

Early Childhood Education and Care Department

Cabinet Secretary Elizabeth Groginsky

Civil Rights



NEW MEXICO

Early Childhood

Education & Care Department

Early Care, Education, and Nutrition Division

CIVIL RIGHTS IN THE SFSP



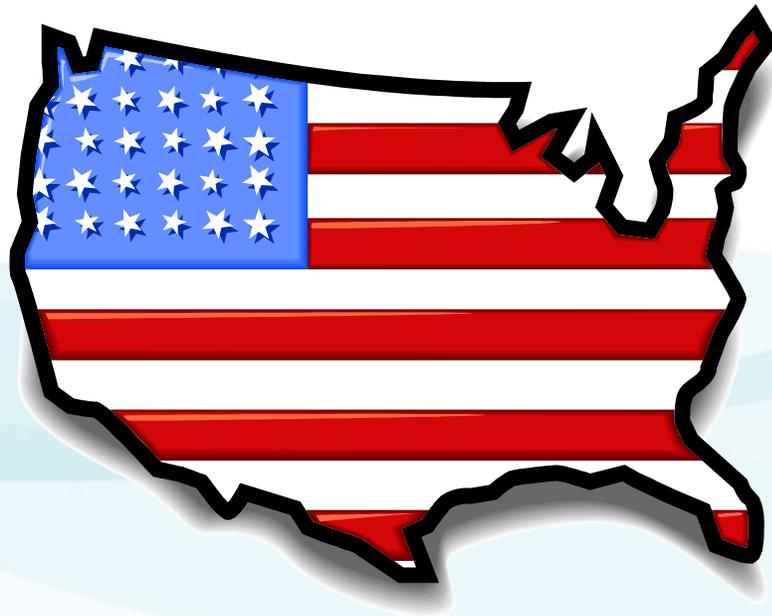
Civil Rights (CR) Training

REQUIREMENTS:

- Provide CR training to all Program staff, new employees and volunteers
 - Annually
- Maintain documentation:
 - Agenda
 - Sign-in sheets/On-line attendance record
- Include all CR topics
 - NDS

What is civil rights discrimination?

Discrimination is distinguishing one person or a group of persons from others, either intentionally, by neglect, or by the effect of **actions** or **inaction** based on any of the protected classes.



Examples of CR discrimination

- Ethnic slurs - Action
- Racial “jokes” - Action
- Offensive or derogatory comments - Action
- Hostile or offensive environments - Action
- *Failure to provide reasonable accommodations* – Inaction
- Harassment – Action
- Retaliation - Action
- Decisions based on stereotypes – Could be Both

Summer Food Service Program (SFSP) Protected Classes

- Race
- Color
- National Origin
- Sex
- Age
- Disability
- Reprisal or Retaliation for Prior Civil Rights Activities
- Sexual Orientation
- Gender Identity



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 bases 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) 720-2600 (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 www.usda.gov/sites/default/files/documents/usda-program-discrimination-complaint-form.pdf, from any USDA office, by calling (866) 632-9992, 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:

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

fax:
(833) 256-1665 or (202) 690-7442;

email:
program.intake@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, venganza o represalia 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 otros idiomas además del inglés. Las personas con discapacidades que requieran medios de comunicación alternativos para obtener información sobre el programa (por ejemplo, Braille, letra agrandada, 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) 720-2600 (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

www.usda.gov/sites/default/files/documents/usda-program-discrimination-complaint-form.pdf, en cualquier oficina del USDA, llamando al (866) 632-9992, o escribiendo una carta dirigida al USDA. La carta debe contener el nombre, la dirección y el 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:
(833) 256-1665 o' (202) 690-7442;

correo electrónico:
program.intake@usda.gov.

Esta institución ofrece igualdad de oportunidades.

I. Collection and Use of Beneficiary Data

Ethnicity

- Hispanic or Latino
- Non-Hispanic or Latino

Race

- American Indian or Alaska Native
- Asian
- Black or African-American
- Native Hawaiian or Other Pacific Islander
- White

Ethnicity and Race Data Collection and Documentation

- Potential Beneficiaries

- ◆ SFSP Application for participation documents potential beneficiaries for the area to be served
 - Only census, school and Tribal data can be used
 - Data based on school enrollment is preferred over census data
 - Data based on Tribal census is preferred over census data

- Actual Beneficiaries

- ◆ For SFSP school sponsors
 - Student enrollment system such as STARS or PowerSchool
 - Obtain report for the entire district, not individual schools
 - Maintain along with all other SFSP materials
- ◆ For all other sponsor types
 - State agency can assist sponsors in obtaining this data if needed
 - Maintain along with all other SFSP materials

Use of Data

Data is used to determine how effectively USDA Food and Nutrition Service (FNS) Programs are:

- Reaching potential eligible persons and beneficiaries;
- Identifying areas where additional outreach is needed;
- Assisting in the selection of locations for compliance reviews, and completing reports as required

USDA requires data to be collected yearly.



