



Annual Civil Rights Staff Training

Child and Adult Care Food Program | (CACFP)

May 20, 2020

Slide 1:

Welcome to the Child and Adult Care Food Program or CACFP, Annual Civil Rights Staff Training.

The U.S. Department of Agriculture (USDA) requires that any program receiving federal financial assistance ensure compliance with and enforcement of the prohibition against discrimination in the CACFP and CACFP activities (Source 113-1). USDA wants to ensure that CACFP staff are aware of potential civil rights concerns and how to effectively ensure that program benefits are made available to all participants in a non-discriminatory manner through annual staff training on civil rights both at hire and annually thereafter.

Civil Rights assurances are included in all written agreements, between CACFP and sponsoring organizations or institutions. These assurances safeguard civil rights in the CACFP and ensure that sponsors of the CACFP program uphold civil rights and nondiscrimination laws.

This training is for CACFP center staff, including directors, owners, classroom teachers, cooks, business managers, and any other staff or volunteers who interact directly with program participants. Centers include child care centers, emergency shelters, at-risk afterschool meal programs, adult day care centers, and outside school hours care centers.

Learning Objectives

- Understand Civil Rights history, public notification and protected classes.
- List sponsor responsibilities for civil rights compliance.
- Know how to respond to Civil Rights complaints.
- Identify compliance and noncompliance to Civil Rights requirements.
- Recognize the role of each staff person in maintaining these requirements.

Slide 2:

After this training, you will be able to:

- Understand Civil Rights history, public notification and protected classes.
- List sponsor responsibilities for civil rights compliance.
- Know how to respond to Civil Rights complaints.
- Identify compliance and noncompliance to Civil Rights requirements.
- Recognize the role of each staff person in maintaining these requirements.

All staff who receive this video training should also receive the technical assistance document, “Annual Civil Rights Staff Training for CACFP”. This training handout is a summary of important Civil Rights information including responsibilities, what is discrimination in CACFP, how to initially respond to civil rights complaints, and the nine content areas for compliance with all CACFP civil rights requirements. Review this handout annually and regularly thereafter.

Goals of Civil Rights Requirements for CACFP

- Eliminate barriers to program benefits
- Provide equal treatment to all
- Explain rights and responsibilities
- Show respect and dignity to all
- Prevent discriminatory practices



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3

Slide 3:

The Goals of Civil Rights Requirements for CACFP are

- To eliminate barriers that prevent or deter people from receiving benefits of a government-sponsored or funded program.
- To provide equal treatment to all in the delivery of programs and services to all applicants, participants and beneficiaries of a federal program.
- To ensure that all applicants and participants understand their rights and responsibilities.
- To show respect and dignity to all.
- Prevent discriminatory practices against the six protected classes for CACFP

Wikipedia photo (hands)

Outline

- Public notification system
- Customer service
- Conflict resolution
- Race and ethnicity data collection and comparison
- Reasonable accommodations
- Language assistance
- Civil Rights complaint procedures
- Compliance review techniques
- Resolution of noncompliance

Slide 4:

The outline for this training covers the **responsibilities of all centers** participating in CACFP to ensure that the civil rights of all applicants and participants are protected. We will cover the nine required subject areas for required Civil Rights staff training that is described in the USDA Food and Nutrition Service Instruction 113-1, Section XI.

- **Public notification system.** This is the process by which centers notify applicants and participants that they are participating in the CACFP program.
- **Customer service and conflict resolution.** This applies to all aspects of the program.
- The **annual collection and comparison of participant race and ethnicity data** and why that information is collected.
- **Reasonable accommodations for persons with disabilities**, including disabilities affecting meal and snack service as well as accommodating participants needing **language assistance**.
- What centers must do if they receive a **complaint alleging discrimination** in the CACFP.
- **Compliance review techniques** for civil rights complaints and administrative reviews and what occurs to **resolve noncompliance** to civil rights regulations.

Now let's take a closer look at each one of these **responsibilities**.

What are Civil Rights?

Rights of “personal liberty” guaranteed by the 13th and 14th Amendments to the U.S. Constitution and Acts of Congress.

- 1964 Title VI of Civil Rights Act
- 1972 Title IX of Education Amendments
- 1973 Rehabilitation Act and Americans with Disabilities Act
- 1975 Age Discrimination Act
- 1987 Title VI of Civil Rights Act



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5

Slide 5:

What are civil rights?

Civil rights refer to the rights of “personal liberty” guaranteed by the 13th and 14th Amendments to the U.S. Constitution and Acts of Congress and to the fair and equitable treatment of all customers and employees.

It began with Title VI of Civil Rights Act of 1964. This act led the way and addressed discrimination in relation to **race, color** and **national origin** in programs and activities that received federal financial assistance.

Title IX of the Education Amendments of 1972 addressed the issue of **sex** discrimination while Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act prohibited discrimination based on a **disability**.

