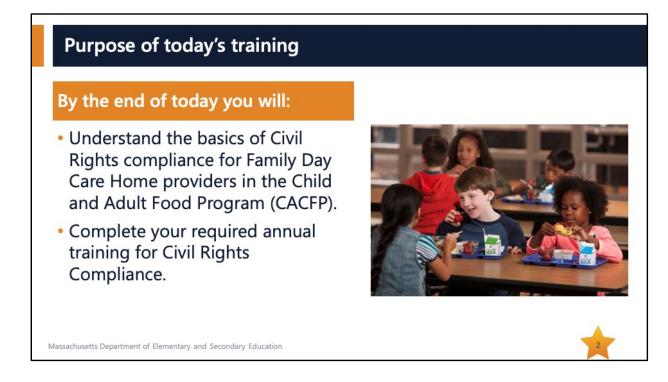


Hello and welcome to the fiscal year 2022 Civil Rights training for USDA child nutrition programs, including the Child and Adult Care Food Program. This training is designed to keep you up to date on the Federal Civil Rights requirements for the current program year.

This training is designed for Family Day Care Home providers.



The purpose of this training is to educate Massachusetts Family Day Care Home providers on the federal Civil Rights requirements that they must adhere to as part of the Child and Adult Care Food Program (also known as CACFP).

This training is an annual requirement and is monitored by your Sponsoring Organization.



This slide provides you with a brief outline of what we will be discussing during today' s presentation.

We will start with an introduction to Civil Rights, and then address several components of adhering to Civil Rights requirements, including:

- Making reasonable modifications for participants with disabilities
- Providing language assistance for individuals with limited English proficiency
- Providing customer service and resolving conflicts in your program
- Process and procedures for filing Civil Rights complaints
- Civil Rights compliance reviews and Civil Rights training requirements, and finally
- The current USDA nondiscrimination statement



Let' s begin with an introduction to Civil Rights.

In this section we will cover the USDA requirements on Civil Rights adherence, what discrimination means, and who is protected under the nondiscrimination policy.

Federal funds and Civil Rights

FNS Instruction 113-1

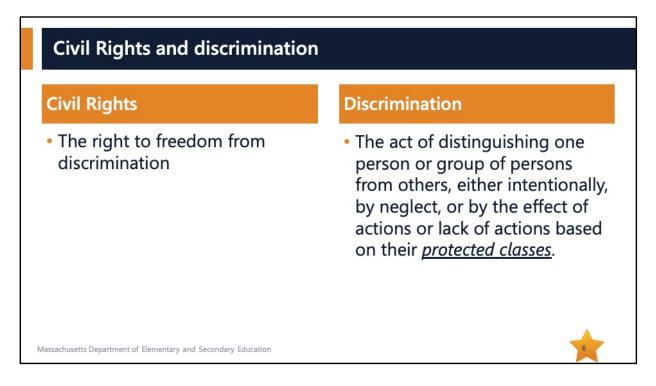
The United States Department of Agriculture (USDA) prohibits discrimination in all its programs and activities.

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

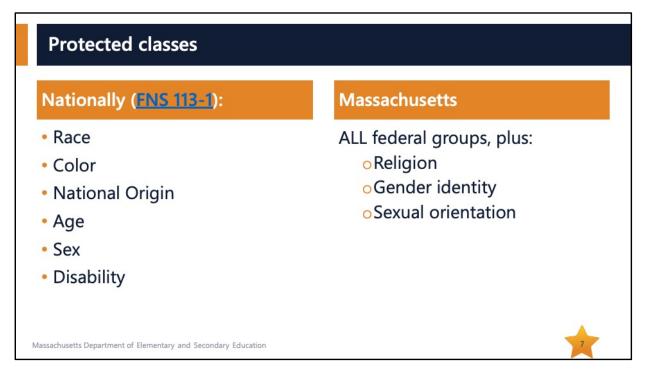


Massachusetts Department of Elementary and Secondary Education

- The USDA prohibits discrimination in all of its programs and activities, which includes CACFP. This means that the USDA must ensure that public funds are not spent in a way which encourages, subsidizes, or results in discrimination.
- Therefore, if you are receiving federal funds through CACFP you need to assure that your organization is meeting all Civil Rights requirements. This is part of the contract you sign when you become a CACFP Family Day Care provider.



