

Civil Rights

Kentucky Department of Education
April 2014

What are Civil Rights?

Civil Rights are:

“The nonpolitical rights of a citizen; 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.”



What is Discrimination?

- Discrimination is the act of distinction of one person or a group of persons from others; either intentionally, by neglect, or by actions or lack of actions based on their protected classes.
- Protected classes:
 - Race
 - Color
 - National Origin
 - Sex
 - Age
 - Disability

6 Areas of Civil Rights Compliance

1. Public Notification System
2. Data Collection
3. Training
4. Compliance Reviews
5. Civil Rights Complaints
6. Assurances

1 Public Notification System

All FNS assisted programs must include a Public Notification System. The purpose of the system is to inform applicants, and the potentially eligible persons of the programs availability, program rights, and responsibilities, the policy of discrimination, and the procedure to file a complaint.

Public Notification System

Sponsors are responsible for the public release of information about their NSLP program.

{SPONSOR NAME}

Announces its policy for Free and Reduced Price Meals for students under the

NATIONAL SCHOOL LUNCH AND BREAKFAST PROGRAMS.

Any interested person may review a copy of the policy by contacting {Child Nutrition Director or Delegate's Name, Address, Telephone Number}.

Household size and income criteria will be used to determine eligibility. Children from families whose income is at or below the levels shown may be eligible for Free or Reduced Price Meals. An application cannot be approved unless it contains complete eligibility information. Once approved, meal benefits are good for an entire year. You need not notify the organization of changes in income and household size.

Application forms are being sent to all homes with a letter to parents or guardians. To apply for Free or Reduced Price Meals, households must complete the application and return it to the school. Additional copies are available at the principal's office in each school. The information provided on the application will be used for the purpose of determining eligibility and may be verified at any time during the school year. Applications may be submitted at any time during the year.

All children in households that receive SNAP or KTAP are eligible for free meals. Households are required to list on the application only the child's name, SNAP / KTAP case number, and signature of adult household member.

Foster children will receive benefits based on information submitted on the household application or information received from an appropriate agency.

Children in households participating in WIC may be eligible for free or reduced price meals. Please fill out an application.

Children enrolled in an eligible Head Start, Even Start or pre-kindergarten class as defined by law.

Household with children who are considered migrants, homeless, or runaway should contact the district liaison, {Name} at {Telephone Number}.

For the purpose of determining household size, deployed military members are considered a part of the household. Families should include the names of the deployed service members on their application. Report only that portion of the deployed service member's income made available to them or on their behalf to the family. Additionally, a housing allowance that is part of the Military Housing Privatization Initiative is not to be included as income.

All other households must provide the following information listed on the application:

- Total household income listed by gross amount received, type of income (e.g., wages, child support, etc.) and how often the income is received by each household member;
- Names of all household members;
- Signature of an adult household member certifying the information provided is correct; and
- The last four digits of the social security number of the adult signing the application or the word "NONE" for this household member if he or she does not have a social security number.

~~If a household member becomes unemployed or if the household size changes, the school should be contacted.~~ Such changes may make the student eligible for reduced price or free meals.

