



This training on civil rights requirements for the Child and Adult Care Food Program, called “CACFP,” is intended for individuals participating in this United States Department of Agriculture, Food and Nutrition Services, Child Nutrition Program—as well as anyone having direct contact with program participants.

Training on civil rights is an annual requirement. The purpose of this training is to convey policy and this training will give you the information you need to comply with basic civil rights requirements and prohibit discrimination in the management and operation of your nutrition program.

Today we'll talk about:

- Why are civil rights important?
- What is discrimination?
- What are the federal and Rhode Island's additional protected classes? What is the federal non-discrimination statement and when must you use it? And what are a Sponsor's responsibilities?

Handouts related to many of these topics are available online for you to print out. Go to: www.ride.ri.gov/civilrights

You may download a certificate of completion at the end of this training module by answering a few brief questions regarding civil rights. Keep the certificate in your CACFP training file to verify program completion.

Civil Rights & Discrimination

Civil rights requirements ensure equal access to the Child and Adult Care Food Program. They eliminate illegal barriers that might prevent or deter people from receiving benefits. Adherence to civil rights requirements ensures that all program participants are treated with dignity and respect.

Discrimination is the act of distinguishing a person or group of persons from others intentionally, through neglect, or by the effect of actions or lack of action based on their protected classes.

There are six federally protected classes which are:

- Race
- Color
- National origin
- Age
- Sex and



- Disability

In addition, The State of Rhode Island has two protected classes:

- Religion and
- Sexual orientation

Here are some examples of discrimination:

- Refusing a person's enrollment in your program based on disability
- Failure to provide reasonable accommodations to disabled individuals
- Serving meals at a time, place or in a manner that is discriminatory
- Failing to provide materials that give non-English speaking persons full and equal opportunity to receive benefits

What is the non-discrimination statement and when must you use it?

The federal non-discrimination statement defines what constitutes discrimination and how to file a complaint. The full version of the statement should be used whenever possible. An abbreviated version of this statement, namely:

“This institution is an equal opportunity provider and employer.”

may be used when space is limited to one page.

The non-discrimination statement must be included on all publications, including websites that inform the public about the CACFP.

This includes any parent or employee handbook developed by your organization where the Program is referenced as well as any letter or flyers you write that mentions the food program by name.

A copy of the current federal non-discrimination statement is included in the training printouts that accompany this module. The additional classes protected under RI law are also included in the printed statement and must be included whenever the full federal non-discrimination statement is used.

Now, let's talk about your responsibilities as a Sponsor

As either a Sponsor new to the CACFP or a current Sponsor, there are specific civil rights requirements that you are responsible to undertake for the food program. These include:



Data Collection

Ethnic/racial data is used to determine how effectively your program is reaching potentially eligible applicants and where additional outreach may be needed. RIDE requires that you gather this data and report it. This is the preferred method. The Meal Benefit Application has a section for families to identify their ethnic and racial data. However, completion of this information is strictly voluntary.

If an applicant or applicant's family chooses not to provide this information, you may gather the information using one of these two methods:

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

Additionally:

- Each Sponsor must also complete the civil rights Beneficiary Data Form every year. One form must be completed for each CACFP facility under your administration. It must be signed, dated and kept on file with your CACFP records.
- New Sponsors must also identify the ethnic/racial make-up of the communities that they serve on the CACFP application to participate in the program. This information must be based on the most current census data.
- In addition, each time you add a new facility to the food program you must identify the ethnic/racial make-up of the community that new facility serves on the site application.

Confidentiality

Your system of collecting and storing civil rights information from participants and their families must ensure that the data collected is kept secure and confidential. The information should not be available for anyone to see except individuals from RIDE's nutrition program, the USDA and any other responsible staff within your organization.

Public Notification

It is important for all Sponsors of the CACFP to inform the public of the availability of the program. The public notification must include information on the following:

- Eligibility
- Benefits & services
- Program availability
- Applicant rights and responsibilities



- Procedures for filing a complaint, and
- Programmatic changes, such as changing the location or time of a meal

Additionally

- New Sponsors must send out a public release to a local media outlet to announce participation in the CACFP and of program availability. When you apply to become a Sponsor, a copy of the media release that you must use will be provided to you.
- After the initial public media release has been issued by your organization, RIDE will issue an annual public media release on behalf of all participating Sponsors.
- Sponsors must display the “And Justice for All” poster in a prominent place where participants and potential participants have access to the information on it. The poster must be in each facility and must be in the 11-inch-by-17 inch format.

