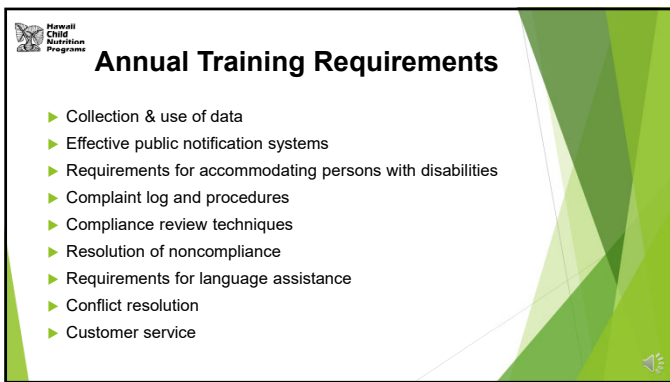




Civil Rights Training
School Year 2021-2022

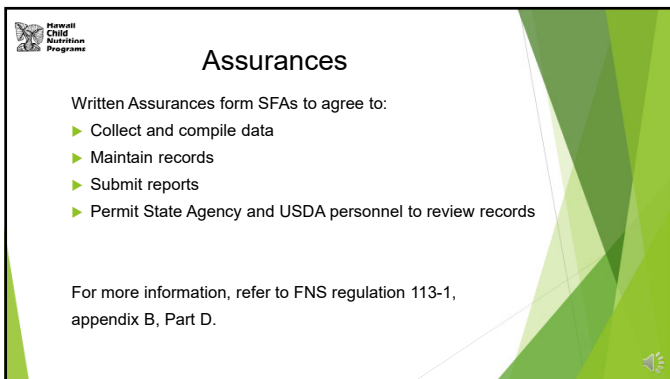
AND JUSTICE FOR ALL

Hawaii Child Nutrition Program
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Annual Training Requirements

- ▶ Collection & use of data
- ▶ Effective public notification systems
- ▶ Requirements for accommodating persons with disabilities
- ▶ Complaint log and procedures
- ▶ Compliance review techniques
- ▶ Resolution of noncompliance
- ▶ Requirements for language assistance
- ▶ Conflict resolution
- ▶ Customer service



Assurances

Written Assurances form SFAs to agree to:


- ▶ Collect and compile data
- ▶ Maintain records
- ▶ Submit reports
- ▶ Permit State Agency and USDA personnel to review records

For more information, refer to FNS regulation 113-1, appendix B, Part D.

Hawaii Child Nutrition Programs

Protected Classes

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



Hawaii Child Nutrition Programs

Disability


Under Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act (ADA) of 1990, a "person with a disability" means any person who:

- ▶ Has a **physical or mental impairment** which **substantially limits** one or more **major life activities**
- ▶ Has a record of such an impairment, or is regarded as having such an impairment

Hawaii Child Nutrition Programs

ADA Amendments Act of 2008


- ▶ Expanded and clarified the definition of Disability
- ▶ Did NOT change the expectation to provide a reasonable modification
- ▶ DID make clear the emphasis must be on providing the reasonable modification and **not burdening the disabled person with 'proving' he or she has a disability**




Expanded Definition of Disability for CNPs

Revises 'Substantially Limits'

- ▶ Need not prevent or severely prevent a major life activity
- ▶ Individualized Assessment
- ▶ Without regard to current disability status
- ▶ May include disability that is episodic or in remission






USDA's Expanded Definition

- ▶ Traditionally Recognized Disability Categories:
 - ▶ Seeing, Hearing, Walking, Speaking, Learning, Reading, Eating, Breathing

+

- ▶ Major Bodily Activities:
 - ▶ Digestive, Immune, Respiratory, Circulatory, Neurological Systems





Types of Disability Discrimination

- ▶ Denial of benefits or services
- ▶ Delay in receiving benefits or services
- ▶ Different treatment that leads to a disadvantage
- ▶ Ineffective communication
- ▶ Failure to provide reasonable accommodation(s)
- ▶ Inaccessible facilities