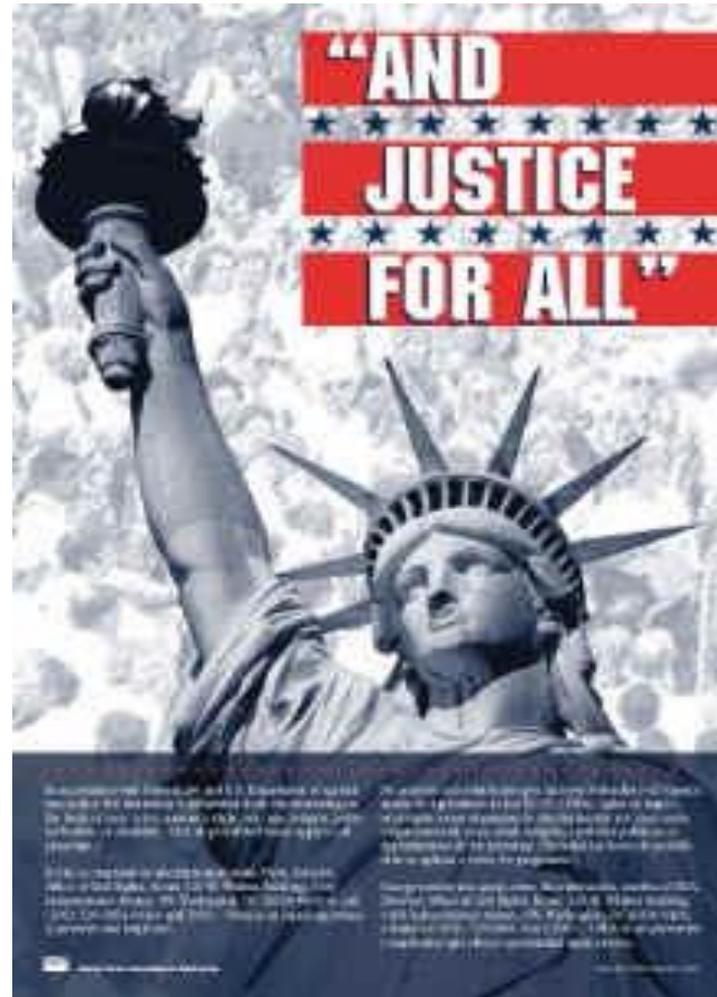
Under the provisions of the Free and Reduced Price meal policy, {Determining Official's Name, and Telephone Number}, will review applications and determine eligibility. If a parent or guardian is dissatisfied with the ruling of the official, he or she may wish to discuss the decision with the determining official on an informal basis. If the parent wishes to make a formal appeal, he or she may make a request either orally or in writing to {Name, Address, Telephone Number of Hearing Official}.

Public Notification System

- The non-discrimination statement should be included, in full, on all materials regarding the NSLP, SBP, and ASSP that are produced for public notification (i.e., news release).
- Sponsors of child nutrition programs must convey the message of equal opportunity in all photographic and other graphics used to provide program information.
- The U.S. Department of Agriculture (USDA) prohibits discrimination against its customers, employees, and applicants for employment on the bases of race, color, national origin, age, disability, sex, gender identity, religion, reprisal, and where applicable, political beliefs, marital status, familial or parental status, sexual orientation, or if all or part of an individual's income is derived from any public assistance program, or protected genetic information in employment or in any program or activity conducted or funded by the Department. (Not all prohibited bases will apply to all programs and/or employment activities.)
- If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, found online at http://www.ascr.usda.gov/complaint_filing_cust.html, or at any USDA office, or call (866) 632-9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter to us by mail at U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, by fax (202) 690-7442 or email at program.intake@usda.gov.
- Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339; or (800) 845-6136 (in Spanish).
- USDA is an equal opportunity provider and employer

Public Notification System

- Must display “And Justice For All” poster in a prominent place.
- Must by 11” x 17”



Reasonable Accommodations - Disability

- Must be provided to persons known to have mental and physical limitations upon request.
- All sponsors participating in Child Nutrition Programs are required to provide food substitutions or modifications if:
 - A physician statement is on file that describes the participant's disability (a disability as defined in federal regulations) that prevents the participant from eating the regularly offered foods, and;
 - The physician has indicated the substitutions or modifications that the participant needs

Reasonable Accommodations - 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

- Upon request, make available to the public, participants, and potential participants about program eligibility, benefits, services, and the procedures for filing a complaint, in English and/or in the appropriate translation to non-English speaking persons
- Free and Reduced Application templates in many languages are available on the USDA website <http://www.fns.usda.gov/school-meals/translated-applications>

Reasonable Accommodations - Limited English Proficiency (LEP)

- Factors to consider in addressing LEP:
 - Number or proportion of LEP persons eligible to be served or encountered by the program
 - Frequency in which LEP individual comes in contact with the program
 - Further information www.LEP.gov

2 Data Collection

- Ethnicity and Race information is collected through Infinite Campus.
- If you do not have Infinite Campus use any other means to collect (visual, applications, etc.)
- Remember you must also collect this information on your food service employees as well (not done through Infinite Campus)



Civil Rights Questionnaire (pg.3)

III. DATA COLLECTION

Complete the chart below using the most recent information available. **KY School Districts in which this information is collected via Infinite Campus do not need to complete this section.**

- You must fill out number of employees in food service.
- If you do not have Infinite Campus, you must complete in entirety.

