



COLORADO

Department of Public
Health & Environment

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***** CDPHE-CACFP PROCEDURE MEMO CENTERS #16-10 *****

***** CDPHE-CACFP PROCEDURE MEMO FDCH #16-10 *****

***** CDPHE-CACFP PROCEDURE MEMO ADC #16-08 *****

DATE: March 4, 2016
MEMO CODE: CENTERS #16-10, FDCH #16-10, ADC #16-08
SUBJECT: Guidance on the use of the USDA full and short nondiscrimination statements and providing services to Limited English Proficiency participants.
TO: Child and Adult Care Food Program institution representatives

On November 3, 2015, The Colorado Department of Public Health and Environment- Child and Adult Care Food Program released CDPHE-CACFP Procedure Memo CENTERS #16-04, FDCH #16-04, and ADC #16-04 regarding the new USDA 2015 nondiscrimination statement. This memorandum provides additional information received from the United States Department of Agriculture (USDA), Mountain Plains Regional Office (MPRO) regarding the nondiscrimination statement. This memorandum also reminds participating institutions of requirements relating to access of services to Limited English Proficiency (LEP) participants or potentially eligible persons.

The nondiscrimination statement:

The full nondiscrimination statement may be displayed in smaller font than the text of a large or medium size document. However, the spacing must not be modified, the text must be 11 point minimum size, and the statement must be easily readable in Times New Roman or other standard font (black or dark color).

If the size of the material is too small to include the full statement, and the shortened statement is used, it must be the same font size as the text. As stated in the previously released CDPHE-CACFP Procedure Memo CENTERS #16-04, FDCH #16-04, and ADC #16-04, the use of the shortened statement is intended for limited circumstances only and is considered the exception rather than the rule. The full statement must be used otherwise.

The 2015 nondiscrimination statement is now available online in both English and Spanish at: <http://www.fns.usda.gov/fns-nondiscrimination-statement>.

The newly posted Spanish nondiscrimination statement includes a hyperlink to the Spanish Program Discrimination Complaint form. This form can also be found online at: http://www.ocio.usda.gov/sites/default/files/docs/2012/Spanish_Form_508_Compliant_6_8_12_0.pdf. Translation of the nondiscrimination statement into other languages will be forthcoming.



Ensuring CACFP access for Limited English Proficiency participants:

The CDPHE-CACFP reminds all institutions participating in the Child and Adult Care Food Program that failure to provide services to Limited English Proficiency (LEP) potentially eligible persons, applicants or participants, or denial of access to federally assisted programs and activities, may be discriminatory on the basis of national origin in violation of Title VI and its implementing regulations. According to FNS Instruction 113-1, Section VII, “Title VI and its regulations require State agencies, local agencies, and other subrecipients to take reasonable steps to assure “meaningful” access to the information and services they provide.”

What constitutes reasonable steps is dependent upon a number of factors, such as:

- 1) The number or proportion of LEP persons eligible to be served by the program;
- 2) The frequency with which LEP individuals come in contact with the program;
- 3) The nature and importance of the program, activity, or service provided by the program to people’s lives; and
- 4) The resources available to the institution and costs.

Since institutions are responsible for providing language assistance to LEP individuals, the most cost-effective means of delivering language services should be explored before limiting services due to resource concerns. If an institution is encountering difficulties providing language assistance to LEP eligible persons, please contact the CDPHE-CACFP office for assistance.

The CDPHE-CACFP staff is available to answer questions at (303) 692-2330.