In 1975, Congress enacted the Age Discrimination Act which prohibited discrimination based on **age**. The Civil Rights Restoration Act of 1987 clarified the intent of Congress as it related to the scope of Title VI of the Civil Rights Act of 1964, again prohibiting discrimination based on race, color and national origin.

These numerous civil rights acts and laws were enacted over the course of the last 50 years and defined various protected classes.

Wikipedia Photo (Statue of Liberty)

What is a Protected Class?

- A protected class refers to any person or group of people who have a characteristic for which discrimination is prohibited by law.
- Discrimination: different treatment which makes a distinction of one person or group of persons from others; either intentionally, by neglect, or by actions or lack of actions based on the protected classes.

Slide 6:

What is a protected class?

A protected class refers to any person or group of people who have characteristics for which discrimination is prohibited based on a law, regulation or an executive order. Discrimination is defined as different treatment which makes a distinction of one person or group of persons from others; either intentionally, by neglect, or by actions or lack of actions based on the protected classes.

Examples of discrimination are

- delaying or denying program benefits or services to an individual or group that other individuals or groups receive, and
- treating individuals or groups differently than others and putting them at a disadvantage.

What is a Protected Class? (2)

Protected classes in the CACFP:

- Race
- Color
- National origin
- Age
- Sex
- Disability

Slide 7:

In the Child and Adult Care Food Program, there are six protected classes which include: race, color, national origin, age, sex, and disability.

Public Notification

- Public release
- Display “And Justice for All” poster
- USDA nondiscrimination statement



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Slide 8:

What is public notification?

and Why do centers participating in CACFP need to notify the public?

Simply put, public notification is a way of notifying the public that you are operating one or more USDA child nutrition programs.

There are three basic methods of public notification. The first is the **Public Release**, which is a statement to the media that informs the public that your center is participating in the CACFP. A template is provided on the “Minnesota Department of Education” or “MDE” website to help sponsors. Each center must complete a public release when they apply to the program, and the Minnesota Department of Education, or MDE, takes care of this annual requirement for you after that, by sending an announcement to various newspapers and media outlets across the state. It is up to the discretion of the media if they decide to publish the notification.

(Click) The next method is displaying the “And Justice for All” poster in a publicly visible location at each participating center and the sponsoring organization office. What is the purpose of this poster, you ask? The poster provides the USDA address and phone numbers that the public can use to file a complaint if they think their civil rights have been violated. Applicants and participants must be advised of their right to file a discrimination complaint, how to file a complaint and the complaint procedures.

The last method is the (Click) Nondiscrimination Statement, which must be included on any materials that mention CACFP or USDA participation. The purpose of the civil rights statement is to inform applicants, participants and potentially eligible persons of the policy of nondiscrimination and the procedure for filing a civil rights complaint to the USDA. Examples of materials that may need the nondiscrimination statement include program brochures, handbooks for families or the public, websites, pamphlets, or any other messaging that your center uses to get the word out about programming where CACFP or USDA program participation is also mentioned.

Public Notification (2)



Food and Nutrition
Child and Adult Care Food Programs

Civil Rights for USDA Programs
Food Distribution Program
Milk Programs
School Nutrition Programs
Summer Food Service
Team Nutrition

Contact
Civil Rights
mde.fns@state.mn.us
651-582-8526
800-366-8922 (toll free MN only)

Civil Rights for USDA Programs

All U.S. Department of Agriculture (USDA) Child Nutrition Programs sponsoring agencies shall comply with civil rights laws and regulations, such as the Title VI of the Civil Rights Act of 1964 (race, color, national origin), Title IX of the Education Amendments of 1972 (sex), Section 504 of the Rehabilitation Act of 1973 (disability), Age Discrimination Act of 1975 (age), Americans with Disabilities Act (ADA) of 1990 (disability). Forms for complying with civil rights data collection of racial/ethnic data are located at the bottom of this page.

The "And Justice for All" poster includes the complete nondiscrimination statement and must be posted in a prominent place in offices, schools and other sites that administer USDA Child Nutrition Programs. For School Nutrition Programs (breakfast, lunch, afterschool snack), the poster must be visible to all students during at least one of their meals, printed on 11" x 17" paper. If your school participates in the Afterschool Snack Program and the program serves the same students who attend school during the regular school day and have seen the poster in a centralized location, you are not required to have the poster hung in each area where the snack is served. [Order posters](#); include the name of the school food authority, CLICS Sponsor ID, quantity and mailing address. Translated versions of "And Justice For All" poster are available for download from the USDA website. A link is provided for your convenience.

Required Nondiscrimination Statement
The [nondiscrimination statement](#) shall be posted and included, in full, on all sponsoring agency materials that are produced for public information, public education or public distribution. [View the Spanish version of the nondiscrimination statement.](#)

Condensed Statement:

"This institution is an equal opportunity provider".

Slide 9:

The current nondiscrimination statement can be found on **(CLICK)** the Civil Rights page of the MDE website.

