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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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 <u>protected classes</u>.



Protected classes

Nationally (<u>FNS 113-1</u>):

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

Massachusetts

ALL federal groups, plus:

- Religion
- Gender identity
- Sexual orientation



Reasonable modifications

Reasonable modifications: disabilities

- Homes are <u>required</u> 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: (<u>CACFP14-2017/SFSP 10-</u>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

	2. Site/Provider	Name	3. Site Telephor	e Number
Name of Participant			5. Age or Date of	f Birth
Name of Parent or Guardian			7. Telephone Nu	ımber
. Check One:				
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articipant does not have a disabil e nutrient standards for non-dair se of this form. Schools and ag- asonable requests. A licensed p	y beverages offered as milk su encies participating in federal n	bstitutes. Food pro utrition programs a	eferences are not a are encouraged to a	an appropriate ccommodate
nis form.				
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MEDICAL STATEMENT TO REQUEST

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.







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 <u>reasonable steps</u> 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



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.



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
 - <u>Form</u> or letter (<u>USDA letter requirements</u>)
- 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 <u>federally</u> 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 <u>state</u> protected class

- A complaint citing any State protected classes (religion, gender identity, sexual orientation), can be submitted to the <u>MA DESE Problem</u> <u>Resolution System Office</u>
- 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
- <u>USDA Civil Rights website</u> 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





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



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 <u>USDA Program Discrimination Complaint Form</u>, (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.

This institution is an equal opportunity provider.



Current USDA nondiscrimination statement for digital 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.

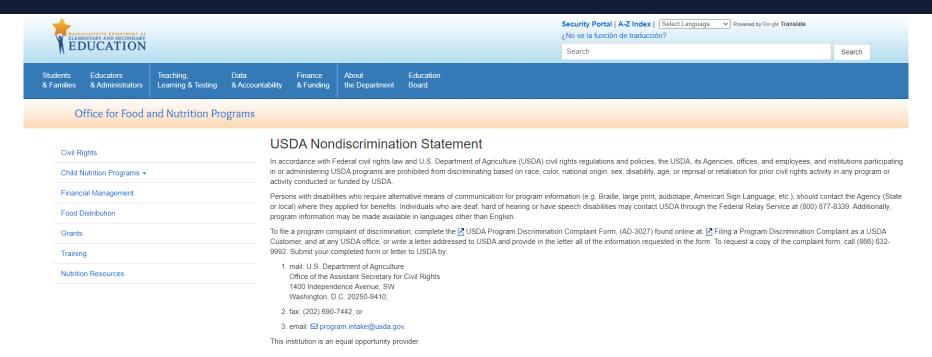
To file a program complaint of discrimination, complete the <u>USDA Program Discrimination Complaint Form</u>, (AD-3027) found online at: <u>How to File a Complaint</u>, and at any USDA office, or write a letter addressed to USDA and provide in the letter all of the information requested in the form. 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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- (2) fax: (202) 690-7442; or
- (3) email: <u>program.intake@usda.gov</u>.

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Nondiscrimination statement and your website



- Include the full <u>USDA nondiscrimination statement</u> 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 <u>may not</u> 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.

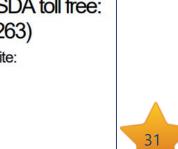
Questions? Concerns? Call USDA toll free: 1-866-USDACND (1-866-873-2263)

Learn more about CACFP at USDA's website:

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

USDA is an equal opportunity provider, employer and lender

United States Department of Agriculture Food and Nutrition Service FNS-317 June 2000 Revised September 2019



THANKYOU







References

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

