



FY24 Civil Rights Training for FDC Providers

Child and Adult Care Food Program (CACFP)



Hello and welcome to the fiscal year 2024 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.

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 yearly training for Civil Rights Compliance.



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.



Introduction to Civil Rights

Civil Rights definitions, USDA requirements, and who is protected under Federal and State policies





Federal Funds and Civil Rights

- 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 state agency that you will adhere to all civil rights requirements.

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 provider.

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



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.”

Protected Classes

- Federal
 - Race
 - Color
 - National Origin
 - Age
 - Sex
 - Gender Identity
 - Sexual Orientation
 - Disability
- Massachusetts
 - Federal classes, PLUS:
 - Religion



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.

Federal policy identifies six protected classes; these classes are race, color, national origin, age, disability, and sex including gender identity and sexual orientation. In addition to the six national classes, Massachusetts has one additional protected class– religion.

USDA programs must be delivered equitably to all people. Program staff and recipients must be made aware of the protected classes and their civil rights responsibilities in your organization and in the operation of CACFP.



Nondiscrimination statement



Now let's talk about the nondiscrimination statement. This statement is from the USDA and defines protected classes and the rights of those classes to be free from discrimination.



Current USDA nondiscrimination statement

In accordance with federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, this institution is prohibited from discriminating on the basis of race, color, national origin, sex (including gender identity and sexual orientation), disability, age, or reprisal or retaliation for prior civil rights activity.

Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication to obtain program information (e.g., Braille, large print, audiotope, American Sign Language), should contact the responsible state or local agency that administers the program or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339.

To file a program discrimination complaint, a Complainant should complete a Form AD-3027, USDA Program Discrimination Complaint Form which can be obtained online at: <https://www.usda.gov/sites/default/files/documents/USDA-OASCR%20P-Complaint-Form-0508-0002-508-11-28-17Fax2Mail.pdf>, from any USDA office, by calling (866) 632-9992, or by writing a letter addressed to USDA. The letter must contain the complainant's name, address, telephone number, and a written description of the alleged discriminatory action in sufficient detail to inform the Assistant Secretary for Civil Rights (ASCR) about the nature and date of an alleged civil rights violation. The completed AD-3027 form or letter must be submitted 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; or

fax:
(833) 256-1665 or (202) 690-7442; or

email:
Program.Intake@usda.gov

This institution is an equal opportunity provider.



This is the current USDA nondiscrimination statement which as all the Federally protected classes identified in the last section.

All of your program documents must include the current statement on any items that will be printed.



Nondiscrimination statement and your website

- 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



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 webpages, and adjacent webpages.

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



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.”

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 ESE consultant.

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”.



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

In addition to any promotional or educational materials which have the nondiscrimination statement, providers should post the Building for the Future flyer in their homes where it is easily visible 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.



Reasonable Modifications

Meeting the needs of program participants



Now that we have discussed protected classes and how to communicate out that information to families, we will now discuss how programs are expected to make reasonable modifications in order to meet the needs of program participants who may be part of a protected class.



Reasonable Modifications: disability

- Programs are required to make substitutions to meals for participants with a disability, when the disability restricts their diet
- This may include:
 - Offering alternate food choices for individuals with an allergy
 - Altering the consistency of a food item
 - Offering meal service support-

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.



Disability definition

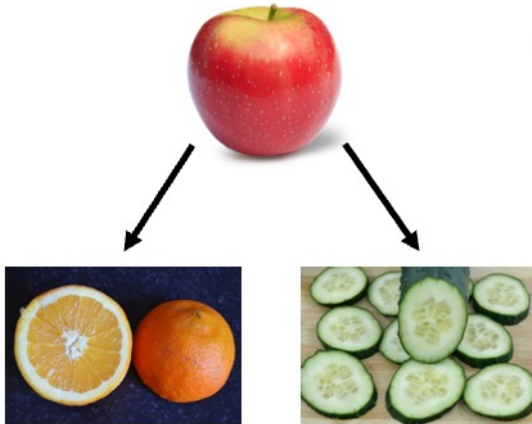
- USDA disability definition:
 - Mental or physical impairment which limits one or more “major life activity”
- Disability & the CACFP
 - Eating and digestion are considered major life activities, and as such impairments to these are considered disabilities

The USDA defines disability 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.



