

Civil Rights Compliance and Enforcement

Marianna Chauvin
Director, School Support

mdek12.org



MISSISSIPPI
DEPARTMENT OF
EDUCATION

May 2022





1

ALL Students Proficient and Showing Growth in All Assessed Areas



2

EVERY Student Graduates from High School and is Ready for College and Career



3

EVERY Child Has Access to a High-Quality Early Childhood Program

EVERY School Has Effective Teachers and Leaders

4



EVERY Community Effectively Uses a World-Class Data System to Improve Student Outcomes

5



EVERY School and District is Rated "C" or Higher

6



VISION

To create a world-class educational system that gives students the knowledge and skills to be successful in college and the workforce, and to flourish as parents and citizens



MISSION

To provide leadership through the development of policy and accountability systems so that all students are prepared to compete in the global community

Establish and Convey Policy

Provide Guidance and Direction

Ensure compliance with and enforcement of the prohibition against discrimination



- Training is required so that people involved at all levels of administration of programs that receive Federal financial assistance understand civil rights related laws, regulations, procedures and directives.
- State agencies are responsible for training local child nutrition administrators on an annual basis.
- Local agencies are responsible for training their managers and staff who interact with applicants or participants on an annual basis.

Annual training must include, but is not limited to:

1. Collection and Use of Data
2. Effective public notification systems
3. Complaint procedures
4. Compliance review techniques



Required Topics, Cont.

Annual training must include, but is not limited to:



5. Resolution of noncompliance
6. Requirements for reasonable modifications for persons with disabilities
7. Requirements for language assistance
8. Conflict resolution
9. Customer service

Defined as:



Any person or group of people who have characteristics for which discrimination is prohibited based on a law, regulation, or executive order.

What are the protected bases?

Protected Bases

As defined by FNS:

1. Race
2. Color
3. National Origin
4. Age
5. Disability
6. Sex (including gender identity and sexual orientation)
7. Reprisal or Retaliation



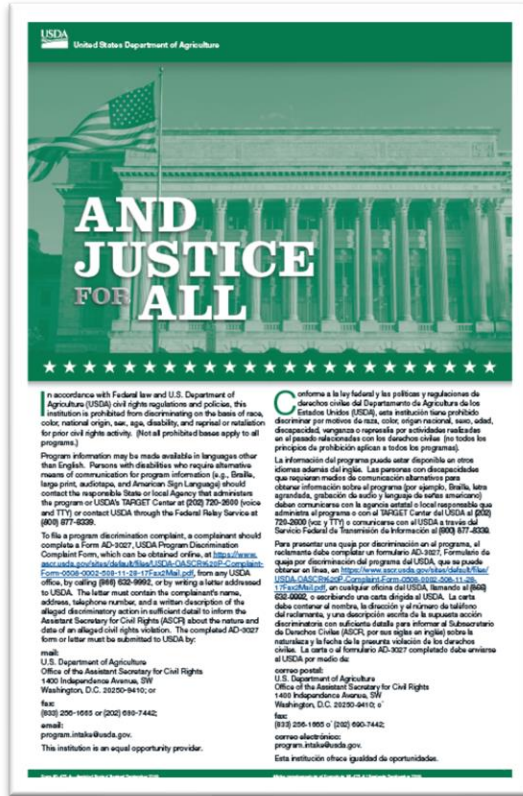
As defined for Child Nutrition Programs:

1. Race
2. Color
3. National Origin
4. Age
5. Disability
6. Sex (including gender identity and sexual orientation)



And Justice for All

11



- Display where benefits are issued/ received.
- Reproductions must be at equal size (11x17)
- If copied as black & white, use Form AD-475A
- Revised May 2022

Must use correct version for CN Programs



Accessible on the OCN Home Page

<https://mdek12.org/OCN>

Direct Link

<https://www.fns.usda.gov/civil-rights/usda-nondiscrimination-statement-other-fns-programs>



This institution is an
equal opportunity
provider.

Correct Version

This institution is an equal opportunity provider.

Incorrect Examples

This institution is an equal opportunity **employer**.

~~Yeknapatawpha County Schools~~ is an equal opportunity provider.

~~USDA~~ is an equal opportunity provider.



State & Local Agencies are required to obtain Racial/Ethnic Data



- **Self identification or self-reporting is preferred** method of obtaining data
- Applicants/participants may **not be required to furnish** information on their race or ethnicity.
- **Visual observation is NO LONGER an allowable practice** for program operators to use during the collection of race or ethnicity data. (*CACFP 11-2021, SFSP 07-2021*)

Purpose is to inform applicants, participants, and potentially eligible persons of:



- Program Availability
- Complaint Information
- Non-discrimination statement

Provide appropriate information in alternative formats for persons with disabilities and in the appropriate language(s) for LEP persons



RIGHT TO FILE

anyone alleging discrimination has the right to file a complaint within 180 days of the alleged discriminatory action. *(The Sec. of Agriculture or designee may waive the 180-day filing deadline for good cause. The reason justifying the waiver must be documented in writing in the complaint file.)*



ACCEPTANCE

complaints, written or verbal, must be forwarded to the appropriate FNS Regional CR Director within 5 working days. Anonymous complaints will be handled as any other to the extent feasible based on available information.



FORMS

any OCR may develop complaint forms, but the use of such forms must not be a prerequisite for acceptance of a complaint.

Complaint Procedures, Cont.

