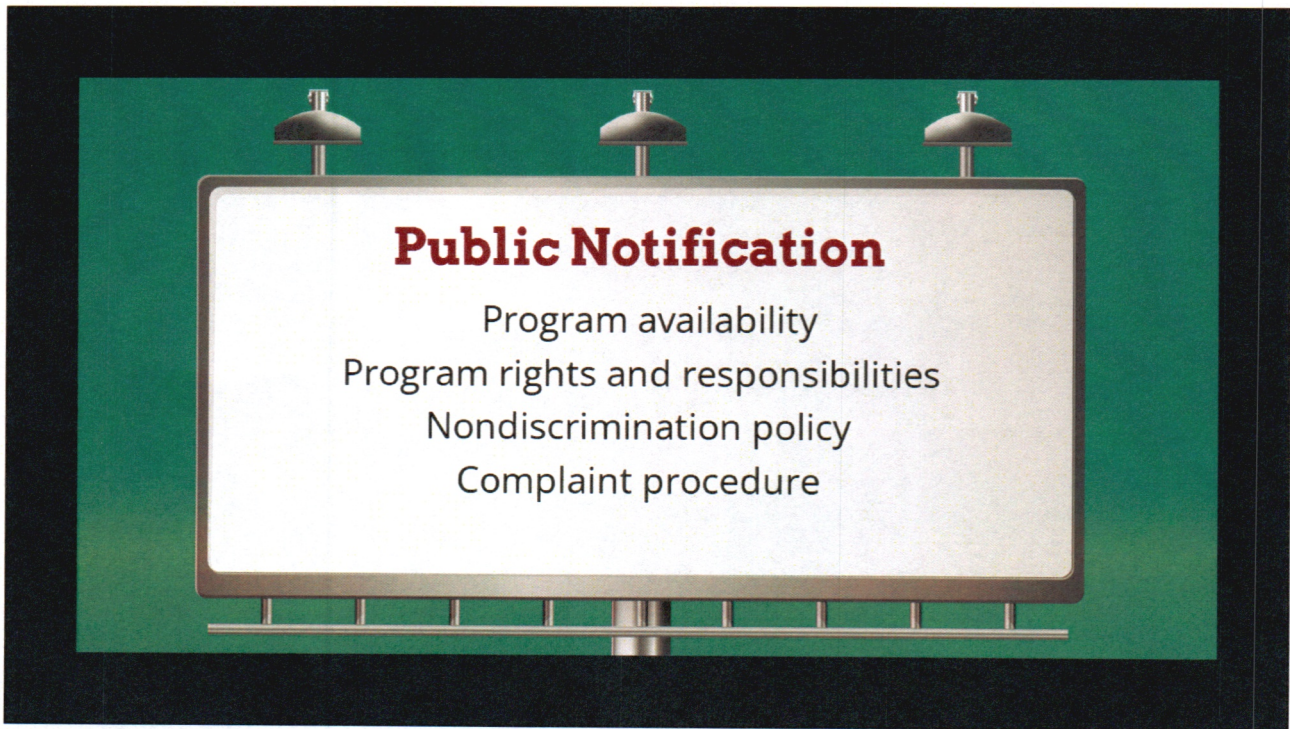
39

A family does not want to identify their race or ethnicity on an Income Eligibility Application or the children are attending an area eligible site, and therefore will not have an income eligibility application.

You know that you are required to collect this data. What would you do?

