



Chapter 8:

Civil Rights Requirements

8.1 Civil Rights Compliance

8.2 Data Collection

8.3 Mandatory Civil Rights Training

8.4 Additional Civil Rights Requirements

- Nondiscrimination Statement
- Documents to Display/Provide

Chapter 8: Civil Rights Requirements

8.1 Civil Rights Compliance

Civil rights compliance and enforcement is an administrative responsibility in the Child Nutrition Programs. 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.

➡ The Goals of Civil Rights are:

- Equal treatment for all applicants and beneficiaries
- Knowledge of rights and responsibilities
- Elimination of illegal barriers that prevent or deter people from receiving benefits

The USDA has based its civil rights regulations on several civil rights laws. These laws include 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.

8.2 Data Collection

Data collection is an important part of compliance with the USDA's civil rights requirements. The data is used to determine how effectively your program is reaching potentially eligible children and where outreach may be needed. There are three data collection requirements:

Data Collection Requirement #1:

Ethnic and racial data must be collected on all participations every year.

For programs that are 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. CACFP sponsors must ensure households are made aware that failure to provide racial or ethnic identity information will not impact their eligibility. However, USDA strongly encourages CACFP sponsors to explain the importance of this data to parents/guardians to complete this section.

Because At-Risk Afterschool Meals Programs, unlicensed Outside School Hours Programs, and Emergency Shelters are exempt from using the CACFP Annual Enrollment Form, these programs can use the Ethnic Race Data Collection Form to assist with this process. To gather this information, ethnicity and race must be collected in two separate statements.

Ethnicity — Select one:

- *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.
- *Not Hispanic or Latino*

Race — Select one or more racial categories that identifies a child.

There are five categories for race:

- *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).
- *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.
- *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*.
- *Native Hawaiian or Other Pacific Islander.* A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.
- *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.

Data Collection Requirement #2:

Collect 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 (your approval letter is available via IWAS).

The ethnic/racial categories are provided for the county or counties where you provide services. The ethnic/racial county data is on the last page. This data can be used to determine how effectively your program is reaching potential eligible persons, and identify areas where additional outreach may be needed.

➡ Your outreach efforts are important to:

- Reach as many potential eligible participants as possible
- Ensure program access
- Pay attention to under-represented groups
- Ensure information is available in other languages as needed

Data Collection Requirement #3:

Ensure that ALL records used to operate the CACFP are maintained for three years plus the current year, and safeguards are made so that data is kept confidential.

8.3 Mandatory Civil Rights Training



Annual training is required for CACFP and civil rights requirements. Staff who must receive civil rights training are frontline employees/volunteers who interact with the children/students, including monitors and those who supervise frontline staff.

Sponsoring organizations are responsible for training their staff, including "frontline staff." "Frontline staff" who interact with program applicants or participants, and those persons who supervise "frontline staff," must be provided civil rights training on an annual basis. Specific subject matter must include, but not be limited to:

- Collection and use of data

- Effective public notification systems
- Complaint procedures
- Compliance review techniques
- Resolution of noncompliance
- Requirements for reasonable accommodation of persons with disabilities
- Requirements for language assistance
- Conflict resolution
- Customer service

Training resources are available on the ISBE website at <https://www.isbe.net/Pages/Nutrition-and-Wellness-Civil-Rights-Compliance-and-Enforcement.aspx>.

8.4 Additional Civil Rights Requirements

All participating CACFP programs must include a public notification system. The purpose of this system is to inform applicants, participants, and potentially eligible persons of the following:

- Program availability
- Program rights and responsibilities
- Policy of nondiscrimination
- Procedure for filing a complaint

The public notification system requires your institution to:

1. 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. This information can be communicated by methods such as the Internet, newspaper articles, radio and television announcements, letters, leaflets, brochures, and bulletins.
2. Display the USDA *And Justice for All* poster in a prominent place, such as on a bulletin board. Posters are available free of charge from ISBE.
3. Provide to parents OR display in a highly visible area the Building for the Future Brochure and the WIC (Women, Infants and Children) Flyer (Note: At-Risk Afterschool Meals Programs are not required to post the WIC flyer.)
4. Include the nondiscrimination statement and procedures for filing a complaint on all publications, websites, posters, and information materials provided to the public that mention USDA programs.

For additional information on Civil Rights requirements, refer to Nutrition Programs and Activities-FNS Instruction 113-1 online at https://www.isbe.net/documents/FNS_instruction113-1.pdf.