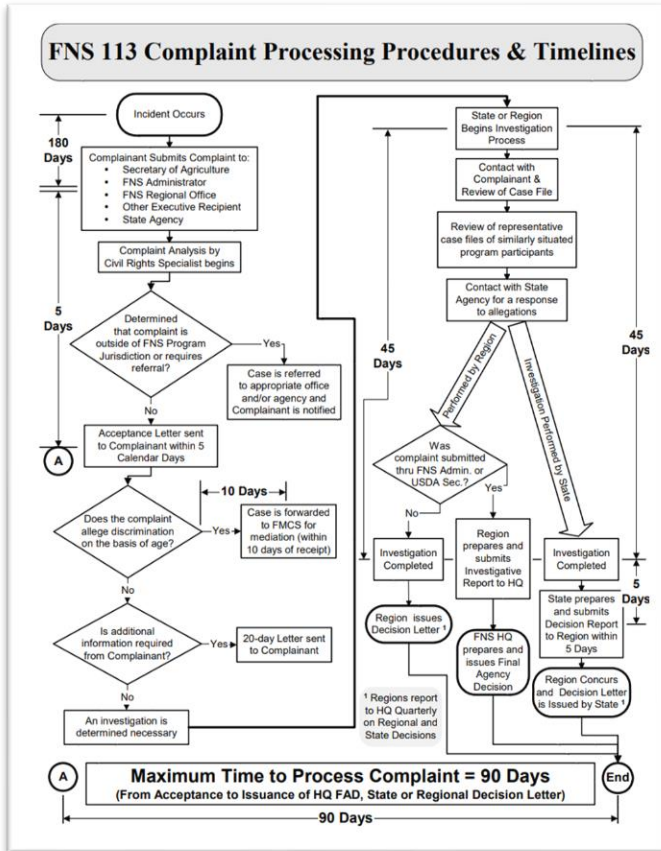
With Verbal Complaints – must write up the complaint for the complainant. Every effort should be made to secure the following information:

- **Complainant Name, address & phone** (email or other contact info)
- Specific **location & name of agency** delivering the service or benefit
- **Nature of the incident** or action that led the complainant to feel discriminated against
- What **protected base** (prohibited basis or protected class) the complainant feels discriminated against
- Names, phone numbers, titles, addresses of **persons who may have knowledge** of the discriminatory action
- **The date(s)** which the alleged discriminatory actions occurred or **duration** of such actions



Flow Chart

Available on last Page of FNS 113-1





- Must advise the reviewed entity in writing of findings and recommendations
- Federal or State reviewer must secure information as necessary to make the determination of compliance
- Routine reviews conducted as required by program regulations.
- Selection criteria; unusual fluctuations of racial/ethnic groups in service area, number of discrimination complaints filed against the agency, unresolved findings from previous reviews, info from grassroots orgs., State officials, etc...



Noncompliance - factual finding that a Civil Rights requirement is not being adhered to.

Achieving Voluntary Compliance – if found noncompliant, immediate steps to become compliant must be taken.

Termination / Suspension of Assistance – any action must be limited to the agency found noncompliant and limited to the particular program which noncompliance was found.

This is a requirement!



The **Americans with Disabilities Act (ADA)** of 1990 and the ADA Amendments Act of 2008 prohibit discrimination and ensure equal opportunity for persons with disabilities in employment, State and local government services (Title II), public accommodations, commercial facilities, and transportation (Title III). Section 504 of the **Rehabilitation Act of 1973** also prohibits discrimination on the basis of handicap in programs or activities receiving federal financial assistance.



Title VI of the Civil Rights Act of 1964 and its regulations require recipients of federal financial assistance, i.e. SAs, local agencies, or other sub-recipients, to take **reasonable steps to ensure “meaningful” access** to information and services they provide for individuals with limited English proficiency (LEP).

What factors should be considered to determine what constitutes reasonable steps?



- The **number or proportion** of LEP persons eligible to be served or likely to be encountered by the program or grantee;
- The **frequency** with which LEP persons come in contact with the program;
- The **nature and importance** of the program, activity, or service provided by the program to people's lives; and
- The **resources** available to the grantee/recipient and costs.

Meaningful access is accomplished by providing reasonable, timely, appropriate, competent/qualified, accurate and effective language services to individuals with LEP when accessing recipient programs and activities.

USDA LEP Policy Guidance can be found at:

<https://www.fns.usda.gov/cr/limited-English-proficiency-lep>

Federal regulations also prohibit discrimination of LEP persons on the ground of national origin (7 CFR Part 15).



Definition of Conflict:



when one or both parties are not able to secure what they need or want and are actively seeking their own goals.

Causes of Conflict:



- Misunderstanding
- Personality clashes
- Competition for resources
- Authority Issues
- Lack of cooperation
- Differences over methods of style
- Low performance
- Value or goal differences

DESTRUCTIVE CONFLICT

- Diverts energy
- Deepens differences in values
- Polarizes groups
- Destroys the morale of people
- Reinforces poor self-concepts

CONSTRUCTIVE CONFLICT

- Reveals issues of importance, resulting in issue clarification
- Builds cohesiveness
- Causes reassessment by allowing for examination of procedures or actions
- Increases individual involvement



Strategies to Resolve Conflict



Remain calm



Enter the process with an open mind.



Don't prejudge others.



Don't over-react.



Attack the problem, not the person; and listen to their concerns.

Alternate Dispute Resolution (ADR):

Use of a neutral 3rd party to resolve, informally, a complaint of discrimination through the use of various techniques (e.g. fact finding, mediation, facilitating etc.)





Be
courteous



Listen
intently
and take
notes if
needed



Repeat
back
what you
hear to
ensure
accuracy



Follow up
with
corrective
action if
required



Don't
forget,
you are
providing
a service!

Questions





Marianna Chauvin

Director, School Support

mchauvin@mdek12.org

mdek12.org



MISSISSIPPI
DEPARTMENT OF
EDUCATION

