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### **EQUAL ACCESS TO CHILD CARE AND MEALS**

Federal law prohibits sponsors and providers from discriminating on the grounds of race, color, national origin, sex (including gender identity and sexual orientation), age, disability, or receiving Federal financial assistance. These particular laws pertain to participants having access to CACFP benefits or other USDA Child Nutrition Programs and not to employment rights by participating Programs.

#### **CACFP Enrollment of all Children**

Providers must enroll all children in the CACFP. This includes all non-residential children (regardless of relation) and provider’s own children when eligible. Not enrolling all children in the CACFP is unallowable because it is considered discrimination by denying equal access to meals.

#### **Examples of denying equal access to meals are as follows:**

- Not enrolling children for whom the provider considers to be “drop-in”  
*DCF licensing and certification rules have no definition for “drop-in” children and make no exceptions for “drop-in” situations.*
- Not enrolling infants:
  - To circumvent the requirement of offering formula and infant foods for their enrolled infants
  - Whose families choose to supply all foods and formula/breast milk
- Not enrolling children with special dietary needs (SDN):
  - Whose SDN is disability-related; providers must offer to accommodate the child’s SDN.
  - Whose families choose to supply their children’s meals

#### **Prohibition of Gender Separation**

Federal nondiscrimination laws do not permit Programs to separate children by gender, unless under exception by the Department of Education and/or USDA.

- Contact DPI to discuss allowed exceptions upon finding any circumstances of gender separation.

## **CIVIL RIGHTS REQUIREMENTS**

### **And Justice For All Poster**

Prominently display the 11" X 17" size nondiscrimination poster "...And Justice For All" within the sponsor's administrative building(s). Complete this [order form](#) to order additional posters, if needed.

### **Building for the Future Flier**

Providers must use the [Building for the Future Flier](#) to inform families about the CACFP and its benefits.

- Sponsors must list their contact information on this flier and then distribute completed copies to all providers.
- Then, providers must either post this completed flier in a visible location in their home **OR** give copies to all families upon starting the CACFP and then to families of newly enrolled children.

Sponsors must monitor providers to ensure they have either posted the flier or are distributing copies to families of enrolled children. Repeated disregard of this requirement may be grounds for serious deficiency.

### **Translated Materials**

Provide materials in the appropriate translation regarding the availability and nutritional benefits of the CACFP.

- DPI's Spanish and Hmong translated resources: [Translated CACFP Documents \(Spanish and Hmong\)](#)
- USDA's translated resources:
  - o [USDA Household Size-Income Statement Forms & Parent/Provider Letters - Other Translations](#)  
USDA's prototype HSIS forms and Parent/Provider Letters are translated into additional languages, such as French, Greek, and Arabic.

The forms and letters for all program types are within one document. Before use, review the English version first to determine which specific form and letter is needed.

### **News Media Release**

DPI issues an annual statewide news media release for all participating agencies, including FDCH sponsors. Sponsors are not required to issue an annual news media release of their own.

### **Nondiscrimination Statement (NDS) with Complaint Filing Procedure**

The full [USDA NDS and Complaint Filing Procedure](#) must be printed on all sponsor and provider materials made available or distributed to families and the public which specifically reference USDA/CACFP participation, requirements and/or the meal pattern (including policies/parent handbooks, websites, outreach materials, newsletters, advertisements, etc.)

- The NDS is not required on menus.
- Photos/graphics should include diverse populations.

**Full NDS:** The statement must be printed exactly as in the linked document. The format cannot be changed, and the font should be the same as the majority of the font in the document.

- **Web Pages:** the full NDS and complaint filing procedure, or a link to it, must be included on the program's website; it is not required to be on every page of the program's website.

**Short version:** If the material is too small to print the full statement the document must, at a minimum, include the authorized short version (below), in font size no smaller than the rest of the text. Materials that may be too small are less than or equal to a single-sided 8.5 x 11 document.

- *In English:* This institution is an equal opportunity provider.
- *In Spanish:* Esta institución es un proveedor que ofrece igualdad de oportunidades.

### **Race and Ethnicity Data Information**

Sponsors must annually collect race and ethnicity data of children enrolled in each provider's family day care.

Families must voluntarily self-identify or self-report their children's race and ethnicity only after it has been explained, and they understand, that the collection is strictly for statistical reporting and will have no effect on determination of eligibility for benefits.

Sponsors may collect race and ethnicity from records that identify the children's race and ethnicity, such as an agency-specific enrollment form, the Household Size Income Statement (found under GM I), via survey, or any other means at any point in time.

Sponsors may use database reports to compile race and ethnicity data as long as it is aggregated as specified on DPI's sample [Race and Ethnicity Data Form](#). Sponsors must be able to produce this aggregated data for the current Federal Fiscal Year and prior three years upon DPI's or USDA's request. DPI's sample form has instructions on how to complete this information.

Sponsors and providers must safeguard the confidentiality of this data.

