

Civil Rights Compliance in Child and Adult Care Food Programs

Created by Wyoming Department of Education, Nutrition Programs Section.
Adapted by Wildwood CACFP for Child and Adult Care Homes and Centers



What are Civil Rights?

“The nonpolitical rights of a citizen; the rights of personal liberty guaranteed to U.S. citizens by the 13th and 14th Amendments to the U.S. Constitution and by acts of Congress.”

Civil Rights Legislation

- **Title VI of Civil Rights Act of 1964**
 - *Prohibits discrimination based on race, color, and national origin*
- **Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973**
 - *Prohibits discrimination based on disability*
- **Title IX of Education Amendments of 1972**
 - *Prohibits discrimination based on sex under any education program or activity that is receiving federal financial assistance*
- **Age Discrimination Act of 1975**
 - *Age*
- **USDA Regulation 7 CFR Part 16, Equal Opportunity for Religious Organizations**
- **FNS Instruction 113-1**

<http://www.fns.usda.gov/cr/crregulation.htm>

Protected Classes

Federal law prohibits discrimination in Child and Adult Nutrition Programs based on:



Race
Color
National Origin
Age
Sex
Disability



Reprisal or retaliation for prior civil rights activity

All participants must be allowed equal opportunities to participate in CN programs regardless of race, color, national origin, sex, age, or disability, gender identity, religion, reprisal, political beliefs, marital status, familial or parental status, sexual orientation, individual's income derived from any public assistance program. Federal Law defines the ages of children who can participate in the Summer Food Service Program and the Child and Adult Care Food Program. The Age Discrimination Act requires that all children (as defined by federal law) are treated equally in these programs. The Age Discrimination Act does **NOT** mean that meals served to populations outside the required age ranges are eligible for reimbursement.

What is Discrimination?

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

All participants must be treated in the same manner (i.e. seating arrangements, services and facilities, assignment of eating periods).

Examples of discrimination in a CN program:

1. Students whose first language is Spanish are required to sit at a "Spanish-speaking" table for meals
2. Leftovers at the end of the meal service are only offered to the boys
3. Selectively distributing outreach materials

Civil Rights Training

Sponsors are responsible for training staff on an annual basis. At the end of the training, staff:

- Should be able to identify a civil rights complaint if received.
- Should know what to do if they receive a complaint.
- Should understand that it is the basic right of the individual to file a complaint.
- Programs must ensure all employees receive civil rights training annually.



Public Notification System

All sponsors and their sites must display in a prominent place the “And Justice For All”, nondiscrimination poster.

(Poster display is not required for child care homes in Colorado)

Provide informational materials in the appropriate translation as needed.

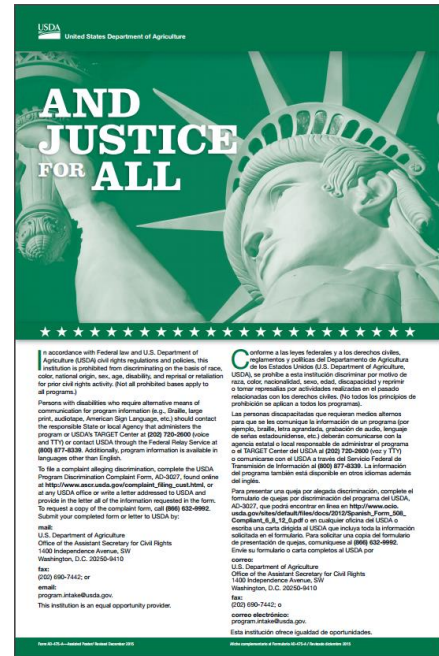
Nondiscrimination Statement

Include the non-discrimination statement on **all** materials that mention USDA programs (including websites).

A nondiscrimination statement is not required to be imprinted on items such as cups, buttons, magnets, and pens that identify the program, when the size or configuration makes it impractical.

Also...

When using graphics, reflect diversity and inclusion.



Full Statement

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.

Minimum Statement

If the material or document is too small to permit the full statement (above) to be included, the material MUST, at a minimum, include the short statement below in a print size no smaller than the text of the material being shared.

“This institution is an equal opportunity provider.”

Racial/Ethnic Data Collection

- Sites need to establish a system to collect racial and ethnic data of participants.
 - Self-identification preferred
 - Staff can make a visual observation of ethnicity and race then record
- Data must be collected on an annual basis
- Racial and Ethnic data should be kept for a minimum of 3 years past the date of service.