If materials are too small to include the full statement, then the **(CLICK)** condensed statement "This institution is an equal opportunity provider." must be used. However, for the condensed statement, the print size should be no smaller than the text of the document. Either statement should be used exactly as is. Do not change the wording to fit your organization. In auditory presentations, such as public service announcements, the shortened version may also be used.

Customer Service

- Be patient.
- Be polite.
- Avoid sarcasm.
- Do not be afraid to apologize.
- Show empathy.
- “Treat others the way they want to be treated (or at least be aware of what that is).”



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10

Slide 10:

There are ways to provide great customer service towards participants, parents, employees, and staff involved in the CACFP, especially if there is a civil rights issue:

Remember to be patient and calm.

Be polite to everyone in the situation.

Avoid sarcasm. This can make any situation worse.

Do not be afraid to apologize.

Show empathy.

Remember the platinum rule and treat others the way they want to be treated (or at least aware of what that is).

If you or someone involved in your program, feels discriminated against, remember these principles during the situation and file a discrimination complaint following the USDA's procedure outlined in this presentation.

Customer Service (2)



- All participants must be allowed equal opportunities to participate in CACFP.
- Treat all participants the same
 - Ex: seating arrangements
- USDA Memo CACFP 12-2015

Slide 11:

In its most basic form nondiscriminatory customer service includes ensuring that all participants are treated the same as you interact with them.

An example of this would be not showing preference or discrimination in seating arrangements, such as separating participants by gender during meal time for unnecessary reasons. To learn more about exceptions to the prohibition on gender-separated meal service, CACFP institutions should review and follow the guidance in USDA FNS Policy Memorandum CACFP 12-2015.

(USDA Photo)

Customer Service (3)

Convey the message of equal opportunity - reflect diversity and inclusion in all program or program-related information, photos and graphics



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12

Slide 12:

Also consider the importance of conveying equal opportunity in messaging. Any graphics or pictorial representations should reflect the diversity of individuals that participate in CACFP.

Note that the children shown here, representing many cultures and racial diversities, is a good example of equal opportunity to participate in CACFP.

Respectful Language

- Put the person first
 - Example: USE “person with a disability”, NOT “disabled person”
- Use inclusive/respectful terms
 - Example: USE “chairperson”, NOT “chairman”

Slide 13:

Also, in developing written materials or speaking with potential program participants, it is important to use respectful language. Instead of saying, “we accommodate disabled students by offering alternate meals”, it would be better to say “we accommodate students with a disability that affects the diet.”

Use inclusive and respectful terms like chairperson instead of chairman. Some of the other examples may be more obvious in terms of race, ethnicity, and gender.

When in doubt, whenever possible, pass the materials through an individual that may be more familiar with the culture or situation to see what the preferred terminology is.

(USDA Photo)

Conflict Resolution

- Remain calm
- Explain situation
- Get help, especially if feel threatened
- Use alternative dispute resolution techniques, such as mediation, when necessary

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14

Slide 14:

If a conflict should arise remember to:

- Remain calm in the situation.
- Explain the situation as best you can
- Get help, especially if you feel threatened in the situation and
- Lastly, use alternative dispute resolution techniques, such as mediation, when necessary.

Even if a conflict is resolved, a civil rights complaint can still be filed with the USDA.

Source:

ADR Alternative Dispute Resolution Techniques such as mediation, facilitation, peer review, fact finding, facilitation.

<https://www.eeoc.gov/federal/adr/typesofadr.cfm>

What do you think?

True or False?

- A child care center can choose not to provide infant formula and require that parents provided their own.

Slide 15:

What do you think?

True or False?

A child care center can choose not to provide infant formula and require that parents provide their own.

False

All participants who attend a center must be provided equal access to CACFP benefits.

Slide 16:

False.

All children who attend a center must be provided equal access to CACFP benefits. Therefore, infant formula and food must be offered to infants at the center and parents cannot be asked or required to supply these items. To withhold the program from any eligible age group is age discrimination, which is one of the protected classes.

What do you think? (2)

Situation:

- Children whose first language is Spanish are asking to sit together at a “Spanish-speaking” table.

Is this a civil rights issue? Yes or No?

Slide 17:

What do you think?

Children whose first language is Spanish are asked to sit together at a “Spanish-speaking” table.

Is this a civil rights issue? Yes or No?

YES

Segregating or separating participants who share a particular characteristic into groups would be considered a civil rights issue and discrimination based on the protected class of national origin.

Slide 18:

Yes, segregating or separating participants who share a particular characteristic into groups would be considered a civil rights issue and discrimination based on the protected class of national origin.

What do you think? (3)

Situation:

- An At-Risk afterschool meal program offers second helpings of the main entrée **ONLY** to the boys sports teams at the end of the meal service, knowing they need extra fuel for sports practice.

Is this a civil rights issue? Yes or No?

Slide 19:

What do you think?

Yes or No?

An At-Risk afterschool meal program offers second helpings of the main entrée **ONLY** to the boys sports teams at the end of the meal service, knowing they need extra fuel for sports practice.

