

Minnesota Department of Human Services

Civil Rights Plan

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DEPARTMENT OF
HUMAN SERVICES

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Purpose and Introduction

The mission of the Minnesota Department of Human Services (DHS) is to assist eligible individuals and families living in Minnesota to meet basic human needs. To make services possible, DHS receives federal financial assistance from the U.S. Department of Health and Human Services (HHS) and the U.S. Department of Agriculture (USDA).

As a primary recipient of HHS and USDA funds for human services programs in Minnesota, DHS is responsible for providing core services through its many agencies and providers to assist and support Minnesota's most vulnerable populations. The Office for Civil Rights (OCR) within HHS enforces federal civil rights laws to assure that all individuals receive equal access to program services and information and that those programs are operated and provided in a nondiscriminatory manner. In addition to federal law, Minnesota state law also assures freedom from unlawful discrimination in public services and public accommodations.

DHS has a civil rights plan to ensure the state's compliance with federal and state civil rights laws intended to bring all individuals into the mainstream of public life. The plan also ensures that civil rights policies, procedures and other access-related requirements are consistently applied agencywide. DHS executes a written assurance of compliance as required by USDA's Food and Nutrition Service and maintains additional assurances of compliance as necessary.

The purpose of the DHS Civil Rights Plan is to ensure that applicants, clients and members of the public are not discriminated against on the basis of: **race, color, national origin, sex (including sex stereotypes and gender identity), sexual orientation, age, creed, religion, political beliefs, disability, marital status or public assistance status.** The plan also serves as a source of information for department staff and the general public by setting out the civil rights administrative policies and procedures, identifying key contact persons within the agency, and linking the reader to applicable laws and guidelines.

Finally, DHS civil rights staff is available as a resource for technical assistance necessary for the development of civil rights policies, procedures and related matters.

Authorities and Definitions

Federal Authorities

- **Title VI of the Civil Rights Act of 1964**, 42 U.S.C. 2000 *et seq.*; 45 CFR Part 80
<http://www.hhs.gov/ocr/part80rg.html>.
- **Section 504 of the Rehabilitation Act of 1973**, 29 U.S.C. 794; 45 CFR Part 84
<http://www.hhs.gov/ocr/504part84.html>.
- **Americans with Disabilities Act of 1990, Title II**, 42 U.S.C. 12131; 28 CFR Part 35
<http://www.usodg.gov/crt/ada/reg2.html>.

- **Age Discrimination Act of 1975**, 42 U.S.C. 6101; 45 CFR Part 91.
<http://www.hhs.gov/ocr/agereg.html>.
- **Food Stamp Act of 1977**, 7 U.S.C. 2011 *et seq.*
<http://www.fns.usda.gov/fsp/rules/Legislation/pdfs/fsa77.pdf>.

Note: For a full list of legal authorities and descriptions, see the appendix.

State Authorities

- **Minnesota Human Rights Act (MHRA)**, Minn. Stat. 363A
http://www.humanrights.state.mn.us/attorneys_363.html

Definitions of Terms

Age: The term “age” refers to how old a person is, or the number of years from the date of a person’s birth.

Applicant (for Services): An “applicant” is a person who has submitted an application or request for services for whom no decision has been made regarding eligibility.

Civil Rights Complaint (Discrimination Complaint): A “civil rights complaint” is a person’s complaint about the conduct, behavior, or adverse actions of another person when the complainant believes the behavior was related to the complainant’s race, color, national origin, sex (including sex stereotypes and gender identity), sexual orientation, age, creed, religion, political beliefs, disability, marital status or public assistance status.

Civil Rights Assurance of Compliance: A “civil rights assurance of compliance” is a contract between or among entities that demonstrates a recipient’s voluntary intent to comply with federal and state civil rights laws and regulations. The assurance also confirms a recipient’s commitment to provide services and programs in a nondiscriminatory manner to applicants, clients and members of the public.

Civil Rights Plan: A “civil rights plan” is a written document that sets out an agency’s civil rights administrative policies and procedures to ensure that applicants, clients, and members of the public receive equal access to human services programs and program information and that civil rights requirements are consistently applied agencywide. A civil rights plan also serves as a valuable resource tool for employees and clients alike. It sets forth policies and guidance in handling and preventing complaints of discrimination and contains important contact information, as well as the equal opportunity and limited English proficiency policies and procedures.

