



Civil Rights Child and Adult Care Food Program (CACFP)

Rose Sutherland
Community Nutrition Specialist

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Nevada
Department
of Agriculture

Goals of Civil Rights

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

Federal Financial Assistance

- Federal financial assistance is anything of value received from the Federal government and can include cash, commodities, training, excess, computers, and more
- Accepting Federal financial assistance requires compliance with Civil Rights rules in all aspects of operations – not just in the program being funded
- Section 504 of the Rehabilitation Act of 1973
 - Prohibits discrimination on the basis of disability in programs that receive Federal Financial Assistance (CACFP)

Program Authorities

- USDA Regulations at 7 CFR 15, 15a, 15b and 15c
- USDA Regulations at 7 CFR 16
- CACFP Regulations at 7 CFR 226.6
- Executive Order 12250 (Disability) and 13166 (LEP)
- FNS Instruction 113-1, including Appendix B

What is Discrimination?

- Different treatment which makes a distinction of one person or a group of persons from others; either intentionally, by neglect, or by the actions or lack of actions based on a protected class

Sponsor's Responsibility

- Effective Public Notification System:
 - Post “Building for the Future” flyer
 - Post at eye level where visible and readable for all or distribute to parents/guardians in English and Spanish
 - Notifies parents/guardians about the CACFP, how to contact the sponsor and NDA
 - Not required for Day Care Homes
 - Post “And Justice for All” poster
 - Include non-discrimination statement on the sponsor website and all program literature that mentions CACFP meals/snacks, including posted menus
- Collection and reporting Racial/Ethnic Participation data for each site on site application(s) in the Nutrition Programs System (NPS)

Sponsor's Responsibility

- No disparity in meal service due to race, color, national origin, age, disability, and sex
 - Eating periods, serving lines, seating arrangements, and eating areas must reflect equality
- Reasonable accommodations for persons with disabilities
- Handling and reporting Civil Rights complaints following NDA procedures
- Sponsor Procedure for Limited English Proficiency (LEP)
 - Persons with LEP (ability to read, speak, write or understand English) may be entitled to free language assistance in understanding program services and benefits
 - Determine type of language assistance needed based on highest percentage of national origin(s) population in the area
 - Participants are entitled to free language services and sponsors are required to inform participants of this right

And Justice for All Poster

Where to Post (only one per site):

- Entrances: Display at the main administrative entrance of each site or if multiple entrances post at each entrance
- Mobile Meal Carts: Attach to carts used in multiple classrooms or food delivery points

Visibility is Key:

- Must be clearly visible at eye level and readable to participants and the public

• Poster Requirements:

- Minimum Size: 11" x 17"
- Color Printing Required (Black and white is not acceptable)

What is a protected class?

- Any person or group of people who have characteristics for which discrimination is prohibited based on a law, regulation, or executive order
- Protected classes in CACFP are race, color, national origin, age, sex, and disability

Knowledge Check

Where can the “And Justice for All” poster be displayed for all participants to view? (select all that apply)

- A. Mobile Meal Carts
- B. In the kitchen
- C. In a visible location at the main administrative building and at each site
- D. In staff-only areas

Answer

- A. Mobile Meal Carts
- C. In a visible location at the main administrative building and at each site
- Note: If a facility has multiple entrance points, ensure the “And Justice for All” poster is displayed in a location that is visible to all participants

Disability Definition

- A person with a physical or mental impairment that substantially limits one or more major life activities
- A person who has a record of such an impairment
- A person who is regarded as having such an impairment

Clarified Disability Definition

- Major Life Activities
 - Seeing, hearing
 - Walking
 - Speaking, learning, reading
 - Eating
 - Breathing
- Major Bodily Functions
 - Digestive
 - Immune System
 - Respiratory
 - Circulatory
 - Neurological/Brain, etc.

Types of Disability Discrimination

- Denying benefits or opportunity to participate
- Segregating individuals with disabilities
- Aiding, perpetuating or contracting with others that discriminate
- Failing to provide a reasonable modification

Assurances

- In order to receive Federal funding, agencies/providers must sign assurances that they will abide by Civil Rights requirements in program delivery
- The NDA Civil Rights Self Assessment documents are used to determine the likelihood of Civil Rights compliance

Assurances = Promises

- No discrimination based on race, color, national origin, age, sex, or disability
- Program will be operated in compliance with all nondiscrimination laws, regulations, instructions, policies and guidelines
- Compile data, maintain records, submit reports
- Allow reviews & access

Knowledge Check

True or False:

A person who used to have a physical or mental impairment, but no longer does, is not protected under disability laws.