- So, what exactly are Civil Rights? Civil Rights are the right to freedom from discrimination.
- Discrimination is defined as, "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."



The definition of discrimination from the previous slide included the phrase "protected classes". So what are protected classes? A protected class is any person, or group of people, who have characteristics for which discrimination is prohibited.

National policy identifies six protected classes; these classes are race, color, national origin, age, sex, and disability. In addition to the six national classes, Massachusetts has three additional protected classes which are Religion, gender identity, and sexual orientation.

USDA programs must be delivered equitably to all people. Program providers must be made aware of the protected classes and their Civil Rights responsibilities in your organization and in the operation of CACFP.



In that first section we addressed what Civil Rights are, and who is protected from discrimination. In this section, we will discuss how programs are expected to make reasonable modifications to their program sites in order to meet the needs of program participants who may be part of a protected class.

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

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In our discussion of protected classes we saw that one nationally-protected class is individuals with a disability.

As an individual's disability may impact their diet or nutritional needs, the USDA **requires** that program operators make reasonable modifications to the meal, including providing special meals at no additional cost, to accommodate someone with a disability. Meal modifications may include offering an alternative to a food that a child is allergic to, altering the consistency of a food component to facilitate feeding, or supporting the child during the meal service so they may participate in the meal.



This requirement to accommodate disabilities is a longstanding policy from the USDA. However, there has been a change to the way this is implemented; in June 2017, the USDA released a memo which broadened the definition of a disability. The purpose of this was twofold: first, to eliminate the burden on the disabled person from having to "prove" their disability; secondly, to ease the burden on program operators, so they are not responsible deciding what constitutes a disability.

This memo, which is linked here in the slide, states that:

"A disability is defined as a mental or physical impairment which *limits* one or more "major life activity"– [the impairment] does not need to be life threatening to constitute a disability."

Under this definition, eating and digestion are considered major life activities, and therefore an impairment to eating or digestion could be considered a disability. That means that food allergies, such as lactose intolerance, may be considered disabilities and must be accommodated for when a written statement is provided stating that the participant has a disability. This is different from previous years where a food intolerance, such as lactose intolerance, was not considered a disability but a "medical condition" and program operators were encouraged, but not required, to make a substitution even with a medical statement on file.

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To document a disability, a child must have a completed and signed "Medical Statement to Request Special Meals and/or Accommodations in Child Nutrition Programs" form, which is available from your sponsoring agency.

This form has recently been updated to address the changes we just discussed.

The changes to this Medical Statement form include:

- Updated language on what constitutes a disability to include food allergies
- Details on what sponsors are required to do, including making a reasonable modification to meet the needs of the individual, but they are not required to serve the exact request
- Change in language from requiring a physician signature to a medical authority signature. A medical authority includes physician's assistants and nurse practitioners or anyone else eligible to write medical prescriptions under state law

Accommodating a disability and meeting the meal pattern



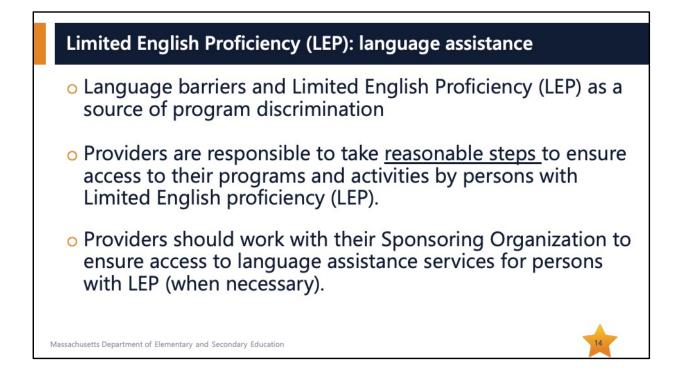
If a participant has a disability, it's sometimes possible to accommodate this disability while staying within the meal pattern. For example, if an individual were allergic to apples, and that was part of the posted snack item at your program that day, instead of an apple you could offer an orange or another fruit or vegetable. This way, the disability is accommodated for, and the snack still meets the meal pattern for a reimbursable meal.

