

GOALS OF CIVIL RIGHTS

- ◆ Equal treatment for all applicants and beneficiaries
- ◆ Knowledge of rights and responsibilities
- ◆ Elimination of illegal barriers that prevent or deter people from receiving benefits
- ◆ Dignity and respect for all

What is Discrimination?

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

What Is a Protected Class?

Any person or group of people who have characteristics for which discrimination is prohibited based on a law, regulation, or executive order.

Discrimination = Four D's

...an individual or group is:

- **Denied** benefits or services that others receive
- **Delayed** receiving benefits or services that others receive
- Treated **Differently** than others to their disadvantage
- Given **Disparate** treatment something which does not seem discriminatory, but has a discriminatory impact in practice

Examples of Discrimination

- ◆ Refuse a participant's enrollment based on disability
- ◆ Failure to provide reasonable accommodations to disabled individuals
- ◆ Serving meals at a time, place, or manner that is discriminatory
- ◆ Selectively distributing applications and income forms
- ◆ Failure to provide the same eligibility criteria to all participants
- ◆ Failure to provide foreign language materials regarding CACFP

Components of Civil Rights Compliance

- ◆ Public Notification System
- ◆ Outreach and Education
- ◆ Data Collection
- ◆ Reasonable Accommodations
- ◆ Language Assistance
- ◆ Civil Rights Complaint Procedures
- ◆ Technical Assistance and Training
- ◆ Customer Service
- ◆ Conflict Resolution

Equal Access

- All participants who attend must be provided equal access to the benefits of the CACFP.
- To withhold the program from any eligible age group is *age* discrimination.
- **Child Care/Emergency Shelter Sites:** Infants must be offered infant formula and food at the child care center, and parents cannot be asked or required to supply these items.

Public Notification

Must include information on:

- Eligibility
- Benefits & Services (i.e., free or reduced-price meals)
- Program availability
- Applicant rights and responsibilities
- Procedures for filing a complaint
- Nondiscrimination policies
- Any programmatic changes (i.e., changing location of a meal site)

Methods of Public Notification

- **Public Release – Issued by State Agency**
 - Inform the general public that your agency sponsors the CACFP and that meals are provided at no separate charge.
- **Post “And Justice for All” Poster (required)**
 - Includes the USDA’s required nondiscrimination statement and lists the USDA contact information for filing a complaint of discrimination.
- **Other methods of public notification (optional):**
 - Bulletins
 - Letters/Leaflets/Brochures
 - Internet/Computer-based Applications

“And Justice for All” Poster

- All agencies participating in Child Nutrition Programs must display the USDA’s nondiscrimination poster in a prominent area where participants and potential participants have access
 - Examples: cafeteria/food service area, office, centrally located bulletin board
- Must be posted at every site
- Must be 11” x 17” format

DPI provides posters to centers free of charge.



➤ Complete this [order form](#) to order additional posters, if needed.

Public Notification System

- ◆ All organizations participating in the CACFP must provide informational materials in the appropriate translation concerning the availability and nutritional benefits of the program
- ◆ **News Media Release:** DPI annually issues a statewide media release for all participating agencies.

Public Notification System

Child Care/At-Risk/Emergency Shelter Sites

Good nutrition today means a stronger tomorrow!

Building for the Future with CACFP

This program 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?

| Participating Agency Contact Information | State Agency Contact Information |
|--|---|
| Contact Person | Amanda Cullen, RDN, CD, Director |
| Agency Name | Community Nutrition Programs |
| Agency Address | Wisconsin Department of Public Instruction P.O. Box 7841 Madison, WI 53707-7841 |
| Agency phone number | 608-267-9129 |

Learn more about CACFP at USDA's website:

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

USDA is an equal opportunity provider, employer and lender.

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Food and Nutrition Service FNS-317
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Updated
11/2019 with
new look

Adult Care Sites

THE CHILD AND ADULT CARE FOOD PROGRAM Adult Care Component

This adult day care center is a participant in the Child and Adult Care Food Program (CACFP), a federal program of the Food and Nutrition Service, U.S. Department of Agriculture (USDA). The CACFP gives financial assistance to regulated adult day care agencies throughout the state. In Wisconsin, the CACFP is administered by the Department of Public Instruction (DPI).

The primary goal of the CACFP Adult Care Component is to provide financial assistance to adult day care centers for serving nutritious meals and snacks to adults who are functionally impaired or over age 60. Nutrition is important for good health. Proper nutrition is an important part of a high quality adult day care program. Adults need well-balanced meals in order to meet their daily nutrient and energy needs.

