Welcome to a training session on civil rights for sponsors that administer and participate in the Child and Adult Care Food Program (CACFP).

The U.S. Department of Agriculture (USDA) requires that any program receiving federal financial assistance provide annual training to its staff on civil rights. Specifically, USDA states that all “frontline” staff who work with or assist program applicants or participants are required to receive civil rights training as well as those persons who supervise “frontline” staff.

Training is required so that people involved in all levels of program administration understand civil rights related laws, procedures and directives.
Civil Rights Training

Situation: A center has several volunteers who periodically donate their time at the center.

Is annual civil rights training required for volunteers?

The answer is yes. It is very important that volunteers receive civil rights training, especially if they interact directly with participants or the public.

As stated earlier, civil rights training is required so that people involved in all levels of program administration understand civil rights related laws, regulations, procedures and directives.
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.
- Fair and equitable treatment of all customers and employees.

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.

There are numerous civil rights acts and laws that were enacted over the course of the last 50 years. 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.
Goals of Civil Rights

• Eliminate barriers to program benefits.
• Provide equal treatment to all.
• Explain rights and responsibilities.
• Show respect and dignity to all.

Goals of Civil Rights

• 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.
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.

Protected classes in the CACFP include:
- Race
- Color
- National origin
- Age
- Sex
- Disability

Note: There are specific laws and regulations that provide for the six protected classes in Food and Nutrition Service (FNS) Programs like the CACFP. Protected classes may vary somewhat between federal programs. For example, other federal programs may include the following protected classes: sexual orientation, marital or family status, parental status and protected genetic information.
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Civil Rights – A Sponsor’s Responsibilities

A center that participates in the CACFP is expected to provide annual training to all front-line staff to be in compliance with Civil Rights Laws. All sponsors of the CACFP must have an understanding of their responsibilities to ensure that the civil rights of all applicants and participants are protected. These responsibilities include:

- The collection and use of racial/ethnic data.
- The development of an effective public notification system.
- A plan for equal access to programs.
- The requirements for reasonable accommodation of persons with disabilities.
- A reasonable accommodation for language assistance.
- A plan for conflict resolution which includes the development of a complaint procedure.

We will now examine each one of these responsibilities.
**Collection and Use of Racial and Ethnic Data**

**Racial Categories:**
- American Indian or Alaskan Native
- Asian
- Black or African American
- Native Hawaiian or Other Pacific Islander
- White
- Two or More Races

**Ethnic Categories:**
- Hispanic or Latino
- Not Hispanic or Latino

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**Collection and Use of Racial and Ethnic Data**

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

There are six racial categories: American Indian or Alaskan Native, Asian, Black or African American, Native Hawaiian or Other Pacific Islander, White, and Two or More Races. There are also two distinct ethnic categories: Hispanic or Latino **OR** Not Hispanic or Latino.

Racial and ethnic data is usually collected on the Household Income Statement or another type of enrollment form used by a child or adult care center. Parents or a family member or guardian of a participant are asked to identify the racial and ethnic group of the participant after it has been explained 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.

The person who completes the form is asked to self-identify or self-report the racial and ethnic make up of the participant. They must be offered the option of selecting one or more racial categories and one of the two ethnic categories. Keep in mind that racial and ethnic 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.
Collection and Use of Racial and Ethnic Data

- Annually, centers must compare the racial/ethnic makeup of its participants to the racial/ethnic makeup of the area from which it draws its participants.
- If necessary, a center takes action to eliminate barriers to program participation or to outreach to un-served or underserved populations.

Note: The form for comparing actual to potential program beneficiaries is available on the Minnesota Department of Education-Food and Nutrition Service (MDE-FNS) website. Keep the results of the annual comparison on file and available for review by MDE-FNS staff.
Collection and Use of Racial and Ethnic Data

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?

Staff should explain to families that identification is voluntary. Program applicants or participants are not required to furnish information on their race or ethnicity. When an applicant or participant does not provide this information, the data collector must, through visual observation, make the racial/ethnic determination.

Center staff 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.

The description of racial and ethnic categories is on the MDE-FNS website.
Public Notification

All sponsors who operate an FNS-assistance program, like the CACFP, must notify the public annually of their participation in the program. In addition, notification to applicants and participants must include information regarding program availability, program rights and responsibilities, the policy of nondiscrimination, and the procedure for filing a complaint. The public notification system must include the following basic elements:

• **Public Release**: Sponsors must take specific actions to inform the public of their program rights and responsibilities and the steps necessary for participation in the CACFP.

• **Display the “And Justice for All” poster**: 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.