Client: In this document, a “client” is a person who is an applicant, beneficiary or member of the public.

Discrimination: The term “discrimination” refers to exclusion from participation in, denial of the benefits of, or other subjection to discrimination under any programs to which Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Title IX of the Education Amendment Act of 1972, Age Discrimination Act of 1975, Community Service Assurance of the Hill-Burton Regulations and the Omnibus Budget Reconciliation Act of 1981 applies. Accordingly, discrimination may be alleged on the grounds of race, color, national origin, sex (including sex stereotypes and gender identity), sexual orientation, age, creed, religion, political beliefs, disability, marital status or public assistance status.

Discrimination Complaint: See “Civil Rights Complaint.”

Equal Opportunity: The term “equal opportunity” refers to equal access to federal assistance programs, services, and benefits by all applicants, clients and members of the public regardless of race, color, national origin, sex (including sex stereotypes and gender identity), sexual orientation, age, creed, religion, political beliefs, disability, marital status or public assistance status.

Ethnicity: The term “ethnicity,” for purposes of this civil rights plan, refers to the collection of data on race and ethnicity by the Federal government on the following ethnic groups that apply for Federal government programs and services. These data collection efforts help identify health disparities based on ethnicity in federal programs:

(1) **Hispanic or Latino.** A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race. The term “Spanish origin” can be used in addition to “Hispanic or Latino.”

(2) **Not Hispanic or Latino.**

Federal Financial Assistance: The term “federal financial assistance” means any grant or loan of federal funds, the grant or donation of federal property and interests in property, the detail of federal personnel, the sale and lease of and the permission to use federal property or any interest in federal property and any federal agreement, arrangement or other contract that provides assistance.

Food and Nutrition Services (FNS): “FNS” refers to the nutrition assistance programs administered by the U.S. Department of Agriculture (USDA). The mission of the FNS is to provide children and needy families with better access to food and a more healthful diet through its food assistance programs and comprehensive nutrition efforts.

Limited English Proficiency (LEP): A person with “limited English proficiency” or “LEP” is not able to speak, read, write or understand the English language well enough to allow him/her to interact effectively with health and social services agencies and other providers.

National Origin: The term “national origin” means the place of birth of an individual or of any of the individual’s lineal ancestors.

Participant: A “participant” is a person who receives assistance, services or benefits.

Protected Information: The term “protected information” is data that is confidential and not readily available to the public, which, if disclosed, would identify an individual or be used in connection with other information to identify an individual. This type of information is protected, whether it is in writing, in an electronic medium or communicated orally.

Qualified Individual with a Disability: The term “qualified individual with a disability” means an individual with a disability who, with or without reasonable modifications to rules, policies, or practices, the removal of architectural, communication or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by a public entity.

Disability: The term “disability” means, with respect to an individual:

- (A) A physical or mental impairment that substantially limits one or more of the major life activities of such individual
- (B) A record of such an impairment
- (C) Being regarded as having such impairment.

Race: The term “race,” for purposes of this civil rights plan, refers to the data collected on race and ethnicity by the Federal government on individuals in the following racial categories that apply for government programs and services:

(1) **American Indian or Alaskan Native.** A person having origins in any of the original peoples of North and South America (including Central America), and who maintains tribal affiliation or community attachment.

(2) **Asian.** A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent, including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand and Vietnam.

(3) **Black or African American.** A person having origins in any of the black racial groups of Africa.

(4) **Native Hawaiian or Other Pacific Islander.** A person having origins in any of the original peoples of Hawaii, Guam, Samoa or other Pacific Islands.

(5) **White.** A person having origins in any of the original peoples of Europe, the Middle East or North Africa.

These data collection efforts help identify health disparities based on race in federal programs.

Recipient of Federal Financial Assistance: A “recipient of federal financial assistance” is any state agency, state agency local counterpart, and state agency vendor participating in a federal financially assisted health, welfare and social service program.

Subrecipient: A “subrecipient” is generally regarded as a recipient of federal financial assistance and has all the duties of a recipient in these regulations, but receives federal/state funds through a primary recipient.

Service Area: The “service area” is the geographic area from which customers for your services are drawn (e.g. countywide, multi-county).

