



# **CIVIL RIGHTS REQUIREMENTS IN THE CHILD AND ADULT CARE FOOD PROGRAM**

**FNS Instruction 113-1**

September 19, 2017



**Delaware**  
Department of Education

# Goals of Civil Rights in Child Nutrition Programs

1. Treat all applicants and beneficiaries equally.
2. Have knowledge of rights and responsibilities.
3. Eliminate unlawful barriers that prevent participants from receiving meal benefits.
4. Ensure dignity and respect for all.



# TYPES OF DISCRIMINATION

## INTENTIONAL

- Engaging in intentional discrimination based on race, color, or national origin.
  - Example: Giving one group or type larger portions or extra helpings of food.

## UNINTENTIONAL

- A practice that results in discrimination but is unintentional.
  - Example: Not making IEF available in other languages.

Note: IEFs in other languages are available on the USDA website [CACFP Income Eligibility Form - Other Languages](#)

# USDA COMPLIANCE

- Detailed in FNS 113-1, Section XI, Civil Rights Training
- Must be scheduled annually.

## Training must include:

1. Collection, review, and use of data
2. Public notification
3. Complaint procedures
4. Compliance review techniques
5. Resolution of non-compliance
6. Accommodating persons with disabilities
7. Language assistance
8. Conflict resolution
9. Customer service

# 1. Data Collection, Use & Review

## Collection

- Income Eligibility Forms

## Use

- To be used by administrative staff and other officials only in compliance with 7 CFR 245.6(f)  
*Disclosure of children's free and reduced price meal eligibility information without parent consent is NOT permitted.*

## Review

- Administrative Review by USDA and State Agency of IEFs
- Review during the program renewal process

## 2. Public Notification

Annual Press Release can be done individually by the sponsor or statewide by DDOE. The press release must include:

- ✓ Program availability
- ✓ Complaint procedures
- ✓ Non-discrimination statement



## 2. Public Notification (Continued)

- Display “And Justice For All” poster in all locations where meals are served.
- Include the required non-discrimination statement on all appropriate websites, CACFP materials, handbooks, etc.
- Convey the message of equal opportunity in all photos and other graphics used in program related materials.



# 3. Complaint Procedures

## INCLUDED ON YOUR CACFP MATERIALS:

WHAT IF I DISAGREE WITH THE DECISION ABOUT MY IEF? You should talk to sponsor officials. You also may ask for a hearing by calling or writing to: **[name, address, phone number, e-mail]**.

## NON-DISCRIMINATION STATEMENT :

Must be included on the IEF to inform households how to file a complaint.

## RECEIPT OF COMPLAINT:

Send to State Agency to forward to USDA MARO.





# USDA Nondiscrimination Statement

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, sex, disability, age, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA.

Persons with disabilities who require alternative means of communication for program information (e.g. Braille, large print, audiotape, American Sign Language, etc.), should contact the Agency (State or local) where they applied for benefits. Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program complaint of discrimination, complete the [USDA Program Discrimination Complaint Form](http://www.ascr.usda.gov/complaint_filing_cust.html), (AD-3027) found online at: [http://www.ascr.usda.gov/complaint\\_filing\\_cust.html](http://www.ascr.usda.gov/complaint_filing_cust.html), and at any USDA office, or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter 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;
- (2) fax: (202) 690-7442; or
- (3) email: [program.intake@usda.gov](mailto:program.intake@usda.gov).

This institution is an equal opportunity provider.

# 4. Compliance Reviews

## State Agency:

- Check for compliance during Administrative Reviews
  - And Justice for All posters displayed
  - A disproportionate number of IEFs being denied to minorities
- Check for compliance during Application Renewal Process
  - IEF containing non-discrimination statement with complaint procedures

## USDA MARO:

- Checks State Agency for compliance when conducting Management Evaluation.

# 5. Resolution of Non-Compliance

- Any findings that require corrective actions must be made or the sponsor will not be compliant.
- This could result in loss of federal funds.



# 6. Reasonable Accommodations



- Sponsors participating in the CACFP are required to make reasonable substitutions or modifications to the meal pattern for participants with a disability who are unable to consume the meals offered to participants without disabilities.

Ensure access to everyone!

# DISABILITY

“Handicapped person” is defined in 7 CFR 15b.3(i) as any person who has “a physical or mental impairment which substantially limits one or more major life activities, has a record of such impairment, or is regarded as having such an impairment.”

The Americans with Disabilities Act Amendments Act broadened the list of “Major Life Activities” for purposes of identifying individuals with disabilities and added a new category called “Major Bodily Functions”, 42 USC 12102(2)(B). This law continues to include as “Major Life Activities”: “caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating and working.” As amended by the ADAAA, Major Life Activities now also includes “Major Bodily Functions” such as:

“functions of the immune system, bladder, neurologic, endocrine, and reproductive systems, and other major bodily functions.” Individuals who take medication for conditions recognized as a disability and require an accommodation.



growth, digestive, bowel, respiratory, cardiovascular, and other major bodily functions. It is important to point out that individuals who do not have or control any of the above conditions are not considered to have a disability.

# 7. Language Assistance

- Income Eligibility Forms available in other languages link located on DOE's website under "CACFP Forms"

USDA United States Department of Agriculture  
Food and Nutrition Service

Programs Data Newsroom Research Forms

Home » Otros recursos » Meal Benefit Income Eligibility

## Child and Adult Care Food Program (CACFP)

### Meal Benefit Income Eligibility

These links contain prototype forms with required information that must be provided to households and day care home providers:

- Letter to Households: Child Day Care and Tier II Providers and Adult Day Care
- Letter to Tier I and Family Day Care Home Providers
- Meal Benefit Income Eligibility Form: Child Day Care and Adult Day Care (with Instructions)

Note: States are not required to use the attached prototypes, but must ensure that the information is provided.

Meal Benefit Income Eligibility Form - English

#### Meal Benefit Income Eligibility Forms in Other Languages

Arabic	Greek	Kurdish	Samoan	Thai
Armenian	Gujarathi	Laotian	Serbian	Tigrinya
Chinese Simplified	Hindi	Mien	Somali	Traditional Chinese
Creole	Hmong	Polish	Spanish	Ukrainian
Croatian	Japanese	Portuguese	Sudanese	Urdu
Farsi	Khmer	Punjabi	Tagalog	Vietnamese
French	Korean	Russian		

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<http://www.fns.usda.gov/cacfp/meal-benefit-income-eligibility>

# 8. Conflict Resolution

- Have a written policy that outlines what to do when dealing with unacceptable behavior and conflicts.
- Make the policy available to all staff.
  - Employee Handbook



# 9. Customer Service

- Treat ALL children, parents, guardians, participants, and staff with dignity and respect. They are your customers!



Let's Make CACFP Even Better

Avoid Sarcasm!

Be Polite!

Be Patient!

Be Empathetic!