• **Nondiscrimination Statement**: All informational materials including websites used by centers to inform the public about FNS programs, like the CACFP, must contain the nondiscrimination statement.
Public Notification

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

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

To file a program complaint of discrimination, complete the 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. The shorter statement “This institution is an equal opportunity provider” may be used if the material is too small to permit the long statement. However, the print size should be no smaller than the text of the document.

Be sure to convey the message of equal opportunity in photos and other graphics that are used to promote program information to applicants or participants. For example, show participants of different races and gender attending or utilizing the services at your facility.
Equal Access

A center must provide equal access to CACFP benefits to all eligible participants regardless of race, color, national origin, sex, age or disability.
Equal Access

Situation: A child care center does not provide infant foods and/or formula to infants in their care and requires parents to supply these items.

Is this a civil rights issue?

Yes. All children who attend a center must be provided equal access to the benefits of the CACFP. 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.
Situation: Children whose first language is Spanish are asked to sit together at a “Spanish-speaking” table.

Is this a civil rights problem?

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

Note: Be careful of implied segregation, such as seating all boys or girls at separate tables (for example, an all-boy table or all-girl table). This is a questionable practice unless it is done for disciplinary or other legitimate reasons.
Reasonable Accommodation for Persons with Disabilities

Centers must make reasonable accommodations for persons with disabilities. A center is required to provide food substitutions or modifications if:

A. A statement is on file that describes the participant’s disability (a disability defined in federal regulations) that prevents the participant from eating the regularly offered foods, and...
B. The substitutions or modifications that the participant needs.
C. The statement is signed by a licensed physician, physician assistant, or advanced practice registered nurse such as a certified nurse practitioner.

The Special Diet Statement must be kept on file at the center.

Note: When food or beverage substitutions are requested for a participant without a disability (for example, a participant who requests a vegetarian diet, a religious-based diet, or a participant with lactose intolerance), the center may decide whether or not to honor the special dietary request. It is not considered to be a civil rights issue should the center decide not to honor the special dietary request for a participant without a disability.

Note: “Reasonable accommodations” also refer to ensuring that participants with a disability have physical access to programs and services – easily accessible entrances, restrooms, etc.
Reasonable Accommodation

Situation: A parent of a child who has been diagnosed with celiac disease demands 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?

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

- A physician has determined that the participant has a disability according to federal definitions; and,
- The physician has prescribed gluten-free food items on the “Special Diet Statement For a Participant With a Disability.”

This situation only becomes a civil rights issue if the participant has a recognized disability and the center has not accommodated the special dietary needs.

If the participant does not have a disability, the center may make food substitutions, at their discretion when the “Special Diet Statement For a Participant Without a Disability” is completed.

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Reasonable Accommodation

Situation: Representatives from an ethnic minority group contact the center and request that ethnic food choices be made available.

Could their request be 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. Therefore, this request is not considered to be a civil rights issue. However, it would seem reasonable for the center to consider the group’s request and offer some or more ethnic foods on the menu.
Reasonable Accommodations – Language Assistance

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

Reasonable steps would include an evaluation of the following factors:

• The number or proportion of LEP persons to be served or likely to be encountered by the sponsor or program.
• The frequency with which LEP individuals come in contact with the program.
• The nature and importance of the program, activity, or service provided by the program to people’s lives and...
• The resources that are available and the costs to provide these services. For example, what support is available in the area for translations?

Providing services to LEP individuals might include:

• The distribution of meal benefit forms in different languages which are available on the USDA website. View Translations of CACFP Meal Benefit Form
• The hiring of a bilingual interpreter to assist program applicants or participants.

A shortage of resources or anticipated costs to provide these services to individuals with LEP does not eliminate the requirement to do so. Sponsors must explore the most cost-effective means of delivering services and information to people with LEP.
Complaint Procedures

If a participant has a Civil Rights complaint in regard to their participation in the CACFP, advise them of the complaint procedure:

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

The address of where to send a civil rights complaint can also be found on the “And Justice for All” poster.
Complaint Procedures

Situation: A center has a large number of households with limited English proficiency (LEP) and frequently translates forms that require the nondiscrimination statement.

Does the USDA mailing address, where complaints should be sent, also need to be translated into that language?

No. Since the person will need to mail the complaint to the address shown on the nondiscrimination statement, the address should not be translated but should be left as is.
Complaint Procedures

- The center is encouraged to discuss the civil rights issue with the person who has filed the complaint in an effort to resolve the problem.

- Whether or not the issue is resolved at the center level, a person alleging discrimination has a right to file a complaint within 180 days of the discriminatory action.

If you have any questions about meeting civil rights requirements for the CACFP, contact the Minnesota Department of Education, Food and Nutrition Service.

Phone: 651-582-8526
Toll-Free: 800-366-8922
Email: mde.fns@state.mn.us