Supplemental Nutrition Assistance Program (SNAP): “SNAP” is a federally funded program authorized by the USDA to provide food assistance to low-income individuals or families.

Vendor: A “vendor” is a provider of goods and services.

Civil Rights Coordinator (Contact Person)

DHS has a **civil rights coordinator** who serves as the department’s primary contact on civil rights matters and works to ensure that applicants, clients, and members of the public have equal and meaningful access to programs and services. The civil rights coordinator is responsible for:

- Handling discrimination complaints
- Keeping civil rights documents and records
- Providing information about civil rights laws to DHS for staff, county and community agencies, applicants, clients and members of the public.
- Acting as a liaison between DHS and the U.S. Departments of Health and Human Services, Office for Civil Rights (HHS/OCR) and Agriculture (USDA) and community groups concerned with nondiscriminatory treatment in service delivery.
- Providing training and education on civil rights to DHS, county agencies and other providers.
- Providing information about civil rights laws to DHS, county staff, community agencies, applicants, clients and members of the public.

You may call or write to the Equal Opportunity & Access Division at DHS to reach the Civil Rights Coordinator. See the Civil Rights Policy and Complaint Procedure directly below for information about filing a discrimination complaint.

Civil Rights Policy and Complaint Procedure

Civil Rights Policy for Service Delivery

The Minnesota Department of Human Services (DHS) prohibits discrimination, harassment and retaliation against applicants for services, clients and members of the public on the basis of race, color, national origin, creed, religion, sexual orientation, public assistance status, marital status, age, disability, political beliefs or sex (including sex stereotypes and gender identity in health care programs).

This equal opportunity policy covers DHS' full range of program benefits and services, including, but not limited to, access to information about services, eligibility determinations, intake, admissions procedures and treatment. This policy applies to DHS programs and services conducted directly by DHS and its Direct Care and Treatment programs and services, as well as recipients, sub-recipients, contractors and vendors receiving federal and state funding from DHS.

Program Accessibility for People with Disabilities

DHS program benefits and services are accessible to and usable by people with disabilities, including people with hearing loss, low vision and other sensory disabilities.

To avoid disability discrimination, DHS:

- Notifies the public about rights and protections for people with disabilities under the Americans with Disabilities Act (ADA);
- Has an ADA Coordinator and a complaint procedure for filing disability complaints;
- Has physically accessible buildings;
- Helps people with disabilities apply and qualify for benefits based on their eligibility; and
- Provides program benefits and services that are accessible to and usable by qualified people with disabilities.

Physical access means DHS has:

- Convenient off-street parking specifically for people with disabilities;
- Curb cuts and ramps between parking areas and DHS' buildings; and
- Level access into the first floor of DHS buildings with elevator access to all other floors.

Effective Communication

DHS takes steps to make sure that communications with people with disabilities and companions with disabilities are as effective as communications with others.

Reasonable Modifications to Policies, Procedures or Practices

DHS makes reasonable modifications to its policies, procedures or practices to avoid discrimination on the basis of disability, unless DHS can demonstrate that making the modifications would fundamentally alter the nature of the program benefits and services.

Civil Rights Complaint Procedure

Discrimination is against the law. If you are an applicant for services, client, or member of the public seeking access to human services' program information, benefits or services, you have the right to file a discrimination complaint. You may file a complaint if you believe you were discriminated against because of race, color, national origin, creed, religion, sexual orientation, public assistance status, marital status, age, disability, political beliefs or sex (including sex stereotypes and gender identity discrimination in health care programs). Note that not all of these protected classes apply to all human services programs.

If you file a complaint, the staff people who work for the agency you are complaining about cannot retaliate against you. They cannot punish you in any way for filing a civil rights complaint or cooperating in the investigation of a civil rights complaint.

To file a complaint, ask for the agency's equal opportunity policy, complaint procedure and complaint form. You can also review the law and regulations that prohibit discrimination by contacting the DHS Civil Rights Coordinator.

