

# Civil Rights Requirements

Child and Adult Care Food Program

SD Department of Education  
Child and Adult Nutrition Services

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## Protected Classes in the CACFP

- \* Race
- \* Color
- \* National Origin
- \* Age
- \* Sex
- \* Disability



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## Definitions

What Do They Mean by That



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## Definition – Applicant

- \* Person
  - \* Applies
    - \* Writing
    - \* Electronically
    - \* Verbally
    - \* Representative




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## Definition – Discrimination

- \* Distinguishing From Others
  - \* Person
  - \* Group
  - \* Intentionally
  - \* Neglect
  - \* Effect of Actions
  - \* Lack of Actions
- \* Based on Protected Class




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## Definition – Grassroots Organization

- \* Organization
  - \* Local Level
    - \* Interacts Directly
      - \* Potential Participants,
    - \* Such as:
      - \* Advocacy Organization
      - \* Community Action Program
      - \* Civic Organization
      - \* Migrant Group
      - \* Religious Organization
      - \* Neighborhood Council




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## Definition – Noncompliance

- \* Finding
  - \* Requirement Not Satisfied
  - \* Civil Rights Requirements
    - \* Regulations
    - \* FNS 113 Instruction
    - \* Policies
    - \* Guidelines
      - \* State Agency
      - \* Local Agency
      - \* Sub Recipient



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## Definition – Participants

- \* Individuals Who Receive Any of the Following from FNS Programs :
  - \* Assistance
  - \* Services
  - \* Benefits



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## Definition – Pre-Approval/Pre-Award Compliance Review

- \* Desk or On-site
- \* Civil Rights Information
  - \* Submitted
    - \* Application
    - \* Federal Financial Assistance



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## Equal Opportunities

- \* Faith Based
  - \* Independence
  - \* Mission
    - \* USDA Funds Not Used:
      - \* Worship
      - \* Religious Instruction
      - \* Proselytize (Convert)
    - \* May Keep:
      - \* Religious Art, Icons, Scriptures, Etc.
  - \* Community Based




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## Public Notification

- \* Three Basic Elements
  - \* Program Availability
  - \* Complaint Information
  - \* Nondiscrimination Statement




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## Nondiscrimination Statement

The U.S. Department of Agriculture prohibits discrimination against its customers, employees, and applicants for employment on the bases of race, color, national origin, age, disability, sex, gender identity, religion, reprisal, and where applicable, political beliefs, marital status, familial or parental status, sexual orientation, or all or part of an individual's income is derived from any public assistance program, or protected genetic information in employment or in any program or activity conducted or funded by the Department. (Not all prohibited bases will apply to all programs and/or employment activities.)

If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint form found online at [http://www.asc.usda.gov/complaint\\_filing\\_cust.html](http://www.asc.usda.gov/complaint_filing_cust.html) or at any USDA office, or call (866) 632-9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter to us by mail at U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, by fax (202) 690-7442 or email at [program.intake@usda.gov](mailto:program.intake@usda.gov).

Individuals who are deaf, hard of hearing, or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339; or (800) 845-6136 (Spanish).

USDA is an equal opportunity provider and employer.

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## Public Notification

- \* Methods
  - \* "And Justice for All" – Not Required for DCH Providers
  - \* Inform
    - \* Potentially Eligible
    - \* Participants
    - \* Applicants
    - \* Grassroots Organizations
  - \* Provide Information
    - \* Persons with Disabilities
  - \* Include Nondiscrimination Statement
    - \* Full vs. Abbreviated
    - \* Websites
    - \* Posters
    - \* Information Materials Provided to the Public
  - \* Equal Opportunity Photos and Graphics




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## Data Collection and Reporting

- \* Area Data
- \* Participant Data
  - \* Cannot Require Self-Identification
  - \* Visual – inform applicant
  - \* May not change/challenge
- \* Each Service Point
- \* Maintain
  - \* Time
  - \* Safeguards




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## Compliance Reviews

- \* State Agency
  - \* Determine Compliance
    - \* Prior to approval
    - \* During all CACFP reviews




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## Procedures for Handling Complaints

- \* Discrimination complaints
  - \* Protected Classes
  - \* Written/Verbal
  - \* Processed within time frames
  - \* Must provide
    - \* Nondiscrimination statement
    - \* Procedures for filing complaint



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## Record Keeping

- \* Save **ALL** Civil Rights Records
  - \* Data Collection
  - \* Complaints
  - \* 3 Previous Years Plus the Current Year

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