



CONNECTICUT STATE DEPARTMENT OF EDUCATION

Civil Rights

*Your Responsibilities in the
Child and Adult Care Food
Program (CACFP)*



September 2016

The language in this PowerPoint addresses compliance with the U.S. Department of Agriculture (USDA) civil rights requirements and should not be modified

Civil Rights Requirements

- **The U.S. Department of Agriculture (USDA) requires that all staff who interact with program participants receive annual civil rights training**
 - **FRONT LINE STAFF** who interact with applicants or participants
 - **SUPERVISORS** of frontline staff
- **Ensures that people involved in all levels of CACFP administration understand civil rights laws, regulations, procedures and directives**

Civil Rights Requirements

- Federal legislation establishes regulations and requirements for recipients of federal funds to *prohibit discrimination and ensure equal access* to all programs and activities of the recipients

What is discrimination?

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

Six Protected Classes

1. Race
2. Color
3. Sex
4. Age
5. National Origin
6. Disability

Civil Rights Goals

- To *eliminate barriers* that prevent or deter people from receiving benefits of a government sponsored/funded program
- To provide *equal treatment* in the delivery of programs and services to all applicants, participants and beneficiaries of a federal program
- To ensure that all applicants and participants *understand their rights and responsibilities*
- To show *respect and dignity* to all

Assurances

- *A civil rights assurance is incorporated in all agreements between the CSDE and participating institutions to ensure that ALL participants have access to Child Nutrition Programs*

Requirements for CACFP

1. Collection and Use of Data
2. Public Notification
3. Complaint Procedures
4. Compliance Review Techniques
5. Resolution of Noncompliance
6. Reasonable Accommodation for Persons With Disabilities
7. Language Assistance
8. Conflict Resolution
9. Customer Service

1 – Collection and Use of Data

- **Two required forms**
 1. **Civil Rights Potential Beneficiary Data Determination Form**
 2. **Civil Rights Beneficiary Data Determination Form**
- **Complete ANNUALLY, sign, date and maintain on file with CACFP records**

1 – Collection and Use of Data

Civil Rights Beneficiary Data Collection Form

- Number of participants who are “Hispanic or Latino” and “Not Hispanic or Latino”
- Number of participants in each racial category

Child and Adult Care Food Program (CACFP)
CIVIL RIGHTS BENEFICIARY DATA COLLECTION FORM

INSTRUCTIONS
The following actual beneficiary data by racial or ethnic category must be collected from each child care center, outside-school-hours care center, adult day care center and family day care home each year. The CACFP sponsor must retain this data and supporting documentation on file for three years after the submission date of the final claim for reimbursement for the fiscal year to which they pertain; or if an audit is outstanding, until the audit is closed. Access to this data must be limited to authorized personnel. Visual identification may be used to determine the racial or ethnic category of a participant.

Center/Provider Name: _____

| SECTION 1 – ETHNICITY | |
|---|--|
| <i>The sum of “Hispanic or Latino” and “Not Hispanic or Latino” categories must equal 100 percent of the applicants.</i> | Number of Enrolled Participants |
| Hispanic or Latino: A person of Cuban, Mexican, Puerto Rican, South or Central American or other Spanish culture or origin, regardless of race. “Spanish origin” can be used in addition to “Hispanic or Latino.” | |
| Not Hispanic or Latino | |
| SECTION 2 – RACE | |
| <i>The sum of all racial categories will be equal to or greater than 100 percent of the applicants.</i> | Number of Enrolled 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 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. | |

Sponsor Representative’s Signature

Sponsor

Date

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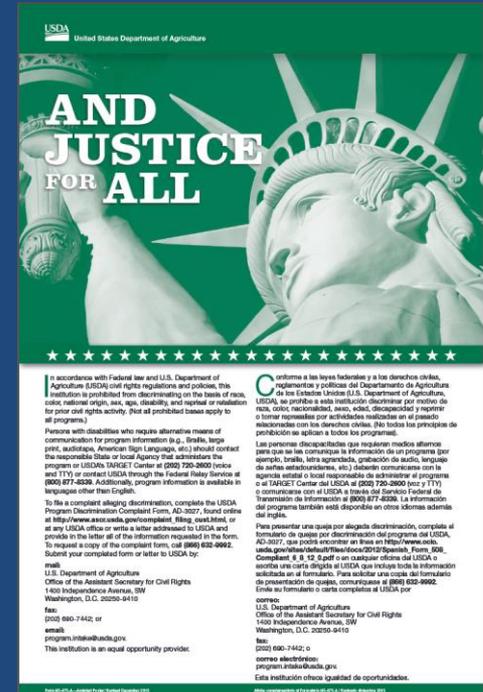
Race and Ethnic Categories

- Separate categories shall be used to collect and report ethnicity and race

| ETHNICITY | RACE |
|---|--|
| <p>1. Hispanic or Latino – A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race</p> <p>2. Not Hispanic or Latino</p> | <p>1. American Indian or Alaskan Native</p> <p>2. Asian</p> <p>3. Black or African American</p> <p>4. Native Hawaiian or Other Pacific Islander</p> <p>5. White</p> |

2 – Public Notification System

- Display “*And Justice for All*” poster in a prominent place at each center
- Must be 11 x 17 inches
- CSDE issues an annual statewide public release on behalf of all participating CACFP institutions



www.fns.usda.gov/sites/default/files/cr/Justice-poster-general.pdf

2 – Public Notification System

Program Availability

- Inform participants and prospective participants of their CACFP rights and responsibilities and the steps necessary for participation

2 – Public Notification System

- Include the **NONDISCRIMINATION STATEMENT** on all publications that inform the public about CACFP, including Web sites
 - Public (news) release
 - “And Justice for All” poster
 - Parent/ household letter

USDA Nondiscrimination 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 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.

