Civil Rights Compliance and Enforcement

Marianna Chauvin Director, School Support



fy



State Board of Education STRATEGIC PLAN GOALS





Mississippi Department of Education

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



FNS Instruction 113-1

Establish and Convey Policy

Provide Guidance and Direction

Ensure compliance with and enforcement of the prohibition against discrimination



Civil Rights Training

- <u>**Training is required</u>** 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.</u>
- 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 <u>annual</u> <u>basis</u>.



Required Topics

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



Protected Base

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





Protected Bases

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)







In accordance with Federal law and U.S. Department of Apriculture (USDA) civil rights regulations and policies, this institution is prohibited from discriminating on the basis of max, color, national origin, saw, aga, disability, and reprisel or retailation for prior rolv rights activity. (Notal prohibited bases apply to all programs.)

Program information may be made available in through so that then English. Persons with disabilities who require laternative reason of communication for program information (i.e.g., Beak, sugge print, autocites, and Anarions Sign Language) should contact the separable State or local Agency that actimizates the program or USAN TRAFET Create at (2001 77-2000) locio and TT1) or contact USDA through the Federal Relay Sarvice at (2001 977-2002).

To file aproprint discrimination completion: a completioner should complete a Form X-10027, USBA Program Discrimination Completion Form, which can be advantant or office, at 1022/10220. To more than the should be advantant of the should be advantant office. By coaling (BH) 522-5920, or by writing a lefter advanced to USBA. The later must contrain the completent frame, advanta, halphone munities, and a written description of the Assessment Secreman by Coli Brights (ASC) about the nature and date of a naturged double. The completed AD-0307 form on I takem must be advantant to ASC about the nature and date of a nature double. The completed AD-0307 form on I takem must be advantant to USBA by (

mail: U.S. Department of Agriculture Office of the Assistant Secretary for Civil Rights 1400 Independence Avenue, SW Washington, D.C. 20250-9410; or

(833) 250-1665 or (202) 690-7442; email: program.intake@usda.gov.

This institution is an equal opportunity provider.

onforme a la lay faderal y las politicas y regulaciones de devechos civiles del Departamento de Agricultura de los Estados Unides (USUM), este institución timos prohibido descriminos per motivos de mas, cobr, regen nacional, seus, adad descapacidad, y vagnaza o represensita por actividados realizadas en el pasado relacionadas con los dendonos civilas (no todos los crínicios da grandhibición activas a todos los porcumad).

La Hamacin del progrema puede attar fejorabile en étecs idornes ademis del rigita. Las parevanes con discapacitadas que regularan mades de comunecación abarrativos para dateurar información de attado y languaje de unteres sensionario de universa el programa de la comunecación al attado administra el programa con el USDA at galoba 728-5280 (cox y TTr) o comunicarios con al USDA at tavios del Sarcio Foldand to la maneción de la visionación al galoba (77.5200).

Para protectir una que ja por denominación en al program, al reclemente deb completer en fondarios AC 2017, Formalica de que jar en denominación del program 64 (UTCR), que se puede la CELA AUCHENER, Companye Fan concesso de la CELA AUCHENER, a la CELA DENOMINACIÓN (COMPANYE) Fondario completar al monte al completario de la constatar en denominación de la CELA AUCHENER, a la CELA DENOMINACIÓN (COMPANYE) al companye de la constatar en denominación de la CELA DENOMINACIÓN (COMPANYE) del contenuer de nomes de la CELA DENOMINACIÓN (COMPANYE) del contenuer de nomes de la del constata de la constata de las del contenues o constatar en denominación de las de la contenue de nomes. La descolar y activar de la taligna de la contenue de nomes de la del parater o volveino de la delino entantes y la la bala de la parater o volveino de la CELA DENOMINACIÓN (COMPANYE) al UTCR) por medica de las del SUES de la dela destantes al UTCR) por medica de las del SUES del CELA DENOMINACIÓN (COMPANYE).

correo postal: U.S. Department of Agriculture Office of the Assistant Secretary for Civil Rights 1400 Indepandence Avenue, SW Washington, D.C. 20250-0410; o'

1823) 255-1855 o' (202) 690-7442; correo alectrónico: program.intaka@usda.gov. Esta institución ofrece igualdad de oportunidade:

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



Full Non-Discrimination Statement

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/usdanondiscrimination-statement-other-fns-programs



12

Short Non-Discrimination Statement



This institution is an equal opportunity provider.



Do Not Change the Statement!

Correct Version

This institution is an equal opportunity provider.

Incorrect Examples

This institution is an equal opportunity employer.

Yoknapatawpha County Schools is an equal opportunity provider.

USDA is an equal opportunity provider.





Collection and Use of Data

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)



Effective Public Notification Systems

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



Complaint Procedures

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.

B

FORMS

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



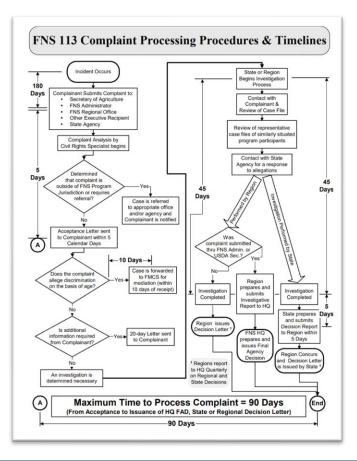
Complaint Procedures, Cont.

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







Complaint Procedures

Flow Chart

Available on last Page of FNS 113-1



Compliance Reviews

- 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...





Resolution of Non-Compliance



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.



Requirements for Language 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).



23

Requirements for Language Assistance, Cont.

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.





Limited English Proficiency (LEP)



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.



Conflict Resolution

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





Types of Conflict

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

Don't Don't Attack the Enter the prejudge problem, process over-react. others. with an not the open person; and listen mind. to their concerns.



Conflict Resolution, Cont.

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.)





Customer Service

$\overset{O}{\frown}$?	((<u>^</u>))		
Be	Listen	Repeat	Follow up	Don't
courteous	intently	back	with	forget,
	and take	what you	corrective	you are
	notes if	hear to	action if	providing
	needed	ensure	required	a service!
		accuracy		







Marianna Chauvin

Director, School Support

mchauvin@mdek12.org



