



# FY22 Civil Rights Compliance Training for FDC Providers Child and Adult Care Food Program (CACFP)

# Purpose of today's training

By the end of today you will:

- Understand the basics of Civil Rights compliance for Family Day Care Home providers in the Child and Adult Food Program (CACFP).
- Complete your required annual training for Civil Rights Compliance.



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**01**

# **Introduction to Civil Rights**

# Federal funds and Civil Rights

## FNS Instruction 113-1

The United States Department of Agriculture (USDA) prohibits discrimination in all its programs and activities.

As part of your CACFP contract, you must assure the Sponsoring Organization that you will adhere to all Civil Rights requirements.



# Civil Rights and discrimination

## Civil Rights

- The right to freedom from discrimination

## Discrimination

- The act of distinguishing one person or group of persons from others, either intentionally, by neglect, or by the effect of actions or lack of actions based on their protected classes.

# Protected classes

## Nationally ([FNS 113-1](#)):

- Race
- Color
- National Origin
- Age
- Sex
- Disability

## Massachusetts

ALL federal groups, plus:

- Religion
- Gender identity
- Sexual orientation



**02**

## **Reasonable modifications**



# Reasonable modifications: disabilities

- Homes are required to make substitutions to meals for participants with a disability, when the disability restricts their diet.
  - Food choice alternatives for allergies
  - Altering the consistency of a food item
  - Meal service support



# Defining disability

## FNS language on disability definition: ([CACFP14-2017/SFSP 10-2017](#))

- Reducing burden on disabled person to prove disability, program operator from having to determine disability
- **Expanded** and **clarified** definition of disability:
  - *physical or mental impairment which limits one or more "major life activity"*
    - eating & digestion



# Medical Statement to Request Special Meals and/or Accommodations in Child Nutrition Programs

## The updated medical statement form is available from your sponsor

- Updated language on disability, to include food allergies
- Added specific language to acceptable substitutions
- Medical authority signature



MEDICAL STATEMENT TO REQUEST CHILD NUTRITION PROGRAMS SPECIAL MEALS AND/OR ACCOMMODATIONS											
1. School/Agency Name	2. Site/Provider Name	3. Site Telephone Number									
4. Name of Participant		5. Age or Date of Birth									
6. Name of Parent or Guardian		7. Telephone Number									
<p>8. Check One:</p> <p>Participant has a disability, which may include a food allergy, and requires a special meal or accommodation. Schools and agencies must make reasonable modifications to the meal to accommodate a disability which restricts a participant's diet. Modifications during and for food service may be required. Schools and agencies participating in federal nutrition programs must comply with requests for special meals. <b>A licensed physician, physician's assistant, or nurse practitioner must sign this form.</b></p> <p>Participant does not have a disability, but is requesting a special accommodation for a <b>fluid milk substitute</b> that meets the nutrient standards for non-dairy beverages offered as milk substitutes. <b>Food preferences are not an appropriate use of this form.</b> Schools and agencies participating in federal nutrition programs are encouraged to accommodate reasonable requests. <b>A licensed physician, physician's assistant, nurse practitioner, parent, or guardian may sign this form.</b></p>											
9. If participant has a disability, provide a brief description of participant's major life activity affected by the disability:											
10. Diet prescription and/or accommodation: (please describe in detail to ensure proper implementation-use extra pages as needed)											
<p>11. Indicate texture:</p> <p><input type="checkbox"/> Regular      <input type="checkbox"/> Chopped      <input type="checkbox"/> Ground      <input type="checkbox"/> Pureed</p>											
<p>12. Schools and agencies are not required to provide the exact substitution or other modification requested. However, must offer a reasonable modification that effectively accommodates the participant's disability and provides equal opportunity to participate in or benefit from the federal nutrition programs.</p> <p>Foods to be omitted and available/acceptable substitutions: (please list specific foods to be omitted and suggested substitutions. you may attach a sheet with additional information as needed)</p> <table border="0"> <tr> <td style="width: 50%; vertical-align: top;">A. Foods To Be Omitted</td> <td style="width: 50%; vertical-align: top;">B. Available/Acceptable Substitutions</td> </tr> <tr> <td>_____</td> <td>_____</td> </tr> <tr> <td>_____</td> <td>_____</td> </tr> <tr> <td>_____</td> <td>_____</td> </tr> </table>				A. Foods To Be Omitted	B. Available/Acceptable Substitutions	_____	_____	_____	_____	_____	_____
A. Foods To Be Omitted	B. Available/Acceptable Substitutions										
_____	_____										
_____	_____										
_____	_____										
13. Modifications for meal service:											
14. Signature of Preparer*	15. Printed Name	16. Telephone Number	17. Date								
18. Signature of Medical Authority**	19. Printed Name	20. Telephone Number	21. Date								