Contact DHS directly to file a **discrimination** complaint:

Civil Rights Coordinator
Minnesota Department of Human Services
Equal Opportunity and Access Division
P.O. Box 64997
St. Paul, MN 55164-0997
651-431-3034 (voice) or
use your preferred relay service
651-431-7444 (fax)

If you are a person with a disability, DHS will make reasonable modifications to policies and procedures or provide effective communications so you can participate in the complaint process. DHS provides auxiliary aids and services, like qualified interpreters or information in accessible formats, free of charge and in a timely manner. **Contact** the Equal Opportunity and Access Division at 651-431-3040 (voice), 651-431-7444 (fax) or use your preferred relay service.

If you are not a person with a disability, but need help to file a complaint, use the same contact information. Anyone can get help to file a civil rights complaint.

Procedure:

1. Complaints must be in writing and filed no later than 180 days from the alleged discriminatory action. With SNAP complaints, only the Secretary of Agriculture may extend this timeframe under special circumstances.
2. The complaint must include your name, address, telephone number, or relay service number. If you wish, you can also give your email address. The complaint must describe the discrimination you are complaining about and the result you want to see. If you need help with your complaint, contact the Civil Rights Coordinator.
3. After we get your complaint, we will review it and notify you in writing, within 30 days, about whether we have authority to investigate. If we do, we will investigate the complaint.
4. The investigation may be informal, but it must be thorough. Within 90 days of the date you filed your complaint, DHS will notify you in writing about the investigation's outcome. If DHS concludes that the facts support a finding of discrimination, it will take appropriate action to correct the discrimination. If DHS needs additional time to complete the investigation for a complaint involving SNAP, it will contact USDA. USDA will decide any extensions of time to

complete investigations of SNAP complaints on a case-by-case basis.

5. Filing a complaint using this complaint procedure does not stop you from seeking out other legal or administrative actions.
6. Download and print DHS' Civil Rights Complaint Form and the Civil Rights Policy and Complaint Procedure in Adobe Acrobat format at:
<https://edocs.dhs.state.mn.us/lfservlet/Public/DHS-2807-ENG> and
<http://edocs.dhs.state.mn.us/lfservlet/Public/DHS-4027-ENG>.

Mail or fax your complaint form to DHS at the contact information for the Civil Rights Coordinator.

7. You have the right to appeal the investigation outcome if you disagree with the decision. Within 15 days of receiving the written decision, you must send a written request to the Civil Rights Coordinator to review the investigation outcome. Be brief and state why you disagree with the decision. Include additional information you think is important. A designated investigator will issue a written decision in response to your appeal no later than 30 days after the appeal is filed. This decision is final. This appeal process is not the same as filing a fair hearings' appeal with the DHS Appeals and Regulations Division.
8. SNAP APPEAL: If you file a complaint about the SNAP program, different appeal rules apply. After DHS reaches a decision about the investigation outcome, it will forward a decision to USDA for review. USDA will tell DHS whether DHS has processed the complaint according to acceptable procedures. The complainant also has the right to appeal DHS' decision directly with USDA by contacting USDA at the following address:

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

Other Ways to File a Complaint:

You may also contact any of the following agencies directly to file a discrimination complaint.

Your County Human Services Agency

To file a discrimination complaint with your county human services agency, call your county agency and ask for its civil rights complaint procedure.

You may NOT file a SNAP civil rights complaint at your county agency. SNAP complaints can be filed with DHS and USDA (see USDA information below).

Minnesota Department of Human Rights (MDHR)

In Minnesota, you have the right to file a complaint with the MDHR if you believe you have been discriminated against because of race, color, national origin, religion, creed, sex, sexual orientation, marital status, public assistance status or disability.

Contact the MDHR directly to file a complaint:

Minnesota Department of Human Rights
Freeman Building, 625 North Robert Street
St. Paul, MN 55155
651-539-1100 (voice)
800-657-3704 (toll free)
711 or 800-627-3529 (MN Relay)
651-296-9042 (Fax)
Info.MDHR@state.mn.us (Email)

U.S. Department of Health and Human Services, Office for Civil Rights (OCR)

You have the right to file a complaint with the OCR, a federal agency, if you believe you have been discriminated against because of race, color, national origin, age, disability, religion or sex.

