



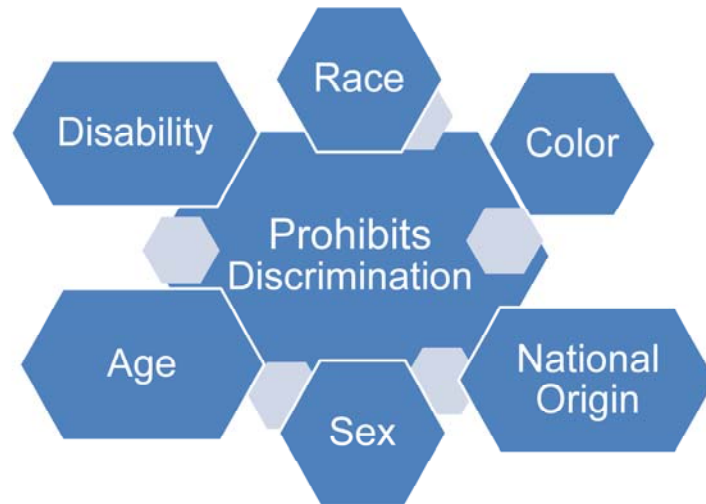
The purpose of this training is to define and explain Civil Rights, how they impact your food program, and how to meet the expectations of the Law. All information in this power point is taken directly from Food & Nutrition Service Instruction 113-1 which was issued by USDA in 2005.

What are Civil Rights? Civil Rights are the “nonpolitical rights of a citizen; the rights of personal liberty guaranteed to U.S. citizens by the 13th and 14th Amendments to the U.S. Constitution and by acts of Congress.”

Why do you need to know about Civil Rights? Simple, any business that receives Federal dollars, regardless of whether the program is funded “in part” or “whole” is required to assure that each of its employees and customers’ rights of personal liberty are upheld and are therefore not discriminated against in association with the business. This includes all programs participating on the CACFP.

In other words, this means everyone in association with your business (For-profit or Non-profit; public or private; large or small) **has the right to be treated fairly**. That seems simply enough, but sadly, people have not and are still not treated fairly because over the course of generations it became abundantly clear that certain groups of people were more often targeted by unfair practices and policies than other groups.

Title VI Civil Rights Act of 1964



To address the situation of inequality, in 1964, Congress passed the Civil Rights Act which prohibited discrimination based on Race, Color and National Origin. Since then 9 more Acts and Amendments have been passed which extends the type of groups to be covered under the Civil Rights Act to include Sex, Age, Disability/Limited English proficiency. We call these types of groups the 'Protected classes'. The Acts and Amendments that address Civil Rights include but are not limited to:

- Americans with Disability Act;
- Section 504 of the Rehabilitation Act of 1973;
- Age Discrimination Act;
- Title IX of the Education Amendments of 1972 (which pertains to sex).
- USDA Departmental Regulation 4330-2 prohibits discrimination in programs and activities funded in part or whole by USDA.



**What does
this mean
for you?**

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So how does this effect you? For as long as your business (For-profit or Non-profit; public or private; large or small) participates in the CACFP, all your employees and all your customers have the right to be treated fairly, and their circumstance of Race, Color, National Origin, Sex, Age, Disability/Language proficiency protect their fair treatment under the law.

Definition of Discrimination

“Different treatment that makes a distinction of one person or group of persons from others; either intentionally, by neglect, or by the actions or lack of actions from a program.”

FNS Instructions 113-1

To better understand how Civil Rights effect your food program it is important to know the definition of discrimination. What are the key words in this definition?

- Different treatment
- Distinction
- Person
- Persons
- From others
- Intentionally
- By neglect
- By the actions
- Lack of actions

“Different treatment” are probably the most important key words here, but all the words are key. We see programs committing ‘different treatment’ of person or groups that can be identified as a protective class all the time. The programs that we see engage in ‘different treatment’ of a group or individual most of the time do not realize what they are doing until a new or third person comes in and says *What? That’s not fair!*

Remember the definition of discrimination as we discuss how Civil Rights impact your food program.