Collect ethnic data first, then racial data:

Ethnicity

1. Hispanic or Latino
2. Not Hispanic or Latino

Race

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



Note: Respondents may select more than one racial designation

Civil Rights Complaints

- Right to file a complaint: Any person who believes he or she has been discriminated against based on race, color, national origin, sex, disability, age, or reprisal or retaliation for prior civil rights activity in any program has a right to file a complaint within **180 days** of the alleged discriminatory action.
- How to file a complaint:

To file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, found online at http://www.ascr.usda.gov/complaint_filing_cust.html, or at any USDA office, or call (866)632-9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter to us by mail at U.S. Department of Agriculture, Director, Office of the Assistant Secretary of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, by fax (202) 690-7442 or email at program.intake@usda.gov. **It is recommended that all sites designate a go-to person for Civil Rights Issues.**

- **Complaints may be written or verbal**
 - If receiving a verbal complaint, *listen politely*
 - Complaints can be made via phone, letter, email, fax or any other form of communication
- **Complaints may be anonymous**
 - Anonymous complaints should be handled as any other complaint
- **May be related to any area of CACFP operation**
 - Program administration, food service, employment

What to do if you receive a Civil Rights complaint

If staff receive a verbal complaint, they should put it into writing as quickly as possible and try to include the following surrounding details—and report this information to the USDA.

- a. Name, address, and telephone number, and;
- b. The specific location it is alleged to have occurred, and;

- c. The nature of the incident or action that led the complainant to feel discrimination was a factor, and;
- d. The basis on which the complainant believes discrimination exists. (The bases for nondiscrimination are race, color, national origin, age, disability or sex) and;
- e. The names and contact information of persons who may have knowledge of the alleged discriminatory action, and;
- f. The date(s) during which the alleged discriminatory actions occurred.

Reasonable Accommodations

Sponsors must make reasonable accommodations for persons with disabilities.

All sponsors participating in Child and Adult Care Food Programs are *required* to provide FOOD SUBSTITUTIONS or MODIFICATIONS if:

- ✓ A medical authority's* statement is on file that describes the participant's medical need that prevents the participant from eating the regularly offered foods, and...
 - ✓ The medical authority has indicated the substitutions or modifications that the participant needs.
 - ✓ If the participant is **not** disabled, the provider **may** make food substitutions at their discretion. **The Medical Statement or Special Diet Statement from the medical authority must be kept on file at the center and/or school with a copy being provided to the sponsoring agency.**
- *Medical Authority: an individual licensed to write prescriptions in the State of CO or WY.**

Limited English Proficiency (LEP)

- Definition: Individuals who do not speak English as their primary language and have a limited ability to read, speak, write, or understand English.

All organizations receiving Federal financial assistance have a responsibility to take "reasonable steps" to ensure meaningful access to their programs and activities by persons with LEP.

CACFP programs that fail to provide services to Limited English Proficiency (LEP) potentially eligible persons, applicants, and participants, or deny them access to federally assisted programs and activities, may be discriminating on the basis of national origin in violation of Title VI.

SHORTAGE OF RESOURCES DOES NOT ELIMINATE REQUIREMENT!!!

LEP Resources

www.lep.gov

- Information and resources
- "I Speak" card

Household applications in other languages

www.fns.usda.gov/cnd/FRP/frp.process.htm



Customer Service is Important

All participants must be allowed equal opportunities to participate in Child and Adult Care Food Programs regardless of race, color, national origin, sex, age, or disability.

All participants must be treated in the same manner:

Seating arrangements

Serving lines

Services and facilities

Assignment of eating periods

Methods of selection for application approval processes



Treat all participants with dignity and respect

- Respond to questions in a non-threatening manner (voice tone)
- Recognize that participants have varied needs and (sometimes) few resources
- Recognize when a person feels they have been treated in a rude manner
- Develop good listening skills

“How far you go in life depends on your being tender with the young, compassionate with the aged, sympathetic with the striving, and tolerant of the weak and strong. Because someday in life you will have been all of these.”

George Washington Carver



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When you have completed this course, click
[HERE](#) to take the test.

(or you can type this address into your browser:

<https://goo.gl/forms/ZYfEJqUfdx5jE4O11>

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