Requirements for Reasonable Accommodations


- ▶ 'Reasonable Modification': a change or alteration in policies, practices, and/or procedures to accommodate a disability
- ▶ Duty to negotiate
- ▶ Case-by-case basis
- ▶ Accommodating is primary objective






Requirements for Reasonable Accommodations


- ▶ Handicap accessibility
- ▶ Meal modifications
- ▶ Accommodations/Modifications addressed in 504, Individual Education Plan (IEP)
- ▶ Accommodations need not be exactly as requested
- ▶ Provided free of charge
- ▶ Contact HCNP if further guidance needed






Procedural Safeguards


- ▶ SFAs required to provide notice and information to parents and guardians regarding how to request a reasonable modification, including the right to:
 - ▶ File a grievance
 - ▶ Receive a prompt response
 - ▶ An impartial hearing
 - ▶ Be represented by counsel
 - ▶ Receive notice of final decision






Please view Part 2 of the Civil Rights Training

Go to:
<https://hcnp.hawaii.gov/training-resources/>






In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, sex, disability, age, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA.

Persons with disabilities who require alternative means of communication for program information (e.g. Braille, large print, audiotape, American Sign Language, etc.), should contact the Agency (State or local) where they applied for benefits. Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program complaint of discrimination, complete the <https://www.usda.gov/sites/default/files/documents/USDA-OASCR%20P-Complaint-Form-0508-0002-508-11-28-17Fax2Mail.pdf>, (AD-3027) found online at: <https://www.usda.gov/oascr/how-to-file-a-program-discrimination-complaint>, and at any USDA office, or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by: (1) mail: U.S. Department of Agriculture Office of the Assistant Secretary for Civil Rights 1400 Independence Avenue, SW Washington, D.C. 20250-9410; (2) fax: (202) 690-7442; or (3) email: program.intake@usda.gov.

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Civil Rights Training – Part 2
 School Year 2021 - 2022




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Collection and Use of Data


- ▶ Required to obtain data by ethnic and racial category
- ▶ Systems for collecting data may be program specific
- ▶ Annual reporting on ethnic and racial data
- ▶ Form 0-4c




Collection and Use of Data



- ▶ Hispanic or Latino
 - ▶ A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin – regardless of race
- ▶ Not Hispanic or Latino




Collection and Use of Data: Racial Categories




- ▶ Black or African American – A person having origins in any of the black racial groups of Africa
- ▶ White – A person having origins in any of the original peoples of Europe, the Middle East, or North America
- ▶ Asian – A person having origins in any of the peoples of the Far East, Southeast Asia, or the Indian Subcontinent.

Hawaii Child Nutrition Programs

Collection and Use of Data: Racial Categories





- ▶ Native Hawaiian or Other Pacific Islander – A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands
- ▶ American Indian or Alaskan Native – A person having origins in any of the original peoples of North America (including Central America) who maintains tribal affiliation or community attachment



Hawaii Child Nutrition Programs

Public Notification Systems



- ▶ Complaint Information
Applicants advised of right to file a complaint
- ▶ Program availability
Inform potentially eligible persons of their program rights

Hawaii Child Nutrition Programs

Public Notification Systems - Methods

- ▶ Provide information in alternative formats
- ▶ Convey an equal opportunity message in all media
- ▶ Include non-discrimination statement on all public materials

Hawaii Child Nutrition Programs

Long Statement

***Use on all documents larger than one page**

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Submit your completed form or letter to USDA by:

- (1) mail: U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410;
- (2) fax: (202) 690-7442; or
- (3) email: program.inmate@usda.gov.

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Hawaii Child Nutrition Programs

Short Statement

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- ▶ Use other languages as needed
- ▶ Pens, buttons, etc. are exempted due to size
- ▶ When in doubt, always include the statement


Hawaii Child Nutrition Programs

Nondiscrimination Statement

Where must it be?