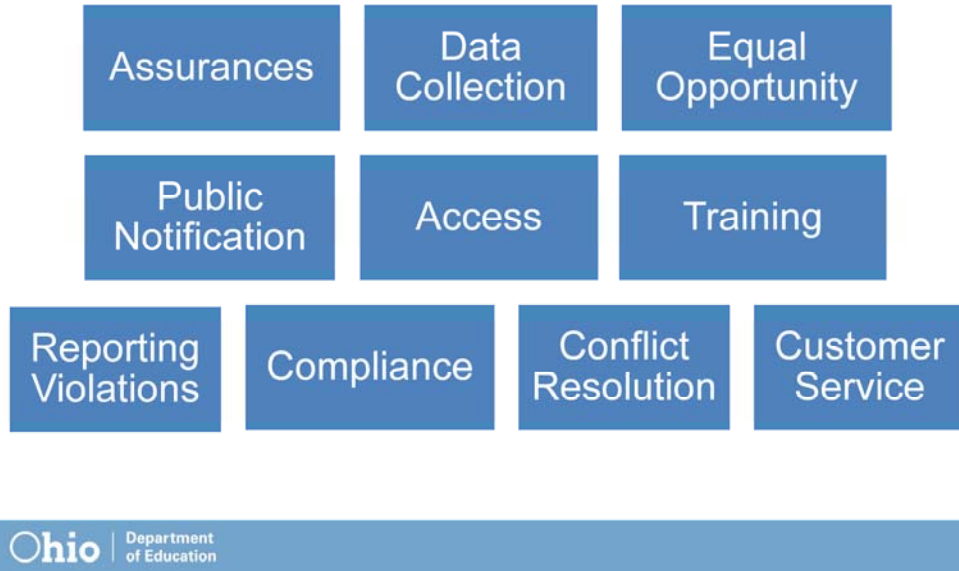
What To Do



O.K. so now you know everyone deserves to be treated fairly, but how do you know if that is really happening? Most of you, if not all of you, are sitting there thinking *Of course we treat everyone fairly!* But would you *REALLY* see discrimination in your programs...procedures...and even the policies? To further complicate this issue, do you know what is expected for Civil Rights compliance?

To address these concerns and help programs maintain Civil Rights compliance, Food Nutrition Services has simplified this task by identifying specific activities sponsors child centers and family child care providers can do to assure their programs follow Civil Rights requirements. We call these activities *areas of compliance* and they are designed to safeguard all participants of the USDA Child Nutrition programs from being discriminated against.

Ten Areas of Compliance



These are the areas of compliance. As you can see there are 10 of them. As we discuss each compliance area, you will see that meeting compliance is quite easy. Let's go through each area separately:

Assurances

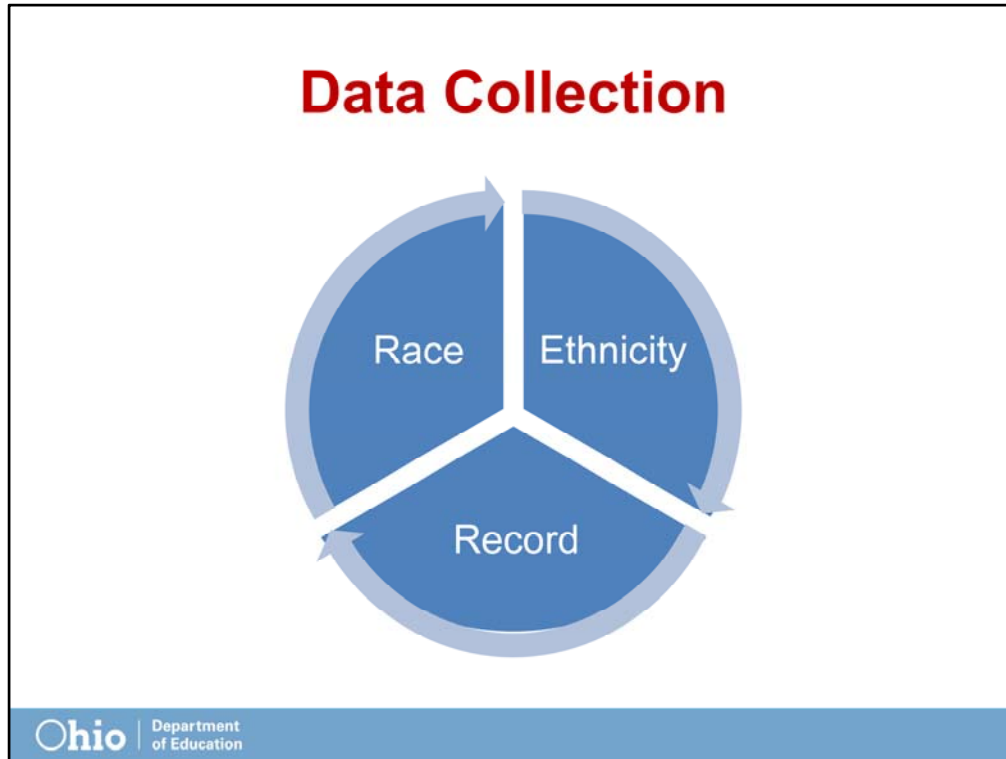
All applications must include a written statement that assures the sponsor will not discriminate in any manner.



All new and renewing applications must provide written assurances that the provider will not discriminate in any of their business practices. For some of you, this might mean a change in your policies and procedures. I had two renewing applications this year where the provider had to change their meal service procedures due to potential discriminatory practices.

