

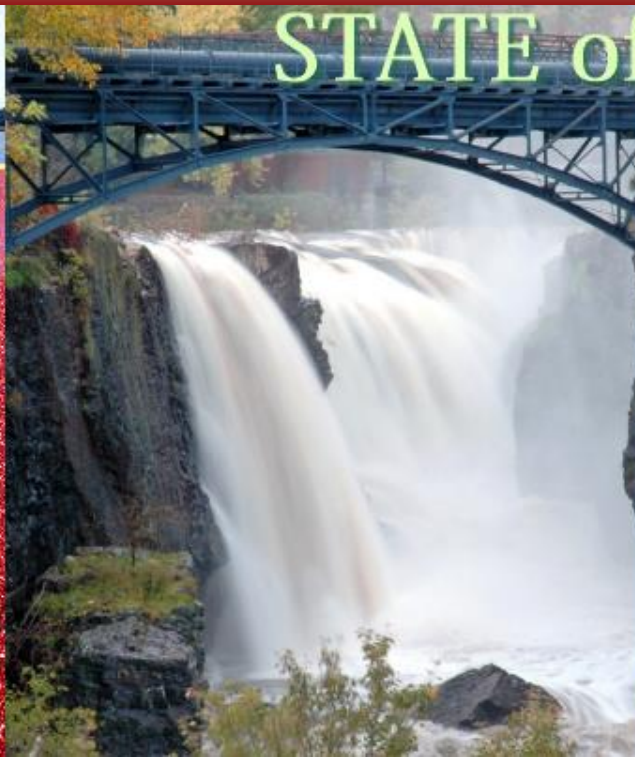
**DEPARTMENT OF AGRICULTURE**  
**DIVISION OF FOOD AND NUTRITION SERVICE**  
**CHILD AND ADULT CARE FOOD PROGRAM**

**PO BOX 334**  
**TRENTON, NEW JERSEY 08625-0334**  
**609 9084-1250**

*(FNS Instruction 113-1)*



# CIVIL RIGHTS COMPLIANCE TRAINING



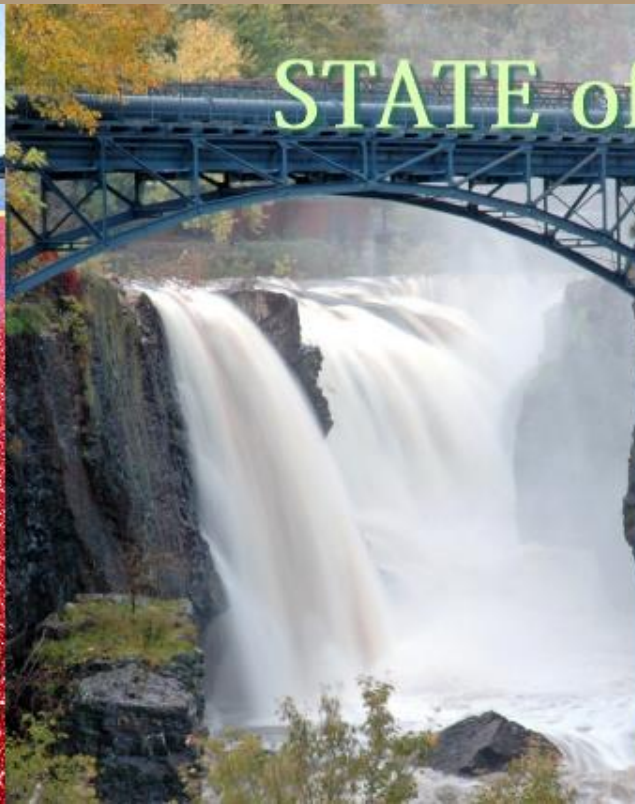
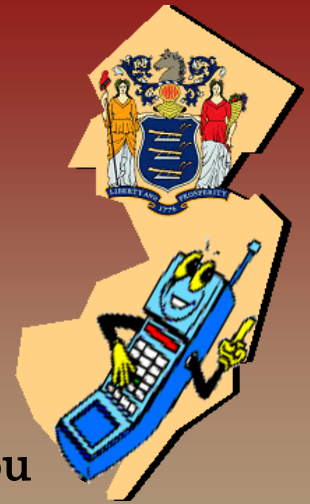
STATE of NEW JERSEY



# CELL PHONES

Please be considerate to  
trainers and other participants  
Silence or Turn off cell Phones and Pagers.....

