September Digital Learning

Arkansas Dept. of Agriculture

Food and Nutrition Division

Updates & Reminders

- July 2026 claims are due **9/29/2026**.
- FFY CACFP Application opened 8/15/2026. The deadline to submit the application is **9/30/2026**.
- Make sure all sites have the following:
  - A pre-approval visit completed by FND within the last 3 years
  - Current Health inspection
  - Current Fire Inspection free of violations
  - Food Permit *(if preparing food on site)*
- CACFP Refresher Training *(required for FFY 2027 application approval)*.

Civil Rights Training for FFY 2027

The USDA is an equal opportunity provider, and lender.

Agenda

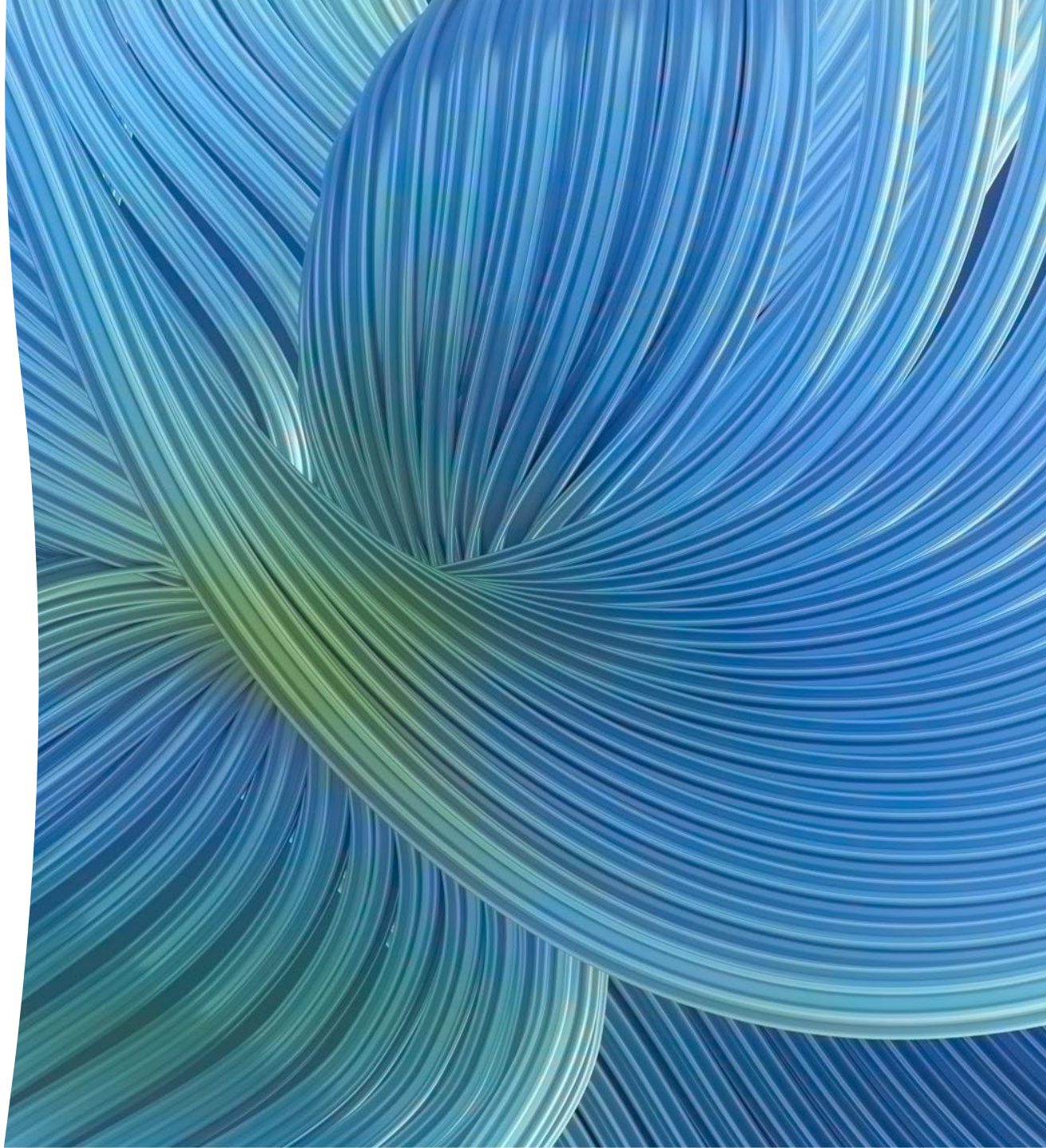
Legal Authorities

Discrimination and Protected classes

Public Notification

Assurances and Agreements

Compliance Review Training Customer Service and Conflict Resolution



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, religion, sex, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

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 State or local Agency that administers the program or contact USDA through the Telecommunications Relay Service at 711 (voice and TTY). Additionally, program information may be made available in languages other than English.