If you need a new “And Justice for All” poster, contact RIDE. Posters are provided to participating centers free of charge. Until your new poster is sent to you, you may get a poster from the USDA for **temporary** use at this website:

www.rma.usda.gov/aboutrma/civilrights/poster.html

Complaints

All Sponsors must have procedures in place for recording and handling civil rights complaints. Any person alleging discrimination in the food program based on the protected classes previously identified, has the right to file a complaint within 180 days of the alleged discriminatory action. Complaints may be written or verbal.

Anonymous complaints should be handled as any other complaint. Each organization needs to have a system in place to record and document any complaints. Sponsors must notify RIDE of a civil rights complaint immediately, as all complaints must be forwarded to USDA’s regional office. A sample form and a written policy are available in the training printouts.

Americans with Disabilities

The 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 the following:

- Program accessibility



- Effective communication with staff, and
- Easy access to buildings

Language Assistance

Sponsors have a responsibility to take steps to ensure meaningful access to their programs and services by persons with Limited English Proficiency (LEP). This might include providing CACFP information and forms in appropriate languages. It could also mean providing translators to assist the participant and/or his or her family in obtaining program information or in completing forms pertaining to the CACFP. It is not appropriate to use young children as translators for adults.

Annual Staff Training

All staff that interacts with applicants or participants must be provided with civil rights training, appropriate to their job responsibilities, on an annual basis. For example, people working in a classroom should be made aware that they cannot purposely separate children by ethnicity, race, age or gender at meal time. They should be aware that reasonable accommodation of persons with disabilities should be made. Similarly, a person responsible for processing meal eligibility forms should be trained on the importance of ensuring that the information on those forms is to be kept confidential.

In addition, all staffers should be aware of what to do if they receive a civil rights complaint. Be sure to instruct staff on your complaint procedures.

Non-compliance

If your organization is found to be non-compliant in some aspect of civil rights, you must take steps to immediately resolve the identified non-compliance. Not correcting the problem and ensuring that it does not re-surface may lead to serious deficiency, suspension or termination from the program.

Let's take a look at a few situations that illustrate what we have been discussing.

Scenario 1:

Through your data collection procedures, you recognize that even though the community you serve is comprised of a large Hispanic population (60 percent), only four percent of enrolled Hispanics have completed a meal eligibility form.

What outreach efforts would you take to increase the return of meal eligibility forms?

(Answer)



First, great job on data collection and analysis! Your outreach efforts might include the following:

- Providing information or materials in Spanish
- Providing outreach to other programs in the areas that serve the Hispanic population, such as partnering with social service agencies and working with neighborhood groups.

Scenario 2:

You have leftovers following the last meal service period and offer the extra to the boys.

Is this practice discriminatory and, if so, on what basis?

(Answer)

Yes, it is discriminatory. Even though you may not intentionally be discriminating against anyone, you are discriminating based on sex.

If leftovers are going to be distributed, they need to be offered to everyone.

Scenario 3:

A family does not want to identify their ethnic or race background on the application.

What should you do?

(Answer)

Explain to the family that self-identification is voluntary. Applicants or participants are not required to furnish information on their ethnicity or race. When applicants do not provide the information, the data collector must, through visual observation, record the information.

You can point out that the collection of this information is strictly for statistical reporting requirements and no effect on determining eligibility for the program.

Scenario 4:

A child-care center does not provide infant food and/or formula to infants in their care and requires parents to supply these items.

Is this a civil rights issue?

(Answer)



Yes. All children who attend a center must be provided equal access to the benefits of the CACFP. Parents cannot be required to supply food items. To withhold the program from any eligible age group is age discrimination.

Scenario 5:

Children whose first language is Cambodian are asked to sit together at a Cambodian-speaking table at meals.

Is this a civil rights issue?

(Answer)

Yes, segregating or separating children who share a particular characteristic could be considered a civil rights issue and discrimination based on the protected class of national origin.

NOTE: Be careful of implied segregation, such as seating boys or girls at separate tables or seating one group of children at a table because of religious dietary practices. This is a questionable practice unless it is done for a legitimate reason.

We thank you for taking part in the civil rights training and hope that you now have a basic understanding of civil rights requirements for the CACFP. Equal treatment for all participants, basic knowledge of rights and responsibilities, the elimination of any barriers that would prevent or deter people from receiving CACFP benefits and the need for dignity and respect for all are key goals of civil rights in the Child and Adult Care Food Program.

Take our short quiz and download your training certificate here: www.ride.ri.gov/quiz