Apples, Blackberries, Strawberries, and any other berries you  
may have.



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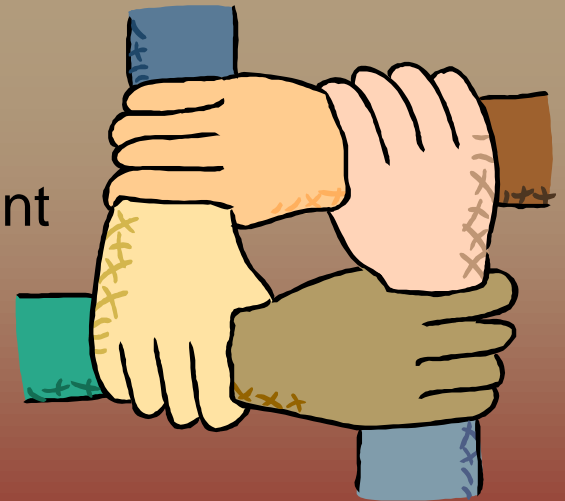
# Civil Rights Compliance

in the

## Child and Adult Care Food Program

### GOALS:

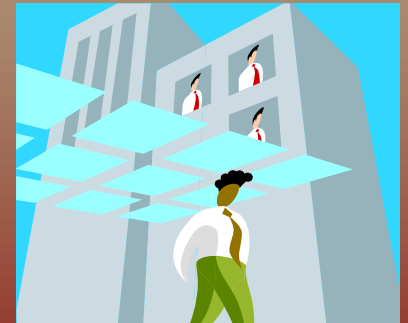
- Equal treatment for all applicants and beneficiaries under the law
- Knowledge of rights & responsibilities
- Elimination of illegal barriers that prevent or deter people from receiving benefits
- Dignity and respect for all



# What is Discrimination?

Different treatment, making a distinction of one person or a group of persons from others. It may be:

- intentionally,
- by neglect, or
- by the actions or lack of actions



# 6 Protected Classes

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





# Civil Rights Laws

YEAR	ANTI-DISCRIMINATION LAW	PROTECTED CLASS
1964	Title VI of the Civil Rights Act	Race, Color, National Origin
1972	Title IX of Education Amendments	Sex
1973	Section 504 of Rehab. Act	Disability
1975	Discrimination Act	Age
1987	Civil Rights Restoration Act	

# The Heart of Title VI

No person in the United States shall on the grounds of race, color, or national origin be

- excluded from participation in,
- be denied the benefits of, or
- be subjected to discrimination

under any program or activity receiving Federal Financial Assistance.