	Number of employees in food service.	Number of students/participants.
Ethnicity:		
<i>Hispanic or Latino</i> – A Person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race.		
<i>Not Hispanic or Latino</i>		
TOTAL		
Race:		
<i>American Indian or Alaskan Native</i> – A person having origins in any of the original peoples of North or South America (including Central America), and who maintains tribal affiliation or community attachment.		
<i>Asian</i> – A person having origins in any of the original Peoples of the far East, Southeast Asia, or the Indian subcontinent, including, for example Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.		
<i>Black or African American</i> – A person having origins in Any of the black racial groups of Africa.		
<i>Native Hawaiian or Other Pacific Islander</i> – A person Having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.		
<i>White</i> – A person having origins in any of the original peoples of Europe, the Middle East, or North Africa.		
TOTAL		

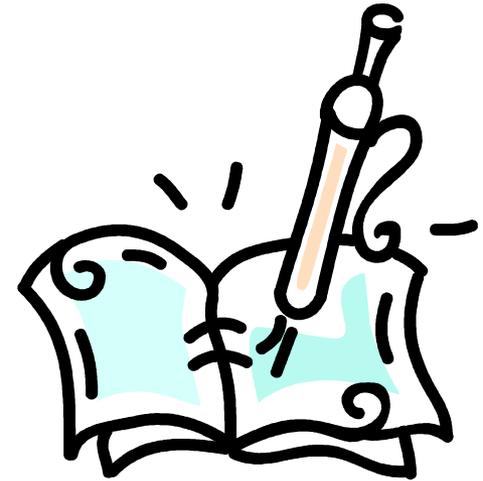
*Race and Ethnicity are TWO separate categories; It is possible that the total number for Race may be larger than the total number for Ethnicity as respondents have the option of selecting more than one race.

3 Civil Rights Training

- All staff should receive training on all aspects of civil rights compliance **ANNUALLY**.
 - Collection and use of data
 - Effective public notification systems
 - Compliance procedures
 - Resolutions of noncompliance
 - Requirements for reasonable accommodations of persons with disabilities
 - Requirements for language assistance
 - Conflict resolution
 - Customer service

Training Documentation

- You must document your training efforts as part of the documentation and record-keeping requirements. Documentation should include:
 - Trainer's name
 - Training date
 - Title of training
 - Topics covered
 - Participant's names
 - Participant's signatures



4 Compliance Reviews

- 3 Types of Reviews
 - Pre-award
 - Routine (Post-award)
 - Special Compliance Reviews



Pre-award Compliance Review

- May be onsite or a desk review
- Includes information provided by applicants in their official application for Program funds



Routine (Post-award) Compliance Reviews

- Conducted when they conduct program reviews.
 - Equal opportunity to participate;
 - Posters displayed as required;
 - Appropriate use of nondiscrimination statement



Special Compliance Reviews

- Conducted upon
 - Indication of benefits not extended properly
 - Report of alleged noncompliance
 - Documentation of complaint patterns



Noncompliance Definition

- A factual finding that any civil rights requirement, as provided by law, regulation, policy, instruction, or guidelines, is not being adhered to by a State agency, local agency, or other sub-recipient.

Noncompliance may result from:

- Management Evaluation or Civil Rights Compliance Review
- Special Review
- Investigation
- AR or other local review



Examples of noncompliance

- Denying program benefits or services on protected class basis
- Providing services or benefits in an inconsistent manner
- Improper selection of advisory members based on protected class
- Selecting program sites in a way that denies access to benefits based on protected class

What Happens Once Noncompliance is Determined??

- Notice of the finding of noncompliance is made to State Agency or Local Agency or other sub-recipient.
- Steps must be taken immediately to obtain voluntary compliance
- If compliance is not achieved, it is elevated within FNS, and then to USDA OCR for formal enforcement.

