

Civil Rights Requirements for the Child and Adult Care Food Program (CACFP)



Connecticut State Department of Education
Bureau of Health/Nutrition, Family Services and Adult Education
450 Columbus Boulevard, Suite 504
Hartford, CT 06103-1841

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Civil Rights Requirements for the CACFP

https://portal.ct.gov/-/media/SDE/Nutrition/CivilRights/Civil_Rights_CACFP_Requirements.pdf

In accordance with federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, this institution is prohibited from discriminating on the basis of race, color, national origin, sex (including gender identity and sexual orientation), disability, age, or reprisal or retaliation for prior civil rights activity.

Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication to obtain program information (e.g., Braille, large print, audiotope, American Sign Language), should contact the responsible state or local agency that administers the program or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339.

To file a program discrimination complaint, a Complainant should complete a Form AD-3027, USDA Program Discrimination Complaint Form which can be obtained online at: <https://www.usda.gov/sites/default/files/documents/USDA-OASCR%20P-Complaint-Form-0508-0002-508-11-28-17Fax2Mail.pdf>, from any USDA office, by calling (866) 632-9992, or by writing a letter addressed to USDA. The letter must contain the complainant's name, address, telephone number, and a written description of the alleged discriminatory action in sufficient detail to inform the Assistant Secretary for Civil Rights (ASCR) about the nature and date of an alleged civil rights violation. The completed AD-3027 form or letter must be submitted to USDA by:

1. **mail:** U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410; or
2. **fax:** (833) 256-1665 or (202) 690-7442; or
3. **email:** program.intake@usda.gov

This institution is an equal opportunity provider.

The Connecticut State Department of Education is committed to a policy of affirmative action/equal opportunity for all qualified persons. The Connecticut Department of Education does not discriminate in any employment practice, education program, or educational activity on the basis of age, ancestry, color, civil air patrol status, criminal record (in state employment and licensing), gender identity or expression, genetic information, intellectual disability, learning disability, marital status, mental disability (past or present), national origin, physical disability (including blindness), race, religious creed, retaliation for previously opposed discrimination or coercion, sex (pregnancy or sexual harassment), sexual orientation, veteran status or workplace hazards to reproductive systems, unless there is a bona fide occupational qualification excluding persons in any of the aforementioned protected classes.

Inquiries regarding the Connecticut State Department of Education's nondiscrimination policies should be directed to: Levy Gillespie, Equal Employment Opportunity Director/Americans with Disabilities Coordinator (ADA), Connecticut State Department of Education, 450 Columbus Boulevard, Suite 505, Hartford, CT 06103, 860-807-2071, levy.gillespie@ct.gov.

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1 — Requirements

In accordance with the Civil Rights Act of 1964, the U.S. Department of Agriculture (USDA) Food and Nutrition Service's (FNS) [FNS Instruction 113](#) (*Civil Rights Compliance and Enforcement – Nutrition Programs and Activities*), and other authorizing legislation, sponsors must ensure that all people have the opportunity to participate in the Child and Adult Care Food Program (CACFP) and that no participant is discriminated against based on race, color, national origin, sex, age, or disability. CACFP sponsors must comply with the requirements indicated in this document.

Public Notification

1. Display the USDA's nondiscrimination poster "*And Justice for All*" provided by the Child Nutrition Unit in a prominent place in the administrative office and at each day care center. Individual day care home providers are not required to display the poster.
2. Inform potentially eligible persons, applicants, participants, and grassroots organizations (particularly those in underserved populations) of programs or changes in programs. This includes information pertaining to eligibility, benefits and services, the location of local facilities or service delivery points, and hours of service. This information can be communicated by methods such as, but not limited to, Internet, newspaper articles, radio and television announcements, letters, leaflets, brochures, computer-based applications, and bulletins.
3. Provide appropriate information, including web-based information, in alternative formats for persons with disabilities.
4. Convey the message of equal opportunity in all photographic and other graphics used to provide program or program-related information.

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5. Include the following nondiscrimination statement on all appropriate USDA Food and Nutrition Service (FNS) and agency publications, websites, posters, and informational materials provided to the public:

In accordance with federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, this institution is prohibited from discriminating on the basis of race, color, national origin, sex (including gender identity and sexual orientation), disability, age, or reprisal or retaliation for prior civil rights activity.

Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication to obtain program information (e.g., Braille, large print, audiotape, American Sign Language), should contact the responsible state or local agency that administers the program or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339.

To file a program discrimination complaint, a Complainant should complete a Form AD-3027, USDA Program Discrimination Complaint Form which can be obtained online at: <https://www.usda.gov/sites/default/files/documents/USDA-OASCR%20P-Complaint-Form-0508-0002-508-11-28-17Fax2Mail.pdf>, from any USDA office, by calling (866) 632-9992, or by writing a letter addressed to USDA. The letter must contain the complainant's name, address, telephone number, and a written description of the alleged discriminatory action in sufficient detail to inform the Assistant Secretary for Civil Rights (ASCR) about the nature and date of an alleged civil rights violation. The completed AD-3027 form or letter must be submitted to USDA by:

1. **mail:** U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410; or
2. **fax:** (833) 256-1665 or (202) 690-7442; or
3. **email:** program.intake@usda.gov

This institution is an equal opportunity provider.

An option for alternate wording is offered if the material is too small to permit the full statement to be included. If use of an alternate statement is appropriate, at a minimum it is to read:

“This institution is an equal opportunity provider.”

If this alternate statement is used, **it must be in a print size no smaller than the text.** This condition is not required when the material includes the full statement.

Data Collection and Maintenance

1. New sponsors must submit the *Civil Rights Pre-award Survey for the CACFP* as part of the original agreement. **This requirement is for new sponsors only.**
2. Determine the number of potentially eligible beneficiaries by racial or ethnic category for the area served by the institution each year. Sponsors report this information to on the *Civil Rights Potential Beneficiary Data Determination Form for the CACFP*, which uses current school population data provided by the Connecticut State Department of Education.
3. Collect actual beneficiary data by racial or ethnic category for **each** child care center, outside-school-hours care center, adult day care center, and family day care home under the jurisdiction of the institution each year. Sponsors report this information on the *CACFP Civil Rights Beneficiary Data Collection Form*.

CACFP sponsors **cannot use visual observation and identification** to collect race or ethnicity data. Refer to “[Self-identification of Race and Ethnicity by Participants](#)” below.

4. Maintain all CACFP records on file for three years after the date of submission of the final claim for reimbursement for the fiscal year to which they pertain, or if an audit is outstanding, until the audit is closed, as required by CACFP regulations.
5. Ensure that all civil rights data is maintained under safeguards, restricting access of records only to authorized personnel.

Self-identification of Race and Ethnicity by Participants

As indicated in USDA Memo [CACFP 11-2021](#) and [SFSP 07-2021](#): *Collection of Race and Ethnicity Data by Visual Observation and Identification in the Child and Adult Care Food Program and Summer Food Service Program – Policy Rescission*, the use of visual observation and identification by CACFP institutions and facilities is not an appropriate method for collecting race or ethnicity data in the CACFP. This means that CACFP facilities **cannot use visual observation and identification** to collect race or ethnicity data.

The preferred method of collecting demographic data is self-identification and self-reporting. Examples include using data from other sources in which the respondent has self-identified race or ethnicity, such as the CACFP income eligibility applications or data for other funding sources like Head Start.

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CACFP facilities should explain the importance of this data to participants and encourage them to self-identify and self-report. CACFP facilities must ensure that applicants and participants are made aware that failure to provide racial or ethnic identity information will **not** impact their eligibility for the CACFP.