Contact the OCR directly to file a complaint:

Director
U.S. Department of Health and Human Services'
Office for Civil Rights
200 Independence Avenue SW
Room 509F
HHH Building
Washington, DC 20201
800-368-1019 (voice)
800-537-7697 (TDD)

Complaint Portal:

<https://ocrportal.hhs.gov/ocr/portal/lobby.jsf>

U.S. Department of Agriculture

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, religious creed, disability, age, political beliefs, 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 USDA Program Discrimination Complaint Form, (AD-3027) found online at: http://www.ascr.usda.gov/complaint_filing_cust.html, 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.

This institution is an equal opportunity provider.

Information Privacy Protection

DHS employees and agents (including its contractors) may, on occasion, as part of job-related responsibilities, obtain, use, or disclose private or confidential data, including protected health information (referred to below, collectively, as “protected information”).

Duty to Ensure Proper Handling of Data

DHS and its contractors are responsible for training employees who are authorized to access and use the data collected under the terms and for the purposes specified in the contract. This responsibility includes ensuring that staff is properly trained regarding:

- The Health Insurance Portability and Accountability Act (HIPAA), 45 CFR. Parts 160, 162, and 164.
- The Minnesota Government Data Practices Act (MGDPA), Minnesota Statutes Chapter 13, in particular, §13.36 (“welfare data”).
- The Minnesota Medical Records Act, Minn. Stat. §144.335.
- Federal law and regulations that govern the use and disclosure of substance abuse treatment records, 42 USCS § 290dd-2 and 42 CFR § 2.1 to § 2.67.
- Any other applicable state and federal statutes, rules, and regulations affecting the collection, storage, use and dissemination of private or confidential information.

Minimum Necessary Access to Data

DHS and its contractors shall comply with the “minimum necessary” access and disclosure standards set forth in the Data Practices Act. The dissemination of protected information is limited to “that necessary for the administration and management of programs specifically authorized by the legislature or local governing body or mandated by the federal government.” See Minnesota Statutes, §13.05, subd. 3.
DHS and its contractors shall:

- Not use or further disclose the information other than as permitted or required by law.
- Use appropriate safeguards to prevent improper use or disclosure of the information by its employees and contractors.
- Appropriately respond to any known improper use or disclosure of protected information.
- Ensure that any agents, analysts, and others to whom it provides private or confidential data, agree to be bound by the same restrictions and conditions that apply to them with respect to such information.
- At termination of any contract, extend the protections of the contract to the information collected during the course of the contract.

Emergency Situations

Information privacy protection regulations permit DHS' employees and agents to release private information concerning a client to third parties, including a family member or friend, in emergency situations without the client's written, informed consent. It is an emergency if knowledge of the information is necessary to protect the health and safety of the client or other persons. Staff should consult with a supervisor and the DHS data privacy attorney when determining whether an emergency exists and would require releasing private client data without the client's written informed consent.

DHS Civil Rights Plan Administration

DHS Staff Training

The department will distribute the DHS Civil Rights Plan and provide periodic training so that DHS employees and staff with ongoing client contact understand their responsibilities and obligations under pertinent civil rights laws and regulations. Training will be conducted as part of DHS new employee orientation and will include information on the following topics:

- DHS' legal obligation to ensure that human services programs are accessible to all in a nondiscriminatory manner
- The substance of DHS' Civil Rights Plan
- Civil rights contact information.

Training for SNAP Program Staff

As required by U.S. Department of Agriculture/Food and Nutrition Service requirements, annual civil rights training is required for DHS Supplemental Nutrition Assistance Program staff at all levels of the program administration so they understand their civil rights obligations as recipients of Federal financial assistance. Civil rights training will be carried out as part of ongoing technical assistance for the Management Evaluation (ME) Reviewers in cooperation with the DHS Equal Opportunity & Access Division. The Civil Rights Coordinator will provide this annual civil rights training as part of the meetings ME Reviewers attend at the outset of each new SNAP year. The training will help program staff perform their ME Review responsibilities in a knowledgeable and compliant manner.

Subrecipient Compliance Obligations

To satisfy HHS and USDA civil rights compliance obligations, subrecipients, such as county human services agencies, among others, must do the following within a reasonable period after appropriate notification by DHS:

- Develop and disseminate (internally and externally) a written equal opportunity policy that addresses service delivery.
- Develop and disseminate (internally and externally) a policy and procedure for receiving, investigating and resolving discrimination complaints related to service delivery.
- Sign and return the Civil Rights Assurance of Compliance, which confirms the entity's commitment to comply with applicable civil rights laws, regulations and OCR guidelines. DHS will supply the Civil Rights Assurance of Compliance form and maintain program data on race and ethnicity. Where there is a request or demand on DHS for such data, the subrecipient shall assist by providing protected class information upon request.