\*Parent/legal guardian signature is acceptable for fluid milk substitution for a child with dietary needs other than a disability.  
 \*\*Medical Authority's signature is required for participants with a disability.  
 The information on this form should be updated to reflect any changes to the current medical and/or nutritional needs of the participant, and updated annually.

This institution is an equal opportunity provider. MA EBE December 2017/USDA June 2017

# Accommodating a disability and meeting the meal pattern

**You can often accommodate a disability while remaining within the meal pattern.**

Meals that do not meet meal pattern *must* be supported by medical statement to be eligible for reimbursement.



**03**

## **Limited English Proficiency (LEP)**

# Limited English Proficiency (LEP): language assistance

- Language barriers and Limited English Proficiency (LEP) as a source of program discrimination
- Providers are responsible to take reasonable steps to ensure access to their programs and activities by persons with Limited English proficiency (LEP).
- Providers should work with their Sponsoring Organization to ensure access to language assistance services for persons with LEP (when necessary).



# Language assistance- reasonable steps

- What are “reasonable steps”?
  - Number or proportion of LEP persons eligible to be served, or likely to be encountered
    - How many LEP people do you encounter in your general eligible population?
    - How many LEP people are likely to be encountered within your program’s service area?
  - Frequency of contact with the program
    - How often do LEP individuals come in contact with your program?
  - Nature of the program
    - What type of program are you providing?
  - Resources available
    - What resources are available to the individual, and what would be the cost to make more available?
      - ❖ Resources may include: interpretive services, translation capabilities for documents

**04**

## **Customer service and conflict resolution**



# Customer Service

## Good customer service reduces the chance of receiving discrimination complaints

- In all aspects of your programming, be courteous and thoughtful
- Be polite and patient with participants and guardians.
- Listen and ask questions.
- Be empathetic.
- Train staff on customer service and conflict resolution.



**05**

## **Complaints of discrimination**

# Civil rights complaints: filing facts

## Filing facts

- Individuals have a right to file a complaint
- Never discourage complaint filing
- Complaints can be verbal or written
  - Form or letter (USDA letter requirements)
- Complaints must be made within 180 days of alleged action
- Public posting of complaint filing process is part of the **required** public notification system



# Civil rights complaints: Federal vs. State process

## Filing a complaint for violation against a federally protected class

- A complaint citing a Federal protected class (race, color, national origin, sex, disability, and/or age), must be submitted ***directly through the USDA Food and Nutrition Service (FNS)***

## Filing a complaint for violation against a state protected class

- A complaint citing any State protected classes (religion, gender identity, sexual orientation), can be submitted ***to the MA DESE Problem Resolution System Office***
- All civil rights complaints received at MA ESE will be logged and forwarded to USDA

# How to file a Civil Rights complaint

## Federal complaint filing

- [USDA Nondiscrimination statement](#)
- [USDA Civil Rights website](#) includes instructions for filing including how to access a complaint form, and resources for individuals who may need assistance.