II. Public Notification System

- Basic Components:

- ◆ Program Availability

- Announce Program availability, sponsorship and participant rights and responsibilities
 - May use different types of media

- Complaint Information

- Announce the right to file a complaint
 - How and where to file and the complaint
 - Available at the service delivery point

- Non-discrimination statement

- Provide the full statement

III. CR Complaint Procedures

- Right to File: It is the basic right of any individual alleging discrimination to file a complaint of discrimination.
 - Acceptance: All complaints, written, verbal, and anonymous shall be accepted and forwarded to the State Agency and to the Civil Rights Division of the USDA Food and Nutrition Service.
 - Sponsor must provide “due process.”
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CR Complaint Procedures

CR complaints must be:

- ◆ Based on one or more of the nine SFSP protected classes
- ◆ Documented regardless of how it was received
 - If complainant wishes to be anonymous, handle as any other complaint of discrimination
- ◆ Filed within 180 days of the occurrence or notice of the discriminatory action

CR Complaint Procedures

- SFSP form # 6.2 on www.summerfoodnm.org/sponsors
 - If necessary, Sponsor staff must assist complainant
 - Be detailed
 - SFSP Director calls the State Agency
 - SA contacts USDA
 - Follow ups are conducted and outcome is documented
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IV: Reasonable Accommodations: Hearing or Sight Disability

Sponsor obligation to ensure reasonable accommodations are made to allow the public to access Program benefits, information, and materials

- ◆ Braille, large print, audio tape, and American Sign Language (ASL) interpretation may be needed to adequately communicate with people with hearing or site disabilities

Reasonable Accommodations: Access Program Benefits

- Requests for special accommodation
 - ◆ If request is reasonable, sponsor is obligated
 - Reasonable: Does not fundamentally alter the nature of the Program
 - Examples of a reasonable accommodation:
 - ◆ Providing table and chairs to eat
 - ◆ Meal site relocation to more accessible place
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Reasonable Accommodations: Limited English Proficiency (LEP)

- Definition of LEP:
 - ◆ Individuals whose primary language is not English and who have a limited ability to read, speak, write, or understand the English language.
 - Sponsor requirement:
 - ◆ Sub-recipients of Federal funds have the responsibility to provide reasonable accommodations to ensure meaningful access to their programs and activities by person(s) with LEP
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Limited English Proficiency (LEP)

- Factors to consider with addressing LEP:
 - ◆ Number of LEP individuals participating in the Program
 - ◆ Frequency of contact with the Program
 - ◆ Nature of the request
 - ◆ Resource availability
 - Failure to comply may result in a complaint of discrimination based on national origin
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V. Conflict Resolution

- Advise clients of their rights to file a complaint
 - Obtain detailed information from all that were present
 - Attempt to resolve the complaint at the lowest possible level
 - Train staff to disregard personal views of their own
 - Document all discussions, follow ups and outcomes
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VI. Customer Service

- Customer service is essential for good relations and crucial when attempting to resolve conflicts.
 - Arm your staff with the tools to properly handle conflicting views, and adverse situations when they arise.
 - Remain focused on resolution. Do not worsen the situation or make yourself part of a conflict.
 - Train staff to effectively resolve situations with courtesy and professionalism.
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Meal Site Requirements

- Display the “And Justice for All” poster (must also be posted in Sponsor office)
 - Serve meals first-come, first-served
 - Provide free meals to all children
 - Serve meals without any type of discrimination- based on protected classes or otherwise
 - Provide same meals to all at no charge
 - Provide equal opportunity to services and facilities
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Program Resources for SFSP Sponsors-
**[https://summerfoodnm.org/sponsors/
program-resources](https://summerfoodnm.org/sponsors/program-resources)**

**More information about the New Mexico
Early Childhood Education and Care
Department-Programs for Parents
and Professionals**
<https://nmececd.org>