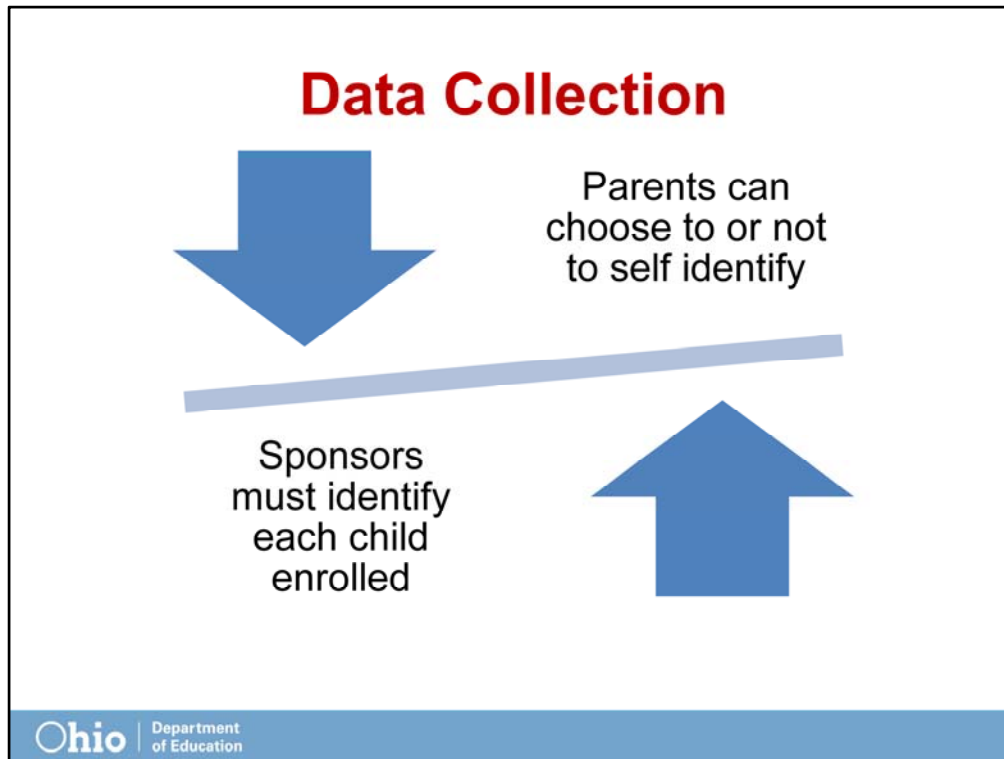
Providing written assurances is easy.

Sponsors provide a written assurance when they sign their Permanent Agreement. The Permanent Agreement is your contract with the Ohio Department of Education and by signing this contract you are agreeing to provide CACFP meals and meet program requirements fairly for all participants and families.



USDA Food and Nutrition Services requires all sponsors to record each participants Racial and Ethnicity information and keep this information on file. The reason is to

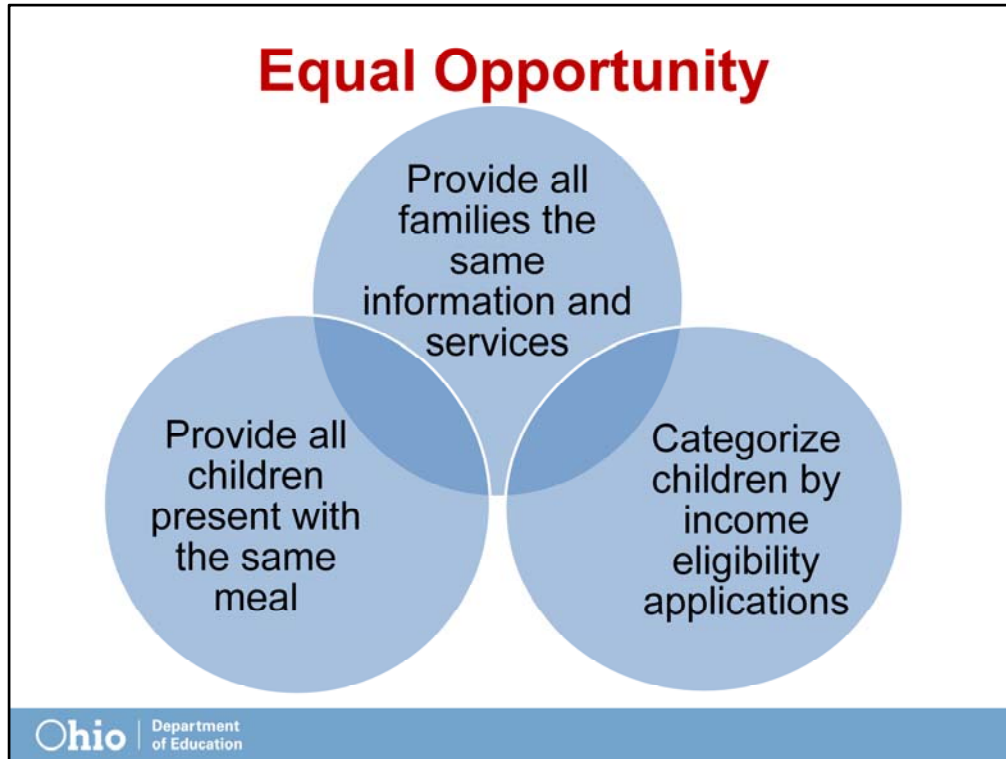
- help the agency determination if the program is reaching eligible beneficiaries
- identify areas where additional participation is needed
- assist in the selection of locations for compliance reviews
- and ensure that discrimination is not active.



