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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 provide annual training to its staff on civil rights. 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.

This training is for CACFP centers 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.
After this training, you will be able to:

• Understand the importance of civil rights
• Understand your center’s civil rights responsibilities
• Recognize aspects of your specific job duties that deal with civil rights concerns

**Slide 2:**

After this training, you will be able to:

• Understand the importance of civil rights
• Understand the center staff responsibilities to ensure that the civil rights of all applicants and participants are protected, and
• Recognize aspects of your specific job duties that deal with civil rights concerns.
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The Goals of Civil Rights 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.

Wikipedia photo (hands)
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.

- First we will discuss notification systems. This is the process by which centers notify applicants and participants that they are participating in the CACFP program.
- Second we will discuss civil rights issues related to customer service. This applies to all aspects of the program.
- Third, we will cover the requirement to collect and compare race and ethnicity data and why that information is collected.
- Fourth, we will discuss the requirement to make reasonable accommodations for persons with disabilities, including disabilities affecting meal and snack service.
- And lastly, we will discuss what centers must do if they receive a complaint alleging discrimination in the CACFP.

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

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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.
There are seven protected classes in the CACFP, which include: race, color, national origin, age, sex, disability and reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA.
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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 Minnesota Department of Education, or MDE, takes care of this annual requirement for you after that, by sending an announcement to various newspaper 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. 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.
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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.
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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.

(USDA Photo)
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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.
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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 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)
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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.
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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.
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?
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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.

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.
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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?
Yes, this is a civil rights issue based on gender. If the program has leftover food they would like to offer participants, all participants should have access to those extra helpings of food, regardless of sex.

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

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?

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**Slide 22:**

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?
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You, the center staff should explain to families that 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.
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.
Centers must make reasonable accommodations for persons 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 medical authority must be on file that includes the following:

1. The participant’s disability
2. The major life activity/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 medical authority: licensed physician, physician assistant, or advanced practice registered nurse.

Refer to the web-based training on Special Diets for more information on accommodating special diet requests.

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.
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?

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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?
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The center is **required** to provide the gluten-free food items if:
A recognized medical authority has determined that the participant has a disability
AND
The recognized 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.
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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, 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.
Sponsors must take “reasonable steps” to assure meaningful access to programs and activities by persons with Limited English Proficiency (LEP).

Examples:

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

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

Providing services to LEP individuals might include:

• The distribution of program related forms in different languages which are available through the MDE website.
• Volunteer interpreters can be used once the interpreters have been trained on the importance of keeping all information confidential. If you have the means to hire an interpreter, it is a best practice. It is not a good practice to use children as interpreters.
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 has a right to file a complaint within 180 days of the alleged discrimination.

Civil rights complaints may be submitted in written formal 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 is www.ascr.usda.gov forward slash filing hypen program hyphen discrimination hyphen complaint hyphen USDA hyphen customer
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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.

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.
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- 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 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.
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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.
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 35:

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
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The answer is B, your center has 3 days to report that complaint to MDE or USDA, who will follow up on the issue.
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 37:**

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.
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The answer is False.

Not only should you keep the documentation of the complaint, but the root cause of the complaint should be investigated by the center director, business owner, and/or board of directors, who then must take the necessary actions to resolve the civil rights issue.
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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 civil rights can also be found at the Minnesota Department of Educations website. Go to the Food and Nutrition Program Administration section and select Civil Rights.
The Minnesota Department of Education website address is: education.state.mn.us

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