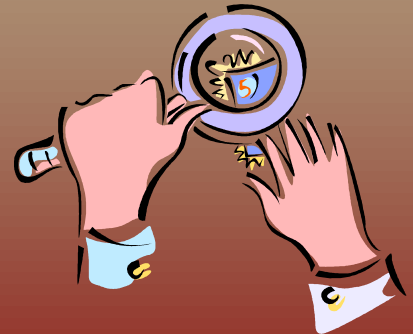
42 U.S.C. s 2000d



STATE of NEW JERSEY

# Civil Rights Compliance

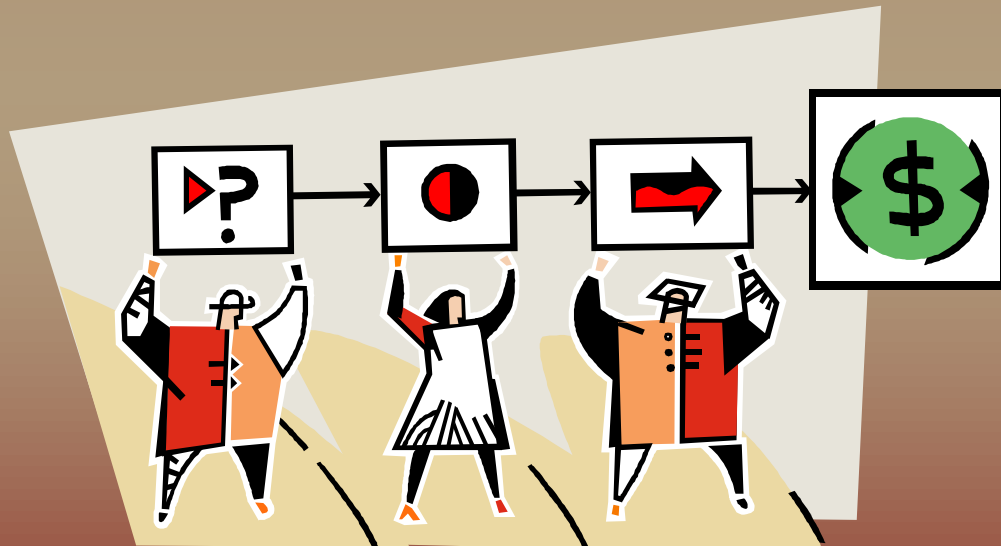
1. Assurances
2. Annual Staff Training
3. Public Notification System
4. Data Collection
5. Reasonable Accommodations for Persons with Disabilities
6. Limited English Proficiency (LEP)
7. Customer service
8. Complaint Procedures
9. Resolutions of Noncompliance / Conflict Resolution
10. Compliance Review Techniques





# Assurances

- A civil rights assurance is incorporated in the Permanent Agreement



# **ASSURANCES = PROMISES**

- Included on the Permanent Agreement
- No discrimination based on race, color, national origin, age, sex, or disability
- Program will operate in compliance with all nondiscrimination laws, regulations, instructions, policies, and guidelines
- Compile data, maintain records, submit reports
- Allow reviews and access

# Refer to CACFP Permanent Agreement

*(Assurance Excerpt)*

The Sponsor hereby agrees that it will comply with Title VI of the Civil Rights Act of 1964 (P.L. 88-352) and all requirements imposed by the regulations of the United States Department of Agriculture (7CFR Part 15), the United States Department of Justice (28 CFR Parts 42 and 50), and Food and Nutrition Service directives or regulations issued pursuant to the Act and regulations, to the effect that, no person in the United States shall, on the ground of 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 be excluded from participation in, be denied the benefits of, or be otherwise subject to discrimination under any program or activity for which the Sponsor received federal financial assistance from the United States Department of Agriculture, and hereby gives assurance that they will immediately take any measures necessary to effectuate this agreement;

# Civil Rights Compliance Training



STATE of NEW JERSEY



# Civil Rights Training

- All CACFP staff must receive annual training on Civil Rights requirements.

## Topics to cover:

- What is discrimination?
- Collecting and recording racial and ethnic data
- Where to display “And Justice for All” posters
- What is a Civil Rights complaint?
- How to handle a Civil Rights complaint

# Civil Rights Training Procedures

- Upon request, make available to the public, participants and potential participants, information about
  - Program eligibility
  - Benefits and services
  - Procedures for filing a complaint, in English and/or in the appropriate translation to non-English speaking persons.
- If needed, use alternative means of communication (Braille, large print, audiotape, etc.).

# Public Notification System



# Public Notification System

## ANNOUNCES

- Program availability
- Complaint Information
- Nondiscrimination Statement

•Labels must be added to brochures, and to materials when produced.

•Adhesive labels are provided each year with the application renewal packet.





# Public Notification System

- Make program information available to the public upon request.
- Provide parent/guardian with specific program information which is pertinent to their family member's receipt of benefits through the CACFP.

# Non-Discrimination Statement

(Must be displayed as shown below)

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, audiotope, 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](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;
1. fax: (202) 690-7442; or
2. email: [program.intake@usda.gov](mailto:program.intake@usda.gov).

