

# CIVIL RIGHTS TRAINING



NEW JERSEY DEPARTMENT OF AGRICULTURE  
DIVISION OF FOOD AND NUTRITION

# 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 13<sup>th</sup> and 14<sup>th</sup> amendments to the U.S. Constitution and Acts of Congress

# Civil Rights Compliance

## in the Child Nutrition Program

### Our goals:

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

# What is Discrimination?

Different treatment by making a distinction of one person or a group of persons from others. It may be:

- ☞ Intentionally
- ☞ By neglect
- ☞ By actions or lack of actions

# Six Protected Classes

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

# Who's Obligated to Comply?

Any recipient of Federal financial assistance, whether those programs are federally funded in whole or in part

# Areas of Civil Rights Compliance

- ✎ Assurances
- ✎ Annual staff training
- ✎ Public notification system
- ✎ Data collection
- ✎ Reasonable accommodations for persons with disabilities
- ✎ Limited English proficiency
- ✎ Complaint procedures

# Assurances

## LEAs promise:

- ∞ No discrimination in the Child Nutrition Programs based on race, color, national origin, age, sex, or disability
- ∞ Program will operate in compliance with all nondiscrimination laws, regulations, instructions, policies and guidelines
- ∞ Compile civil rights data and maintain and submit records



# Civil Rights Training

## Topics to cover at annual Civil Rights Training:

- ✎ What is discrimination?
- ✎ Collecting and recording racial and ethnic data
- ✎ Where to display “And Justice for All” posters
- ✎ What is a Civil Rights complaint?
- ✎ How to handle a Civil Rights complaint
- ✎ Compliance review techniques
- ✎ Requirements for language assistance

# Public Notification



## Public announcement:

- ∞ Program availability
- ∞ Complaint information
- ∞ Nondiscrimination statement

# Non-discrimination statement

For use on all appropriate Program materials:

“The U.S. Department of Agriculture 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 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 complaint of discrimination, complete the USDA Program Discrimination Complaint Form, found online at [http://www.ascr.usda.gov/complaint\\_filing\\_cust.html](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. 20250-9420, by fax (202) 690-7442 or email at [program.intake@usda.gov](mailto: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 (Spanish).  
USDA is an equal opportunity provider and employer.”

# Shorter Version

When material is too small to contain the full statement, the material at a minimum must include the following statement:

**“This institution is an equal opportunity provider”.**

# “And Justice for All” Poster

- ∞ Must be displayed in a prominent place
- ∞ Program participants must be able to read the text without obstruction
- ∞ USDA web address  
<http://www.fns.usda.gov/cr/justice.htm>



# “And Justice for All” Poster in Classrooms

- ∞ If students eat at least one meal in the cafeteria, then displaying the poster in the cafeteria is adequate.
- ∞ If students eat all meals in the classroom, the poster must be displayed in every classroom where meals are served.

# Data Collection and Maintenance

- Each LEA must collect racial and ethnic data on an annual basis for each site
- Racial and ethnic data is obtained through self-identification, personal knowledge or observation
- Documentation must be maintained for three years



# Civil Rights Data Collection (Form 86)

## Two Ethnic Categories

### ∞ Hispanic or Latino

- ∞ Persons of Cuban, Mexican, Puerto Rican, South or Central America or other Spanish culture or origin regardless of race. The term “Spanish origin” can be used in addition to “Hispanic or Latino”.

### ∞ Not Hispanic or Latino



# Five Racial Categories

- ☞ Black or African American: (persons having origins in any of the black racial groups of Africa)
- ☞ Asian: (persons having origins in the Far East, Southeast Asia, or the Indian subcontinent, including Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, Philippine Islands, Thailand, and Vietnam)
- ☞ American Indian: (persons having origins in North, Central and South America, and who maintain cultural identification through tribal affiliation)
- ☞ White: (persons having origins in any of the original peoples of Europe, the Middle East or North Africa)
- ☞ Native Hawaiian or Other Pacific Islander: (persons having origins in Hawaii, Guam, Samoa or other Pacific Islanders)

Method of Collection:

Observation

Personal Knowledge

Voluntary Self ID

Form #86

Revised 7/12

### CIVIL RIGHTS COMPLIANCE

District/Sponsor: \_\_\_\_\_

Date: \_\_\_\_\_

School: \_\_\_\_\_

As of **October 15<sup>th</sup>** the designation of applicants by race, color or national origin for the collection and report of racial ethnic data is as follows:

<b>ETHNICITY</b>	<b>Total School Enrollment</b>	<b>Free</b>	<b>Reduced Price</b>	<b>Denied</b>
<b>Hispanic or Latino:</b> A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origins, regardless of race. The term "Spanish origin" can be used in addition to "Hispanic or Latino."				
<b>Not Hispanic or Latino:</b> Person who does not meet the description above.				

