

Civil Rights Requirements for the Summer Food Service Program (SFSP)



Connecticut State Department of Education
Bureau of Child Nutrition Programs
450 Columbus Boulevard, Suite 504
Hartford, CT 06103-1841

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Civil Rights Requirements for the SFSP

https://portal.ct.gov/-/media/SDE/Nutrition/CivilRights/Civil_Rights_SFSP_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/ad-3027.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 equal opportunity/affirmative action 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 race; color; religious creed; age; sex; pregnancy; sexual orientation; workplace hazards to reproductive systems, gender identity or expression; marital status; national origin; ancestry; retaliation for previously opposed discrimination or coercion, intellectual disability; genetic information; learning disability; physical disability (including, but not limited to, blindness); mental disability (past/present history thereof); military or veteran status; status as a victim of domestic violence; or criminal record in state employment, 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: Attorney Louis Todisco, Connecticut State Department of Education, by mail 450 Columbus Boulevard, Hartford, CT 06103-1841; or by telephone 860-713-6594; or by email louis.todisco@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 113-1: 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 Summer Food Service Program (SFSP) and that no participant is discriminated against because of race, color, national origin, sex, age, or disability. SFSP 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 SFSP site.
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 including, but not limited to, websites, 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.
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.

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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/ad-3027.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:

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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

SFSP sponsors must ask all program applicants and participants to identify all applicable racial and ethnic categories. The USDA uses this race and ethnicity data to:

- determine how effectively FNS programs are reaching potential eligible persons and beneficiaries;
- identify areas where additional outreach is needed;
- assist in the selection of locations for compliance reviews; and
- complete reports as required.

The required steps for this process are below.

Step 1: Complete pre-award survey

Complete this step prior to the SFSP operating period. New sponsors must submit the CSDE's *Civil Rights Pre-award Survey for the SFSP* as part of the original agreement. This requirement is for new sponsors only.

Step 2: Determine potentially eligible beneficiaries

Complete this step prior to the SFSP operating period. 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 in the "Sponsor Application" portion of the annual SFSP online application packet.

Step 3: Collect beneficiary data

Complete this step during the SFSP operating period. Collect beneficiary data by racial or ethnic category for **each** site under the sponsor's jurisdiction. Sponsors of residential camps must collect and maintain this information separately for each camping session.

SFSP sponsors may use or adapt the CSDE's sample form, *Civil Rights Beneficiary Data Collection Form for the SFSP*, to ask program participants to self-identify race and ethnicity. Enter the name of the SFSP site at the top of the form before distributing to participants.

SFSP sponsors **cannot use visual observation and identification** to collect race or ethnicity data. Refer to "[Self-identification of Race and Ethnicity by Participants](#)" on the next page.

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Use the CSDE's *Summary Form for SFSP Civil Rights Beneficiary Data Collection* to summarize the required racial/ethnic data for program participants.

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 SFSP sponsors is not an appropriate method for collecting race or ethnicity data in the SFSP. SFSP sponsors **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. SFSP sponsors may also obtain race or ethnicity data in alternative ways. One example is utilizing data from other sources (such as school databases) in which the respondent has self-identified race or ethnicity.

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

Step 4: Maintain records on file

Complete this step before, during, and after the SFSP operating period, as applicable. Maintain all SFSP 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 SFSP regulations.

SFSP sponsors must ensure that all civil rights data is maintained under safeguards, restricting access of records only to authorized personnel.

Training

1. Sponsors must provide civil rights training on an annual basis to all “frontline staff” who interact with applicants or participants, as well as those persons who supervise “frontline staff.” 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 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 SFSP materials and applications.
3. What constitutes the need for reasonable steps is contingent on a number of factors, including:
 - 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 the 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 USDA'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 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. The regulation, titled *Equal Opportunity for Religious Organizations* is codified at [7 CFR Part 16](#), and ensures a level playing field for the participation of faith-based organizations and other community organizations in USDA programs.

2— Forms and Resources

Civil Rights Beneficiary Data Collection Form for the SFSP (CSDE):

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

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

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

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

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

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 School Nutrition Programs (CSDE):

<https://portal.ct.gov/SDE/Nutrition/Civil-Rights-for-Child-Nutrition-Programs#PresentationSFSP> **Note:** *This presentation also applies to the SFSP.*

Summary Form for SFSP Civil Rights Beneficiary Data Collection (CSDE):

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

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For more information, visit the CSDE’s [Civil Rights for Child Nutrition Programs](#) and [SFSP](#) webpages, or contact the [Summer Meals staff](#) at the Connecticut State Department of Education, Bureau of Child Nutrition Programs, 450 Columbus Boulevard, Suite 504, Hartford, CT 06103-1841.