This institution is an equal opportunity provider

STATE of NEW JERSEY

# Non-Discrimination 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 Complaint

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](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. (1) mail: U.S. Department of Agriculture Office of the Assistant Secretary for Civil Rights 1400 Independence Avenue, SW Washington, D.C. 20250-9410;
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3. (3) email: [program.intake@usda.gov](mailto:program.intake@usda.gov). This institution is an equal opportunity provider.



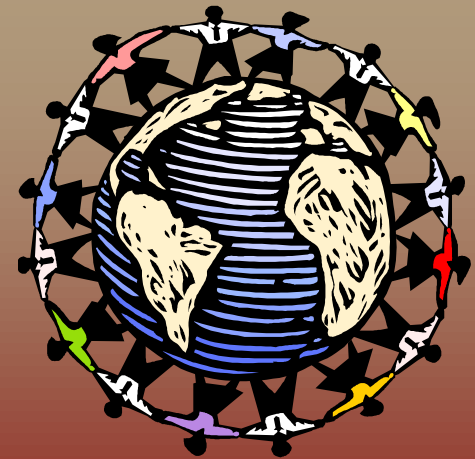
# When is a Non-discrimination Statement is Needed?

**Informational Materials requires the Non-discrimination Statement, including:**

- Employee Handbooks
- Enrollment Forms
- Menus
- Newsletters
- Brochures
- Parent Handbooks
- Print or broadcast advertisements
- Flyers
- Websites

# Public Notification System

Provide informational materials in the appropriate translation regarding the availability and nutritional benefits of the CACFP.



# Public Notification System

## Nondiscrimination Statement

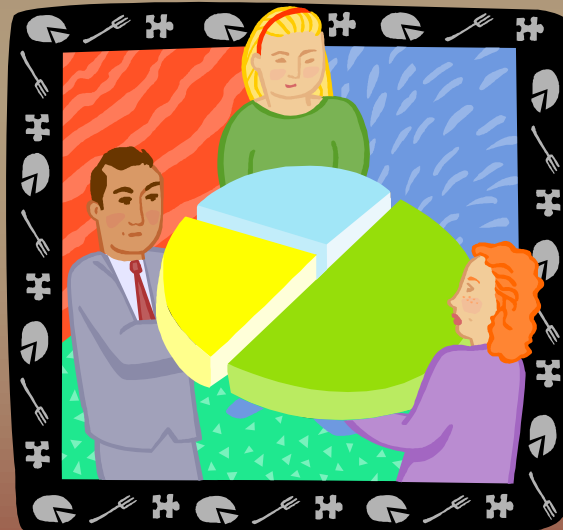
### *Shorter Version:*

- When mentioning USDA or CACFP the short version may be used.
- Must be in font size no smaller than font size used in rest of publication

*“This institution is an equal opportunity provider”*



# Data Collection and Maintenance



# Data Collection and Maintenance

- Each CACFP institution must ensure that racial/ethnic data are collected and maintained on file for 5 years for each facility it sponsors.
- This data must include the number of participants
  - *actually* participating; and the *estimated* number of
  - potential eligible participants by racial/ethnic category.



# Collection of Data

## Ethnic and Racial Data from Your Service Area *(Potential Applicants)*

Local libraries or census online can provide census data by county to assist in meeting this requirement.

Update with the 2010 census numbers when they are available.



# Collection of Racial and Ethnic Data

Ethnic and Racial Data about the *Actual*  
*Participants* - Collected annually.

- Sponsor collects data from Free and Reduced Applications, or
- Staff may make a visual identification of participants' category.



# Civil Rights Data Collection

New Reporting Requirement

2 Ethnic Categories

- **Hispanic or Latino**

persons of Cuban, Mexican, Puerto Rican, South or Central American or other Spanish culture or origin regardless of race.