Is this a civil rights issue? Yes or No?

Answer (3)

Yes

This is a civil rights issue based on sex. All participants should have access to those extra helpings of food, regardless of sex.

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20

Slide 20:

Yes, this is a civil rights issue based on gender.

If the program has leftover food they would like to offer participants, all participant should have access to those extra helpings of food, regardless of gender.

You can now see how something that may seem harmless can have civil rights implications.

Annual Collection of Ethnic/Racial Data

Ethnicity Categories:

1. Hispanic or Latino
2. Not Hispanic or Latino



Race Categories:

1. American Indian or Alaskan Native
2. Asian
3. Black or African American
4. Native Hawaiian or Other Pacific Islander
5. White

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21

Slide 21:

Centers that participate in the CACFP must have a system to collect the racial and ethnic data of its program participants annually. The data is used to determine how effective FNS programs are at reaching potential eligible participants and to help identify areas where additional outreach is needed.

Ethnic/racial data must be collected according to the federally defined ethnicity and race categories. Each participant will be classified into one of two ethnicity categories and 1 or more race categories.

The two ethnicity categories are: Hispanic or Latino **and** Not Hispanic or Latino. An individual is either one or the other ethnic category.

Hispanic or Latino is defined as: 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.”

(CLICK) The five race categories are: American Indian or Alaskan Native, Asian, Black or African American, Native Hawaiian or Other Pacific Islander and White.

Note: Ethnicity categories should be listed first and then race categories on any racial/ethnic data collection form provided by your site.

Annual Collection of Ethnic/Racial Data (2)

MD DEPARTMENT OF EDUCATION Child and Adult Care Food Program – Child Care Centers Household Income Statement – July 2019

Step 1 List all infants, children and students through grade 12 in the household, even if they are not enrolled. If more space is needed, attach another sheet.

Child's First Name	MI	Child's Last Name	Birthdate	Enrolled at this center?	Foster Child?	Ethnicity						Race – One or more may be selected			
						Hispanic or Latino	Not Hispanic or Latino	American Indian or Alaskan Native	Asian	Black or African American	Native Hawaiian or other Pacific Islander	White			
				<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
				<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
				<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Step 2 Do any household members currently participate in SNAP, MHP, or FOSTER? If yes, check which program and write the corresponding case number below. Go on to Step 4. If no, go to Step 3. Note: Child Care Assistance, Medical Assistance, WIC benefits, and PMA benefits do not qualify for Step 2.

☐ SNAP Case number: ☐ MHP Case number: ☐ FOSTER Case number:

Step 3 Report income for all household members. Skip Step 3 if you answered yes to Step 2 or if all participants are foster children.

A. Child income. Include the total income a child enrolled in receives. Child income: ☐ Weekly ☐ Every two weeks ☐ Twice per month ☐ Monthly

B. Adult income. Include yourself and report total income below. List all adult household members even if they don't receive income.

Adults - Full Name	Gross Pay from Work			Farms or self-employment	Public Assistance, Child Support, Alimony	All Other Income		
	Do not write in on hourly wage	Weekly	Monthly			Payments received	Weekly	Monthly
List the full name of each household member who is living with you and report their income and expenses. Enter all amounts in whole dollars. If zero income, write zero. Include any college students temporarily away.								
	\$	<input type="radio"/>	<input type="radio"/>		\$	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
	\$	<input type="radio"/>	<input type="radio"/>		\$	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
	\$	<input type="radio"/>	<input type="radio"/>		\$	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

C. Last four digits of signer's Social Security Number (SSN) or no SSN (required): X X-X-X-XXXX or I don't have a Social Security Number.

Signature I certify (promise) that all information on this application is true and correct and all household members and incomes are reported. I understand that this information is given in connection with receipt of federal funds and that officials may verify (check) the information. I understand that if I purposely give false information, I may be prosecuted under applicable federal and state laws.

Signature of adult household member (required): _____ Printed Name: _____ Date: _____

Approved: ☐ A—Foster ☐ A—Case Number ☐ A—Income ☐ B—Income ☐ C Total Household Members: _____ Total income: \$ _____ per _____
Effective Dates: From _____ through _____ Sponsor Signature _____ Date _____

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22

Slide 22:

Racial ethnic data may be obtained through a variety of methods. The preferred method is when the household self reports this information on the Household Income Statement, or HIS. Other methods that may be used include visual identification or other records such as center enrollment forms.

Providing this information is voluntary. The person who completes the HIS form is asked to self-identify or self-report the ethnic and racial categories for the participant. If the parent, family member, guardian, or participant does not wish to disclose ethnic/racial information, you, the center staff, can make a visual determination in order to include each participant in the annual data collection and comparison process.

Keep in mind that ethnic and racial data is considered private data – be sure to maintain the data in a confidential file and do not use the data for non-civil rights purposes.