However, if it is not possible for a meal or snack to meet the meal pattern because of a disability, a medical statement MUST be on file in order for you to be reimbursed for that meal.

If a disability impacts the ability to adhere to the meal pattern, the disability must be supported by a written statement from a licensed healthcare professional in order for that meal to be reimbursable.

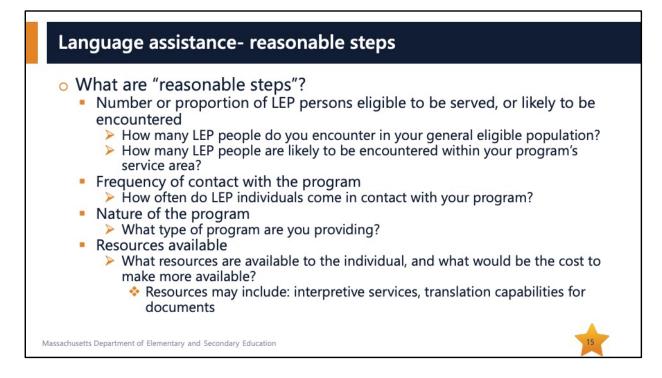


Language is also an important part of program accessibility. We will now briefly touch on how to ensure that your program is taking the necessary steps to support individuals with Limited English Proficiency, or LEP.



Next, we are going to discuss another part of your program which may require reasonable accommodations. Language or communication barriers may be considered potentially discriminatory actions. CACFP program operators are required to take reasonable steps to ensure access to their programs by individuals with limited English proficiency or LEP.

For Family Day Care Providers, they should work with their Sponsoring Organization to identifying when access to language assistance for LEP persons is necessary and what reasonable steps must be taken.



Providers should work with their Sponsoring Organization to take reasonable steps towards ensuring access to their program for persons with LEP.

What are considered reasonable steps? There are four main questions to consider when determining what is "reasonable" for your program:

- Numbers: How many individuals (or what proportion of individuals) with limited English proficiency do you encounter in your general eligible population for the program? How many individuals are likely to be encountered within your program's service area that are LEP?
- Frequency: How often do you come into contact with individuals with limited English proficiency?
- Nature of program: What is the nature of your program, and how important is it?
- Available resources: What resources are available to the recipient, and what would it cost to make resources available?



Next, let's talk about the providing quality customer service for all individuals who come into contact with the CACFP.



Providing quality customer service reduces or eliminates the chances of receiving a discrimination complaint. In all aspects of your programming, be courteous and thoughtful to participants and their families or guardians. This includes being polite and patient with individuals as they may ask you many questions about how the program works and what is available to them. Allow them to ask questions, and listen to their concerns.

When possible, be empathetic to their needs. Sometimes it is hard to understand that people may not know the rules or understand how these programs work. Individuals may feel uncomfortable in asking questions or asking for help.

Organizations that provide training on customer service and conflict resolution are more sensitive to Civil Rights issues and compliance.



Next, let's talk about the process for receiving or filing a compliant related to Civil Rights.