Training

1. All “frontline staff” who interact with applicants or participants as well as those persons who supervise “frontline staff” must be provided civil rights training on an **annual** basis. Training is required so that people involved in all levels of administration of programs that receive Federal financial assistance understand civil rights related laws, regulations, procedures, and directives.
2. Specific subject matter for civil rights training must include, but not be limited to:
 - a. Collection and use of data (FNS 113-1, page 17)
 - b. Effective public notification systems (FNS 113-1, page 13)
 - c. Complaint procedures (FNS 113-1, page 29)
 - d. Compliance review techniques (FNS 113-1, page 19)
 - e. Resolution of noncompliance (FNS 113-1, page 24)
 - f. Requirements for reasonable accommodation of persons with disabilities (FNS 113-1, page 4)
 - g. Requirements for language assistance (FNS 113-1, pages 9-10)
 - h. Conflict resolution (FNS 113-1, page 3)
 - i. Customer service (FNS 113-1, pages 1-3)

Limited English Proficiency (LEP)

1. Local agencies that fail to provide services to persons with Limited English Proficiency (LEP) may be discriminating on the basis of national origin.
2. Agencies are required to take reasonable steps to assure meaningful access to the information and services they provide. Reasonable steps would include providing translators or appropriate translations of CACFP materials and applications.
3. What constitutes the need for reasonable steps is contingent on a number of factors:
 - the number of LEP persons served;
 - the frequency LEP persons that come in contact with services;
 - the nature and importance of the services; and
 - the resources available to recipients and costs.

Equal Opportunity for Religious Organizations

1. Faith-based and community-based organizations (FBOs and CBOs) have a long history of involvement in Federal nutrition assistance programs and a tradition of supporting low-income people by providing a wide range of social services. These organizations are important and longstanding partners in the U.S. Department of Agriculture's efforts to provide nutrition assistance to those in need.
2. Nutrition assistance program policy encourages the participation of FBOs/CBOs on an equal footing with other kinds of local cooperating organizations, and avoids barriers that would make their participation difficult. In addition, the Food and Nutrition Service (FNS) has undertaken special initiatives that recognize the role of FBOs/CBOs in serving low-income people.
3. The USDA promulgated a regulation on July 9, 2004, to ensure the elimination of unwarranted barriers to the participation of faith-based organizations in USDA-funded programs on the basis of religion. This regulation, *Equal Opportunity for Religious Organizations* (7 CFR Part 16), ensures a level playing field for the participation of faith-based organizations and other community organizations in USDA programs.

2— Forms and Resources

CACFP Civil Rights Beneficiary Data Collection Form (CSDE):

https://portal.ct.gov/-/media/SDE/Nutrition/CivilRights/Civil_Rights_CACFP_Data_Form.pdf

Civil Rights Potential Beneficiary Data Determination Form for the CACFP (CSDE):

https://portal.ct.gov/-/media/SDE/Nutrition/CivilRights/Civil_Rights_CACFP_Potential_Beneficiary_Data_Determination_Form.pdf

Civil Rights Pre-award Survey for the CACFP (CSDE):

https://portal.ct.gov/-/media/SDE/Nutrition/CivilRights/Civil_Rights_CACFP_Preaward_Survey.pdf

Civil Rights Requirements for the CACFP (CSDE's Civil Rights for Child Nutrition Programs webpage):

<https://portal.ct.gov/SDE/Nutrition/Civil-Rights-for-Child-Nutrition-Programs#CACFP>

Equal Opportunity for Religious Organizations (7CFR 16):

<https://www.ecfr.gov/cgi-bin/text-idx?node=pt7.1.16&rgn=div5>

FNS Instruction 113-1: Civil Rights Compliance and Enforcement: Nutrition Programs and Activities (USDA):

<https://www.fns.usda.gov/civil-rights-compliance-and-enforcement-%E2%80%93-nutrition-programs-and-activities>

Limited English Proficiency (LEP) (USDA):

<https://www.fns.usda.gov/cr/limited-english-proficiency-lep>

Presentation: Civil Rights Your Responsibilities in the CACFP (CSDE):

https://portal.ct.gov/-/media/SDE/Nutrition/CivilRights/Civil_Rights_CACFP_Presentation.pptx

Presentation Overview: Civil Rights Your Responsibilities in the CACFP (CSDE):

https://portal.ct.gov/-/media/SDE/Nutrition/CivilRights/Civil_Rights_CACFP_Presentation_Overview.pdf



For more information, visit the CSDE's [Civil Rights for Child Nutrition Programs](#) and [CACFP](#) webpages or contact the [CACFP staff](#) in the Connecticut State Department of Education, Bureau of Health/Nutrition, Family Services and Adult Education, 450 Columbus Boulevard, Suite 504, Hartford, CT 06103-1841.