## State complaint filing

- [USDA Nondiscrimination statement](#)
- [MA DESE OFNP Civil Rights website](#) includes instructions for filing including how to access a complaint form, and resources for individuals who may need assistance.

# Handling complaints: conflict resolution

- Individuals have a right to file a complaint
- Refer to your organization's handbook for your written policies on non-discrimination.
- In any conflict get help, especially if there are threats or if violence is possible



**06**

## **Compliance review and Civil Rights training**

# Civil Rights compliance review

- As part of the monitoring and review process, providers will have their compliance with Civil Rights requirements assessed
- Monitors will review program operations and ask questions specific to program operations and policies
- Monitors will also complete an observation during a meal service to collect data for a Sponsor Civil Rights document



# Civil Rights data collection process

## Data collection process

- Based on visual observation, children should NEVER be asked
- Can open this discussion about data collection requirement, and use of information with parents or guardians during application

## What data are collected

- Ethnicity (you have only one)
  - Hispanic/Latino OR Non-Hispanic/Latino
- Race (you can have multiple)
  - Black/African American
  - American Indian or Alaska Native
  - Native Hawaiian or other pacific islander
  - Asian
  - White

**07**

## **Nondiscrimination statement**

# Current USDA nondiscrimination statement for printed documents

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](https://www.usda.gov/oascr/how-to-file-a-program-discrimination-complaint), (AD-3027) found online at: <https://www.usda.gov/oascr/how-to-file-a-program-discrimination-complaint>, 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](mailto:program.intake@usda.gov).

This institution is an equal opportunity provider.

# Current USDA nondiscrimination statement for digital documents

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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: [How to File a Complaint](#), 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:

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# Nondiscrimination statement and your website

The screenshot shows the website for the Massachusetts Department of Elementary and Secondary Education. The header includes the department's logo and name, a search bar, and a language selection dropdown. The main navigation menu lists various categories: Students & Families, Educators & Administrators, Teaching, Learning & Testing, Data & Accountability, Finance & Funding, About the Department, and Education Board. Below the navigation is a section for the Office for Food and Nutrition Programs. The main content area displays the USDA Nondiscrimination Statement, which includes a list of links on the left (Civil Rights, Child Nutrition Programs, Financial Management, Food Distribution, Grants, Training, Nutrition Resources) and the full text of the statement on the right. The statement text includes information about federal civil rights law, contact information for filing a complaint, and a statement of equal opportunity.

- Include the full [\*\*USDA nondiscrimination statement\*\*](#) on all vital documents and information produced for the public, including program home and sub-recipient web pages
  - A direct hyperlink to the digital nondiscrimination statement (not short statement) may be used on web pages
- The short nondiscrimination statement **may not** be used on vital documents

# Nondiscrimination statement and your program documents

- For all program documents that mention the CACFP:
  - The nondiscrimination statement must be in the same size and font as the smallest font on the document.
  - Formatting of the statement may not be changed.
  - **Exception:** “This institution is an equal opportunity provider.”



# Building for the Future

- Building for the Future Flyer
- This flyer should be posted in homes where families can see
- Building for the Future pamphlets should be included with the enrollment form for new children

Good nutrition today means a stronger tomorrow!

## Building for the Future with CACFP



This day care receives support from the Child and Adult Care Food Program to serve healthy meals to your children.

**Meals served here must meet USDA's nutrition standards.**

**Questions? Concerns?** Call USDA toll free: 1-866-USDACND (1-866-873-2263)

Learn more about CACFP at USDA's website:

<https://www.fns.usda.gov/>

USDA is an equal opportunity provider, employer and lender

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Food and Nutrition Service FNS-317  
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# THANK YOU



[www.doe.mass.edu](http://www.doe.mass.edu)



75 Pleasant Street, Malden, MA 02148





# References

1. Child and Adult Care Food Program (CACFP) Training Resources. Office of the State Superintendent of Education, DC.Gov