Data Collection and Record Keeping

DHS must maintain program data on race and ethnicity on potentially eligible populations, applicants and participants in the program service area. The information requested from clients is in response to HHS and USDA data collection requirements. The categories of racial data the federal government requires DHS to maintain is data on American Indian or Alaska Native, Asian, black or African American, Native Hawaiian or other Pacific Islander and White. Ethnicity refers to whether the individual is of Hispanic or Latino origin. Racial and ethnic data collected must identify the total actual number of individuals among these classes, not estimates.

Clients are asked to self-disclose their race and ethnicity, and clients should be notified that they have the right to refuse to provide this information. If they refuse, however, workers must inform clients that the worker is obligated to make a best guess as to the client's race and/or ethnicity because DHS is obligated under federal law to maintain this information to assure its civil rights compliance. DHS is not violating civil rights law in identifying a client's race and ethnicity because the federal government is required to collect

and maintain specific class program data to determine accurate program participation. This data will **not** be used to discriminate against clients.

Monitoring

DHS recognizes that its responsibility to maintain compliance and that all subrecipients providing services under DHS' programs and activities are also compliant. DHS will assist subrecipients in achieving their compliance obligations by:

- Providing all county welfare departments and human service boards and other provider entities with a clear written explanation of their responsibilities
- Providing all county welfare departments, human service boards and other provider entities with an Assurance of Compliance
- Conducting periodic compliance reviews where necessary of service providers' policies, procedures and operations to determine compliance status. Reviews may be conducted under circumstances where discrimination is alleged or suspected.

DHS is required to document compliance reviews, keep reports of the requested information and monitor compliance of its own facilities and subrecipients. It must submit reports to HHS/OCR and USDA/FNS on an "as needed" basis for the purpose of determining recipient and/or subrecipient compliance status and permit HHS/OCR and USDA access to facilities, records and other information.

Civil Rights Plan Distribution and Public Posting

Upon completion and approval by DHS management, the civil rights plan will be:

- Available in the Equal Opportunity & Access Division for review
- Accessible to all DHS staff via posting on the DHS intranet
- Posted for public review on the DHS public website and available in the lobby.

Limited English Proficiency (LEP) Plan

Under Title VI of the Civil Rights Act of 1964, it is unlawful for entities receiving federal financial assistance to discriminate on the basis of national origin, which includes an individual's native language. DHS is committed to providing applicants, clients and members of the public with meaningful access to programs and services, though they may be limited in their English language proficiency. DHS will provide for effective communication between clients with LEP and DHS staff by making appropriate language assistance services available when clients need these services in a timely manner and at no cost to the client.

A copy of the DHS' LEP plan in its entirety may be accessed online at:
<http://edocs.dhs.state.mn.us/lfserver/Legacy/DHS-4210-ENG>.

Americans with Disabilities Act Compliance

DHS is committed to ensuring equal access to human services for individuals with disabilities. Title II of the Americans with Disabilities Act of 1990 (ADA) protects “qualified individuals with disabilities” from discrimination because of disability in receiving state and local government benefits. Title II extends the discrimination prohibition of federally assisted programs in Section 504 of the Rehabilitation Act of 1973 to all services, programs, or activities of state and local governments, regardless of whether they receive federal assistance.

DHS’ compliance with the ADA is maintained by the department’s ADA coordinator. The work involves investigating discrimination complaints, providing auxiliary aids and services, and modifying policies and procedures to ensure program access to applicants and clients with disabilities. DHS is required to provide such individuals with these reasonable accommodations unless the result would fundamentally alter the nature of its business or otherwise cause an undue burden to it.

For more information about the ADA’s requirements for state and local governments, go to “[State and Local Governments \(Title II\) on ADA.gov.](#)”

Appendix

Summary of Civil Rights Laws

Federal authorities

■ **Title VI of the Civil Rights Act of 1964**

Title VI of the Civil Rights Act of 1964 is a federal law that protects eligible people from discrimination based on their **race, color, or national origin** in programs and activities that receive federal financial assistance.