3 – Complaint Procedures

- **Participants must be advised of their rights and the complaint procedures, including how to file a complaint**
 - **Written or verbal**
 - **Anonymous complaints handled the same as any other complaint**

3 – Complaint Procedures

■ Right to File a Complaint

Any person alleging discrimination based on race, color, sex, age, national origin or disability has a right to file a complaint within 180 days of the alleged discriminatory action

3 – Complaint Procedures

- **Participating institutions must notify the state agency (CSDE) of a civil rights complaint immediately**
- **CSDE must forward all civil rights complaints to the USDA's Regional Office or the Food and Nutrition Service (FNS) Office of Civil Rights (OCR) Director**

4 – Compliance Reviews

- **Civil rights compliance must be evaluated during**
 - **Pre-approval Reviews**
 - ▶ Question on the pre-approval form
 - ▶ Observation of practices
 - **Post-award or routine reviews**
 - ▶ CSDE administrative reviews
 - ▶ Sponsor and CSDE monitoring visits

4 – What is Civil Rights Noncompliance?

- A factual finding that any civil rights requirement, as provided by law, regulation, policy, instruction or guidelines, is not being adhered to
- Noncompliance may result from
 - routine review
 - special review
 - investigation

5 – Resolving Noncompliance

- **Once civil rights noncompliance is determined, steps must be taken to immediately obtain voluntary compliance**
- **Continued noncompliance may lead to suspension or termination**

6 – Reasonable Accommodations for Persons with Disabilities

- **Americans with Disabilities Act (ADA)** prohibits discrimination based on disability in all services, programs and activities provided to the public by state and local governments
- **Persons with disabilities must have**
 - program accessibility, e.g., phone, mail, etc.
 - effective communication with staff
 - easy access to buildings

7 – Language Assistance

- **Participating institutions have a responsibility to take steps to ensure meaningful access to their programs and services by persons with Limited English Proficiency (LEP)**

LEP

Individuals who do not speak English as their primary language and who have a limited ability to read, speak, write or understand English

8 – Resolving Conflict

- Conflict may arise from differences in needs, values and motivations
- Through differences, we may complement each other, but sometimes we will conflict
- Conflict is not a problem in itself – it is what we do with it that counts

Conflict Resolution Network
www.crnhq.org/twelveskills.html

9 – Customer Service

- **Providing good customer service**
 - **is key to avoiding the appearance or perception by anyone of unlawful discriminatory statements or actions**
 - **decreases the likelihood of complaints**

Equal Opportunity for Religious Organizations

- Ensures a level playing field for the participation of faith-based organizations (FBOs) and other community-based organizations (CBOs) in USDA programs
- Creates new opportunities to serve more people in need
- USDA is working to ensure that FBOs and CBOs have equal access to funding opportunities

CSDE CACFP Civil Rights Web Page

CIVIL RIGHTS REQUIREMENTS FOR THE CACFP

Adult Day Care Centers, Child Care Centers and Family Day Care Homes



GUIDANCE AND RESOURCES

- "And Justice for All" Civil Rights Poster [\[PDF\]](#) *Must be printed on 11" x 17" paper*
Contact [CSDE CACFP Staff](#) to obtain copies of this poster.
- Building for the Future Poster [\[PDF\]](#) *Applies only to child care institutions*
- CACFP Civil Rights Requirements [\[PDF\]](#)
- Civil Rights Compliance and Enforcement: Nutrition Programs and Activities (FNS Instruction 113-1, 2005) [\[PDF\]](#)
- [Civil Rights Laws](#)
- CACFP Civil Rights PowerPoint Presentation [\[PDF\]](#) [\[PowerPoint\]](#)
- **Forms**
 - Civil Rights Pre-award Survey [\[PDF\]](#) *Applies only to new sponsors*
 - Civil Rights Beneficiary Data Collection Form [\[PDF\]](#)
 - Civil Rights Potential Beneficiary Data Determination Form [\[PDF\]](#)
- [USDA Nondiscrimination Statement](#)
- [USDA Civil Rights Web Site](#)
- [USDA Office of the Assistant Secretary for Civil Rights \(OASCR\)](#)

[CSDE CACFP Staff](#)

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www.sde.ct.gov/sde/cwp/view.asp?a=2626&q=333824

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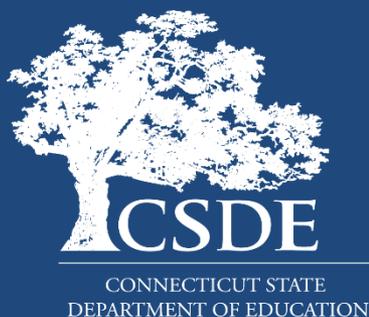
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