

MEMO

TO: All Sponsors of the Child and Adult Care Food Programs (CACFP)

FROM: Lorie Stake, Nutrition Education & Program Manager-CACFP
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RE: CACFP Civil Rights Requirements

This memo is intended to serve as a reminder to CACFP Sponsors on topics related to civil rights.

Annual Civil Rights Training:

Civil rights training is required annually for individuals involved in all levels of administration of programs that receive federal financial assistance to understand federal laws, regulations, instruction, policies, and other guidance.

Who is required to receive annual civil rights training?

- Program directors and administrators
- Teachers or classroom staff who assist with CACFP duties such as serving meals and/or recording point of service meal counts
- Food service staff
- Monitors
- New staff (must complete prior to working in the CACFP)
- Staff who review and determine Income Eligibility Forms
- Administrative office staff and site level staff who have CACFP duties

Who is not required?

- Custodial staff who are only involved in cleaning the service/kitchen areas
- Food service staff who do not interact with program participants and are not involved in administration of the program. Example: Employees who work in an off-site food preparation location

The Pennsylvania Department of Education (PDE), Division of Food and Nutrition (DFN) has training available on the Child Nutrition Toolbox. The Civil Rights (PDE-616) course is available at <https://childnutritiontoolbox.com/>.

Annual civil rights training must be specific to the CACFP. The mandatory topics to be included in CACFP civil rights training are listed below.

- What is discrimination in the Child Nutrition Programs
- Assurances
- Racial and Ethnic Data Collection

- Effective Public Notification Systems
- Nondiscrimination Statement
- Complaints of Discrimination and Procedures
- Compliance Reviews
- Resolution of Noncompliance
- Disability and Special Dietary Needs Discrimination
- Customer Service
- Limited English Proficiency (LEP) and Program Access
- "And Justice for All" Poster

Non-Discrimination Statement:

All CACFP Sponsors must have the full Non-Discrimination Statement (NDS) on all program materials that communicate program eligibility and/or access, such as program outreach, Enrollment Forms, Income Eligibility Forms, etc. Menus do not require the use of the NDS. CACFP Sponsors are also required to include the full NDS or a direct link to the NDS on webpage or parent handbooks if the CACFP is referenced. The current NDS, updated May 2022, may be found on the [USDA website](#).

The NDS must be used as provided. Spacing may not be changed. Font size may be altered but can be no smaller than the smallest font of the document. PDE, DFN encourages the use of this document in its entirety; however, in special circumstances, "This institution is an equal opportunity provider and employer," may be utilized but only with prior approval of PDE/DFN and USDA.

Infant Participants:

Infants enrolled for care at a participating CACFP center or day care home must be offered a meal that complies with the CACFP infant meal pattern requirements. CACFP regulations define an enrolled child as "a child whose parent or guardian has submitted to an institution a signed document which indicated that the child is enrolled in child care." A center or day care home may not avoid this obligation by stating that the infant is not "enrolled" in the CACFP, or by citing logistical or cost barriers to offering infant meals. Decisions on offering CACFP-compliant meals must be based on whether the infant is enrolled for care in a participating CACFP center or day care home, not if the infant is enrolled in the CACFP.

Ethnic and Racial Data of Participants and Geographic Area/Potential Participants:

In accordance with [Instruction 113-1](#) of the Food and Nutrition Service, United States Department of Agriculture, Civil Rights Compliance and Enforcement, all Sponsors of the CACFP must annually collect and maintain documentation of ethnicity and race for all participants in the CACFP. In addition, Sponsors are required to provide both ethnicity and race of their geographic area (the community in which the site is located). This data is to be used by the Sponsor to evaluate how well their programs are reaching potentially eligible participants.

Information on the ethnic and racial data for the Sponsor's geographic area can be obtained from the local school district office, tax office, census office, or Chamber of Commerce. This information may also be found on a variety of web sites. Sponsors are required to maintain documentation of the source of this information. [Instructions](#) are available on CN PEARS Download Forms for navigating the United States Census Bureau website.

[USDA Memo CACFP 11-2021, SFSP 07-2021](#), released on May 17, 2021, states visual observation and identification by CACFP institutions is no longer an allowable practice for program directors to use during the collection of race or ethnicity data. Race and ethnicity data can be collected as follows:

1. Self-identification by the household is the preferred method. This can be easily accomplished by completing the section of the Meal Benefit Eligibility Form for CACFP or the Household Income Application for SFSP. Sponsors are encouraged to have a conversation with households to promote self-identification when the household does not initially do so.
2. School data from the local school district can be requested. Sponsors can contact the local school district and ask the district to share individual racial and ethnic information when the household does not self-identify.
3. Census data can be obtained from the local municipality office. Sponsors can utilize USDA data available from census.gov or local data for a group of children, when the household does not self-identify. For example, at an open site.
4. Other data sources include, for example, non-Child Nutrition Program forms/application where the racial and ethnic data is collected.

Limited English Proficiency:

To assist families whose primary language is Spanish, PDE, DFN has several documents that have been translated on CN PEARS Download Forms, including the Enrollment Form, CACFP Meal Benefit Income Eligibility Form, Letter to Parents, Medical Plan of Care, Building for the Future brochure, and WIC brochure.

If a Sponsor receives a request regarding language assistance for CACFP and the Sponsor does not have an established language assistance program, visit [USDA Child and Adult Care Food Program](#) or contact PDE, DFN. Contact information is located at the bottom of this document.

And Justice for All Posters:

As a form of public notification, Sponsors are required to display the “And Justice for All” poster. FNS Instruction 113-1 requires that participating CACFP providers prominently display the USDA nondiscrimination poster “And Justice for All.” A poster must be displayed at each facility and/or Group Day Care Home and the Sponsor’s administrative office if it is at a different location than the site(s). The poster must be displayed in a prominent area so that it is visible to anyone entering the facility.

“And Justice for All” posters are being updated by USDA but are not yet available. There is no timeline for when the posters will be available. Until updated, CACFP Sponsors are to continue to use the current poster (September 2019). PDE, DFN will mail posters to Sponsors when they become available. Sponsors that require posters in the meantime may print them from the [USDA website](#). If current Sponsors are unable to print the updated poster, the September 2019 version may continue to be displayed.

Details to keep in mind when printing and displaying:

- Download the poster using the link above.
- **DO NOT** alter the poster in any way.
- Posters **MUST** be printed/displayed in the specific size of 11 x 17.
- Must be printed in Color.
- Use “Fit to Print” option to ensure poster is fully visible.
- One poster per site minimum.
- Display in prominent location that is viewable by participants.

Civil Rights Complaints:

Sponsors of federally funded Child Nutrition Programs are required to have a system in place for processing civil rights complaints. These are complaints that are specific to CACFP, not staffing or facility related complaints.

Sponsors must have a procedure in place to process Civil Rights complaints. PDE, DFN has developed a procedure that Sponsors may implement. If a Sponsor chooses to develop and implement their own civil rights complaint procedure, the procedure must, at a minimum, contain the information within PDE, DFN's procedure.

In the event that a Sponsor receives a Civil Rights complaint, the Sponsor must inform complainant of Federal Civil Rights rules and regulations that have been established for protected classes and provide necessary information to file a complaint with the USDA Office of Civil Rights. The Sponsor must also inform the State Agency of the complaint within 5 days of receiving the complaint. In these instances, Sponsors should reference the [PDE-05013 DFN Civil Rights Complaint Procedure](#) for instructions.

For questions regarding civil rights requirements, contact PDE, DFN at RA-CACFP@pa.gov or 717-787-7698.