Annual Comparison of Ethnic/Race Data

- Compare data to the local service area
- Use U.S. Census county or city level data
- Eliminate barriers
- Template form available on Civil Rights webpage.
- Keep documentation on file for review.

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23

Slide 23:

Annually, you must compare the ethnicity and race data of your participants to the ethnicity and race data representing the city or county from which you draw your participants. County and city ethnicity and race data is available on the U.S. Census website.

This comparison is conducted to ensure that the ethnicity and racial representation of the participants served matches the service area you are drawing from. This comparison will identify whether there are any barriers to participation for certain ethnic or racial groups.

If you notice that the ethnic and racial data of participants does not match that of your community, you will want to assess the ways you reach out to new participants and make sure you are not targeting or leaving out any one ethnic or racial group.

The template form for comparing ethnicity and racial data is available on the Civil Rights webpage of the Minnesota Department of Education website. As with all other program documents, keep the annual racial ethnic data collection and comparison documentation on file and available for review by Minnesota Department of Education staff.

What do you think? (4)

Situation:

- A family does not want to identify their race or ethnic background on the Household Income Statement or other form used by the center to collect racial and ethnic data.

What should center staff do?

Slide 24:

What do you think?

Situation: A family does not want to identify their race or ethnic background on the Household Income Statement or other form used by the center to collect racial/ethnic data.

What should center staff do?

- Explain identification is voluntary
- Explain how the information will be used
- Make a visual observation for race and ethnicity

Slide 25:

You, the center staff should explain to families that household identification is voluntary.

Program applicants or participants are **not** required to furnish information on their race or ethnicity. You can explain that the collection of this information is strictly for statistical reporting requirements and has no effect on the determination of their eligibility to receive program benefits. In some cases, having this knowledge increases the likelihood that a family will self-identify their race and ethnicity.

If the applicant or participant still decides not to provide this information, then center staff must make a visual observation to document that participant's ethnicity and race.

Reasonable Accommodations

- **Disability:** Physical or mental impairment which substantially limits one or more of an individual's major life activities.
- Disabilities are defined based on Section 504 of the Rehabilitation Act/Americans with Disabilities Act and Part B of Individuals with Disabilities Education Act (IDEA)
- Note: A section 504 coordinator is needed at organizations with 15 or more employees at the sponsoring organization level

Slide 26:

The next section we will discuss is reasonable accommodations for participants with disabilities.

First let's define what a disability is. It is an impairment that is physical or mental that limits one or more major life activities.

Recognized disabilities are defined based on Section 504 of the Rehabilitation Act/Americans with Disabilities Act and Part B of Individuals with Disabilities Education Act or IDEA.

Note: A section 504 coordinator is needed at organizations with 15 or more employees at the sponsoring organization level. All child nutrition programs with less than 15 employees must still designate someone who can provide technical assistance when making accommodations for participants with special diet requests due to a medical need.

Reasonable Accommodation for Persons with Disabilities

Disability related special diet requests must include:

1. The participant's disability
2. The major life activity including bodily functions affected by the disability
3. An explanation of how the disability restricts the participant's diet
4. The food substitutions or modifications that the participant needs
5. Signature of a recognized state medical authority: licensed physician, physician assistant, or advanced practice registered nurse.

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27

Slide 27:

Centers must make reasonable accommodations for person with disabilities. For centers participating in CACFP, this often involves accommodating special dietary needs related to a disability. CACFP centers are required to accommodate participants with disabilities that affect the diet, as prescribed by a recognized medical authority. Before accommodating, a statement completed by a recognized state medical authority must be on file that includes the following:

1. The participant's disability
2. The major life activity including bodily function affected by the disability
3. An explanation of how the disability restricts the participant's diet
4. The food substitutions or modifications that the participant needs
5. Signature of a recognized state medical authority, which could be a licensed physician, physical assistant, or advanced practice registered nurse.

Refer to the Special Diet Guidebook posted on our MDE CACFP website for more information on accommodating special diet requests.

And finally, reasonable accommodations for persons with disabilities also refers to ensuring that participants with a disability have physical access to programs and services – easily accessible entrances and exits, restrooms, parking lots, elevators, etc.

Reasonable Accommodation Language Assistance

Sponsors must take “reasonable steps” to assure meaningful access to programs and activities by persons with Limited English Proficiency (LEP).

Examples:

- Distributing CACFP related forms in different languages.
- Using interpreters to assist with forms.



Slide 28:

Sponsors must take reasonable steps to assure “meaningful” access to the information and services they provide... especially for people with Limited English Proficiency or LEP.

Providing services to LEP individuals might include:

- The distribution of CACFP related forms in different languages which are available through the MDE website. Two examples for MDE CACFP are our child enrollment forms and the Household Income Statement Packet documents.
- Volunteer interpreters can be used once the interpreters have been trained on the importance of keeping all information confidential. If you have the means, it is a best practice to hire an interpreter. It is not a good practice to use children as interpreters.