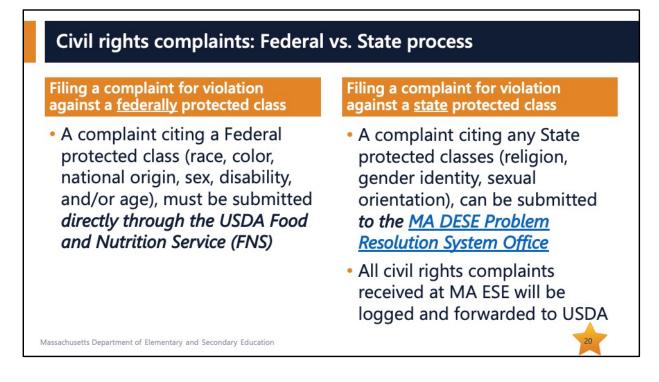


As we just mentioned, providing quality customer service can help reduce the chance of receiving a civil rights complaint; however, if a participant, potentially eligible person, or any individual who comes into contact with the CACFP program feels that their civil rights have been violated in any way, they have the right to file a civil rights complaint. You should <u>never</u> discourage an individual from filing a complaint.

Discrimination complaints can be made either verbally or in writing. On the USDA civil rights website, which is linked on this slide, there is an outline what information must be included in a complaint letter. If an individual would rather complete a complaint form than file a letter, they can contact the email address listed on that website to receive a copy of the form. Regardless of which format they choose to use complaints must be filed within 180 days of the alleged discrimination action. This is roughly just under 6 months' time.

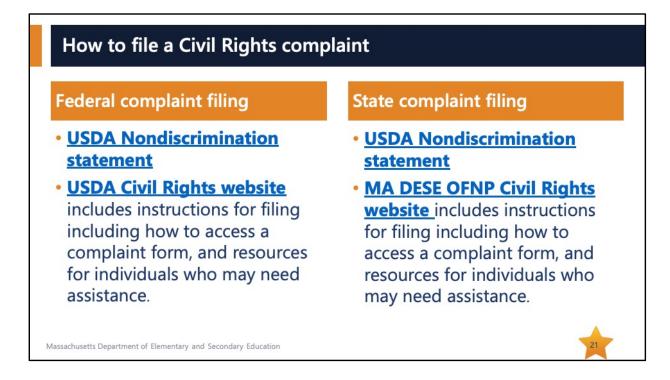
There are two main resources you should direct individuals to when they would like to file a complaint.

- First, you should provide a copy of the non-discrimination statement
- Second, you should provide them with the link to the USDA civil rights webpage and show them the instructions on how to request a complaint form and/or submit a letter.
- Let them know that the USDA website contains all the instructions on how to file a complaint and includes sources of support that they can access for free.



The type of complaint made will determine whether it is processed by the state agency or if it goes directly to the USDA. If an individual is filing a complaint citing discrimination against a FEDERALLY protected class, which include– race, color, national origin, sex, disability, and/or age– then this complaint must be filed directly with the USDA Food and Nutrition Services.

If an individual is filing a complaint citing discrimination against a STATE protected class, which include– religion, gender identity, and/or sexual orientation– then this complaint would be filed with the MA ESE Problem Resolution System Office. Please note that all civil right complaints received by the MA DESE, regardless of impacted affected class, will be logged and forwarded to the USDA.



When filing a complaint either directly with the USDA or with MA DESE, there are a few important things to know.

- First, regardless of filing a Federal or State complaint, you should provide the individual with a copy of the non-discrimination statement (linked here from the ESE website).
- Next, discrimination complaints can be made either verbally or in writing. On the USDA Civil Rights website, which is linked on the left side of this slide, there is an outline what information must be included in a complaint letter. If an individual would rather complete a complaint form than file a letter, they can contact the email address listed on that website to receive a copy of the form. Individuals may send their complaint in via email or traditional mail.
- If an individual if filing a complaint with MA DESE, the Civil Rights website (which is linked on the right hand side of this slide) provides the address to which complaints can be sent. Again, individuals may send their complaint in via email or traditional mail.

- Both of these websites provide resources for individuals with language proficiency limitations, or other disabilities which impact their communication of program information.
- Again, regardless of which format they choose to use, or to which agency they're sending their complaint, the complaint must be filed within 180 days of the alleged discrimination action.



