

## CIVIL RIGHTS REQUIREMENTS

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*. Together these statutes and regulations prohibit discrimination in all USDA programs and activities on the basis of *race, color, national origin, sex, age, or disability*. As an institution participating in the USDA-funded CACFP, you must NOT discriminate in the operation of your program and activities on the basis of *race, color, national origin, sex, age, or disability*.

**Mandatory Training**—Annual training is required so people involved in all levels of the CACFP understand all the civil rights requirements. Persons who must receive civil rights training are frontline employees/volunteers who interact with the children/students, including monitors and those who supervise frontline staff. We strongly recommend you use the trainings available on our website at [http://www.isbe.net/nutrition/htmls/civil\\_rights.htm](http://www.isbe.net/nutrition/htmls/civil_rights.htm). The presentations are saved in two different formats, PowerPoint or PDF, so there is a format that will work on all computers.

**Data Collection**—Data collection is an important part of compliance with the USDA's civil rights requirements. The first data collection requirement is to collect ethnic and racial data on all participants every year. There are two methods to collect this information, *self-identification* and *staff observation*. 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, we would like parents to complete this information (*self-identification*); however, if a parent does not complete this section, your staff could visually identify the child's ethnicity and race to the best of their ability (*staff observation*). Please have staff initial the section if they complete it. It is not mandatory for your staff to complete that section.

*Staff observation* would also be the method used for At-Risk After-School Snack and Supper Programs, unlicensed Outside School Hours Programs, and emergency 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 statements. The two-part question collects ethnicity first then racial designations.

- a. Ethnicity—Select one. Is the child Hispanic or not Hispanic?
  1. *Hispanic or Latino*. A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish Culture or origin, regardless of race. The term *Spanish origin* can be used in addition to Hispanic or Latino.
  2. *Not Hispanic or Latino*.
- b. Race—Select one or more racial categories that identifies a child. There are five categories for race.
  1. *American Indian or Alaskan Native*. A person having origins in any of the original peoples of North America, Central America, or South America and who maintains tribal affiliation or community attachment. If a person's ancestors originated in Mexico or Central America, the person should mark the *American Indian or Alaska Native* because American Indian means the person's ancestors originated in the Americas (North America, Central America, or South America).
  2. *Asian*. A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent, including, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.
  3. *Black or African American*. A person having origins in any of the black racial groups of Africa. The terms also include *Haitian, Black or African American*.
  4. *Native Hawaiian or Other Pacific Islander*. A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.

5. White. A person having origins in any of the original peoples of Europe, the Middle East, or North Africa. If a person's ancestors originated in Spain, a European country, that person could mark White as their race.

To assist with the collection of the ethnic and racial data, use the *Ethnic and Racial Data Collection Document* which will assist with this process. The form is included and can also be found at [http://www.isbe.net/nutrition/pdf/cacfp\\_ethnic\\_data\\_coll.pdf](http://www.isbe.net/nutrition/pdf/cacfp_ethnic_data_coll.pdf).

The second data collection requirement is the estimated number of potential eligible beneficiaries by ethnic/racial categories for the area served by your 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*, go to your Sponsor Application bar and click the *Select a Link*, click on *Document Archive*; this will bring up a list of dates your approval letter was generated. The ethnic/racial county data is 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 and identify areas where additional outreach may be needed.

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, including eligibility requirements; benefits; services; and changes in services, locations, and hours of service. See the *Sample Notification Letter to Grassroots Organizations* at [http://www.isbe.net/nutrition/pdf/civil\\_rights\\_ltr.pdf](http://www.isbe.net/nutrition/pdf/civil_rights_ltr.pdf). 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 U.S. Department of Agriculture 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, write USDA, Director, Office of Adjudication, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410 or call toll free 866/632-9992 (Voice). Individuals who are hearing impaired 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.**

- 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 can expect a CACFP review at least every three years; part of that review will include civil rights compliance. Following the information above will help ensure a successful civil rights review.