Answer

- False: A person with a record of such an impairment is also protected

Types of Discrimination

- Disparate Treatment - Someone is treated differently or less favorably due to being part of a protected class; the intent is the matter at issue.
- Disparate Impact – Policies, practices or actions that have discriminatory results that disproportionately negatively affect a protected class.
- Reprisal/Retaliation – Punishing someone for engaging in legally protected activity, e.g., negative treatment, intimidation, harassment, etc. due to prior civil rights activity by an individual or his/her family, for cooperating with an investigation, etc.

Faith and Community Based Organizations

- USDA Regulations at 7 CFR 16 require equal opportunity for Faith Based Organizations (FBO's) and Community Based Organizations (CBO's)
- Conduct outreach to FBOs and CBOs.

Faith and Community Based Organizations

- Discrimination is prohibited against an organization on the basis of religion, religious belief or character in the distribution of funds
- FBOs can use space in their facilities without removing religious art or symbols

Faith and Community Based Organizations

- Beneficiaries are also protected
- No organization that receives direct assistance from the USDA can discriminate against a beneficiary or prospective beneficiary on the basis of religion or religious belief
- FBOs retain their independence and carry out their mission as long as USDA funds or activities do not support worship, religious instruction or proselytization

Faith and Community Based Organizations

- Sponsors must provide written notice to beneficiaries for the following:
 - their right to be free from discrimination on the basis of religion
 - how to report violations of these regulatory protections; and,
 - how to obtain information about other federally funded service providers available in their area.
- Sponsors must provide written notice to beneficiaries by using one or more of the methods:
 - post a written notice at the service location (e.g., schools, child care centers, community organization sites); or,
 - post a written notice on the sponsors website; or,
 - provide flyers or handouts at food distribution sites; or,
 - add the written notification to the program application

Faith and Community Based Organizations

- EXCEPTION -

7 CFR 16.3 (c) provides that religious organizations that receive USDA assistance under the Richard B. Russell National School Lunch Act, 42 U.S.C. 1751 *et seq.*, the Child Nutrition Act of 1966, 42 U.S.C. 1771 *et seq.*, or USDA international school feeding programs may consider religion in their admissions practices and impose religious attendance or curricular requirements at their schools.

Knowledge Check

Which of the following is true regarding Faith-Based Organizations (FBOs) participating in federally funded programs?

- A. They must remove all religious symbols from their facilities
- B. They cannot receive funds unless they operate in a secular building
- C. They can use their facilities for program activities without removing religious art or symbols
- D. They must provide religious instruction as part of the program

Answer

- C. They can use their facilities for program activities without removing religious art or symbols

Civil Rights Training Requirements

- Frontline Staff & Supervisors:
 - Staff who interact with applicants and participants must be trained annually on Civil Rights
 - Supervisors of frontline staff must also complete annual training
- CACFP Staff & Volunteers:
 - All CACFP staff, day care operators, their employees, and volunteers must receive annual Civil Rights training
 - New staff must be trained before beginning CACFP duties

Required Training Topics

- 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

Knowledge Check

- How often are CACFP staff required to be trained on Civil Rights?
 - A. Every two years
 - B. Only during initial onboarding
 - C. Annually (once per year)
 - D. Only when new Civil Rights regulations are issued

Answer

- C. Annually (once per year)

Data Collection & Analysis

- Collected to help determine if there are disparities between potentially eligible and participating populations
- Allow for targeting of outreach efforts
- Aggregated for analysis
- Kept confidential

Data Collection & Analysis

Best Practices:

- Obtain data from parents or guardians
- Identifying race and ethnic groups should be explained
 - Provide information to ensure compliance with USDA nondiscrimination
 - Failure to report will not impact participant eligibility for meals

Data Collection & Analysis

- Visual observation and identification continues to no longer be an allowable practice for CACFP
- Data must be collected yearly
 - By January 1, 2023, Sponsors must have alternative means to capture the data, or they may be issued a finding of noncompliance on their next review