<b>RACE</b>	<b>Total School Enrollment</b>	<b>Free</b>	<b>Reduced Price</b>	<b>Denied</b>
<b>WHITE</b> - A person having origins in any of the original peoples of Europe, North Africa or the Middle East.				
<b>BLACK or African American</b> - A person having origin in any of the black racial groups of Africa.				
<b>AMERICAN INDIAN OR ALASKAN NATIVE</b> - A person having origins in the original peoples of North, Central, or South America, and who maintains cultural identification through tribal affiliation or community recognition.				
<b>ASIAN</b> - A person having origins in any of the original peoples of the Far East, Southeast Asian, or the Indian subcontinent. This area includes, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand and Vietnam.				
<b>Native Hawaiian or Other Pacific Islander</b> - A person having origins in any of the original peoples of Hawaii, Guam, Samoa or other Pacific Islands.				

\_\_\_\_\_  
Name and Title of District/Sponsor Representative

\_\_\_\_\_  
Specialist, Division of Food & Nutrition

Method of Collection:  
 Observation   
 Personal Knowledge   
 Voluntary Self ID

Form #86  
 Revised 7/12

### CIVIL RIGHTS COMPLIANCE

District/Sponsor: State BOE Date: 10/15/13

School: State School

As of **October 15<sup>th</sup>** the designation of applicants by race, color or national origin for the collection and report of racial ethnic data is as follows:

ETHNICITY	Total School Enrollment	Free	Reduced Price	Denied
<b>Hispanic or Latino:</b> A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origins, regardless of race. The term "Spanish origin" can be used in addition to "Hispanic or Latino."	25	2	2	1
<b>Not Hispanic or Latino:</b> Person who does not meet the description above.	75	5	1	1

RACE	Total School Enrollment	Free	Reduced Price	Denied
<b>WHITE</b> - A person having origins in any of the original peoples of Europe, North Africa or the Middle East.	30	3	1	1
<b>BLACK or African American</b> - A person having origin in any of the black racial groups of Africa.	40	1	1	1
<b>AMERICAN INDIAN OR ALASKAN NATIVE</b> - A person having origins in the original peoples of North, Central, or South America, and who maintains cultural identification through tribal affiliation or community recognition.	∅	∅	∅	∅
<b>ASIAN</b> - A person having origins in any of the original peoples of the Far East, Southeast Asian, or the Indian subcontinent. This area includes, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand and Vietnam.	30	3	1	∅
<b>Native Hawaiian or Other Pacific Islander</b> - A person having origins in any of the original peoples of Hawaii, Guam, Samoa or other Pacific Islands.	∅	∅	∅	∅

Mary Evans  
 Name and Title of District/Sponsor Representative

Carol E. Flato  
 Specialist, Division of Food & Nutrition

# Denied Applications

- ✎ During the Administrative Review (AR), the composition of the denied applications will be reviewed to determine if a disproportionate number of these applications were submitted by minority households.
- ✎ The reviewers will determine if these applications were denied for any reason other than the applications were incomplete or the household was ineligible based on income and family size.

# Reasonable Accommodations

When a student has a life threatening disability which has been medically documented by a doctor, accommodations must be made.

When a student has a food intolerance, accommodations MAY BE made.



# Limited English Proficient (LEP) Households

- ∞ LEAs are required to take reasonable steps to ensure meaningful access to the program
- ∞ Lunch applications are available in 33 languages

# Civil Rights Meal Observation

- ∞ During the breakfast and lunch services, LEAs must provide children equal benefits without discrimination regardless of their race, color, national origin, sex, age or disability on the day of review at each reviewed school.
- ∞ Meal service observation must indicate that no discrimination occurs.

# Civil Rights Complaint Procedures

- ∞ 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
- ∞ Complaints can be written or verbal





# Procedures for Complaints

## LEAs must:

- ∞ Record number and description of complaints alleging discrimination in the current and prior year
- ∞ Forward complaint to the appropriate parties for resolution

# Handling of Complaints

- ✎ All civil rights complaints, written or verbal, shall be accepted and forwarded to the New Jersey Division of Food and Nutrition which in turn will forward to the Civil Rights Division of the Regional USDA Food and Nutrition Services Office
- ✎ Complaints will be processed within 90 calendar days of receipt



Thank you for  
attending the webinar!

Department of Agriculture  
School Nutrition Programs  
[www.state.nj.gov/agriculture](http://www.state.nj.gov/agriculture)  
1-609-984-0692