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at How to File a Program Discrimination Complaint 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, Mail Stop 9410, Washington, D.C. 20250-9410; (2) fax: (202) 690-7442; or (3) email: program.intake@usda.gov.

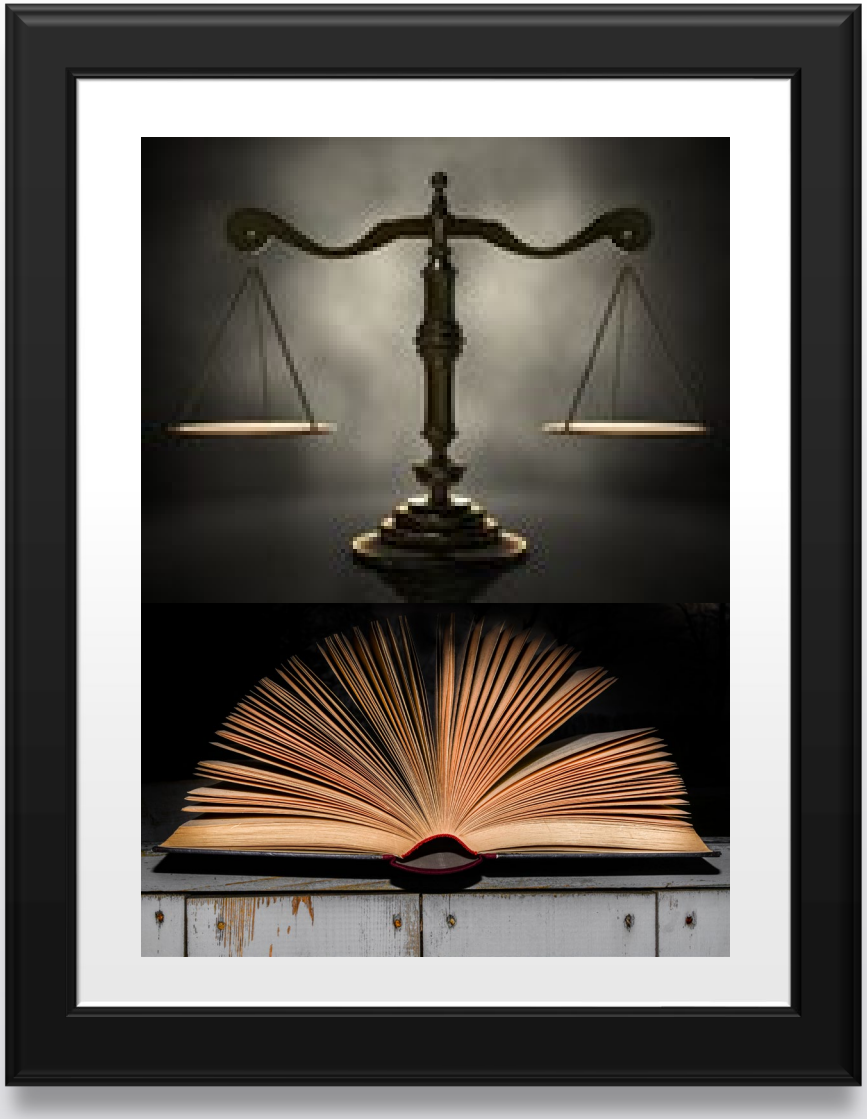
USDA is an equal opportunity provider, employer, and lender.

Qualifying

- In order to qualify for Federal financial assistance, when submitting the program application, there must be something in writing stating that they will operate the program and comply with the Civil Rights laws and implement nondiscrimination regulations.
- This statement must be in all the agreements between Federal and State agencies, State and CACFP sponsors and CACFP sponsors and their sub recipients.

Discrimination

- What is it?
  - A person or group is treated differently from others because of a protected characteristic, either on purpose, through neglect, or because someone failed to take appropriate action.
  - Discrimination is the unfair treatment of an individual or group based on certain characteristics, resulting from deliberate actions, neglect, or inaction.

