

Child and Adult Care Food Program (CACFP) Civil Rights Requirements In Child Care Centers and Head Start Centers (Handout for center staff training)

Civil Rights Policy

The U.S. Department of Agriculture prohibits discrimination in the CACFP on the basis of race, color, national origin, sex, sex, and disability.

1. Basic Civil Rights Requirements (FNS Instruction 113-1)

- a. Equal Access and Service - In CACFP Institutions, no person shall, on the grounds of race, color, national origin, sex, age or disability, be denied the benefits of the CACFP or otherwise be subjected to discrimination.
- b. Reasonable Accommodations for Persons with Disabilities - Program information in alternative formats for persons with disabilities must be made available. Reasonable effort must be made to allow persons with disabilities equal access to the institutions programs and services.
- c. Requirements for Language Assistance - Local agencies have a responsibility to take reasonable steps to ensure meaningful access to their programs and activities by persons with limited English proficiency (LEP) and hearing impaired.

2. Public Notification

- a. Basic Elements – All Child Nutrition Programs must include a public notification system. The purpose of this system is to inform applicants, participants, and potentially eligible persons of the program availability; program rights and responsibilities; the policy of nondiscrimination; and the procedure for filing a complaint. The public notification system must include the following basic elements:
 - Program Availability – Each local agency must take specific action to inform applicants, participants, and potentially eligible persons of their Program rights and responsibilities and the steps necessary for participation.
 - Complaint Information – Applicants and participants must be advised at the service delivery point of their right to file a complaint, how to file a complaint, and the complaint procedures.
 - Nondiscrimination Statement – All materials and sources, including websites, used by a local agency to inform the public about the CACFP must contain the nondiscrimination statement. Participating CACFP agencies must include the following nondiscrimination statement:

“In accordance with Federal law and U.S. Department of Agriculture policy, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, or disability.

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, or call (800) 795-3272 (voice) or (202) 720-6382 (TTY). USDA is an equal opportunity provider and employer.”

If the material is too small to permit the full statement to be included, the materials will at a minimum include the following statement, in print size no smaller than the text: “This institution is an equal opportunity provider.”

- b. **Methods** – Each participating agency must take the following actions to inform the general public, potentially eligible populations, community leaders, grassroots organizations, and referral sources about the CACFP and applicable Civil Rights requirements.
- Prominently display the “And Justice for All” poster.
 - Inform potentially eligible persons, applicants, participants, and grassroots organizations of Programs or changes in Programs. The “Building for the Future” brochure should be given to all families with the enrollment packet.
 - A media release must annually be provided to local media outlets.
 - Provide appropriate information, including web-based information, in alternative formats for persons with disabilities.
 - Include the required nondiscrimination statement on all appropriate agency publications that make reference to the CACFP or admissions (e.g. parent handbook, letters, information materials provided to the public, etc).
 - Convey the message of equal opportunity in all photographic and other graphics that are used to provide program or program-related information.

3. Data Collection and Reporting

Each local agency is required to obtain data by race and ethnic category on potentially eligible populations, applicants, and participants in their Program service area. We recommend using the enrollment form on pp. 2-20 or C-17 to collect this data.

- Program applicants/participants may not be required to furnish information on their race or ethnicity.
- Self-identification is the preferred method of obtaining data for enrolled children. Program applicants and participants should be encouraged to provide the information by explaining the collection is a statistical reporting requirement and it has no effect on participants’ eligibility to receive benefits.
- If the applicant declines to self-identify, the applicant should be informed that a visual identification of his or her race and ethnicity will be made and recorded on the enrollment form.
- The data collector may not “second guess” or in any other way change or challenge a self-declaration made by the applicant about his or her race or ethnic background unless such self declarations are patently false.
- Such data must be collected for each center and must be maintained on file for three years plus the current year, and maintained under safeguards that restrict access of records only to authorized personnel.

4. Record Retention

All CACFP Civil Rights records must be maintained on file for a period of three full years beyond the year to which they pertain. This period is longer if there is an audit involving the records in question.

5. Compliance Reviews

a. State Agency Reviews

- The State Agency must determine that all local agencies are in compliance with Civil Rights requirements prior to approval for participation in the CACFP and upon application renewal.
- All State Agency CACFP monitoring reviews include a review of on-going Civil Rights compliance at the institution.

b. Center Sponsor Monitoring Requirements

- Center sponsors must review their sponsored sites for Civil Rights compliance when they conduct monitoring reviews.
- The state recommended site review form includes required Civil Rights questions.

- If non-compliance is identified on a review, the site monitor must document the areas of non-compliance and a corrective action plan.
- On subsequent reviews, site monitor must document follow-up to show corrective actions were implemented and maintained.

6. Conflict Resolution

If non-compliance is indicated on a State Agency review, corrective action must be taken immediately to achieve voluntary compliance within 60 days. If voluntary compliance is not achieved, the U.S.D.A. Regional Office will be notified.

7. Procedures for Handling Complaints

A complaint alleging discrimination on the basis of race, color, national origin, sex, age, or disability, either written or verbal, must be made within 180 days of the event.

- If an agency receives a complaint of discrimination, the person alleging the complaint must be provided with the nondiscrimination statement and procedures for filing a complaint (handout).
- Use of the Sample Civil Rights Complaint Form is recommended.
- Complaints should be forwarded to the State Agency or directly to USDA using the address in the nondiscrimination statement.

8. Customer Service

All participants must be treated in the same manner.

- Participants receive the same menu items in the same amounts (as specified for each age group in the meal pattern unless the meal follows a written statement from a medical authority or Iowa DHS rules regarding food from home.)
- All participants are included in meals, snacks, activities, and discussions.

9. Equal Opportunity for Religious Organizations

Faith-based and community-based organizations have a long history of involvement in Federal nutrition assistance programs and a tradition of supporting low-income individuals by providing a wide range of social services. These organizations are important and longstanding partners in the Department of Agriculture's efforts to provide nutrition assistance to those in need.

- Faith-based and community-based organizations may participate in the CACFP on equal footing with other kinds of local organizations.
- A religious organization may retain its independence and continue to carry out its mission, provided that direct USDA funds do not support any inherently religious activities such as worship, religious instruction, or proselytization.
- Faith-based organizations may use space in their facilities to provide USDA-funded services without removing religious art, icons, scriptures, or other religious symbols.