We understand that receiving a complaint can be a stressful or confusing time for a provider. If you have received notice that someone connected to your program feels their Civil Rights have been violated, it is important to know how to respond:

- First, remember that any individual who comes into contact with your CACFP program has a right to file a complaint.
- In any conflict situation, make sure to get help; this is especially important if there are threats made or if violence is possible
- When appropriate, refer participants and their families to your handbook so they may see your written policies on non-discrimination.



Now let's discuss about the compliance review process.



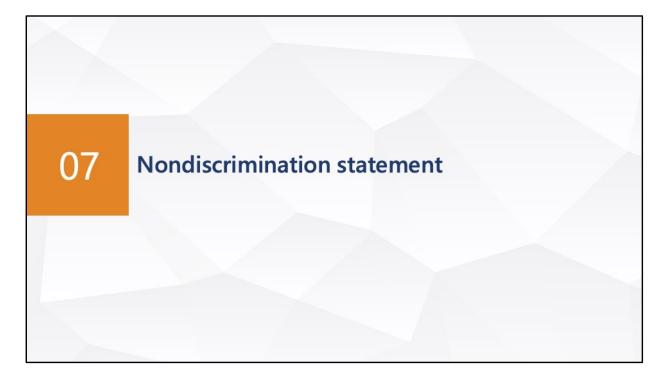
Even without any Civil Rights complaints, providers must have their Civil Rights compliance assessed. This occurs during the regular review process, and is referred to as a compliance review.

FDC Monitors will conduct a Civil Rights compliance review as part of the CACFP program monitoring.

During this compliance assessment, FDC monitors will review program operations and may ask providers questions about program access and policies. In addition, monitors will complete a meal service observation form.

Civil Rights data collection process				
Data collection process	What data are collected			
 Based on visual observation, children should NEVER be asked 	 Ethnicity (you have only one) Hispanic/Latino OR Non- Hispanic/Latino 			
 Can open this discussion about data collection requirement, and use of information with parents or guardians during application Massachusetts Department of Elementary and Secondary Education 	 Race (you can have multiple) Black/African American American Indian or Alaska Native Native Hawaiian or other pacific islander Asian White 			

The process of completing these forms is straight forward; the monitor will be visually observing children during a meal service and determining the ethnicity and race of each child.



Now let's talk about the nondiscrimination statement. This statement is from the USDA and is modified regularly to reflect the most current policy and information.

	Current USDA nondiscrimination statement for printed documents				
empl	cordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and loyees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, sex, illity, age, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA.				
etc.),	ons with disabilities who require alternative means of communication for program information (e.g. Braille, large print, audiotape, American Sign Language, 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 A through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.				
https	le a program complaint of discrimination, complete the <u>USDA Program Discrimination Complaint Form</u> , (AD-3027) found online at: ://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 r 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				
(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.					
Ma	ssachusetts Department of Elementary and Secondary Education				

This is the current USDA nondiscrimination statement; all of your program documents should include this year's statement on any items that will be printed so that it is considered up-to-date.

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</u> <u>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:

- 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.

Massachusetts Department of Elementary and Secondary Education

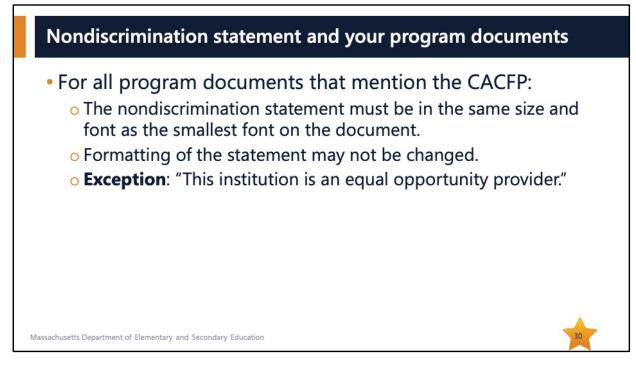
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This is the current USDA nondiscrimination statement; all of your program documents should include this year's statement on any items that will be available electronically so that it is considered up-to-date.