- **Not Hispanic or Latino**

# 5 Racial Categories

- **Black or African American** (persons having origins in any of the black racial groups of Africa)
- **Asian** (includes the Far East, Southeast Asia, or the Indian subcontinent including Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam)
- **American Indian** (North, Central and South American Indians) & **Alaska Native**
- **White** (persons having origins in any of the original peoples of Europe, the Middle East, or North Africa)
- **Native Hawaiian or Other Pacific Islander** (Native Hawaiians, Guamanians, Samoans, Carolinian, Fijian, Kosraean, Melanesian, Micronesian, Northern Mariana Islander, Palauan, Papua New Guinean, Ponapean (Pohnpelan) Polynesian, Solomon Islander, Tahitian, Tarawa Islander, Tokelauan, Tongan, Trukese (Chuukese) and Yapese)

# Data Collection and Maintenance

- Visual identification is used to determine a participant's racial/ethnic category or the parent/guardian may be asked to identify the racial/ethnic group of their family member.



# CIVIL RIGHTS DATA COLLECTION FORM

## CHILD AND ADULT CARE FOOD PROGRAM CIVIL RIGHTS DATA COLLECTION FORM

1. Compile the following data each agreement year and retain for five years along with other program documents. *Do not send this form to the Child and Adult Care Food Program; keep the completed form on file for review.*
2. Use the following statement on each form that is necessary for a participant to enroll in the Child and Adult Care Food Program. (This includes all forms and flyers that parents or the general public use and/or see.)

*In accordance with Federal law and U.S. Department of Agriculture (USDA) policy, this institution is prohibited from discriminating on the basis of 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. To file a complaint alleging discrimination, write USDA, Director, Office of Civil Rights, 1400 Independence Avenue SW, Washington, DC 20250-9410 or call, toll free, (866) 632-9992 (Voice). TDD users can contact USDA through local relay or the Federal Relay at (800) 877-8339 (TDD) or (866) 377-8642 (relay voice users). USDA is an equal opportunity provider and employer.*

Peel and stick non-discrimination statements are enclosed for your use. This statement should be in a prominent place in each publication, i.e., leaflets, brochures, bulletins, and newspaper announcements.

3. Radio and television announcements about the Child and Adult Care Food Program should state:  

*"USDA is an Equal Opportunity Program."*
4. If using photographs and other graphics on printed information or on television, they must convey the message of equal opportunity by picturing participants of different minority groups.
5. The non-discriminatory poster "...And Justice for All" must be displayed in a prominent place.
6. If applicable, provide appropriate translation of information such as application materials, eligibility criteria, benefits available, and other program information, upon request, to non-English speaking potential participants.

TOTAL	ETHNICITY:				
	Hispanic or Latino	Not Hispanic or Latino			
ENROLLED PARTICIPANTS					
GEOGRAPHIC AREA					
TOTAL	RACE:				
	American Indian or Alaskan Native	Asian	Black or African American	Native Hawaiian or Other Pacific Islander	White
ENROLLED PARTICIPANTS					
GEOGRAPHIC AREA					

*Hispanic or Latino* A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race.

*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 racial groups of Africa.

*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.

The source(s) of this data (e.g. city census data, county census data, etc.) is:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

The data collected for CACFP fiscal year \_\_\_\_\_ by: \_\_\_\_\_ Sponsor Representative \_\_\_\_\_ Date \_\_\_\_\_



# Reporting Ethnicity and Race

TOTAL	ETHNICITY:				
	Hispanic or Latino	Not Hispanic or Latino			
ENROLLED PARTICIPANTS					
GEOGRAPHIC AREA					
TOTAL	RACE:				
	American Indian or Alaskan Native	Asian	Black or African American	Native Hawaiian or Other Pacific Islander	White
ENROLLED PARTICIPANTS					
GEOGRAPHIC AREA					

**Hispanic or Latino** A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race.

**American Indian or Alaskan Native** A person having origins in any of the original peoples of North and South American (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, Malasia, Pakistan, the Philippine Islands, Thailand, and Vietnam.

