

# Civil Rights Compliance and Enforcement

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[mdek12.org](https://mdek12.org)



MISSISSIPPI  
DEPARTMENT OF  
EDUCATION

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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

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?



## As defined by FNS:

1. Race
2. Color
3. National Origin
4. Age
5. Disability
6. Sex
7. Reprisal or Retaliation



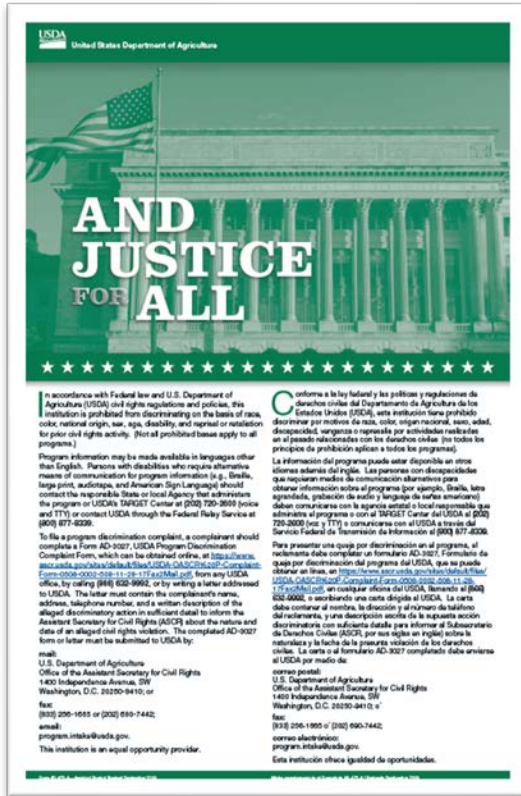
## As defined for Child Nutrition Programs:

1. Race
2. Color
3. National Origin
4. Age
5. Disability
6. Sex



# And Justice for All

11



The poster features the USDA logo at the top left, with the text 'United States Department of Agriculture' below it. The background is a green field with a white fence and a building in the distance. The title 'AND JUSTICE FOR ALL' is prominently displayed in large, bold, white letters. Below the title is a row of stars. The text is presented in both English and Spanish, providing information on how to file a program discrimination complaint.

**AND JUSTICE FOR ALL**

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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. (Not all prohibited issues apply to all programs.)

Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, and American Sign Language) should contact the responsible State or local Agency that administers the program or USDA's TARGET Center at (202) 720-9000 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339.

To file a program discrimination complaint, a complainant should complete a Form AD-3027, USDA Program Discrimination Complaint Form, which can be obtained online at [https://www.ams.usda.gov/ohae/delta/Files/USDA\\_AD-3027-Comp.pdf](https://www.ams.usda.gov/ohae/delta/Files/USDA_AD-3027-Comp.pdf). Form AD-3027, USDA Program Discrimination Complaint Form, may also be obtained by calling (800) 638-8862, or by writing a letter addressed to USDA. The letter must contain the complainant's name, address, telephone number, and a written description of the alleged discriminatory action in sufficient detail to inform the Assistant Secretary for Civil Rights (ASCR) about the nature and date of an alleged civil rights violation. The completed AD-3027 form or letter must be submitted to USDA by:

email:  
U.S. Department of Agriculture  
Office of the Assistant Secretary for Civil Rights  
1400 Independence Avenue, SW  
Washington, D.C. 20250-9410; or  
fax:  
(800) 255-1665 or (202) 895-7442;  
email:  
program.ams@usda.gov.  
This institution is an equal opportunity provider.

Conforme a la ley federal y las políticas y regulaciones de derechos civiles del Departamento de Agricultura de los Estados Unidos (USDA), esta institución tiene prohibido discriminar por motivos de raza, color, origen nacional, sexo, edad, discapacidad, represalia o retaliación por actividades realizadas en el pasado relacionadas con los derechos civiles (no todos los principios de prohibición aplican a todos los programas).