What do you think? (5)

Situation:

- A parent of a child who has been diagnosed with celiac disease requests that gluten-free food items be provided to their child at all meals and snacks.

What must the center do, and how does this relate to civil rights?

Slide 29:

What do you think?

Situation: A parent of a child who has been diagnosed with celiac disease requests that gluten-free food items be provided to their child at all meals and snacks.

What must the center do, and how does this relate to civil rights?

Answer (5)

The center is required to provide the gluten-free diet if:

A recognized state medical authority has determined that the participant has a disability

AND

The recognized state medical authority has prescribed a gluten-free diet and has completed the required documentation.

Slide 30:

The center is **required** to provide the gluten-free food items if:

A recognized state medical authority has determined that the participant has a disability according to federal definitions;

and,

The recognized state medical authority has prescribed a gluten-free diet and has completed the required documentation.

This situation only becomes a civil rights issue if the participant has a recognized disability and the center is not accommodating the request for a special diet.

If the participant does **not** have a disability, the center **may** make food substitutions, at their discretion.

What do you think? (6)

Yes or No?

Situation:

- A center has received multiple requests from households to provide more culturally diverse menu items.

Is their request a civil rights issue?

Slide 31:

What do you think?

Consider this situation.

A center has received multiple requests from households to provide more diverse menu items.

Could their request be a civil rights issue? Yes or no?

No

However, it would be reasonable for the center to consider the group's request and offer more culturally diverse foods on the menu.

Slide 32:

No, this is not considered a civil rights issue.

CACFP requirements allow a center to decide what foods will be served on a menu as long as the menus meet meal pattern requirements in terms of food components and required quantities.

However, it would seem reasonable for the center to consider the requests and offer some or more culturally diverse foods on the menu.

Right to File a Complaint

- Anyone has a right to file a complaint if they believe they were discriminated against
- Within 180 days of the alleged discriminatory action
- Can be written or verbal
- May be anonymous
- Refer to [USDA complaint form online](https://www.ascr.usda.gov/filing-program-discrimination-complaint-usda-customer):
www.ascr.usda.gov/filing-program-discrimination-complaint-usda-customer

Slide 33:

If anyone who participates or wants to participate in the program believe they or someone they know has been discriminated against based on federal protected classes, they have a right to file a complaint within 180 days of the alleged discrimination.

Civil rights complaints may be submitted in writing, formally, or verbally in person or over the phone. They may also be filed anonymously, most likely over the phone. Anonymous complaints should be handled as any other complaint.

For written complaints, refer complainants to the USDA complaint form that can be completed and submitted electronically.

The website address for the complaint form online is
[www.ascr.usda.gov](https://www.ascr.usda.gov/filing-program-discrimination-complaint-usda-customer) forward slash filing hyphen program hyphen discrimination
hyphen complaint hyphen usda hyphen customer

[\(www.ascr.usda.gov/filing-program-discrimination-complaint-usda-customer\)](https://www.ascr.usda.gov/filing-program-discrimination-complaint-usda-customer)

Handling Civil Rights Complaints

STEP 1: Document the complaint

- Name, address, and phone number of complainant
- Specific name and location of entity delivering the benefit or service.
- The nature of the incident, action, or method of administration that led the complainant to feel discriminated against.

Slide 34:

If you receive a civil rights complaint verbally or over the phone and the complainant does not desire to place the allegations in writing themselves, **you** must document the complaint, which is Step 1 of *handling civil rights complaints*.

When documenting a complaint, collect the following information:

- Name, address, and phone number of complainant. This information would not be collected for an anonymous complaint.
- Specific name and location of entity delivering the CACFP benefit or service.
- The nature of the incident, action, or method of administration that led the complainant to feel discriminated against.

Handling Civil Rights Complaints (2)

STEP 1 Continued:

- The basis on which the complainant feels discrimination exists (race, color, national origin, sex, disability, age, or reprisal).
- The names, titles, business addresses, and phone numbers of persons who may have knowledge of the discriminatory action.
- The date(s) during which the alleged discriminatory actions occurred, or if continuing, the duration of such actions.

Slide 35:

In addition, while documenting the complaint, include

- The basis on which the complainant feels discrimination exists – race, color, national origin, sex, disability, age or reprisal.
- The names, titles, business addresses, and phone numbers of the person or persons who may have knowledge of the discriminatory action.
- The date or dates during which the alleged discriminatory actions occurred, or if continuing, the duration of such actions.

Handling Civil Rights Complaints (3)

STEP 1: Document the complaint

STEP 2: Contact USDA or MDE within 3 days of receiving the complaint.

STEP 3: Maintain records of complaints.

Slide 36:

After documenting the complaint, the second step is to contact either USDA or the Minnesota Department of Education within 3 days of receiving a complaint.

Step 3 is make sure you maintain records of any and all complaints. Decide on a central location where copies of Civil Rights complaints will be documented and kept. Consider creating an electronic complaint log where complaints are entered and saved.