**Black or African American** A person having origins in any of the black racial groups of Africa.

**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.

# Reasonable Accommodations

Ensures access for people with disabilities

- ❖ If you get a request that you are not able to accommodate contact the CACFP office.
- ❖ If they are unable to fulfill the request they will contact USDA Mid-Atlantic Regional Office.



# The following information should be included in a Civil Rights Complaint....

- Name, Address, and Telephone number of the complainant.
- Specific location and name of the entity delivering the service or benefit.
- Nature of the incident or action that led the complainant to feel discrimination was a factor, or an example of the method of administration which is having an effect on the public, potential participants, or participants.

# Definition of Disability

"Handicapped person" is defined in 7 CFR 15b.3(i) as any person who has "a physical or mental impairment which substantially limits one or more major life activities, has a record of such impairment, or is regarded as having such an impairment."

"Major life activities" are defined in 7 CFR 15b.3(k) as "functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working."

# SUBSTITUTIONS TO CACFP MEAL PATTERNS

Substitutions are required for disabled individuals and must be documented by a licensed physician

Substitutions are permitted for medical or other special dietary needs and must be documented by a medical authority



# Documentation Required for CACFP Meal Substitutions

## Disabled Individual - **Physician's Statement**

- Specify disability and why it restricts diet,
- Major life activity affected, and
- Food(s) to be omitted and food(s) to be substituted.

## Special Dietary Needs – **Medical Authority**

- Specify medical or special need and
- Food(s) to be omitted and food(s) to be substituted.



# 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, 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.

# Limited English Proficiency (LEP)



# Limited English Proficiency (LEP)

- Agencies will provide services or information in languages other than English in order to inform potential participants about CACFP benefits.



# Limited English Proficiency (LEP)

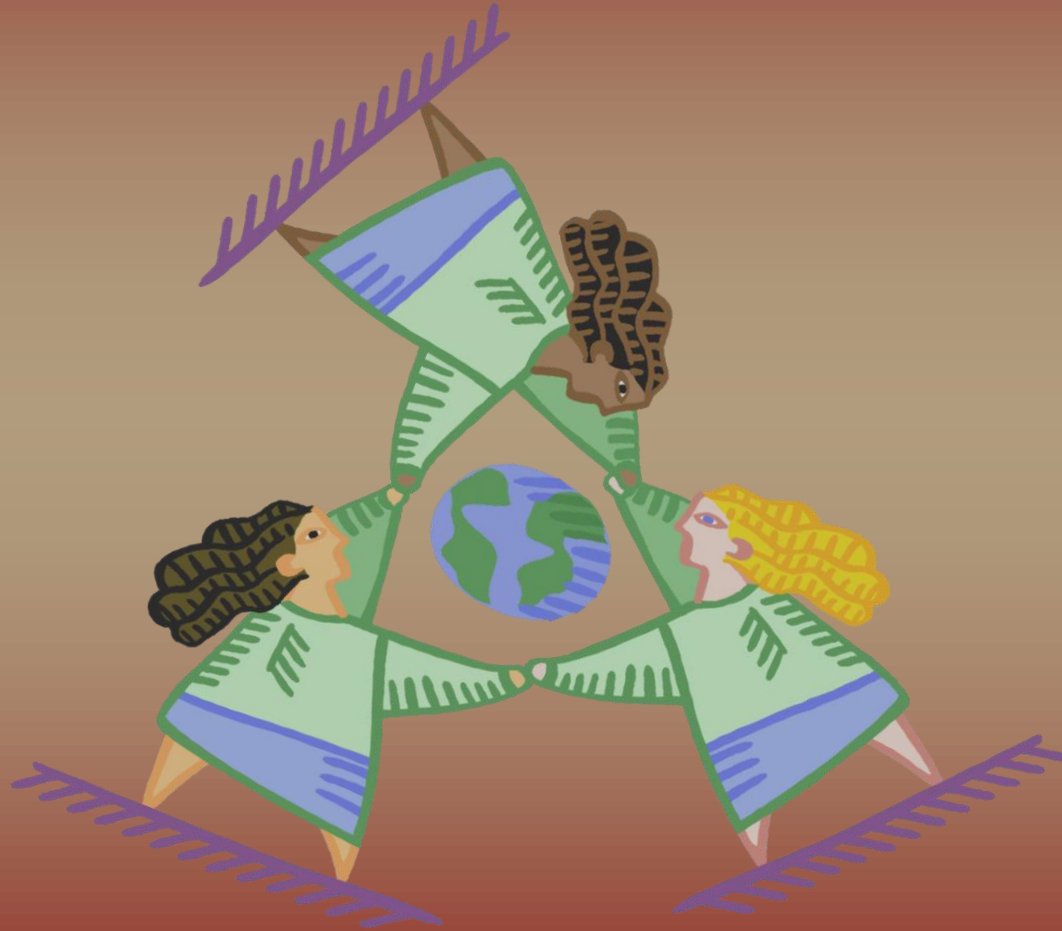
## Factors to consider when Addressing Limited English Proficiency...