### **Annual Civil Rights Training**

#### **State Agency Training for Sponsoring Organizations**

DPI will provide required civil rights training to FDCH sponsors through online methods and/or administrative training sessions.

#### **FDCH Sponsor Training**

Sponsors must provide annual civil rights training to all staff members who interact with program participants, those who supervise these staff, and providers. See [Civil Rights Training Topics](#) and [Training Documentation](#), below, for more information on how to meet these requirements.

#### **Civil Rights Training Topics**

USDA requires the annual civil rights training to cover the following topics:

- Collection and use of data
- Effective public notification systems
- Complaint procedures
- Requirements for reasonable accommodation of persons with disabilities
- Requirements for language assistance
- Conflict resolution
- Customer service

#### **Annual Staff Training:**

To assure that all USDA required topics are covered, FDCH sponsors must use DPI's [Civil Rights Training PowerPoint for Sponsor Staff](#) and/or its [Handout](#) to complete the required annual civil rights training with all staff.

### Annual Provider Training:

Sponsors must annually train all providers on the USDA required civil rights topics, specified above, as applicable to them. These applicable topics must include, but are not limited to:

- Offering meals and snacks in a nondiscriminatory manner to all protected classes;
- Providing translated language assistance to children's families who do not use English;
- Accommodating children with disability-related special dietary needs;
- Supplying at least one type of iron-fortified infant formula and all foods for infant meals unless otherwise chosen by the infants' families;
- Posting the *Building for the Future* flier in a visible location or distributing copies to families of newly enrolled children;
- Referring all civil rights complaints to the sponsor;
- Including the nondiscrimination statement and complaint filing procedure within materials made available or distributed to families and the public which specifically reference USDA/CACFP participation, requirements and/or the meal pattern (i.e., parent handbook, website, newsletters, advertisements etc.)

These civil rights topics may be part of the materials covering the other required topics for annual provider training. (Refer to [Guidance Memorandum E – FDCH Sponsor Training Requirements](#))

### Training Documentation:

To demonstrate that annual civil rights training is completed, the following must be on file:

- Names of staff and providers who completed the civil rights training;
  - The date(s) of completion; and
  - Materials used for each training
- FDCH sponsors may use the [Civil Rights Training Attendance Form](#) to document training of staff

## CIVIL RIGHTS COMPLAINTS

Sponsors are required to develop and implement a written procedure to handle any discrimination complaints that may be received. As part of this procedure, sponsors should:

- Maintain a Civil Rights Complaint Log to document all potential complaints.
- Retain completed USDA Program Discrimination Complaint Forms and the Civil Rights Complaint Log in a central location to be accessed only by authorized staff.

### Filing a Civil Rights Complaint

Any person alleging discrimination on the basis of any protected class relating to participant access to USDA Child Nutrition Programs has a right to file a civil rights complaint within 180 days of the alleged discriminatory action. Under special circumstances, this time limit may be extended by the USDA Office of the Assistant Secretary for Civil Rights.

Sponsors should give a complainant a [USDA Program Discrimination Complaint Form](#) to complete. 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.

### Acceptance of Civil Rights Complaints

If someone submits a written or verbal civil rights complaint to the sponsor, the sponsor must accept and forward it to the Assistant Secretary for Civil Rights (ASCR) 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](mailto:program.intake@usda.gov)

It is necessary that the information be sufficient to determine the identity of the agency or individual that the complaint is directed, and to indicate the possibility of a violation. Anonymous civil rights complaints should be handled as any other civil rights complaint.

### Verbal Civil Rights Complaints

In the event a civil rights complaint is made verbally or through a telephone conversation, and the complainant does not desire to place the allegations in writing, the person to whom the allegations are made must document the complaint. They should try to obtain the following information:

1. Name, address, and telephone number or means of contacting the complainant
2. The specific location of the CACFP involved
3. The nature of the incident that led to the discrimination complaint, or an example of the method of administration which is having a disparate effect on the public, potential participants, or participants
4. The basis on which the complainant feels discrimination exists
5. The names, titles, and addresses of persons who may have knowledge of the discriminatory action
6. The date(s) during which the alleged discriminatory actions occurred, or if continuing, the duration of such actions

### Investigation and Closure

The USDA Office of the Assistant Secretary for Civil Rights has the responsibility to determine if an investigation or a preliminary inquiry will be conducted and is responsible for closure of all complaint files.

### Assurance

It is required that assurances of compliance with the Civil Rights Act of 1964 be given by agencies and entities administering the CACFP. It is in the signed Permanent Agreement between DPI and FDCH sponsors administering the CACFP.

### Resolution of Noncompliance

Once probable noncompliance is found, steps must immediately be taken to obtain voluntary compliance. If corrective action has not been completed within 60 days of the findings, a report must be sent to the USDA Office of the Assistant Secretary for Civil Rights for transmittal to the Department of Justice.

### Compliance Review

DPI will review FDCH Sponsor compliance with the civil rights requirements as part of the administrative review process.