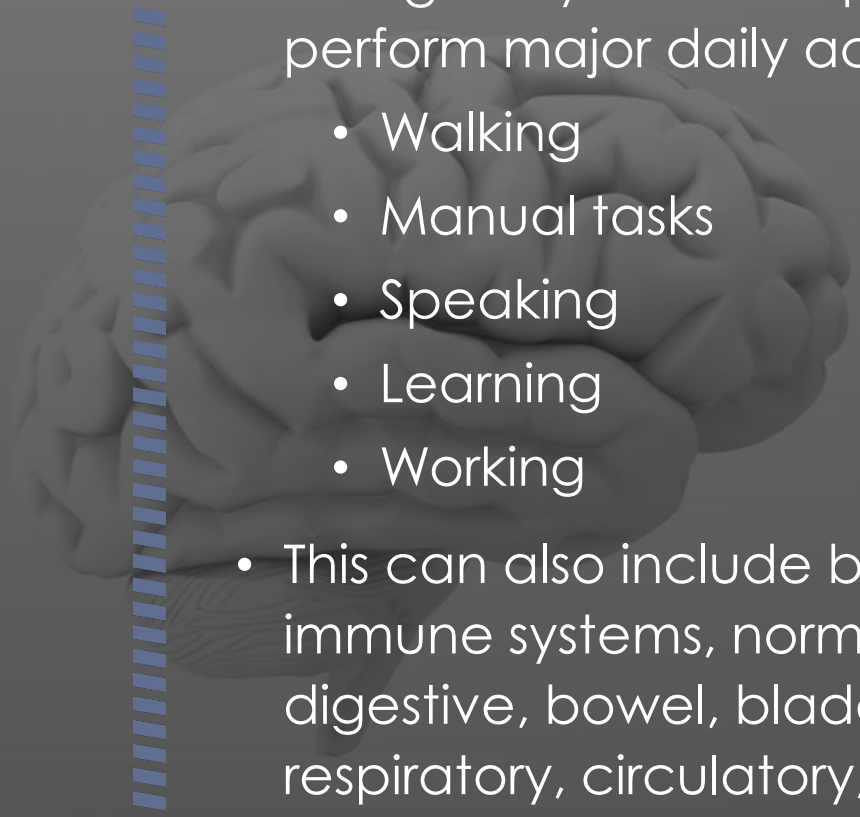


Protected Bases

There are 6 bases used to determine discrimination

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

What is a Disability?



- A disability is a physical or mental condition that greatly affects a person's ability to perform major daily activities.
  - Walking
  - Manual tasks
  - Speaking
  - Learning
  - Working
- This can also include bodily functions such as immune systems, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, and reproductive functions.

Disability Protection

- Federal Civil Rights laws protect people with disabilities from being treated unfairly in programs that receive federal funding.
  - Sections 504 of the Rehabilitation Act of 1973
  - USDA implementation Regulation, 7 CFR Part 15b
- State and local governments must make sure their services and programs are accessible to everyone.
  - Americans with Disabilities Act (ADA), 28 CFR Part 35, Title II, Subtitle A
- These protections apply to anyone with a disability who applies for or participates in USDA food programs.

Disability

- Public entities are required by the USDA to make "reasonable modifications" to accommodate persons with disabilities. This may change the way that the business normally does things. This can include Braille, audio tape, large print, meal modifications, etc.
- Programs may need to provide trained sign language interpreters for persons with hearing disabilities so they can communicate effectively.

Civil Rights- 7 CFR Part 15

- Programs must provide equal access to all participants.
- There must be reasonable accommodations and personal assistance for employees and applicants with disabilities.
- Staff should understand the nondiscrimination requirements and complaint procedures.

LEP- Limited English Proficient

- LEP are individuals who have a limited ability to read, write, speak or understand English. This can also include individuals whose primary language is not English.
- Federal agencies, state agencies, local agencies and other subrecipients, must take reasonable steps to ensure "meaningful" access to their programs by Limited English Proficient persons.

Title VI –Executive Order 13166

Meaningful Access

- To ensure equal access, programs must provide language assistance to people with limited English proficiency (LEP). This assistance should be timely, accurate, effective, and provided by qualified individuals so participants can fully understand and use program services.

LEP Factors

- When addressing LEP some factors that you should consider are:
  - How many individuals in the area may be LEP? What would the percentage or proportion of the population be?
  - How often would those individuals come into contact with the program?
  - What is the nature of the program, of what importance/or how will the program impact them ?
  - How would this impact the program fiscally?
  - What is readily available to the recipient ?