Handling Civil Rights Complaints (4)

The USDA, FNS, Civil Rights Division (CRD) investigates, reviews and evaluates all Civil Right complaints.

The State Agency may be asked to work with the USDA FNS CRD to achieve voluntary compliance through:

- **Negotiation and conversation**
- Providing technical assistance
- Utilizing conflict resolution and customer service
- Logging the complaint

Slide 37:

The USDA, Food and Nutrition Services, Civil Rights Division or CRD investigates all Civil Rights complaints. The CRD will determine whether or not complaints will be reviewed and how they will be reviewed. They investigate, review and evaluate the facts.

The State Agency may be asked to participate and then will work with the USDA, FNS, CRD to achieve voluntary compliance using the following techniques:

- Facilitating **negotiation and conversation** with all involved parties.
- Provide technical assistance to the sponsors.
- Utilize conflict resolution and customer service to all parties to achieve resolution.
- The complaint will be entered onto the FNS MDE Civil Rights complaint log. Note, all complaints alleging discrimination on the basis of age will be forwarded to the appropriate FNS regional Office of Civil Rights within 5 days.

The State Agency receives their technical assistance and annual civil rights training from the Midwest regional office.

What do you think? (7)

- A participant at an adult day care center tells you they have been discriminated against based on race. After collecting the necessary information from them, how long do you have to report the complaint to MDE or USDA?
 - A. 24 hours**
 - B. 3 days**
 - C. 5 days**
 - D. 10 days**

Slide 38:

What do you think?

Let's say a participant at an adult day care center tells you they have been discriminated against based on race. After collecting the necessary information to file the complaint, how long do you as a center have to report the complaint to MDE or USDA?

- A. 24 hours
- B. 3 days
- C. 5 days
- D. 10 days

B. 3 days

Slide 39:

The answer is B, your center has 3 days to report that complaint to MDE or USDA, who will follow up on the issue.

What do you think? (8)

True or False?

- You received a civil rights complaint from a participant's family member and you documented the complaint on a piece of paper and submitted a copy to MDE.
- Now that you have submitted the complaint to MDE, you can throw away the piece of paper and forget about it.

Slide 40:

What do you think? True or False?

You received a civil rights complaint from a participant's family member and you documented the complaint on a piece of paper and submitted a copy to MDE. Now that you have submitted the complaint to MDE, you can throw away the piece of paper and forget about it.

False

State and local sponsors must keep all records relating to Civil Rights complaints on file for at least three years, or longer if necessary, until the complaint is resolved.

Slide 41:

The answer is False.

State and local sponsors must keep all records relating to Civil Rights complaints on file for at least three years, or longer if necessary until the complaint is resolved.

Remember, complaints should NOT be filed with the household's Program records. They should be kept in a separate, confidential location.

State Agency Compliance Reviews

State agencies will assess if an organization has implemented non-discrimination and civil rights requirements during:

- The Approval Visit as part of the CACFP enrollment process
- The Administrative Review
- The Corrective Action Plan

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42

Slide 42:

You may wonder how compliance to the Civil Rights requirements are reviewed by the State Agency and maintained by each sponsoring organization.

Well, State Agencies **review** the practices and documentation of organizations to affirm that the non-discrimination and civil rights requirements are followed.

For example, the state agency will assess sponsor compliance during the Approval Visit as part of the CACFP application process as well as during an Administrative Review.

Some examples of what the state agency review include:

Is the non-discrimination statement used appropriately?

Are Civil Rights trainings conducted and documented every year?

Are CACFP benefits offered to all infants, children and adults in care?

Is the “And Justice for All” information posted?

Staff Demonstrating Compliance

Sponsor staff demonstrate compliance to Civil Rights requirements by:

- Completing annual Civil Rights training.
- Assure training includes the required elements of Civil Rights compliance in all training at hire and annually.
- Treat all applicants the same.
- Use respectful language.

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43

Slide 43:

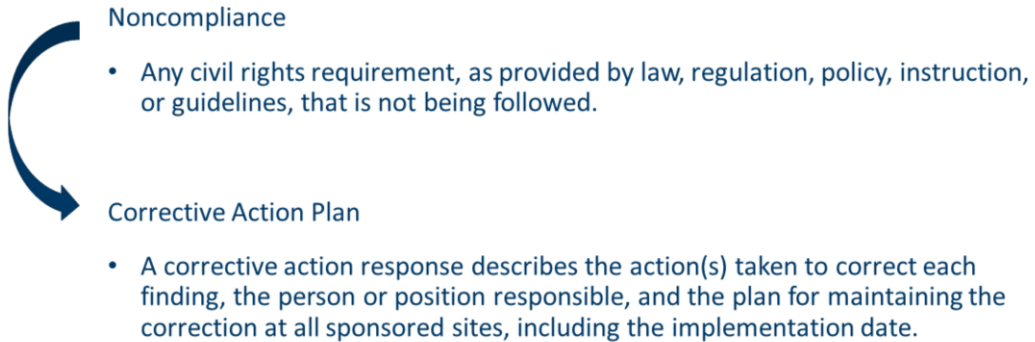
Sponsors have the responsibility to not only correct noncompliance but also to **maintain** corrective actions, long term through trained staff who use consistent compliance practices.