It is best for the Sponsor that their parents self-identify their racial and ethnicity information, however, parents are not required to do so. If they choose to share this information, they can do so on the Income Eligibility application if filling out and returning the form.

If the family or participant chooses not to provide this information, they should be informed that an estimate of their child's race and ethnicity will be conducted and recorded due to Civil Rights requirements.

For child care centers: Once the information is collected or estimated, we suggest you record it on the Master List. The Master List is confidential and this information is to be confidential as well.



Equal Opportunity means that all participants and their families receive the same services that are available and offered.

Do this by:

- Provide all families inquiring about your program the same information about CACFP
- Serve all participants present at the time of meal service, the same meal
- Categorize all IEA equally regardless of protected class
- Provide services to applicants and participants at a location that does not unnecessarily prohibit their access to the services
- Faith-based programs cannot discriminate against participants based on religion or religious beliefs and are to provide the same meals to all participants.

Equal Opportunity



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When you think of Equal Opportunity do you include all age groups in your idea of fairness? The most common type of discrimination we see in CACFP is Age Discrimination. The two age groups that receive the most ***different treatment*** are Infants and School Ageds.

Infants are routinely discriminated against. The discrimination happens when Sponsors do not offer Infant meals. Why is this so common? Is it because infants eat different foods or eat at different times? Whether or not a child eats at a different time, eats different food, or eats in a different manner than other children that child regardless of age, still needs to eat. Denying parents of an infant the right to receive a full CACFP infant meal is a violation of the Age Discrimination Act. This practice was once so widespread that USDA created and implemented specific requirements to fight against this particular discrimination. Can you tell me which requirements they created and implemented? *Infant Parent Preference letter, Separate Infant Meal Pattern, Infant menus, Building For the Future Flyer and, the Ten Areas of Compliance.*

Equal Opportunity

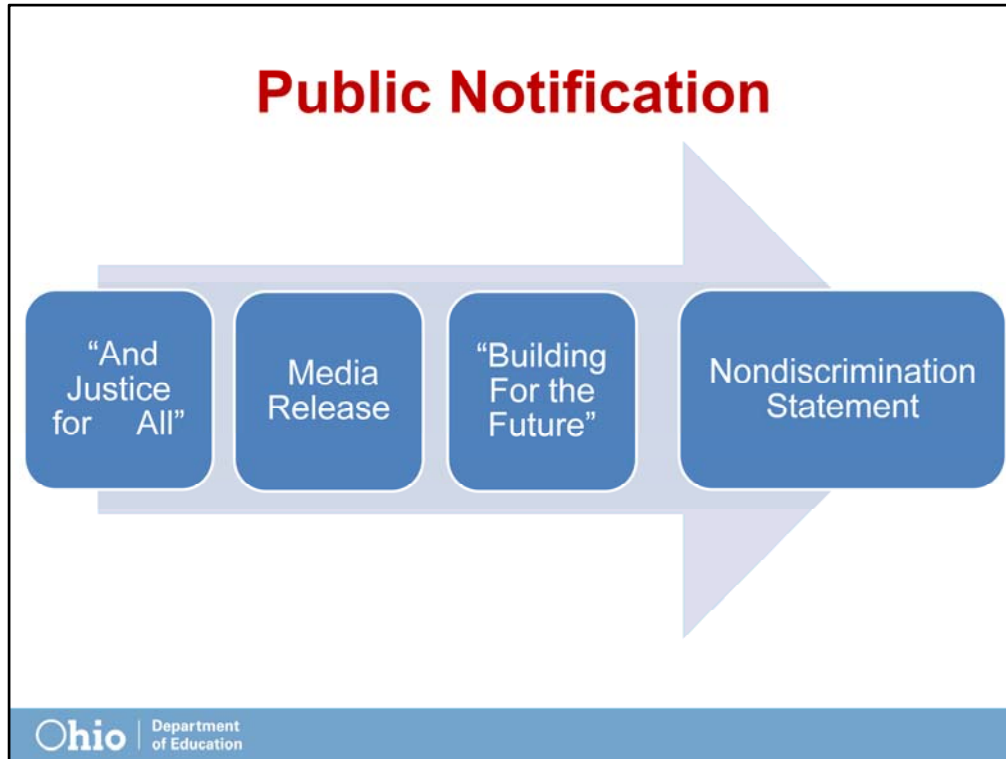


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The ***different treatment*** experienced by School Ageds is often the opposite of that of Infants. For some reason sponsors WANT to feed the School Ageds so much, they give them a different meal or an extra meal after school than what is offered to the younger children at the same time. Why is this? Is it because the sponsor did not see the older children eat lunch at school and therefore think they must be starving? Or is it because school ageds have the cognitive and language skills to express their hunger? Remember toddlers and preschoolers also get hungry in the afternoons but lack the developmental skills to convey their discomfort as effectively as older children. Instead they get whiny and the reason for the whininess can easily be misinterpreted. Often we as a society do not think of providing one group a different or additional meal as discrimination because its 'giving more'. But when we apply the definition of discrimination to this situation what *key words* do we find?

