

Offering The CACFP In A Non-Discriminatory Manner

Civil Rights regulations are intended to assure that benefits of the Child and Adult Care Food Program (CACFP) are made available to all eligible persons. This includes:

- Making every effort in recruitment and enrollment procedures to allow equal participation by all eligible participants and potential participants regardless of race, color, national origin, sex, age, or disability.
- Distributing and classifying the Applications for Free and Reduced-Price Meals in a way that is fair to all and does not discriminate based on race, color, national origin, age, sex, or disability.
- Serving meals in a way that allows equal participation regardless of race, color, national origin, age, sex, or disability.

Discriminatory practices

Discrimination is when an individual or a group of individuals are:

- Denied a benefit or service that others receive,
- Delayed receiving a benefit or service that others receive, or
- Treated differently than others.

When individuals or a group of individuals in a protected class (race, color, national origin, age, sex or disability) complain they have been discriminated against, it is the Sponsors responsibility to assist the complainants to report the alleged incident(s), investigate the incident in a fair and impartial manner, and to work with IDOE and/or the USDA to resolve the complaint.

Examples of discriminatory practices include:

- Refusing to allow an eligible child or adult to be enrolled based on his/her disability
- Failing to provide participants with disabilities reasonable accommodations to receive benefits
- Serving meals at a place, time, or in a manner that discriminates based on race, color, national origin, sex, age, or disability
- Selectively distributing *Applications for Free and Reduced-Price Meals* to only some households (For example, distributing *Applications for Free and Reduced-Price Meals* only to those households the Sponsor thinks will qualify for free or reduced-price eligibility)
- Failing to apply the same eligibility criteria to all potential participants
- Failing to provide materials that give non-English speaking persons full and equal opportunity to receive benefits

Obligation to Offer Infant Meals in the CACFP

All childcare centers, Head Start programs and homeless institutions participating in the Child and Adult Care Food Program (CACFP) must offer meals to all children enrolled for care in their facilities, including infants. A Sponsor may not avoid this obligation by stating that the infants are not “enrolled” in the CACFP, or by citing a logistical or cost barrier to offering infant meals. Decisions on offering CACFP meals must be based on whether the child is enrolled for care, not whether the child is enrolled in the CACFP. Sponsors must maintain documentation that shows CACFP benefits were offered to parents/guardians of infants in care.

When an infant is in care during the meal service period, the Sponsor must offer the infant meals that comply with CACFP requirements. If the Sponsor's policy allows parents/guardians to provide food, the parent/guardian may decline what is offered and supply the infant's meals instead.

“and Justice for All” Poster

The “and Justice for All” poster must be posted in each institution's office and in each facility participating in Child Nutrition Programs. The poster should be displayed in a place so as to make it available for public view.

Collecting Racial And Ethnic Data

Collecting racial and ethnic data is required as part of the initial and renewal application. It must be collected and reported annually. Sponsors must maintain racial/ethnic data for three years plus the current fiscal year. All racial/ethnic data are confidential and should be stored in a way that protects each participant's privacy. To collect and report racial/ethnic data, follow the steps below.

Collecting and Reporting Racial/Ethnic Data

Sponsors must report racial ethnic data annually for the general population served, and the actual participants served. To report the racial/ethnic makeup of the population eligible to be served, the Sponsor must obtain racial/ethnic census information on the area where the program is located. This information is to be reported as percentages. Sources of this information are:

- IDOE-published census data
- United States Census Bureau www.census.gov

To determine the actual racial/ethnic breakdown by category of all enrolled participants, collect racial/ethnic data of the participants from information provided on Applications for Free and Reduced-Price Meals. Since the racial/ethnic section on the Application for Free and Reduced-Price Meals is optional for participants to complete, it may not be provided. If the information is not available, program staff may make a visual identification of racial/ethnic category. This information is to be reported as actual numbers of participants.

Public Notification and News Media Notification

Each year at the beginning of the CACFP fiscal year, institutions are required to send out a media release. The media release is the public notification describing program benefits and includes the USDA nondiscrimination statement. Sponsors that are approved for CACFP participation in the middle of the program year must fulfill the requirement for public notification of program benefits by submitting a public news release to their local media from which the Sponsor's program draws attendance. The news release must include the USDA nondiscrimination statement.

In addition, Sponsors may submit a public release to their local news media describing their specific program. Any news media release describing the CACFP must include the appropriate USDA nondiscrimination statement.

Minority and Grass Roots Organizations

All CACFP Sponsors are required to contact minority and grassroots organizations to recruit potential participants. Organizations to contact may include, but are not limited to,

schools/colleges, early intervention, health care systems, childcare provider organizations, religious organizations, and community and cultural outreach programs.