Statutory citation: 42 U.S.C. 2000 et seq.

Regulatory citation: 45 CFR Part 80

■ **Section 504 of the Rehabilitation Act of 1973**

Section 504 of the Rehabilitation Act is a federal law that protects **qualified individuals with disabilities from discrimination based solely on their disability.**

Statutory citation: 29 U.S.C. 794

Regulatory citation: 45 CFR Part 84

■ **Americans with Disabilities Act of 1990, Title II**

Title II of the Americans with Disabilities Act is a federal law that protects qualified individuals with disabilities from **discrimination on the basis of their disability when the discrimination occurs in state/local government services.** This law extends to **ALL activities of the state and local governments**, including those that do not receive federal financial assistance.

Statutory citation: 42 U.S.C. 12131

Regulatory citation: 28 CFR Part 35

○ **Title II Technical Assistance Manual (1993)**

The Technical Assistance Manual addresses the requirements of Title II as they apply to the operations of state and local governments.

Regulatory citation: 28 CFR Part 35.102-35.104

■ **Age Discrimination Act of 1975**

The Age Discrimination Act is a federal law that protects people from discrimination based on their **age** in programs/activities that receive federal financial assistance.

Statutory citation: 42 U.S.C. 6101

Regulatory citation: 45 CFR Part 91

■ **Community Service Assurance Provisions of the Hill-Burton Act**

The Hill-Burton Act is a federal act that gives hospitals and other health facilities money to build and remodel in return for providing limited health care services to people living in the area who cannot pay for health care. The nondiscrimination provisions of the Hill-Burton Act protect people from **discrimination on any ground not related to their need for the service** provided by the entity.

Statutory citation: 42 U.S.C. 291 et seq.

Regulatory citation: 45 CFR Part 124

■ **Nondiscrimination Provisions of the Omnibus Budget Reconciliation Act (OBRA) of 1981 (federal block grants)**

The nondiscrimination provisions of OBRA protect service applicants and clients from discrimination on the basis of **race, color, national origin, disability and age** and in some cases **sex and religion** in programs/activities funded by federal block grants.

Regulatory citation: 45 CFR Part 96

■ **Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency (LEP)**

The executive order requires federal agencies to ensure that recipients of federal financial assistance provide meaningful access to their LEP applicants and clients.

■ **Family Violence Prevention and Services Act**

The nondiscrimination provisions of the Family Violence Prevention Services Act protects applicants and clients from discrimination on the basis of **race, color, national origin, age, disability, sex or religion**.

Statutory citation: 42 U.S.C. 10406

■ **Interethnic Adoption Act**

The Interethnic Adoption Act is a federal law that prevents individuals or government agencies involved in adoption or foster care placement from denying or delaying the placement of a child on the basis of **the race, color, or national origin of the individual or child**.

Statutory citation: 42 U.S.C. 1996b

■ **Food Stamp Act of 1977**

The Food Stamp Act of 1977 includes nondiscrimination compliance requirements and bilingual requirements for the Food Stamp Program. The U.S. Department of Agriculture prohibits discrimination in all its programs and activities on the basis of **race, color, sex, age, disability, religion, and national origin** and **requires that bilingual services are**

provided in areas with a significant proportion of non-English or limited English-speaking people.

Statutory citation: 7 U.S.C. 2011 et seq.

- **Nondiscrimination Compliance Requirements in the Food Stamp Program, Food and Nutrition Services, U.S. Department of Agriculture**
Regulatory citation: 7 CFR Part 272.6
- **Bilingual Requirements in the Food Stamp Program, Food and Nutrition Services, U.S. Department of Agriculture**
Regulatory citation: 7 CFR Part 272.4
- **FNS Instruction 113-1, Civil Rights Compliance and Enforcement – Nutrition Programs and Activities, Food and Nutrition Service, U.S. Department of Agriculture**

State Authorities

■ **Minnesota Human Rights Act (MHRA)**

The Minnesota Human Rights Act is a state law that protects applicants and clients of public services from discrimination on the basis of **race, color, creed, religion, nation origin, disability, sex, sexual orientation or status with regard to public assistance.**

Statutory citation: Minn. Stat. 363A