If Voluntary Corrective Action Cannot be Achieved Within 60 Days

- FNS-HQ must be advised and provided with pertinent documentation.
- FNS –HQ will decide on appropriate action.
- Once voluntary compliance efforts are exhausted, 30 day notification is provided.
- If still unresolved, forwarded to USDA OCR to formal enforcement action.
- As a last resort, FNS assistance is terminated or suspended.

Conflict Resolution and Customer Service

- Bad customer service can create barriers to accessing the program. Every SFA should develop a customer service element in their every day philosophy of how the work is accomplished.
- Good customer **S**ervice is **E**ffectively communicating with customers, **R**esponding to their needs, **V**aluing their worth, and **I**nstilling excellence through courtesy, **C**onfidence, and **E**nthusiasm.
- Using effective conflict resolution is a fast way to resolve disputes between employee's customers and or vendors.
- The process should be fair, neutral, and productive.
- Separate the people from the problem and focus on the resolution.
- Avoid competing interest, generate a variety of solutions and always treat the customer with respect!

5 Handling Complaints

- Complaints may be written or verbal
- Must be forwarded to SCN within 3 days
- A complainant has 180 days from the time of the alleged incident to file a complaint
- Contact information of complainant
- Sponsor and Site information
- Nature of incident or action that led to complainant to feel discrimination was a factor

Handling Complaints - Grievance Procedures

Attachment 2

**KENTUCKY DEPARTMENT OF EDUCATION
Division of School and Community Nutrition
Civil Rights Grievance Report Procedures**

In accordance with FNS Instruction 113-1, the _____ Sponsor/Sponsoring Organization provides a grievance procedure in the event a person believes he/she or their enrolled participant has been discriminated against and/or denied service on the basis of race, color, national origin, sex, age or disability in the food service program provided by the _____ Sponsor/Sponsoring Organization.

GENERAL INSTRUCTIONS

All complaints, written or verbal, alleging discrimination on the basis of race, color, national origin, sex, age or disability shall be processed within ninety (90) days of receipt in the manner prescribed in this instruction.

Procedure for Filing Complaints of Discrimination

1. Right to File a Complaint

Any person alleging discrimination based on race, color, national origin, sex, age or disability has a right to file a complaint within 180 days of the alleged discriminatory action. Under special circumstances this time limit may be extended.

2. Acceptance

All complaints, written or verbal, shall be accepted by the Division of School and Community Nutrition and forwarded to the SERO-USDA. It is necessary that the information be sufficient to determine the identity of the agency or individual toward which the complaint is directed, and to indicate the possibility of a violation. Anonymous complaints shall be handled as any other complaint.

3. Verbal Complaints

In the event that a complainant makes the allegation verbally or through a telephone conversation and refuses or is not inclined to place such allegations in writing, the person to whom the allegations are made shall write up the elements of the complaint for the complainant. Every effort shall be made to have the complainant provide the following information:

- a. Name, address, telephone number, or means of contacting the complainant.
- b. The specific location and name of the entity delivering the program, service, or benefit.
- c. The nature of the incident(s) or action(s) that led the complainant to believe discrimination was a factor.
- d. The basis on which the complainant feels discrimination exists (race, color, national origin, sex, age, disability)
- e. The names, titles and addresses of the persons who may have knowledge of the discriminatory action(s).
- f. The date(s) during which the alleged discriminatory action occurred, and continuing, the duration of such actions.

Civil Rights Grievance Report Form

Attachment 1

Name _____ Date _____

Address _____ Phone _____

If your grievance concerns a discriminatory action due to race, color, national origin, sex, age, or disability, please be very specific and give full details concerning the occurrence.

State the reason(s) you are filing this grievance report.

What response did you receive from the sponsor representative during the alleged occurrence?

What results are you seeking from this communication?

Signature of Complainant _____ Date _____

Civil Rights Grievance Report Form

Information on person filing grievance:

Name _____

Address _____

Telephone Number _____

Date Received by Sponsor _____

Director's Name _____

Date forwarded to KDE _____

RESOLUTION/COMMENTS:

Signature of Sponsor Representative _____

Date _____

6 Assurances

- Nutrition Program application must contain written assurance of compliance with all nondiscrimination laws, regulations, instructions, policies, and guidelines.