

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 • Non-discrimination 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

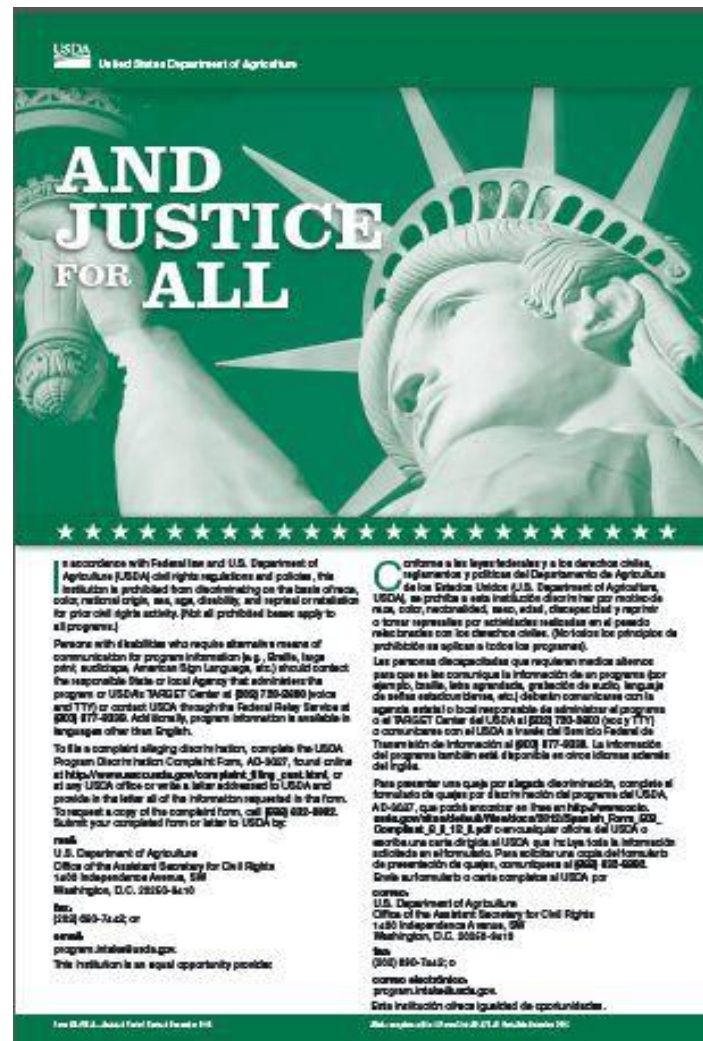
“And Justice for All” Poster

All agencies participating in Child Nutrition Programs must display the USDA’s non-discrimination 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. To order posters, contact your assigned Consultant.



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

Building For the Future

This facility participates in the Child and Adult Care Food Program (CACFP), a Federal program that provides healthy meals and snacks to children receiving child care, participating in afterschool programs, or residing in homeless shelters.

Each day, more than 2.6 million children participate in the CACFP across the country. Participating facilities are reimbursed for serving nutritious meals which meet USDA requirements. The program plays a vital role in improving the quality of child care, afterschool programs, and homeless shelters, and making it more affordable for low-income families.

Meals Participating facilities must follow meal requirements established by USDA.

Breakfast	Lunch or Supper	Snacks (Two of the five groups:)
Milk Fruit or Vegetable Grains Meat or meat alternate (in place of entire grain max of 3 times/week)	Milk Meat or meat alternate Grains Fruit Vegetable	Milk Meat or meat alternate Grains Fruit Vegetable

Participating Facilities:

Many different facilities operate CACFP and share the common goal of bringing nutritious meals and snacks to participants. Participating facilities include:

- **Child Care Centers:** Licensed or approved public or private nonprofit child care centers, Head Start programs, and some for-profit centers
- **Family Day Care Homes:** Licensed or certified private homes
- **Afterschool Programs:** Centers in low-income areas providing free meals and snacks to school-age children and youth
- **Homeless Shelters:** Emergency shelters providing food services to homeless children

Eligibility:

State agencies reimburse facilities that offer services to the following participants:

- children age 12 and under,
- migrant children age 15 and younger, and
- youths through age 18 in afterschool programs in needy areas and homeless shelters

Contact Information:

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

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



This institution is an equal opportunity provider.

