TITLE VI NUTRITION PROGRAM REQUIREMENTS

TITLE VI CLUSTER TRAINING TULSA OK JUNE 15, 2018
JEAN L. LLOYD, MS CONSULTANT (JLLOYD095@GMAIL.COM)
SESSION OVERVIEW

- Introductory questions
- Older Americans Act
- Nutrition requirements
- Service requirements
- Discussion
- Resources
INTRODUCTORY QUESTIONS

▪ What is Title VI?

▪ How do you get the federal funds? What can they be used for?

▪ What is NSIP?

▪ Why are meals important?

▪ Who is eligible for a meal?

▪ Do you have to serve non enrolled Tribal people?
THE OLDER AMERICANS ACT [HTTPS://WWW.ACL.GOV/NODE/650/]

▪ The Older Americans Act (OAA) enacted by Congress in 1965

▪ The “Act” is divided into separate chapters called “Titles”
  • Like in a book, each Title (chapter) deals with a different subject
  • Under each Title, there are separate sections called “Parts”
  • Under each Part, there are separate sections called “Sections”

▪ Nutrition Programs were added in 1972
  • Originally as Title VII, then included under Title III, Part C-1 and C-2

▪ Title VI programs were added in 1978
HOW IT STACKS UP!

OAA

Title III
- Part B
  - I&A, Transportation
- Sections

Title VI
- Part A
  - AI/AN
- Part B
  - NH
- Part C
  - Caregiver

Part C-1
- Cong
- Sections

Part C-2
- HD
- Sections
TITLE VI

- In order to get a grant for Title VI services (also known as Part A) Tribes must submit an application.

- Tribes are required to have at least 50 elders aged 60 and up.

- Tribes may determine the age of participation:
  - Title III = age & over 60
  - Title VI = Tribe determined, even as low as age 45+

- American Indians who are not enrolled in your Tribe are eligible to participate in your program:
  - The Title VI Sections specify that the program is for American Indians, Alaska Natives and Native Hawaiians, not enrolled Tribal members.
  - Some of your enrolled Tribal elders may be served in other communities where they live.
TITLE VI

- Tribes determine which services are to be provided
  - Required services are Congregate meals, Home delivered meals, and Information and Assistance/Referral
  - Other common services include transportation, chore

- Title VI does not specify how much funding is to be allocated for various services, does not allocate funding for components of services such as food, etc.
TITLE VI RULES

▪ If you read the OAA, you won’t find much detail under Title VI

▪ Programs are designed to follow the OAA Title III Program requirements and Tribes will find most of the requirements in the Title section of the OAA

▪ For specific Title VI implementation requirements, look at the Title VI manual on line at https://olderindians.acl.gov/

▪ You may want to ask your local Area Agency on Aging for copies of their standards or policy and procedures manual, the rules are the similar for both programs.

▪ Or look to your State Unit on Aging for assistance
TITLE VI REQUIREMENTS

- Nutrition services comparable to Title III (Section 601)
- “...provided in a manner that preserves and restores their respective dignity, self-respect, and cultural identities” (Section 602)
- Nutrition services provided to be “substantially in compliance with the requirements for Title III” (Section 614)
- The application will “contain assurances that the tribal organization will coordinate services provided under this part with services provided under title III in the same geographical area.” (Section 614)
- “....the Assistant Secretary shall provide maximum flexibility to an applicant that seeks to take into account subsistence needs, local customs, and other characteristics that are appropriate to the unique cultural, regional, and geographic needs of the Indian populations to be served.” (Section 614)
TITLE VI AND TITLE III REQUIREMENTS

▪ If your Tribe receives only Title VI funds, you are required to meet the requirements of Title VI, using the guidelines that are provided in the Title VI Manual on the Administration for Community Living’s (ACL) website and reporting and fiscal instructions from the ACL

▪ If your Tribe receives Title III funds from your State Unit on Aging (SUA), you need to meet the Title VI requirements PLUS the programmatic, fiscal and menu requirements of the State

▪ If you Tribe receives Title III funds, the SUA may tell you
  • What to spend Title III funds on, such as Congregate or Home-delivered meals, or transportation, chore, etc.
  • Who to serve with the Title III funds, non-Indians who come to the Title VI site and expect service
FUNDING FOR CONGREGATE AND HOME-DELIVERED MEALS

- Title VI A funds, limited Title VI Part C
- Nutrition Services Incentive Program (NSIP) Section 311
- State Title III funds
- State funds
- Tribal funds
- Elders’ contributions/donations
- Fund-raisers, private donations, etc.