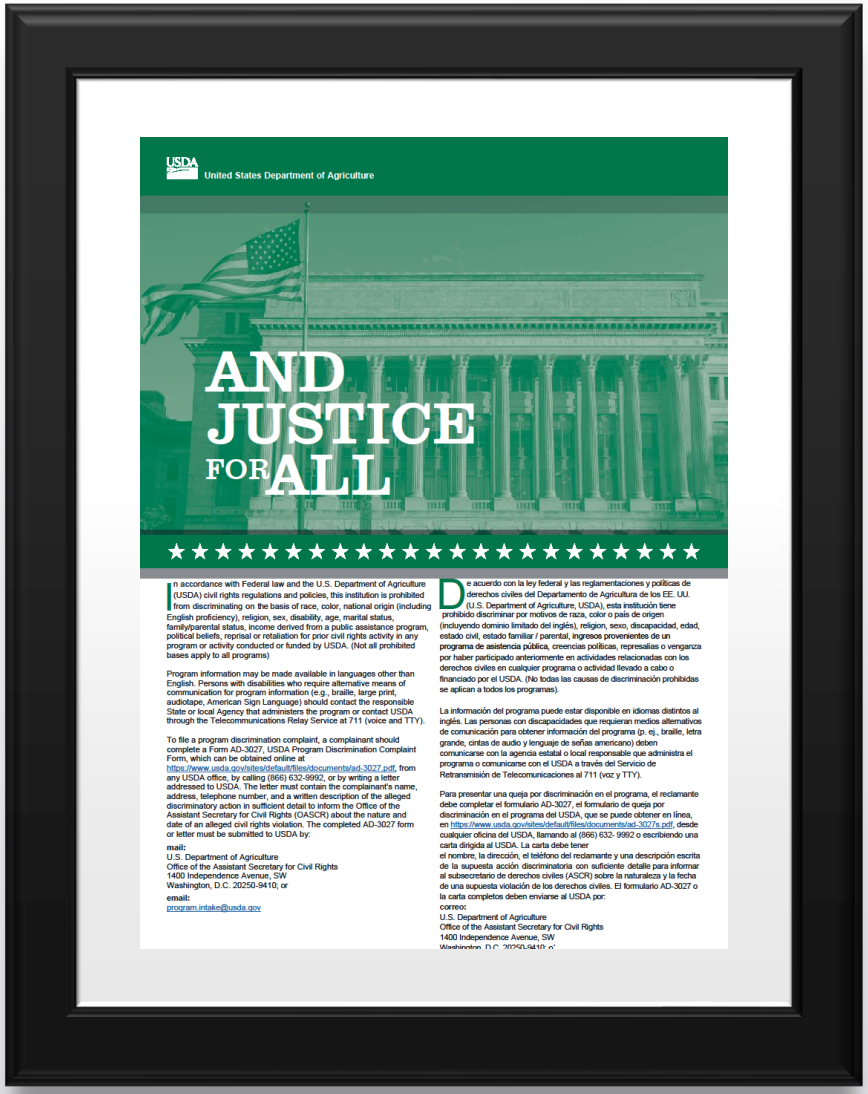
Notifications

The USDA is an equal opportunity provider, employer, and lender.

All brochures, flyers, websites, and other materials used to promote or provide information about Food and Nutrition programs must include the nondiscrimination statement. For websites, the full statement does not have to appear on every page, but the statement or a link to it must be clearly available on the program's home page.

Notifications

- The “And Justice for All” poster must be displayed prominently where it may be read by customers.
- To ensure that it can be more easily read by customers it should be displayed 11"x17".
- When relaying program information, photos and graphics related to the program, the message of equal opportunity should be conveyed.
- For persons who have disabilities, provide appropriate alternative formats.
- When requested, program information should be made available to the public.



Notifications

- All Food & Nutrition Division programs are required to have a way to notify the public of:
  - Program Availability, which informs:
    - Who is eligible?
    - Rights and responsibilities of the program.
    - What is necessary to participate?
  - Complaint
    - Make sure everyone receiving services knows they can file a complaint if they believe they have been treated unfairly and provide clear instructions on how the complaint process works, at the delivery point.

Complaints

- All complaints are accepted + forwarded to USDA.
  - Complaints can be anonymous, written, or verbal.
- From the time the incident occurs, there are 180 days available to file the complaint.
- State agencies and local program operators *may* create their own complaint forms for participants to use.
- State and subrecipient agencies must keep a *separate* log to record and track all Civil Rights complaints that are received.
- Maintain confidentiality!!

Complaints

- Complaints may be filed online through the Complaint Portal, with a physical form, or by sending an email/ letter.