In participating in the CACFP, adult day care centers may be reimbursed for up to three meal services a day for each eligible participant (two meals and a snack, or two snacks and a meal) to offset food service costs. Reimbursable meals must meet the requirements established by USDA.

The USDA – CACFP Meal Pattern for meals that may be served to participating adults under the Child and Adult Care Food Program are listed below.

| Breakfast | Snack | Lunch and Supper |
|---|--|--|
| <ul style="list-style-type: none"> - Milk - Fruit or Vegetable - Grains² - Meat or meat alternate (in place of entire grain max of 3 times/week) | <ul style="list-style-type: none"> Includes a food from two of the following five groups: - Milk - Meat or meat alternate - Fruit - Vegetable - Grains | <ul style="list-style-type: none"> - Milk¹ - Meat or meat alternate - Fruit - Vegetable - Grains² |
| ² Two full servings must be offered | | ¹ Optional for supper ² Two full servings must be offered |

If you have questions about the CACFP, please contact one of the following:

| Participating Agency Contact Information | State Agency Contact Information |
|--|---|
| Contact Person | Amanda Cullen, RDN, CD, Director |
| Agency Name | Community Nutrition Programs |
| Agency Address | Wisconsin Department of Public Instruction P.O. Box 7841 Madison, WI 53707-7841 |
| Agency phone number | 608-267-9129 |



This institution is an equal opportunity provider.

Located under Guidance Memo 8 on website

<http://dpi.wi.gov/community-nutrition/cacfp/guidance-memo>

Outreach and Education

- ◆ You want to reach as many potential participants as possible.
- ◆ You want to ensure program access.
- ◆ You need to pay attention to under-represented groups.
- ◆ Include the required nondiscrimination statement on all appropriate FNS and agency publications, web sites, posters, and informational materials.
- ◆ When using graphics, reflect diversity and inclusion.

Nondiscrimination Statement (NDS)

At a minimum, the full USDA Nondiscrimination Statement (NDS) must be on:

- Application form(s) for the CACFP
- Notification of eligibility or ineligibility of CACFP
- Notification of adverse action
- Program (Home) webpage (or a link to it)
- Public information, including program literature

The full NDS is on the next slide. Agencies may copy and paste the full NDS from the document available under [Guidance Memo 8](http://dpi.wi.gov/community-nutrition/cacfp/guidance-memo) (<http://dpi.wi.gov/community-nutrition/cacfp/guidance-memo>)

Nondiscrimination Statement (5/22 revision)

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, audiotape, 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/ad-3027.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:

1. **mail:**
U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410; or
2. **fax:**
(833) 256-1665 or (202) 690-7442; or
3. **email:**
program.intake@usda.gov

This institution is an equal opportunity provider.

Nondiscrimination Statement

If the material or document is too small to permit the full statement (previous slide) to be included, the material **MUST**, at a minimum, include:

“This institution is an equal opportunity provider.”

Collecting and Recording Participation Data

- Race and ethnicity is used to determine how effectively your program is reaching potentially eligible participants and where outreach may be needed.
- Establish a system to collect race and ethnicity data on an annual basis
- Program applicants may not be required to furnish race and ethnicity
 - You may inform the household, however, that collection of this information is strictly for statistical reporting and has no influence on eligibility determination for the program.
- Data collectors may not second guess, change, or challenge a self-declaration of race and ethnicity made by a participant unless such declarations are blatantly false

Data Collecting and Reporting

Collect ethnicity data first, then race data

1. **Ethnicity categories:**

- Hispanic or Latino
- Non-Hispanic or Non-Latino
- Unknown

2. **Race categories (instructions should specify “mark one or more”)**

- American Indian or Alaskan Native
- Asian
- Black or African American
- Native Hawaiian or other Pacific Islander
- White
- Unknown

Obtain Race / Ethnicity Data Through...

Voluntary self-identification or self-reporting

USDA issued guidance that visual observation and identification is no longer an allowable practice in obtaining race and ethnicity from CACFP participants

- Household Size-Income Statement (HSIS): The HSIS form completed by each household annually has a section for the household to identify their race and ethnicity data (households are not required to complete this)
- Use other documentation your agency collects that includes identification of participant race and ethnicity data (i.e., program-specific enrollment form)

Race and Ethnicity Data Form

Race and Ethnicity Data Form
 COMPLETE AND RETAIN ON FILE
 DO NOT SUBMIT TO DPI UNLESS REQUESTED

Agency Name: _____ Site Name (if different): _____

Site Address: _____

Instructions:

1. Record the total number of participants for each ethnicity.
2. Record the total number of participants where the ethnicity is unknown.
3. Record the total number of participants for each race (a participant can be recorded within more than one race).
4. Record the total number of participants where the race is unknown.