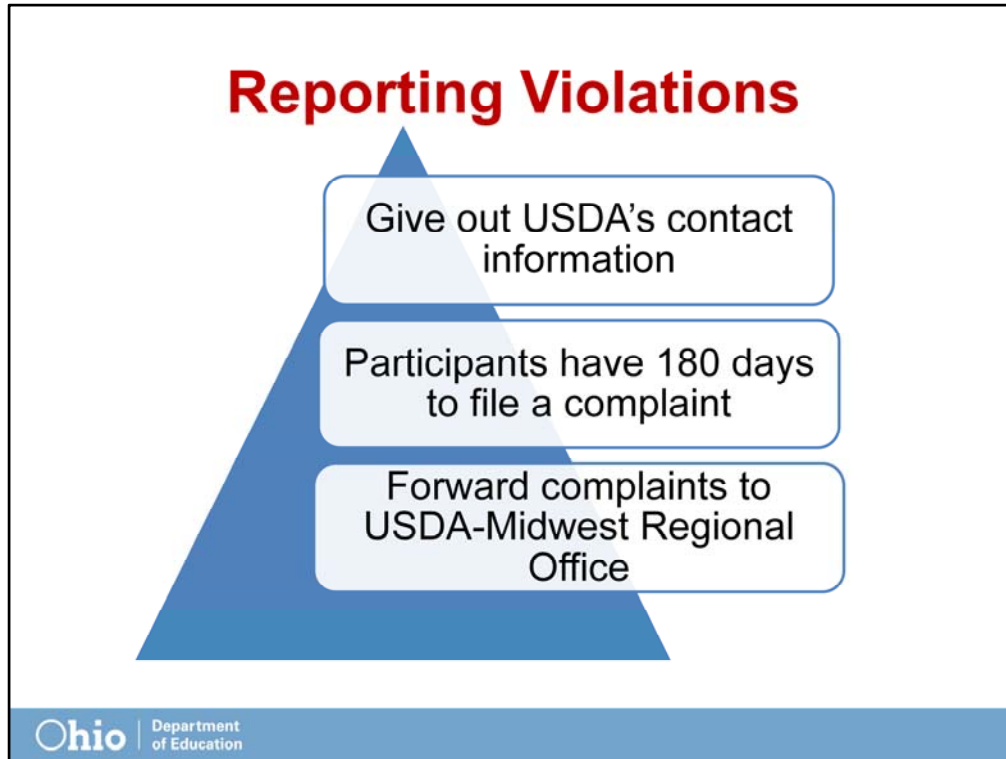
- different treatment
- distinction
- one group from others
- by the actions
- of a program

Put all these key words together and you get the definition of discrimination even though the under lying intent was to provide a benefit. Who is being discriminated against? *Infants, toddlers and preschoolers.*



All sponsors are required to notify the public, applicants and participants that they receive Federal dollars for their food service. Sponsors must include the following information in their notification:

1. CACFP meals are available without cost
 2. Participants and families right and responsibilities regarding CACFP
 3. The steps necessary to participate
 4. USDA's nondiscrimination statement on all publications including radio spots, TV commercials, and websites
 5. The participants and families right to file a Rights Complaint, and the procedures to do so
- Display the And Justice for All poster
 - Send the Media Release to a media outlet
 - Give each family the Building For the Future flyer
 - Add USDA's Nondiscrimination Statement to all materials to advise you program



Agencies/child care programs are required to establish procedures for reporting Civil Rights Violations. This procedure should include a willingness on the part of the sponsor to listen to grievances that might be brought to their attention. If a grievance is reported to the sponsor, the sponsor should make every effort to resolve the grievance. But if the sponsor feels this grievance is unfounded or is not sure if a Civil Rights violation has occurred, they should contact the Ohio Department of Education within 24 hours. They should also inform the party who brought the grievance to their attention that they have 180 days to formally submit a Civil Rights discrimination complaint from the time of the incident.



Displaying the *Justice for All* poster and distributing the *Building For the Future* flyer are both important aspects of your procedures for informing your customers on how to contact UDSA.