A sponsors internal controls and procedures ensure compliance and reflect dedication to this critically important CACFP requirement.

Sponsors, through their staff, demonstrate compliance to Civil Rights requirements;
:

- By completing Civil Rights training **every** year - including the required Civil Rights regulations.
- When all training includes specific subject matter, but not limited to the nine points in FNS Instruction 113-1, XI, Civil Right Training. This is further supported by the technical assistance handout titled Annual Civil Rights Staff Training in CACFP.
- By treating all applicants the same.
- Through the use of respectful language, particularly when resolving complaints.

Resolution of Noncompliance



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44

Slide 44:

You may be wondering what exactly is Civil Right Noncompliance in CACFP based on Discriminatory practices.

A finding of “Noncompliance” of Civil Rights is a factual finding that any civil rights requirement, as provided by law, regulation, policy, instruction , or guidelines, is not being adhered to.

A finding of non-compliance of Civil Rights may be the result of a CACFP Administrative Review visit, a special review, or an investigation following a complaint.

When a finding of Civil Rights non-compliance is issued, Sponsors must respond by developing a Corrective Action Plan to resolve noncompliance with civil rights regulations, instructions, policies, and guidelines.

A corrective action plan describes the actions taken to correct each finding, the persons or positions responsible, and the **plan for maintaining the corrective action response** at all sponsored sites, including the date the corrective action was initiated or implemented.

The State Agency has developed a corrective action response form that sponsors may use to document their corrective action responses. This form is available on the MDE/FNS website.

Examples of Civil Rights Noncompliance

- Denying CACFP meal benefits to households on the basis of race, color, national origin, age, sex or disability.
- Program participation data indicating that a particular group of households are not benefiting from the CACFP meal program.
- Providing the CACFP meal program benefits differently or less favorably than others on based on one of the protected classes.
- Selecting members for planning or advisory boards which exclude others based on one of the protected classes.

45

Slide 45:

What are some examples of Civil Rights noncompliance? Four examples of discrimination through CACFP program administration based on race, color, national origin, age, sex or disability include:

- Denying a household the opportunity to receive CACFP meal program benefits.
- Program participation data indicating that a particular group of households are not benefiting from the CACFP meal program.
- Providing the CACFP meal program benefits differently or less favorably for some participants than others
- Selecting members for planning or advisory boards which exclude others based on one of the protected classes.

Resolution of Noncompliance Continued

Voluntary Sponsor Resolution

- Corrections can be immediate.
- Findings require a corrective action plan within 30 days of notification.
- State agency provides guidance and technical assistance.

When Civil Rights findings are not corrected within 60 days of the finding, the state agency must inform the USDA and provide detailed information regarding noncompliance and other sponsor information.

46

Slide 46:

Once noncompliance is determined during an Administrative Review for example, steps must be taken immediately to obtain **voluntary** compliance.

The State Agency staff will provide guidance to sponsor staff on developing a corrective action response. Staff will discuss each finding and explain what is required to be in compliance. Sponsors are responsible to develop and implement corrective actions that will be maintained .

Sponsors will have 30 days from the date of the findings notification letter to provide their response to Civil Rights violations as well as all other findings from the Administrative Review.

When Civil Rights findings are not corrected within 60 days of the finding, then the state agency must inform the USDA and provide details of the noncompliance and other sponsor information.

So, to summarize resolution of noncompliance, sponsors are encouraged to resolve Civil Rights noncompliance quickly and within the specified time frames.

Shared Responsibility for CACFP Civil Rights Compliance



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47

Slide 47:

For CACFP sponsors to meet the USDA's Civil Rights requirements, it begins and ends with sponsor staff such as yourself.

Why?

....because all sponsor staff, you included, share the responsibility to ensure that USDA Civil Rights compliance is maintained in all areas, activities and meal service delivery of the CACFP.

Thank you for viewing this training session sponsored by the Minnesota Department of Education-Food and Nutrition Service.

Contact Information:
Child and Adult Care Food Program
Division of Nutrition, Health and Youth Development
Minnesota Department of Education

651-582-8526
800-366-8922
mde.fns@state.mn.us
education.mn.gov

This institution is an equal opportunity provider.

48

Slide 48:

If you have further questions about civil rights requirements in CACFP, you may contact our office at 651-582-8526

OR if out of the local area 800-366-8922

OR by email at mde.fns@state.mn.us

Information about FNS Civil Rights including the nondiscrimination statement and Civil Rights training information for CACFP, can be found at the Minnesota Department of Education's website.

Go to the Food and Nutrition Program Administration section and select Civil Rights.

The Minnesota Department of Education website address is: education.mn.gov