

Civil Rights Requirements and Training

Civil rights compliance and enforcement is an administrative responsibility in the Child Nutrition Programs. The United States Department of Agriculture (USDA) has based its civil rights regulations on several civil rights laws including, Title IX of the Education Amendments which prohibits discrimination on the basis of *sex*; the Americans with Disabilities Act of 1990; Age Discrimination Act of 1975; and the Civil Rights Restoration Act of 1987 which prohibits discrimination based on *race, color, and national origin*. Therefore, these statutes and regulations prohibit discrimination in all USDA programs and activities on the basis of *race, color, national origin, sex, age, and disability*. As an institution participating in the USDA funded Child and Adult Care Food Program, you must NOT discriminate in the operation of your program and activities on the basis of *race, color, national origin, sex, age, and disability*.

Besides the nondiscrimination policy, your institution is also required to follow other civil rights requirements as explained below.

Data Collection—Data collection is an important part of compliance with USDA's civil rights requirements. The first data collection requirement is to collect ethnic and racial data on all participants every year. For those of you required to have a CACFP Annual Enrollment Form (ISBE Form 67-98) on file for all children, Section 5 on that form specifically collects this information. Ideally, this data is completed by the parent (*self-identification*); however, if the parent does not complete that section, your staff should complete the information and initial the form; this is method of collection is by *observation*. *Staff observation* would also be the method used for At-Risk After-School Snack and Supper Programs, unlicensed Outside School Hours Programs, and emergency/homeless shelters since these types of programs are exempt from using the CACFP Annual Enrollment Form.

To gather this information, ethnicity and race must be collected in two separate questions. The ethnic data question is collected first; are the children *Hispanic or Latino*, or *Not Hispanic or Latino*; only one can be marked. The question for racial data is separated into the following five categories: (1) *American Indian or Alaska Native*, (2) *Asian*, (3) *Black or African American*, (4) *Native Hawaiian or Other Pacific Islander*, and (5) *White*. The parent can select one or more racial categories that apply for their children listed on the form.

The second data collection requirement has you gather the estimated number of potential eligible beneficiaries by ethnic/racial categories for the area served by the institution. To help you meet this requirement, we provide this information every year with the CACFP approval letter. The ethnic/racial categories are provided for the county or counties where you provide services. Your approval letter is available in *Child Nutrition ACES*, click on *Document Archive* within the *Select a Link* option; this will bring up your approval letter with the ethnic/racial county data on the last page. Print a copy for your records.

The ethnic/racial data collected can be used to determine how effectively your program is reaching potential eligible persons, identify areas where additional outreach may be needed, and to complete reports as required.

The third data collection requirement is that ALL records used to operate the CACFP must be maintained for three years plus the current year and safeguards should be made to ensure the data is kept confidential.

Public Notification—The public notification system must:

- Inform applicants, participants, potentially eligible persons, and grassroots organizations on how they can participate in the CACFP, eligibility requirements, benefits, services, and changes in services, locations, and hours of service. This information can be communicated by methods such as the Internet, newspaper articles, radio and television announcements, letters, leaflets, brochures, and bulletins.
- Display the USDA *And Justice for All* poster in a prominent place such as, on a bulletin board.
- Include the nondiscrimination statement and procedures for filing a complaint on all publications, websites, posters, and information materials provided to the public.

In accordance with Federal law and United States Department of Agriculture (USDA) 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, you must write USDA, Director, Office of Civil Rights, 1400 Independence Avenue SW, Washington, D.C. 20250-9410 or call 800/795-3272 (voice) or 202/720-6382 (TTY). USDA is an equal opportunity provider and employer.

- Provide program information, including web-based information, in alternative formats for persons with disabilities.
- Convey the message of equal opportunity in all photos or graphics used on program-related materials; examples might include showing persons of different race, color, national origin, sex, age, or disability.

Civil Rights Compliance Reviews—Institutions participating in the CACFP are reviewed every three years; part of the review is a civil rights compliance review. Following the information above will help ensure a successful civil rights review or audit.

Training—Annual training is required so people involved in all levels of the CACFP understand the above mentioned civil rights requirements. Persons who must receive civil rights training are *frontline staff* who interact with program participants, including monitors, and *those who supervise frontline staff*.