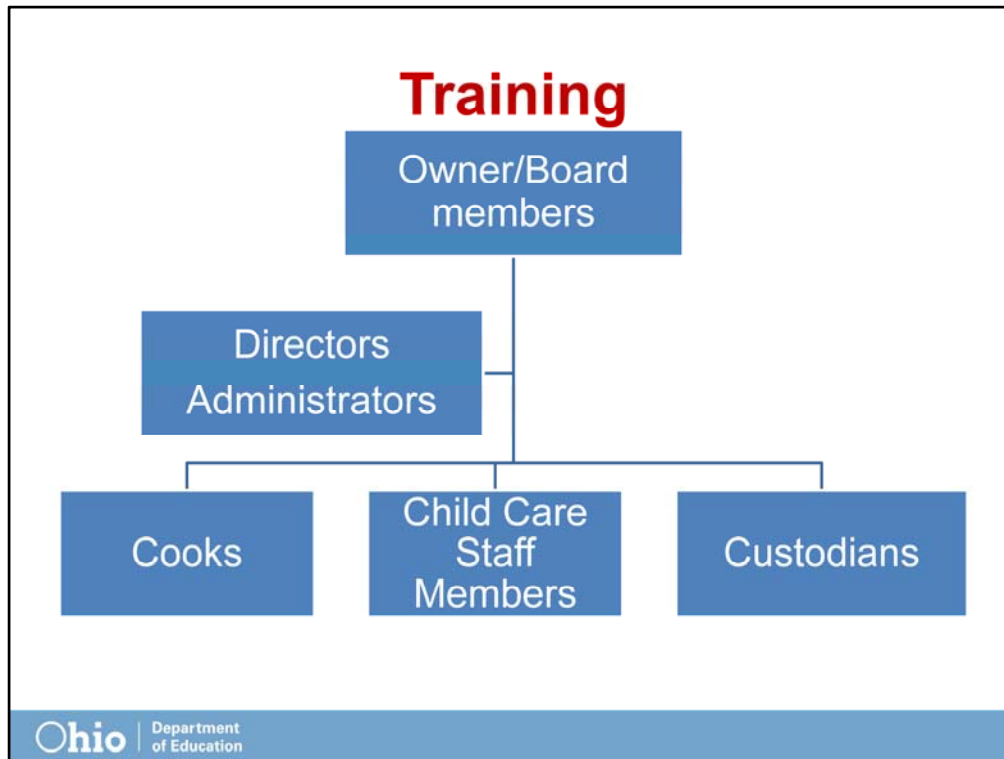
The most effective way to fight discrimination and maintain Civil Rights compliance is in the strength of your policies and staff. When establishing program policies, think through all these 10 areas of compliance, the definition of discrimination and the information needed by staff to have a truly fair program.

Training

Conduct annually for those who:

- Interact with families and participants
- Have oversight and or supervisory responsibilities

Agencies train their own staff on the topic of Civil Rights. New staff should be trained prior to assuming their responsibilities. All CACFP participants should be trained at least once per year, more often if necessary.



Can you think of other positions that should be listed here?

- Receptionist
- Book Keeper
- Teachers/Assistant Teachers
- Substitutes
- Monitors
- Bus Drivers
- CACFP Coordinator
- Trainer

Why is it important for all staff to know about Civil Rights? *It pertains to them; so they know how to prevent discrimination; if a parent feels they or their child has been discriminated against due to a policy or procedure, they will most likely go to a child care staff member or bus driver.*

Training Topics

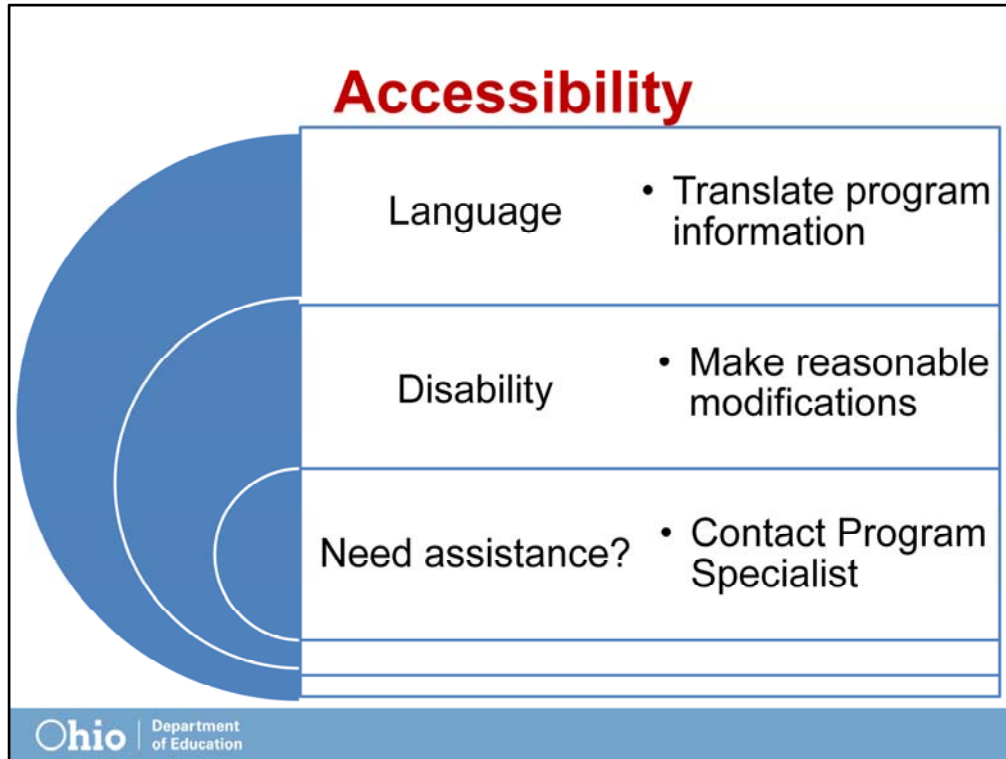
- Assurances
- Data Collection
- Equal Opportunity
- Public Notification
- Access

As you can see the training topics for Civil Rights are the 10 areas of compliance.