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Office for Food and Nutrition	n Programs
Civil Rights	USDA Nondiscrimination Statement
Child Nutrition Programs +	In accordance with Federal civil rights law and U.S. Department of Agriculture (UBDA) civil rights regulators and policies, the UBDA, its Agencies, offices, and employees, and institutions participating in or obviouslance, UEDA programs are published from documinating lased on noce, colic, national arigin, sex, dooblily, age, or regission or relation for pror owil rights activity in any program or interpretent on the UBDA.
Financial Management	activity conductor or hundro by USDA. Prensors with disabilities who mapue elementer means of communication for program information (ing. Braile), large print, addicate, American Sign Language, etc.) should contact the Agency (State or lice) where the applied to benefts. Individuals who are study heard of hearing on hear specific disabilities may contact USDA (Housy). The Federal Relies Service at (USD) 877-8333. Addiseasily
Food Distribution	or local where the approxit to benchs howhwates who are don't have of heaving or have speech disabilities may control USUA through the Habrah fields Service at (503) 8/7-4533. Additionally, program information may be made available in longuages often than English. To the aprogram constrained discrimination, complete the PL/USUA Program Discrimination Complete Texm. (AD-3327) found service at (PElling a Pregram Discrimination Complete tas at USDA.
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	2. fax: (202) 660.7442; or
	3. email 53 program intelegitude gov. This institution is an equal opportunity provider.
ation produce	A nondiscrimination statement on all vital documents an ed for the public, including program home and sub-recipier
 ect hyperlink to th	e digital nondiscrimination statement (not short statement) may be used on w

As a provider, you must link or post the full USDA nondiscrimination statement on all vital documents and information produced for the public, including program home web pages, and subrecipient webpages.

A direct hyperlink to the full statement may be used on web pages

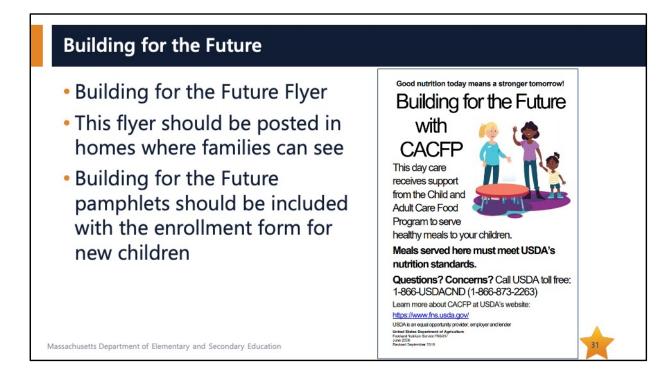


In addition to your website, review all of your organization's documents to identify those that mention CACFP. Include the CACFP Nondiscrimination statement on documents that mention CACFP in at least the same size font as the smallest font on the document.

So, for example, you have a flyer advertising the CACFP program and some of the text is size 18 font and some of the text is size 11 font. You will need to put the nondiscrimination statement on the flyer at a minimum of size 11 font. If you have questions about specific documents, please contact your Sponsoring Agency.

By putting this information on your CACFP documents it gives participants the information on how to file a complaint if they are too intimidated to ask someone in your organization.

Please also note that the formatting of this statement may not be changed but if the full statement does not seem practical to add to a smaller item like a magnet or pen, you can use the shortened version of this statement "This institution is an equal opportunity provider".



Providers should post the Building for the Future flyer (this is the newest version from USDA) in their homes where it is easily accessible to parents and families (such as a bulletin board or parent board).

In addition, the Building for the Future pamphlet should be included with the enrollment form for all new child enrollments.

THANK YOU				
	www.doe.mass.edu	↑ 75 Pleasant Street, Malden, MA 02148		
		ELEMENTARY AND SECONDARY EDUCATION		

If you have questions about this presentation, please do not hesitate to reach out to your Sponsoring Organization.