- Number of LEP individuals participating in the Program.
- Frequency of contact with the Program.
- Nature and importance of the Program.
- Resources available.



# Customer Service

All participants must be treated in the same manner.



# Civil Rights Complaint Procedures



STATE of NEW JERSEY



# Civil Rights (CR) Complaint Form

- CR Complaint Form must be readily available at all sites
- Sponsor must make every attempt to help complainant complete CR Complaint Form
- If complainant returns CR Complaint Form to sponsoring agency, it must be forwarded to State agency within 3 working days of receipt by sponsor.

# Civil Rights Complaint Form

**NEW JERSEY CHILD AND ADULT CARE FOOD PROGRAM**  
**Civil Rights**  
**Complaint Form**

Name  Sponsor/District

Address  *(Alleged complaint is against:)*

Phone #

Agreement #

Date(s) of Alleged Discriminatory Action:

Nature of Complaint:

**Witness(es) (Person(s) Having Knowledge of the Discriminatory Action):**

Name	Name	<input type="text"/>
Address	Address	<input type="text"/>
Title	Title	<input type="text"/>
Name	Name	<input type="text"/>
Address	Address	<input type="text"/>
Title	Title	<input type="text"/>

**Basis of Complaint:**

Race	Age
Color	Disability
National Origin	Other
Sex	

# Civil Rights Complaint Log

- All discrimination complaints must be documented on a Civil Rights complaint log.
- Log must be *Dated with Year and Maintained for 4 years + current FY,* even if no complaints have been received.

# Civil Rights Complaint Handling

- Educate staff to know...
  - **Rights to file a complaint:** Any Person alleging discrimination based on race, color, national origin, sex, age, or disability has a right to file a complaint within 180 days of the alleged discriminatory action.



# Civil Rights Complaint Handling

- Complaints can be written or verbal.
- Anonymous complaints should be handled as any other complaints.
- Although State agency have issued complaint forms, the use of such forms cannot be a prerequisite for acceptance of a complaint.

# Civil Rights Complaint Handling

- **Acceptance**: All civil rights complaints, written or verbal, shall be accepted and forwarded to the Civil Rights Division of the USDA Food and Nutrition Service.



# CONFLICT RESOLUTION

and

## Special Compliance Reviews

**Additional Compliance Reviews will be conducted if...**

- noncompliance concerns or discrimination complaints have been reported or identified during inspections.



# Compliance Reviews





# Compliance Reviews

- Are staff serving meals equally, regardless of the child's race, color, sex, age, disability, or national origin?

***Building for the Future***

This child care receives  
Federal cash assistance to  
serve healthy meals to your children.  
Good nutrition today means  
a stronger tomorrow!

Meals served here must meet  
nutrition requirements established by USDA's  
**Child and Adult Care Food Program.**

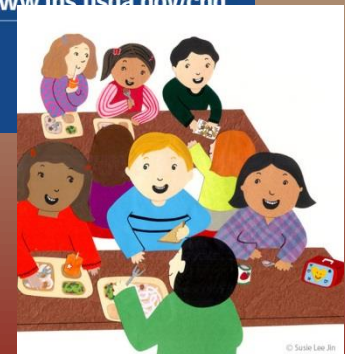
Questions? Concerns?