Training Topics

- Training
- Reporting Violations
- Compliance
- Conflict Resolution
- Customer Service

Read bullet points.



Sponsors on the CACFP are required to make accommodations for groups of persons whose primary language may not be English. If your program is located in a community where a significant portion of the population speaks a different language than English, you are required to have CACFP information translated into that language. Translating the information will help ensure that language and national origin are not barriers to program participation. USDA has already translated the documents into numerous languages. It is a good possibility that the one you need can find on the website. Contact your sponsor for CACFP information for parents whose primary language is not English.

Accessibility



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To stay compliant with the Americans with Disabilities Act (ADA), Title III, sponsors need to understand the following:

- *“Providers cannot exclude children with disabilities from their programs unless their presence would pose a **direct threat** to the health and safety of others or require a **fundamental alteration** of the program ”*
- *“Providers have to make a **reasonable modifications** to their policies and practices to integrate children, parents and guardians with disabilities into their programs unless doing so would constitute a **fundamental alteration**. ”*
- *“Providers must provide appropriate auxiliary aids and services needed for **effective communication** with children or adults with disabilities , when doing so would not constitute an **undue burden**. ”*
- *Providers must generally make their facilities assessable to persons with disabilities. Existing facilities are subject to the **readily achievable** standard for barrier removal, while newly constructed facilities and any altered portions of existing facilities must be **fully accessible**. ”*

If you are approached by a parent/guardian that wants to enroll their child or parent into your program and you believe meeting the ADA requirements would **fundamentally alter** your program or add an **undue burden** to your program, I strongly encourage you to contact your local Health Department for assistance and guidance. They will help assess the situation and act neutrally and provide guidance as to whether or not your program can make reasonable accommodations for this child.

You can find additional information at the Department of Justice ADA Home Page link to Child care centers and ADA.

Compliance



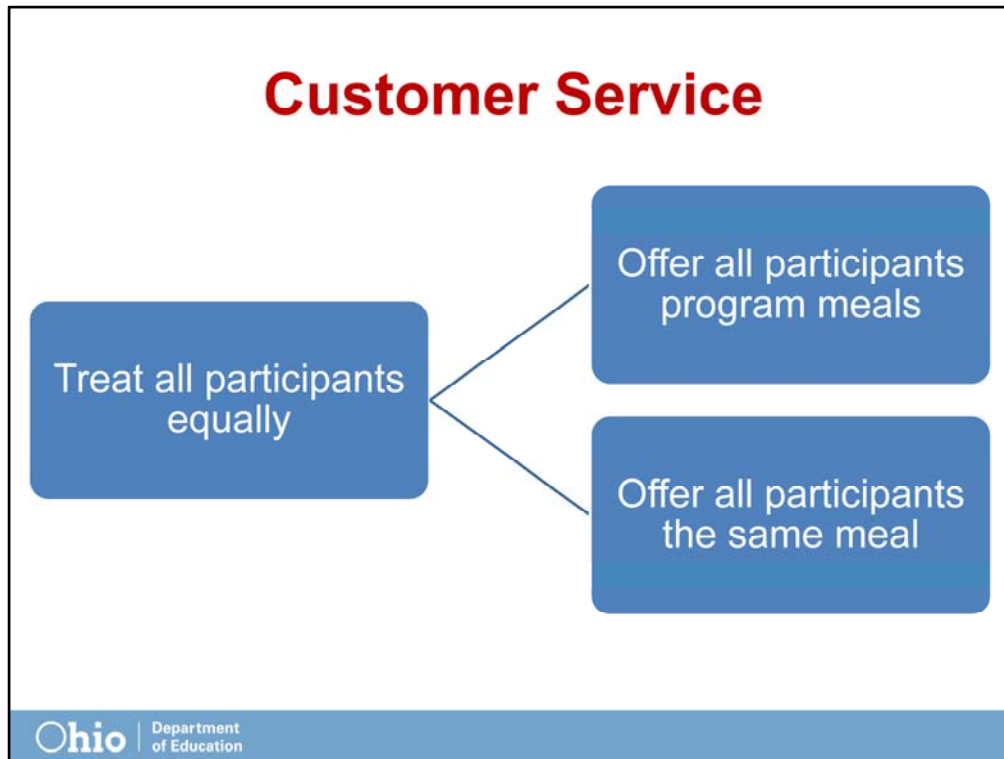
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Children and adult participants are the focus of this program. It is everyone's responsibility to oversee that their needs are met and their participation in this program is unburdened. Therefore compliance to these Civil Rights requirements is crucial. Civil Rights compliance is reviewed during **ALL** State agency visits regardless of the reason for the visit:

- Initial application
- Renewal application
- Pre-Approval visit
- Management Evaluations
- All monitoring and site reviews
- Unannounced follow up visits
- Technical Assistance visits
- ***In other words every time we walk through your doors.***

Any finding assessed during a review will be given time to correct.

Failure to correct any finding will result in termination and possible loss of all Federal funding.