- Make a visual identification
- Ask their friends
- Look through your records to see if you have this information already
- Contact your local school district and request they provide the information
- Check census.gov for your site location's data

40


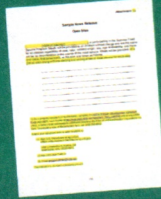
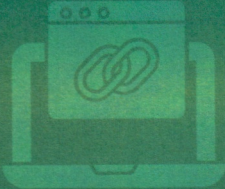


41

Sponsors must take the following actions to meet the requirements of a public notification system:

- Inform potentially eligible persons of the Program
- Use the USDA nondiscrimination statement
- Convey messages of equal opportunity
- Display the “And Justice For All” poster in a prominent place

42

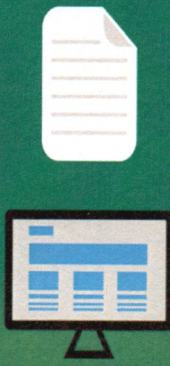
 <p>The public notification must advise participants of their right to file a complaint, how to file it, and the complaint procedures</p>	<h3>Media Release</h3>  <p>SFSP camps and closed enrolled sites are still required to notify parents!</p>
<p>Information, materials, and resources that advertise the program must contain a nondiscrimination statement</p> 	<p>All program information must be made available upon request and in alternative formats for persons with disabilities and in the appropriate language for persons with Limited English Proficiency</p>

43

What materials should include the full nondiscrimination statement?

- Enrollment forms
- Adverse action letters
- Flyers
- T-shirts
- Brochures that advertise the program

44

<h2>2 Purposes</h2> <ul style="list-style-type: none"> States that the USDA prohibits discrimination in all its programs and activities Provides information on how to file a civil rights complaint 	
<h2>Enrollment forms</h2> <ul style="list-style-type: none"> Adverse action letters Brochures that advertise the program 	<p>You must include the full USDA nondiscrimination statement on all published materials that provide information about your program</p> 

45





<p>USDA Nondiscrimination Statement</p> <p>In accordance with federal civil rights law and USDA civil rights regulations and policies, the USDA, its agencies, offices, employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, disability, age, marital status, family/genetic status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.</p> <p>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 state or local agency that administers the program or contact USDA through the Telecommunications Relay Service at 711 (voice and TTY). Additionally, program information may be made available in languages other than English.</p> <p>To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, (SD-3022), found online at www.fis.usda.gov or 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) 632-6992. Submit your completed form or letter to USDA by:</p> <p>Mail: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Mail Stop 9410, Washington, D.C. 20250-9410. Fax: (202) 890-7442, or Email: program.intake@usda.gov</p> <p>USDA is an equal opportunity provider, employer, and lender.</p>	<h2>The nondiscrimination statement must be on:</h2> <ul style="list-style-type: none"> • Application forms • Notification of eligibility or ineligibility • Notices of adverse action • Public information as previously discussed
---	---

46

Any person who believes that he or she has been discriminated against has the right to file a civil rights complaint

A complaint may be filed with the sponsor, State agency, or directly with the USDA

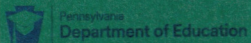
Complainant must be provided information on their right to file and how to file a civil rights complaint directly at the federal level



Written **Verbal** **Anonymous**

47

You must forward civil rights complaints to the state agency within **5 days** of receipt of the complaint



A civil rights complaint should include:

- Name, address and phone number of the person who is making the complaint
- Name and location of the sponsor
- Nature of the alleged discriminatory practice or incident
- Basis of the discrimination (for example: age discrimination)
- Names and addresses of people who are likely to know about the alleged discrimination
- Date the alleged discrimination occurred

48

If your organization is cited with a finding, the sponsor must take the appropriate steps to fix the problem and ensure that it doesn't happen again

If compliance is not achieved, the State Agency determines the further action to be taken and the USDA Regional Office is notified

PDE determines sponsor compliance prior to application approval and during administrative and monitoring reviews of sponsors and their sites

Maintain for 3 years and the current fiscal year

Is the "And Justice for All" poster prominently displayed?
Is the nondiscrimination statement used as required?
Do materials convey a message of diversity and inclusion?