Call USDA toll free: **1-866-USDA CND**  
**(1-866-873-2263)**

Visit USDA's website: [www.fns.usda.gov/cnd](http://www.fns.usda.gov/cnd)

USDA United States Department of Agriculture  
Food and Nutrition Service  
FNS-317  
June 2000  
Revised June 2001

USDA is an equal opportunity provider and employer.



# Pre-award Compliance Reviews

No federal funds shall be made available to institution or facility until a Pre-award Compliance Review has been conducted and determined to be in compliance with Title VI.



# Pre-award Compliance Reviews

- Pre-award Surveys signify...
  - An estimate of the racial/ethnic makeup of the population to be served.
  - The efforts used to assure minority populations have an equal opportunity to participate.
  - The efforts to be used to contact minority and grassroots organizations about the CACFP.

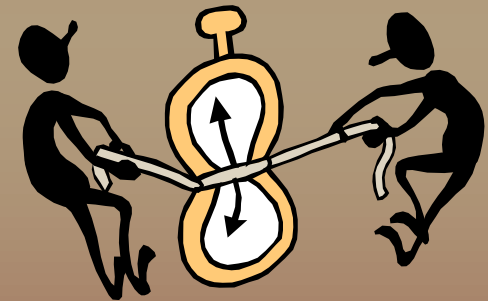
# Routine (Post-award) Compliance Reviews

All agencies are reviewed for civil rights compliance during administrative reviews.



# Compliance Reviews

- Are there any requirements or procedures which restrict or deny enrollment on the basis of
  - » Race
  - » Color
  - » Age
  - » Sex
  - » Disability, or
  - » National Origin



# Compliance Reviews

These are some review questions that should be addressed...



# Civil Rights Compliance Self-Assessment



New Jersey Department of Agriculture  
 Division of Food and Nutrition  
 Child and Adult Care Food Program

## CACFP CIVIL RIGHTS COMPLIANCE SELF-ASSESSMENT

CIVIL RIGHTS COMPLIANCE REQUIREMENTS	YES	NO	COMMENTS & IF NO, INCLUDE DATE AND PLAN TO COMPLETE COMPLIANCE.
1. Have staff members receive the required annual training on the approved civil rights and complaint procedures?			
2. Does your institution have documentation of civil rights training?			
3. Is the current "...AND JUSTICE FOR ALL" poster displayed prominently in all service areas (sites and applicable administrative offices)?			
4. Is the current official version of the USDA nondiscrimination policy statement included on all organization materials (parent handbooks, brochures, fliers, promotional materials, menus) that mention USDA or the CACFP?			
5. Does your institution provide written materials and translations of written materials, and/or translators of interpretive services, as needed to convey CACFP benefits to all participants and potential participants and family without regard to race, color, national origin, age, or disability?			
6. Are civil rights complaint forms available at all sites and applicable administrative offices?			
7. Does your institution have an established written procedure to receive complaints alleging discrimination?			
8. Is a civil rights complaint log maintained at all sites or a procedure in place to document complaints at a central location?			

Printed Name of Person Completing Assessment: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

# RECAP

- **Comply** with Title VI Assurances
- **Conduct** CR Staff Training Annually
- **List** Non-Discrimination Statement on all Public Notifications
- **Collect** Racial/Ethic Data Annually
- **Provide** Reasonable Accommodations
- **Establish** a Limited English Proficiency
- **Ensure** Customer Service
- **Report** Civil Rights Complaints / Resolutions
- **Apply** Compliance Review Techniques
- **Conduct** Self-Assessment Reviews



# Civil Rights Training Recap

- Staff should...
  - receive training on all aspects of civil rights compliance.
  - be able to identify a civil rights complaint if received.
  - know what to do if they receive a complaint.
  - understand that it is the basic right of the individual to file a complaint.



**Thank you for participating...**

**USDA is an equal opportunity provider and employer.**