- Complaints should include:
  - The information of the person making the complaint (& possibly attorney):
    - Name, phone number, and address.
  - Who was involved, whether directly or indirectly. Include titles, names, addresses of all who may have knowledge of the incident.
  - What happened; what was the action, inaction, or nature of the incident.
  - When this happened.
  - Where it happened, and the name of the office or organization.

This Photo by Unknown Author is licensed under CC BY-SA-NC

Civil Rights Training

- Civil Rights training should occur on an annual basis for the Child Nutrition Program sponsors.
  - Training must be appropriate to individual's roles and responsibilities.
- The state agency has the responsibility of providing training to subrecipient agencies.
- Subrecipient sponsors must provide Civil Rights training every year to their local sites, including frontline employees.
- Before new employees or volunteers participate in the program, they must complete Civil Rights training.
  - Training must then be completed annually.

Civil Rights Training

This Photo by Unknown Author is licensed under CC BY-SA

- There are several aspects of Civil Rights compliance that *all* staff should receive training on:
  - Compliance procedures
  - Resolution of noncompliance
  - Collection of data and how it will be used
  - Complaint procedures
  - Noncompliance resolution
  - Reasonable accommodations (disabilities)
  - Conflict resolution
  - Customer service
  - LEP (limited English proficiency)
  - Public notification

Data

- State agencies must keep track of the race and ethnicity of people who apply for and receive program benefits.
  - This information helps monitor Civil Rights compliance.
  - The data collected will not impact the eligibility criteria.
- This data should be collected at the point of application and retained at the service delivery area.
- Two Question Format
  - Ethnicity
  - Race

Data Sources

- **Interagency LEP Website – Mapping Tool**
  - http://www.lep.gov/maps/
- **US Census Data**
  - http://www.census.gov/2010census/data/
- **American Community Survey**
  - http://www.census.gov/acs/
- **Migration Policy Institute's National Center on Immigrant Integration Policy**
  - http://www.migrationpolicy.org/

This Photo by Unknown Author is licensed under CC BY-SA

Religious Organizations

- 7 CFR Part 16 ensures that faith-based organizations can participate in USDA assistance programs on an equal basis with other private organizations.
- At the same time, religious activities must remain separate from programs and services supported by federal funding.

Compliance Reviews

- **Compliance Review** - The activities of State agencies, Child Nutrition Program sponsors, and subrecipients are monitored to verify that they comply with Civil Rights requirements and do not discriminate against participants.
- Food & Nutrition Administration (FNA) reviews the State agencies.
- State agencies and FNA both review local agencies.
- Local agencies review subrecipients.
- If significant findings are found, they must be provided in writing to the recipient of the review, and to the FNA.
- Each recipient must keep and submit records to include in compliance reports.

3 Types of Compliance Reviews

- Three types of compliance reviews:
  - Civil Rights Pre-Award Compliance Review Form
  - Routine Compliance Review
  - Blitz Review (Special Review)

This Photo by Unknown Author is licensed under CC BY-SA-NC

Civil Rights Pre-Award Compliance Review Form

- State agencies, Child Nutrition Program sponsors, and subrecipients must comply with *all* Civil Rights requirements before they can be approved to receive federal financial assistance.

This Photo by Unknown Author is licensed under CC BY-NC-ND

Routine Compliance Review

- This reviews:
  - Disability compliance
  - LEP
  - Resolution of Noncompliance
  - Civil Rights training
  - Assurances
  - Public Notification
  - Racial and Ethnic Data Collection and Reporting
  - Civil Rights complaints
  - Compliance Reviews

Blitz (Special) Reviews

- Blitz/Special reviews are unannounced.
- They can be conducted to follow up on previous violations, investigate reports of noncompliance, examine specific policies or incidents, address concerns about underrepresented groups, or review patterns of discrimination complaints.

Resolution of Noncompliance

- **Noncompliance** is identified when a State agency, local agency, or subrecipient fails to follow a Civil Rights law, regulation, policy, or requirement.
- The **effective date** of the finding is the day the agency gives notice to the reviewed facility.
- Once a violation is found, immediate steps must be taken to achieve *voluntary* compliance within 60 days.

Voluntary Resolution Agreement (VRA)

- A **VRA** is an agreement in which an agency or organization *voluntarily* commits to correcting areas of noncompliance with Civil Rights laws or regulations.
  - Outlines the actions that will be taken to resolve the identified issues.
- The agreement documents the actions the organization will take to correct any identified concerns.
- FNS Civil Rights Division may choose to close a Civil Rights Compliance Review through a VRA rather than issuing a formal report with findings.

Thank you! Questions or Comments?