The agency was unable to collect participant level data.
 At-Risk Afterschool Sites that do not enroll participants: Aggregate data for the service area is attached (tables below do not need to be completed).

| ETHNICITY | Number of Participants |
|--|------------------------|
| Hispanic or Latino. A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race. The term "Spanish origin" can be used in addition to "Hispanic or Latino." | |
| Not Hispanic or Latino | |
| Unknown | |
| Total | |

| RACE | Number of Participants |
|--|------------------------|
| American Indian or Alaskan Native. A person having origins in any of the original peoples of North and South America (including Central America), and who maintains tribal affiliation or community attachment. | |
| Asian. A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent, including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam. | |
| Black or African American. A person having origins in any of the black race groups of Africa. Terms such as "Haitian" or "Negro" can be used in addition to "Black or African American." | |
| Native Hawaiian or Other Pacific Islander. A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands. | |
| White. A person having origins in any of the original peoples of Europe, the Middle East or North Africa. | |
| Unknown | |
| Total (must equal or exceed total of ethnicity groups) | |

Name of Agency Representative _____

Agency Representative Signature _____ Date _____

Rev. 1/2023

Data may be:

- **Annually compiled and documented on this sample *Race and Ethnicity Data Form***
- **Collected and maintained within a database for annually compiling into a printed report**

**Located under
 Guidance Memo
 8 on website**

↓

<http://dpi.wi.gov/community-nutrition/cacfp/guidance-memo>

Data Management

- **Collection systems must ensure that data collected/retained are:**
 - Collected and retained by each program site
 - Kept secure and confidential
 - Submitted, if requested, to FNS Regional or Headquarters Offices
 - Kept on file for 3 years plus the current program year
 - Identify all sources of information used

Conflict Resolution

- **The USDA recommends using an Alternative Dispute Resolution (ADR) program**

ADR Definition: use of a neutral third party (usually a person acting as a facilitator) to resolve informally a complaint of discrimination through use of various techniques such as fact finding, mediation, peer panels, facilitation, ombudsman support, or conciliation.

For more information, visit:

[Federal Sector Alternative Dispute Resolution | U.S. Equal Employment Opportunity Commission \(eeoc.gov\)](https://www.eeoc.gov/federal-sector-alternative-dispute-resolution)

Reasonable Accommodations for Persons with Disabilities

Providing Food Substitutions

A disability is defined as any physical or mental impairment substantially limiting one or more “major life activities”, including digestion.

[This includes food allergies and intolerances.](#)

Programs are **required** to reasonably accommodate participants whose disabilities restrict their diets by providing substitutions or modifications for their meals, when supported by a proper medical statement

The medical statement must:

- (1) Be from a licensed healthcare professional authorized to write medical prescriptions under Wisconsin law. *These are: Licensed Physicians; Physician Assistants; and Advanced Practice Nurse Prescribers (APNP)*
- (2) Include a description of impairment (reason for request) and how to accommodate the impairment (e.g., food(s) to be avoided and recommended substitution(s))

Language Assistance

Limited English Proficiency (LEP)

Definition:

- ◆ Individuals who do not speak English as their primary language and have limited ability to read, speak, write, or understand English.
- ◆ Recipients of Federal financial assistance have a responsibility to take reasonable steps to ensure meaningful access to their programs and activities by persons with LEP.

Limited English Proficiency (LEP)

- ◆ Participants should not be used as interpreters.
- ◆ Volunteers may be used, but make sure they understand interpreter ethics – particularly confidentiality!
 - Example: Staff with Spanish language skills could assist a household in completing an application but would need to be trained on the importance of keeping all information received from the household confidential

Limited English Proficiency (LEP)

- ◆ See www.lep.gov for more information and resources
- ◆ Documents translated in Spanish and Hmong (Wisconsin specific forms):
<https://dpi.wi.gov/community-nutrition/cacfp/child-care/translations>
- ◆ Household-Size Income Statement Forms in other languages (USDA Forms):
<https://www.fns.usda.gov/cacfp/english-meal-benefit-income-eligibility-form>

Please Note: this document includes the various forms for all CACFP components; identify the appropriate form within the English version first to know which of the translated documents to give the households.