Title VI and NSIP funding levels is found at https://www.acl.gov/node/124
ARE THERE SPECIAL RULES FOR NSIP FUNDS?

- NSIP funds may only be used to purchase food that is grown or processed in the US and is used to produce meals for the Title VI program. NSIP funds may not be used for administration, labor, or other items. Section 311

- Meals reported on the PPR receive NSIP funding and have to comply with all the Title VI rules

- Meals to be reported on the PPR whether funded by Title VI or not:
  - Eligible participants
  - Volunteers
  - Staff over the Tribally determined age that receive a meal

- Meals that are not to be reported on the PPR:
  - People who are not eligible for service, such as guests, other Tribal members
  - Staff who are not eligible for service
QUESTIONS?

The program needs to buy a new range which will cost $4,549. Can I use Title VI funds?

Does Tribal funding or applying for more than one grant affect how much money the program receives?

The program choses to use its NSIP funding to buy bags of groceries for the elders, is this allowable?
QUESTIONS?

The program receives Title III funds from the SUA. Can that funding be used to serve Tribal elders?

Can Tribal funds be used to serve non-Tribal elders?

The program receives Title III funds from the SUA. Can that funding be used to serve people who are not Tribal elders?

Do nutrition program sites who receive NSIP funding, but not Title VI or Title III funding have to meet all the Title VI or Title III rules?
NUTRITION AND HEALTH ARE CLOSELY RELATED

▪ About half of all American adults—117 million individuals—have one or more preventable chronic diseases, many of which are related to poor eating and physical activity patterns.

▪ All people, even those with chronic conditions, can benefit from healthy eating patterns and increased physical activity, especially older adults.

▪ Physical activity for older adults include endurance or aerobic, strength, balance and flexibility training.
NUTRITION: AN INTEGRAL PART OF HEALTH

Necessity:
- Need adequate nutrition for:
  - Health
  - Functionality
  - Ability to remain home in the community

Purposes of Older Americans Act Nutrition Program Sections 330, 601, 614
- Reduce hunger & food insecurity
- Promote socialization
- Promote health and well-being
- Delay adverse health conditions
OLDER AMERICANS ACT NUTRITION REQUIREMENTS
SECTIONS 339, 601, 602, 614

- Meals are to meet:
  - 2015-2020 Dietary Guidelines for Americans
  - Dietary Reference Intakes
  - Food Safety Code
  - Appealing to program participants
  - If practical, meet special dietary needs
OTHER NUTRITION SERVICES

- The OAA Titles III and VI require programs to provide meals of conventional foods (meat/poultry/fish, vegetables, fruit, grains, dairy) not supplements or vitamin/mineral tablets
  - A program may choose to provide nutrition supplements, but these do not count as meals and cannot be reported for NSIP funding
  - A program may not used Title VI funding to purchase vitamin/mineral tablets for program participants
- The OAA does not provide for the provision of grocery bags of food to count as meals
  - Grocery delivery may be provided as a service, but Title VI cannot pay for the groceries
  - The nutrition program can provide referral and help people access USDA programs that fund other programs to provide groceries such as
    - Supplemental Nutrition Assistance Program (SNAP), formerly food stamps
    - Food Distribution Program on Indian Reservations (FDPIR) – commodity foods
    - Commodity Supplemental Food Program (CSFP)- bags of groceries
    - The Emergency Food Assistance Program (TEFAP) – food boxes, food banks
OTHER NUTRITION SERVICES  SECTIONS 331, 336, 601, 602, 614

▪ OAA funds other nutrition services:
  • Nutrition education
  • Nutrition counseling, as appropriate
QUESTIONS?

My program wants to use a donated deer in the meal, can the program do that?

Do my program’s meals have to meet the State requirements?

Can my program use produce from the elders’ garden as part of the meal?