All children enrolled in your program are automatically enrolled in CACFP. All have the right to CACFP meals and all have the right to have the same meal served as what meal is being served to other children at the same time. Program meals must be offered to Infants and the same meal served must be served to all children present at the time of the meal service.

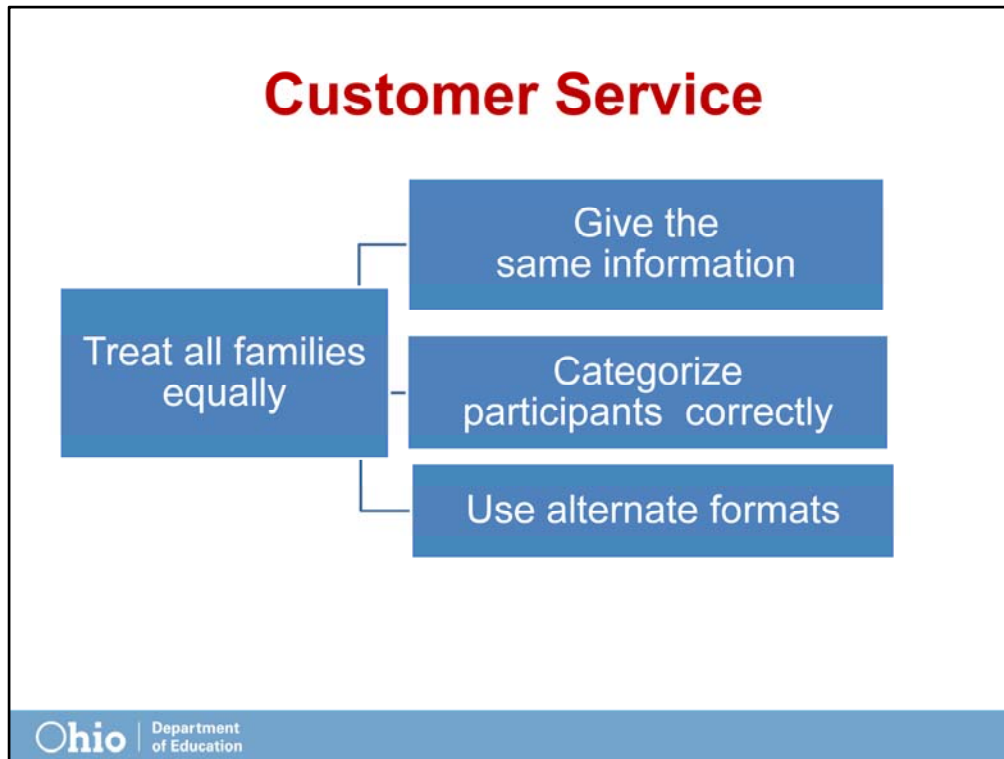
Although it is the policy of the USDA to provide fair and equitable treatment to every employee and customer, Civil Rights laws and regulations pertain to the identified protected classes. That means that: if a meal is not served equally to all children, it might or might not be a Civil Rights finding. A finding based on unfair practice or treatment could escalate to a Civil Rights finding depending on the nature of the participants involved.

Example: The program's policy is that children must first eat their meal components before being given second helpings. Two little girls ask for seconds on bread. The provider gives the first little girl bread because she ate her meal, but did not give the second little girl extra bread because she did not eat her green beans. This would be a CACFP finding, but not a Civil Rights finding. CACFP does not require children to eat any part of the meal and allows children to refuse any or all components. It is not a Civil Rights violation because liking or not liking green beans is not a protective class.

Customer Service



What is meant by same meal? As mentioned earlier some sponsors serve School age children a Supper meal at the same time the younger children are served a Snack. So when we say same meal, we are referring to the meal type. Serving different food components within a meal type will happen from time to time depending on inventory. As long as all children present receive a same meal type it is O.K. to give some children Cheerios and others Kix.



Any parent/guardian or family inquiring about your program is to be given the SAME information. If you give one family the Income Eligibility Application, you must give it to ALL families.

Categorize the Income Eligibility Applications by the information provided on the form. Do not assume that a family is Free or Reduced. Determine if they are Free or Reduced or Paid by the information on the form.

If a parent or guardian has a disability, information about the Food Program might need to be provided to them in an alternate format to help assist them to understand the program and fill out the required forms. This might include: translation of forms into Braille, someone verbally translating information to another language, or meeting a parent or guardian on the first floor if they cannot climb stairs.

Conflict Resolution

Be open to hear grievances

Try to resolve the complaint

Contact ODE if issue is not resolved

As mentioned before, USDA wants Sponsors to first try and resolve any complaint an employee, participant, or family member might have. Report any complaints to ODE within the 24 hours.

Questions?



education.ohio.gov

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Join the Conversation



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OhioEdDept



The department is connecting with families with tips and information. We encourage everyone to go to education.ohio.gov/text. From there, you may choose from a variety of subjects on which to receive text messages.

On the slide are two examples: Useful information for families with children in preschool through elementary school and ideas and information for families with middle school and high school students.

4C for Children

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