Civil Rights Complaints

Sponsors are required to develop and implement a written procedure to handle any discrimination complaint that may be received. Any person who believes he or she has been discriminated against in the CACFP based on race, color, national origin, sex, age, or disability has a right to file a complaint within 180 days of the alleged discriminatory action. Complainants may choose to directly contact USDA with their complaint, or they may notify the Sponsor of their complaint. Sponsors must give complainants a *Civil Rights Complaint Form* to complete and document all potential complaints in a *Civil Rights Complaint Log*. If the complainant completes a *Civil Rights Complaint Form*, he or she can return the completed form to the Sponsor, send it to IDOE, or send it to USDA. Sponsors must forward all discrimination complaints received to the Indiana Department of Education within three days. The Civil Rights complaint should contain the following information:

- Name, address, telephone number of the complainant, if provided by complainant (complainants are not required to provide this information)
- Specific location and name of entity delivering the service or benefit
- The nature of the incident, action or method of administration that led the complainant to feel discriminated against

The Sponsor's written Civil Rights complaint procedure must describe:

- Where the *Civil Rights Complaint Forms* and *Civil Rights Complaint Log* will be kept at each site and at the administrative offices
- Who is trained on the Sponsor's Civil Rights procedure
- How Civil Rights complaints will be recorded in the *Civil Rights Complaint Log*
- Procedures for receiving and forwarding an alleged civil rights complaint

Civil Rights Training

All staff involved in CACFP functions must receive annual training on Civil Rights Requirements. Civil Rights information is always included in IDOE Sponsored trainings.

Staff training

The Sponsor official who attends an IDOE-sponsored training must provide Civil Rights training to its entire staff involved in CACFP functions. Initial and annual Civil Rights training must be documented. Required training topics are:

- What is discrimination?
- Collecting and recording racial and ethnic data
- Where to display *And Justice for All* posters
- What is a Civil Rights complaint
- How to handle a Civil Rights complaint

Sponsors may use the *Civil Rights Training for Staff Form* or they may develop one of their own.

Non-Discrimination Statement

Sponsors must display the non-discrimination poster, *And Justice For All*, where parents, adult participants and the general public can see and read it. Whenever the CACFP or USDA is mentioned or implied on Sponsor materials, the non-discrimination statement must be included on these published materials. Information that is directed to parents, employees, potential

participants/employees or other public groups and that mentions the CACFP or USDA meals must also include the non-discrimination statement.

Informational materials that require the statement include:

- Employee handbooks
- Enrollment forms
- Menus
- Newsletters
- Brochures
- Parent handbooks
- Print or broadcast advertisements
- Flyers

USDA Non-Discrimination Statement – Long Form

The following is the official USDA non-discrimination statement for Indiana:

“The U.S. Department of Agriculture (USDA) prohibits discrimination in all USDA programs and activities on the basis of race, color, national origin, sex, age, or disability.” To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 14th and Independence Avenue, SW, Washington, DC 20250-9410 or call 202-720-5964 or (888) 271-5983 Extension 516 (toll free). USDA is an equal opportunity provider and employer.”

It is the policy of the Indiana Department of Education not to discriminate on the basis of race, color, religion, sex, national origin, age, or disability, in its programs, activities, or employment policies as required by the Indiana Civil Rights Law (I.C. 22-9-1), Title VI and VII (Civil Rights Act of 1964), the Equal Pay Act of 1973, Title IX (Educational Amendments), Section 504 (Rehabilitation Act of 1973), and the Americans with Disabilities Act (42 USCS §12101, et. seq.).

Inquiries regarding compliance by the Indiana Department of Education with Title IX and other civil rights laws may be directed to the Human Resources Director, Indiana Department of Education, Room 229, State House, Indianapolis, IN 46204-2798, or by telephone to 317-232-6610, or the Director of the Office for Civil Rights, U.S. Department of Education, 111 North Canal Street, Suite 1053, Chicago, IL 60606-7204 — Dr. Suellen Reed, State Superintendent of Public Instruction.

USDA Non-Discrimination Statement – Short Form

Material that is one page or less (front and back-sided is considered one page) *and* is too small to include the full non-discrimination statement may use the following abbreviated statement:

“The USDA and the State of Indiana are equal opportunity providers and employers.”

Indiana Department of Education

Division of School and Community Nutrition Programs

Room 229, State House

Indianapolis IN 46204- 2798

(317) 232-0850 or (800) 537-1142