A shortage of resources does not eliminate the translation requirement

Suggestions:

- **Share resources to save money**
 - Use interpreter from another area
 - Train bilingual staff to be interpreters
 - Contact grassroots organizations to discuss translation or assistance from within the community

- **Language line phone services may be available for a subscription fee through your local telephone service provider**

Right to File a Complaint

Any person who believes he or she or someone he/she knows has been discriminated against based on Federal protected classes (i.e., National origin, race, etc.) has a right to file a complaint within **180 days** of the alleged discriminatory action.

- Complainants should use Form AD-3027, USDA Program Discrimination Complaint Form which can be obtained online at:

<https://www.usda.gov/sites/default/files/documents/ad-3027.pdf>.

- Complainants may contact either of the following offices to register a complaint:

USDA- Office of the Assistant Secretary for Civil Rights: Refer to slide 14 for the address, fax number, and email address.

Wisconsin DPI: Director, Community Nutrition Programs, 125 South Webster Street, P.O. Box 7841, Madison, WI 53707-7841, (608) 267-9129

Handling Civil Rights Complaints

- ◆ Complaints can be written or verbal
- ◆ Anonymous complaints should be handled as any other complaint
- ◆ All verbal or written complaints must be forwarded to the WI DPI or USDA's Office of the Assistant Secretary for Civil Rights ***within three days*** of receiving a complaint
- ◆ Sponsors must give complainants a *Civil Rights Complaint Form* to complete (slide 27 has web link)
- ◆ Document all potential complaints in a *Civil Rights Complaint Log*
- ◆ Have a central location where the *Civil Rights Complaint Forms* and *Civil Rights Complaint Log* will be kept

The following information should be included in a Civil Rights Complaint

- ◆ Name, address, phone number of complainant, if provided (not required)
- ◆ Specific name and location of entity delivering the benefit or service
- ◆ The nature of the incident, action, or method of administration that led the complainant to feel discriminated against

The following information should be included in a Civil Rights Complaint

(Continued)

- ◆ The basis on which the complainant feels discrimination exists [race, color, national origin, sex (including gender identity and sexual orientation), age, or disability]
- ◆ The names, titles, and business addresses of persons who may have knowledge of the discriminatory action
- ◆ The date(s) during which the alleged discriminatory actions occurred, or if continuing, the duration of such actions

Civil Rights Training for Agency Staff

- ◆ All staff who work with the CACFP must receive training on all aspects of civil rights compliance annually
- ◆ Topics:
 - What is Discrimination?
 - Collecting/recording racial/ethnic data
 - Where to display posters
 - What is a Civil Rights complaint
 - How to handle a Civil Rights complaint
- ◆ Retain training records of the people who received civil rights training

Customer Service

- All participants must be allowed equal opportunities to participate in Child Nutrition programs regardless of race, color, national origin, sex (including gender identity and sexual orientation), age, or disability
- All participants must be treated in the same manner (i.e., seating arrangements, serving lines, services and facilities, assignment of eating periods, methods of selection for application approval processes)

Understanding Differences: Respectful Language

Put the person first

- ❖ Example: USE “person with a disability”, NOT “disabled person”

Use culturally sensitive language

- ❖ Example: USE “Asian”, NOT “Oriental”

Use inclusive/respectful terms

- ❖ Example: USE “chair”, NOT “chairman”

The Side Road – Business Communication:

http://www.sideroad.com/Business_Communication/politically-correct-language.html

Ask yourself each time you interact with participants...

- How would I want to be addressed?
- Am I treating this person in the same manner I treat others?
- Have I informed this person exactly what information I need to make a determination on the application?
- Have I given this person the opportunity to clarify all relevant factors or inconsistencies and ask questions?
- Have I provided this person with needed information to make necessary decisions?

Civil Rights “Must Do List”

- Provide the CACFP in a nondiscriminatory manner
- Must offer meals to all participants in care and provide meal substitutions to participants with disabilities
- Prominently display the “*And Justice for All*” poster
- Nondiscrimination statement & complaint filing procedure must be on all printed materials available to the public which mention USDA and/or CACFP, including websites
- Annually complete the Ethnic and Racial Data Form

Child Care/At-Risk/Emergency Shelter Centers Only:

- Post and/or distribute the *Building for the Future* flier to all families
- Post and/or distribute the completed *Infant Menu* with the *CACFP Infant Meal Pattern* chart

Civil Rights “Must Do List”

- ❑ Provide informational materials in the appropriate translation concerning the availability and nutritional benefits of the CACFP
- ❑ Train staff annually on Civil Rights and complete a training form
- ❑ Develop & fully implement your Civil Rights Complaint Procedure
- ❑ Make available to all staff: Civil Rights complaint forms, Civil Rights Log and Civil Rights complaint procedure
- ❑ Refer all Civil Rights complaints to DPI or USDA