Accommodating a disability in the CACFP



- Providers can often meet the needs of an individual with a disability while still meeting the meal pattern
 - E.g., an allergy with a fruit/vegetable can be substituted with another type, still meeting the component requirement

Providers can often meet the need of a child with a 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.



Medical Statement Form

MEDICAL STATEMENT TO REQUEST CHILD NUTRITION PROGRAMS SPECIAL MEALS AND/OR ACCOMMODATIONS

1. School Agency Name	2. Child's Name	3. Date of Birth
4. Name of Participant	5. Age of Child	
6. Name of School District	7. Telephone Number	

8. Child has
 Participated in a disability, which may include a food allergy and require a special meal or accommodation. Schools and agencies may request accommodations for the meal or accommodation a disability which requires a participant a diet. Modifications due to food allergies may be required. Schools and agencies participating in federal nutrition programs must comply with requests for special meals. A licensed physician, physician's assistant, or nurse practitioner must sign this form.

9. Participant does not have a disability, but is requesting a special accommodation for a food allergy. Substantiate that meets the request through the non-dietary measures. Please see section 10 for an appropriate use of this form. Schools and agencies participating in federal nutrition programs are encouraged to accommodate reasonable requests. A licensed physician, physician's assistant, nurse practitioner, parent, or guardian may sign this form.

10. Participant has a disability, however, not a description of participant's disability which affects the disability.

11. Diet prescribed with a medical condition (please describe the condition and any symptoms in your own words):

12. Medical Diet:
 Regular Chopped Ground Pureed

13. School and agencies are requested to provide the special substitution or other modification requested. However, if all other reasonable modifications are not available, the requested substitution or modification should be made to the best of the school's ability.

Foods to be omitted and available acceptable substitutions. Please list each food to be omitted and suggested substitutions (you may include other foods not listed on this form):

A. Foods to be Omitted	B. Available Acceptable Substitutions

14. Medication for medical diet:

14. Signature of Physician*	15. Printed Name	16. Telephone Number	17. Date
18. Signature of Medical Authority*	19. Printed Name	20. Telephone Number	21. Date

*When a special program is available for children with disabilities, a child with a disability needs not have a disability. Medical authority of a child is required for a participant 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, that exist at the time of the request.

This institution is an equal opportunity provider. 01/15/16 11:00 AM 01/15/16 11:00 AM

- When a disability prevents a participant from receive a reimbursable meal, they must complete the *Medical Statement to Request Special Meals and/or Accommodations in Child Nutrition Programs* form



To document a disability, a child must have a completed and signed Medical Statement Form, which is available in from your sponsoring organization.

This form identifies the major life activity impacted by the disability, and the requested meal accommodation to be made. As a provider, you will want to know not only what food items to avoid or modify to meet the need of the child, but also what can be served in its place.

This form should be signed by a medical authority in Massachusetts.



Limited English Proficiency (LEP)

Meeting the needs of program participants



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.



Limited English Proficiency (LEP) & Language Access

- 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 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.



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

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:

1. 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?
2. Frequency: How often do you come into contact with individuals with limited English proficiency?
3. Nature of program: What is the nature of your program, and how important is it?
4. Available resources: What resources are available to the recipient, and what would it cost to make resources available?



Complaints of discrimination

Process for receiving or filing civil rights complaints



Next, let's talk about the process for receiving or filing a complaint related to civil rights.



Civil rights complaints: 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

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 never 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.

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), 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



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 includes religion, 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.

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 ESE OFNP Civil Rights website](#) includes instructions for filing including how to access a complaint form, and resources for individuals who may need assistance.



When filing a complaint either directly with the USDA or with MA ESE, 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 DESE website).
- As previously mentioned, 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. Individuals may send their complaint in via email or traditional mail.
- If an individual is 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 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.



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

We understand that receiving a complaint can be a stressful or confusing time for either a sponsor or 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 encounters 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.



Customer service and conflict resolution

Providing quality service for all who come into
contact with the CACFP



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



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.
-

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.



Compliance review and civil rights training

What to expect, how to stay prepared



Now let's discuss about the compliance review process.



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

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.



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NUTRITION PROGRAMS
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Thank You!



MASSACHUSETTS
Department of Elementary
and Secondary Education

For general questions, please contact your Sponsoring Organization:

[Sponsor Contact Information]



Thank you for your time and attention during this training. Please direct any questions to your Sponsoring Organization.