It’s hard to meet the nutrition requirements, can my program just provide any meal and then provide a can of Ensure or a vitamin/mineral tablet to meet those requirements?
QUESTIONS?

Does my program have to have a dietitian approve the menus?

The congregate site produces about 30 congregate meals per day. About 10 people stay for lunch, the rest pick up their meals as a take-out meal? Is this permissible?

Can the program serve meals to meet the needs of people with diabetes or on dialysis?
TITLE VI CONGREGATE MEALS  SECTIONS 339, 601, 602, 614

Eligibility

• Elder, Tribally determined age
• Their spouse, regardless of age
• Their dependent children with disabilities who live with the elder or accompany them to the meal site
• Volunteers of any age
• Individuals who are disabled and reside in a building primarily occupied by elders where congregate meals are served
• Caregivers if Title VI C funds are available and there is a policy and procedure for this use
WHY EMPHASIZE CONGREGATE?

▪ Socialization is important
▪ Gatekeeping is important
▪ Nutrition education is important
▪ Activities are important
▪ Lunch is an important contact point for elders

If an elder isn’t eligible for home-delivered meals, they should not get one. They should be encouraged to come to lunch!
QUESTIONS?

Can a 35 year old disabled American Indian veteran come to the meal site and get a meal?

Am I, an old white woman eligible for a meal at your nutrition program? Do you have to serve me?

A 19 year old grandchild brings her grandmother to the congregate site, can you provide a meal to the granddaughter?

Does my program have to serve Title III participants who come to my site because their site closed?
Eligibility

- Elder, Tribally determined age, determined to be homebound, frail, isolated
  - 2 ADLs

- Their spouse, regardless of age

- Their dependent children with disabilities who live with the elder

- Caregivers if Title VI C funds are available and there is a policy and procedure for this use
ACTIVITIES OF DAILY LIVING

- Bathing
- Transferring
- Eating
- Toileting
- Walking
- Grooming
- Dressing
- Continence

- If an Elder cannot do two of these without “substantial human assistance”, they may be eligible for Home Delivered meals
- May also need supervision for safety and be eligible
QUESTIONS??

An elder usually drives to the congregate site but in the winter, the roads are hazardous, is she eligible for a HDM?

There are 2 sisters who are both Tribal members, congregate eligible, but have not spoken in 20 years. Both need/want a meal, but neither one will come to the congregate site when the other is there, can one of the sisters get a HDM?

An Indian elder who is not a member of your tribe, lives in your area, and is homebound, can this person get a HDM?

The Tribal Council wants to “pamper” the elders so wants to provide a HDM to anyone who wants one if they are eligible for the nutrition program. They do not believe people should have to come to the site.
MEAL SERVICE FREQUENCY \textit{Sections 331, 336, 601, 602, 614}

- Both Titles III and VI require meals to be served 5 days per week, but there are exceptions.

- When a Tribe applies for funding, the application indicates the services to be provided and how often, if meals are to be served less than 5 days per week, the application explains why.

- Although meals are usually provided 5 days a week, a Tribe may indicate that it wants to provide meals less often.

- If after the application is approved, the Tribe wants to decrease the number of days per week that it provides meals, the Tribe needs to notify the ACL regional office, stating that it plans to decrease the number of days per week that meals are served and the reason for the decrease; ACL has to approve the modification.
QUESTIONS??

Can a Title VI site serve meals once a month?

Why might a program decide to serve meals less than 5 days per week?

Does Title VI require that meals be served at noon?
CONTRIBUTIONS  SECTIONS 315, 601, 602, 614

▪ Programs are to offer participants the opportunity to contribute to the cost of the meal

▪ Participants may chose whether to contribute or not, participants cannot be denied service, if they cannot or will not contribute

▪ Contributions may be:
  • Monetary
  • Volunteer time
  • Other donated material contributions such as game, fish, raw gathered food, raw food from gardens

▪ Programs may not accept:
  • Home-prepared foods such as canned goods, home-baked goods, etc.
WHAT DO YOU MEAN THERE’S NO SUCH THING AS A FREE LUNCH?