English Version
(Rev 4/17)

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
- Milk - Fruit, vegetable or full strength juice - Grain or bread product ²	Includes a food from two of the following four groups: - Milk - Meat or meat alternate - Fruit/vegetable or full strength juice - Grain or bread product	- Milk ¹ - Meat or meat alternate - Fruit and/or vegetables and/or full strength juice ² - Grain or bread product ²
² Two full servings must be offered.		¹ Optional for supper ² From two or more sources ³ 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 Kane, RDN, CD, Director
Agency Name	Community Nutrition Programs
Agency Address	Wisconsin Department of Public Instruction P.O. Box 7841
Agency phone number	Madison, WI 53707-7841 608-267-9129



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Located under Guidance Memo 8 can be found at:
<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, websites, posters, and informational materials.
- ◆ When using graphics, reflect diversity and inclusion.

Required Non-Discrimination Statement Language

Guidance Memorandum 8

Non-Discrimination Statement – 10/15 Revision

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.

Continue to next slide for the required complaint filing procedure that goes with this non-discrimination statement. Page13

Required Non-Discrimination Statement Language Continued

Guidance Memorandum 8

Complaint Filing Procedure – 10/15 Revision

To file a program complaint of discrimination, complete the USDA Program Discrimination Complaint Form (AD-3027) found online at http://www.ascr.usda.gov/complaint_filing_cust.html and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by:

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

This institution is an equal opportunity provider.

This complaint filing procedure must be included with the USDA non-discrimination statement on the previous slide.

Additional Non-Discrimination Statement Language

If the material or document is too small to permit the full statement (previous 2 slides) to be included, the material **MUST**, at a minimum, include:

10/15 Revision:

“This institution is an equal opportunity provider.”

“Copy to Paste” document available under
Guidance Memo 8 on website:

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

Collecting and Recording Participant Data

Ethnic/Racial data is used to determine how effectively your program is reaching potentially eligible participants and where outreach may be needed.

Establish a system to collect ethnic and racial data on an annual basis

Program applicants may not be required to furnish ethnicity and race

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 ethnicity/race made by a participant unless such declarations are blatantly false.

Data Collecting and Reporting

Collect ethnic data first, then racial data

1. **Ethnicity categories:**

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

2 **Racial 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

Obtain ethnic/racial data through

- **Voluntary self-identification or self-reporting**
(preferred method)

Household Size-Income Statement (HSIS):

The HSIS form completed by each household annually have a section for the household to identify their ethnic and racial data (households are not required to complete this)

If a household does not provide racial/ethnic information, you may use one of the following methods:

- Visual identification by a center official
- Personal knowledge, records or other documentation your agency possesses that identifies household ethnic/racial data.

Ethnic and Racial Data Form

**COMPLETE AND RETAIN ON FILE
DO NOT SUBMIT TO DPI UNLESS REQUESTED**

ETHNIC and RACIAL DATA FORM	
Instructions: Count each participant TWICE; once by ETHNICITY, then by RACE. A participant can be counted within more than one RACE category. Complete instructions are on the back of this form.	
Agency Name:	Site Name (if different):
Name of Agency Representative:	Site Address:
ETHNIC CATEGORIES – Select either Hispanic/Latino OR Not Hispanic/Latino for each enrolled participant	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	
RACIAL CATEGORIES – Select at least one category for each enrolled participant	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 racial 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.	
Agency Representative Signature	Date

**Located under
Guidance Memo
8 on the
following
website:**

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.

More information is found at:

<http://www.fas.usda.gov/about-fas/civil-rights/alternative-dispute-resolution-adr-program>

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 the impairment, how to accommodate it, what foods must be omitted, and what foods to provide as substitutions

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)

- ◆ Additional information and resources are available at:
www.lep.gov
- ◆ Documents translated into Spanish and Hmong (Wisconsin-specific forms) are available at:
<http://dpi.wi.gov/community-nutrition/cacfp>
- ◆ Household-Size Income Statement Forms in other languages (USDA Forms) are available at:
<http://tinyurl.com/yhw83my5>

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 an 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 complete the *USDA Program Discrimination Complaint Form*:

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 include 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, 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, 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”

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
- ❑ Non-discrimination 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

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