La información del programa puede estar disponible en otro idioma además del inglés. Las personas con discapacidades que requieren medios de comunicación alternativos para obtener información sobre el programa (por ejemplo, Braille, letra grande, grabación de audio y lenguaje de señas americano) deben comunicarse con la agencia estatal o local responsable que administra el programa o con el TARGET Center del USDA al (202) 720-9000 (voz y TTY) o comunicarse con el USDA a través del Servicio Federal de Transmisión de Información al (800) 877-8339.

Para presentar una queja por discriminación en el programa, el reclamante debe completar un formulario AD-3027. Formulario de queja por discriminación del programa del USDA, que se puede obtener en línea, en [https://www.ams.usda.gov/ohae/delta/Files/USDA\\_AD-3027-Comp.pdf](https://www.ams.usda.gov/ohae/delta/Files/USDA_AD-3027-Comp.pdf) o llamando al (800) 638-8862, o escribiendo una carta dirigida al USDA. La carta debe contener el nombre, dirección y número de teléfono del reclamante, y una descripción escrita de la supuesta acción discriminatoria con suficiente detalle para informar al Subsecretario de Derechos Civiles (ASCR) por sus siglas en inglés) sobre la naturaleza y la fecha de la presunta violación de los derechos civiles. La carta o el formulario AD-3027 completado debe enviarse al USDA por medio de:

correo postal:  
U.S. Department of Agriculture  
Office of the Assistant Secretary for Civil Rights  
1400 Independence Avenue, SW  
Washington, D.C. 20250-9410; o  
fax:  
(800) 255-1665 o (202) 895-7442;  
correo electrónico:  
program.ams@usda.gov.  
Esta institución ofrece igualdad de oportunidades.

- Display where benefits are issued/received.
- Reproductions must be at equal size (11x17)
- If copied as black & white, use Form AD-475A
- Revised Sept. 2019

## Must use correct version for CN Programs



Accessible on the OCN Home Page

<https://mdek12.org/OCN>

Direct Link

<https://mdek12.org/sites/default/files/documents/ocn/usda-nondiscrimination-statement-2016.pdf>



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.
- Where an applicant/participant does not provide this information, the collector shall through **visual observation** secure and record the data

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

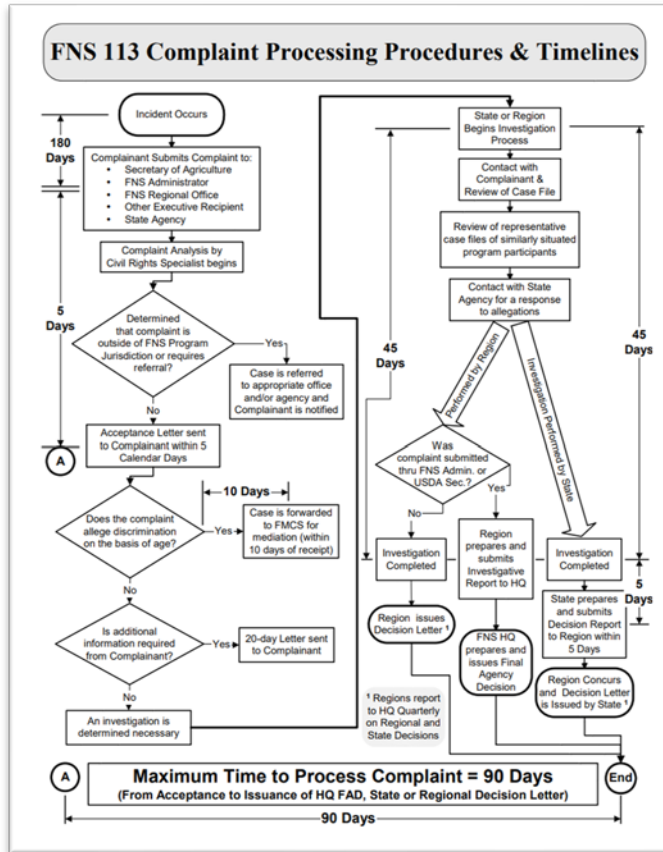


# Complaint Procedures

## Flow Chart

Available on last Page of FNS 113-1

<https://fns-prod.azureedge.net/sites/default/files/113-1.pdf>





- 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 3<sup>rd</sup> 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







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