- Many Title VI Programs do not encourage contributions from the elders
- Contributions can be one way to help the program grow
- Elders can contribute what they want and still get a lunch

- Remember that the program is for the elders
- No one else should eat for a contribution
- Any meal served to a guest must be paid at the full cost of the meal and be placed back in the budget of the nutrition program
HOW CAN CONTRIBUTIONS BE USED?

- Participant contributions are to be used for the service for which the funds were contributed (Section 315)

- If a participant contribution is provided for meals, the contribution is required to be used to support and expand meals. The contribution cannot be used to fund a trip to the casino or other things
MEALS TO “VISITORS”

- This program is for **ELDERS**
- Sometimes family members show up at the meal site
- If you feed non-elders, they must pay the **full cost** of the meal
- If you feed non-Tribal participants and their meals are not covered by Title III, they must pay the **full cost** of the meal
- Feeding non-elders and non-Tribal participants at the meal sites is **STEALING FROM THE ELDERS** and violates the terms of the grant
DOES THE NUTRITION PROGRAM HAVE TO SERVE ANYONE WHO COMES FOR A MEAL?

▪ Title VI funds services for individuals who are eligible under Title VI

▪ Title VI funds cannot be used to provide services to individuals who are not eligible under Title VI

▪ If your nutrition program is serving individuals who are not eligible under Title VI with Title VI funds, the program may have audit exceptions which would mean paying back funding

▪ If your SUA provides Title III funds, these funds can be used to provide services to non-Indians Title III older adults (age 60 and over) who might want to attend your site

▪ Your Tribal funds may be used as the Tribe decides

▪ Your program needs to develop Policies and Procedures to address these issues; consult with your fiscal office in developing these to ensure that they are clear, especially to auditors
VOLUNTEERS (SECTIONS 339, 601, 602, 614)

- Meal program volunteers of any age can eat meals and you can count report these meals on the PPR
- These meals count along with elders meals
- Under 60 Guest meals DO NOT COUNT for NSIP and cannot be counted on the PPR
- Don’t forget to count meals at special dinners....birthday’s, celebrations, Elder Honor Day—just make sure the meal meets the requirements and the people are eligible
STAFF MEALS

▪ If a meal is part of the staff benefits, the staff may eat

▪ Under Title VI, staff may not pay the suggested contribution unless the staff are elders

▪ Under Title VI, staff meals may not be reported on the PPR unless the staff are elders
QUESTIONS??

How do your program figure out the amount to ask for a suggested contribution/donation?

When was the last time your program changed the suggested contribution/donation amount?

Who makes a contrition/donation?
QUESTIONS??

What would you charge me? Can I just make a contribution?

There is no restaurant in the area. People who work for the tribe, expect meal service and expect to pay the suggested contribution. Is this okay?

The Tribal Chair sends his assistant to the meal site for his meal, a guest of the Tribal Chair and the assistant’s meal. The Tribal Chair expects that you should just send the meals. Usually this happens at least 4 times a week. How do you pay for these meals?
307 (a)(21) The plan shall— (A) provide an assurance that the State agency will coordinate programs under this title and programs under title VI, if applicable; and (B) provide an assurance that the State agency will pursue activities to increase access by older individuals who are Native Americans to all aging programs and benefits provided by the agency, including programs and benefits provided under this title, if applicable, and specify the ways in which the State agency intends to implement the activities
   • Section 307 refers to the State Plan

614(a)(11) contain assurances that the tribal organization will coordinate services provided under this part with services provided under title III in the same geographical area
   • Section 614 refers to the Title VI application
QUESTIONS??

Can Title VI participants receive Title III services?

A Tribe determines an elder is age 55. An elder, age 55, goes to a Title III congregate site and requests a meal. Is the Title III site required to serve him?

Can Title III participants receive Title VI services?
RESOURCES

▪ Older Americans Act https://www.acl.gov/node/650/

▪ Services for Native Americans (OAA Title VI)
  https://www.acl.gov/programs/services-native-americans-oaa-title-vi

▪ Information about the Title VI Program: Older Indians https://olderindians.acl.gov/


▪ Title III Nutrition Program https://www.acl.gov/node/423
OTHER QUESTIONS??
THANKS

Jean Lloyd, M.S.
Consultant
jlloyd095@gmail.com