- ▶ Application Form(s)
- ▶ Notification of Eligibility
- ▶ Notice of Adverse Action Form
- ▶ Program Web Page (home page)
- ▶ Public Information, including program literature
 - ▶ e.g. breakfast outreach






Complaint Procedure


- ▶ Right to File
 - ▶ Any person alleging discrimination based on a protected class has right to file a complaint within **180 days** of the alleged action
- ▶ Acceptance
 - ▶ All complaints must be forwarded to the State Agency within **FIVE (5) DAYS**
- ▶ Verbal
 - ▶ If verbal complaint received, person to whom allegations are made must write complaint, making attempt to collect specific information






Sponsor Complaint Procedure, Log, and Form

- ▶ Sponsors must have a Civil Rights binder or file with required C.R. documents:
 - ▶ Written Civil Rights Complaint Procedure
 - ▶ Annually dated Civil Rights Complaint Log
 - ▶ Copies of Civil Rights Complaint Forms






Sample Complaint Log

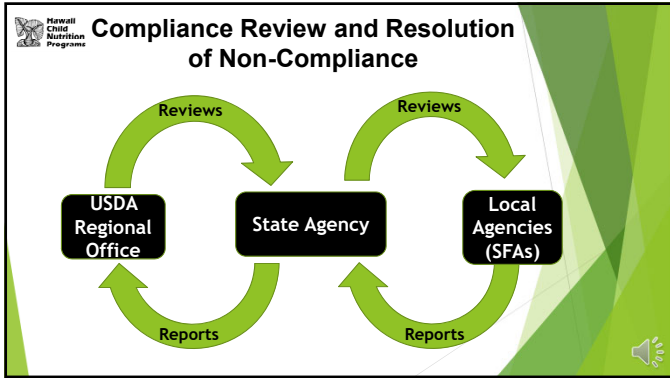
FORM O-4b

SFA Name: Aloha Academy Site Name: _____
 Address: _____ Address: _____
 Phone Number: _____ Phone Number: _____

USDA Child Nutrition Programs
Log of Civil Rights Complaints
 SV: 6/15/2021

| Date Complaint Received | Description of Complaint | Name of Complainant (Optional) | Date Civil Rights Complaint Form Completed and Returned To SFA (yes/no) | Date Civil Rights Complaint Forwarded | Date Complaint Resolved |
|-------------------------|------------------------------------|--------------------------------|---|---------------------------------------|-------------------------|
| | <i>No Complaints 6/15/2021</i> | | | | |
| | | | | | |
| | | | | | |
| | | | | | |





Requirements for Language Assistance

- ▶ Applications
- ▶ Menus
- ▶ Informational brochures
- ▶ Letters to families (e.g. outreach)


Children must not be used to translate for their parents.

Resource:

- ▶ Hawaii Bilingual Access Line: (808) 526-9724



Conflict Resolution


- ▶ All complaints alleging discrimination on basis of one or more protected class – Race, Age, Color, National Origin, Sex, or Disability:
 - ▶ Forwarded to State Agency within 5 days
 - ▶ Processed by USDA within 90 days
 - ▶ Complainant has right to file within 180 days of alleged incident(s)



SFA Checklist


- ▶ Annual Civil Rights training for all staff and volunteers
 - ▶ DOCUMENT TRAINING
- ▶ Display current 'And Justice for All' poster
- ▶ Collect and record race and ethnic data annually
- ▶ Offer meals to all








SFA Checklist (continued)

- ▶ Maintain Civil Rights Complaint Log
- ▶ Include non-discrimination statement on all printed materials related to school nutrition programs
- ▶ Keep all records for 3 years plus the current year (6 years plus current for HDOE)




Civil Rights Quiz

Link to google Forms Quiz.

<https://forms.gle/s2jYGqAWLA9SUCqq8>






QUESTIONS?

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Kasey Kawamoto kasey.kawamoto@k12.hi.us
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(808) 587-3600



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