Sponsors must review and monitor their sites, centers, and/or homes for civil rights compliance

49

Disability is one of the six protected classes

The Americans with Disabilities Act (ADA) requires sponsors to make reasonable accommodations for participants with disabilities



50

Physical or mental impairment that substantially limits one or more major life activities

Has a record of an impairment

Regarded as having an impairment



Any mental or physical impairment that substantially limits a major life activity or bodily function is considered a disability

Major life activities:



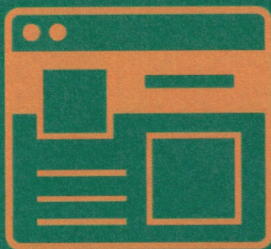
- Caring for one's self
- Performing manual tasks
- Walking
- Seeing
- Hearing
- Speaking
- Breathing
- Learning
- Working

Major life activities:

Functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions

51

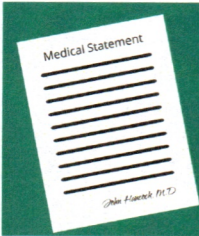
Reasonable Accommodations



52

The medical statement must include:

- Description of how the participant's physical or mental impairment restricts the participant's diet
- Explanation of what must be done to accommodate the disability



Medical Statement


Sponsors must make meal modifications for participants on a case-by-case basis when requests are supported by a written statement from a state licensed medical authority

John Hancock M.D.

53

Sponsors are not expected to make accommodations that are so expensive that they would make operating the Program unfeasible

In most cases, participants with disabilities can be accommodated with little expense or difficulty



My daughter is a vegetarian, can you provide vegetarian options?

Substitutions for non-disability requests must meet meal pattern requirements!

54

LEP Policy:

- 1 Eligibility
- 2 Frequency of need
- 3 Impact
- 4 Resources and costs

LEP Limited English Proficiency

People are considered to have limited English proficiency when English is not their **first language** and their ability to read, speak, write, or understand English is **limited**

National Origin

Language must not be a barrier to receiving benefits!

Regulations require sponsors to take **reasonable steps** to make sure that there is meaningful access to their program and activities for people with limited English proficiency

55



Treat all participants with dignity and respect

Develop good listening skills

Respond in a non-threatening manner:

- Voice
- Tone
- Body language

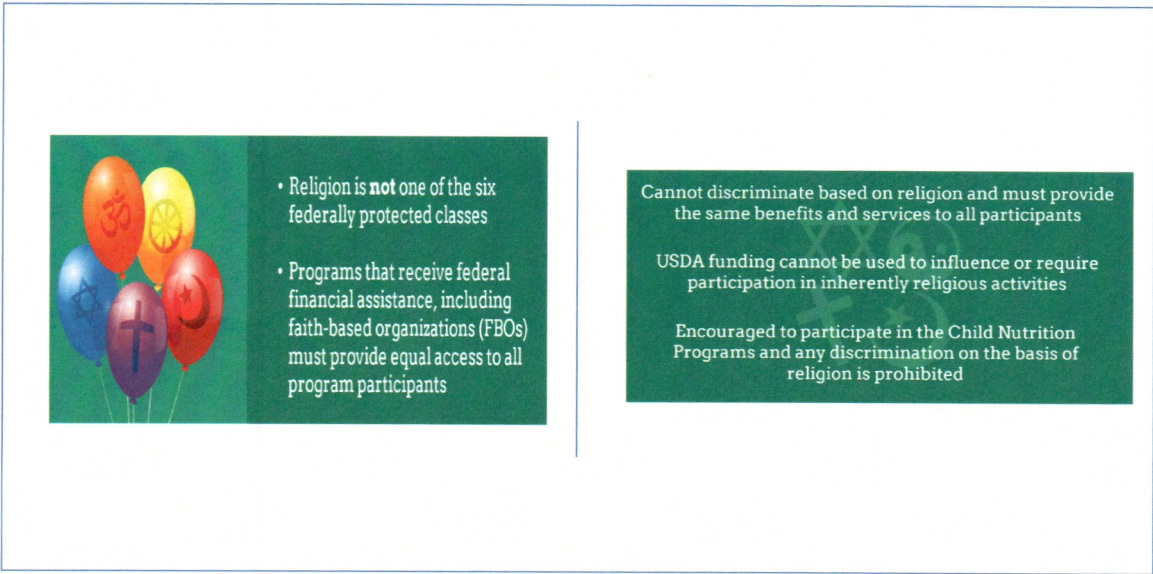
Conflict Resolution

Resolve problems before they escalate



Customer Service = Civil Rights Compliance

56



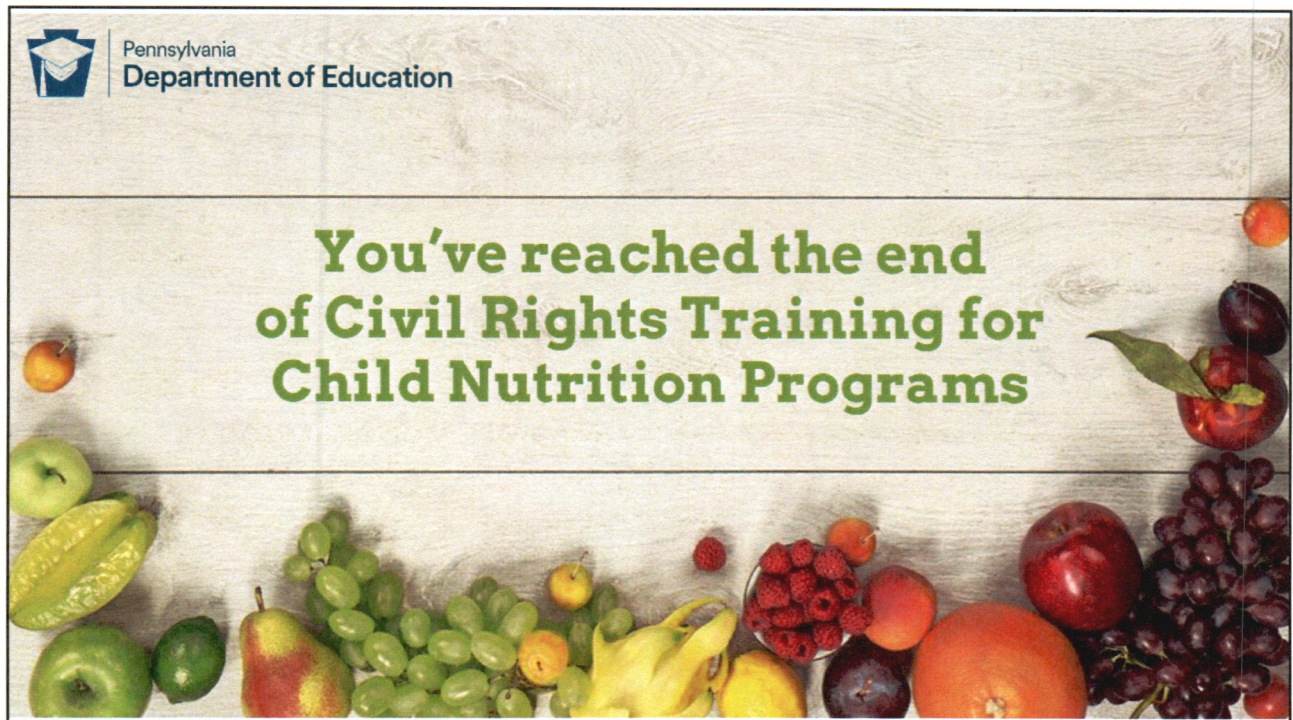
- Religion is **not** one of the six federally protected classes
- Programs that receive federal financial assistance, including faith-based organizations (FBOs) must provide equal access to all program participants

Cannot discriminate based on religion and must provide the same benefits and services to all participants

USDA funding cannot be used to influence or require participation in inherently religious activities

Encouraged to participate in the Child Nutrition Programs and any discrimination on the basis of religion is prohibited

57



Pennsylvania Department of Education

You've reached the end of Civil Rights Training for Child Nutrition Programs

58