Data Collection & Analysis

Best Practices for sites that do not require enrollment:

- Requesting data verbally is allowable
- NDA strongly recommends only asking adults, this practice may be confusing to children

Data Collection & Analysis

- Participants and/or parent/guardian can self declare
- When provided, the participant must indicate if Hispanic or Latino or not – mixed must choose ONE
- When provided, the participant must indicate one or more races

Data Collection & Analysis

Aggregate data may be used when sites do not require enrollment forms and when self-reporting data is not available:

- Aggregate data must be specific to the service area of the meal service site
- Report aggregate data as a substitute for individual data in instances in which the program operator attempts to collect the data, but no participants provide the information
- Aggregate data such as school enrollment or Census American Community Survey may be used

Data Collection & Analysis

If a sponsor is unable to obtain racial and ethnic data:

- The response may be marked “unknown”
- NDA does not expect the number of respondents will equal the number of children at the meal service site
- Continue to collect information

Data Collection & Analysis

Data included in the Nutrition Programs System (NPS):

- Include to the extent possible all data collected
 - Geographic Area is collected from the data census website (site questions 49 and 51)
 - Participation Area is collected from enrollment forms or verbally asking (site questions 50 and 52)
 - Sponsors must collect race and ethnicity data once per year and update the application in NPS

Knowledge Check

True or False:

Failure to report race and ethnic data will affect participants eligibility for meals

Answer

- False

Knowledge Check

What should be done if a sponsor cannot obtain racial and ethnic data for a participant?

- A. Leave the field blank
- B. Guess based on appearance
- C. Mark the response as “unknown”
- D. Skip data collection entirely

Answer

- C. Mark the response as “unknown”

Non-Discrimination Statement

Non-Discrimination Statement on Websites:

- Include the long non-discrimination statement or a link to it on the organizations website that discuss USDA-Food and Nutrition Service (FNS) funded programs
- Link: <https://www.usda.gov/non-discrimination-statement>
- Include on sponsor website home page at a minimum
- Include the long or short statement on program materials intended to be printed from the website

Non-Discrimination Statement (Long)

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language, etc.) should contact the State or local Agency that administers the program or contact USDA through the Telecommunications Relay Service at 711 (voice and TTY). Additionally, program information may be made available in languages other than English.

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at [How to File a Program Discrimination Complaint](#) and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by:

1. mail:

U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Mail Stop 9410, Washington, D.C. 20250-9410; or

2. fax:

(202) 690-7442; or

3. email:

Program.Intake@usda.gov

This institution is an equal opportunity provider.



Non-Discrimination Statement (Short)

“This institution is an equal opportunity provider”

- May be used on small flyers or brochures where the longer statement does not fit
- Must be in the same font size that is used in the rest of the of publication
- Should not be used where information on rights is provided

Knowledge Check

What is the minimum requirement for the sponsoring organization's website home page regarding the nondiscrimination statement?

- A. No statement needed
- B. Only the short statement is required
- C. The long statement or a link to it must be included
- D. A disclaimer about funding only

Answer

- C. The long statement or a link to it must be included

Complaint Procedures

- To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at [How to File a Program Discrimination Complaint](#) and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by: (1) mail: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Mail Stop 9410, Washington, D.C. 20250-9410; (2) fax: (202) 690-7442; or (3) email: program.intake@usda.gov.

This institution is an equal opportunity provider.

Complaint Procedures

- A Civil Rights binder should be kept at each site and include the following in both English and Spanish:
 - Complaint Log
 - Complaint Instructions and Form
 - Complaint Procedures
 - Non-discrimination Statement in both English and Spanish
- Reminder: keep discrimination complaint log separate from program complaint log
 - Maintain confidentiality
- Resources and documents located on NPS → Applications → Download Forms → Civil Rights

Complaint Procedures

- Be aware of the basis for which civil rights complaints may be filed: race, color, national origin, age, sex and disability
- Never discourage groups or individuals from filing complaints or from voicing allegations of discrimination
- Sponsors must notify the NDA within three business days of receiving a Civil Rights complaint, following established procedures
- FNS Instruction 113-1 outlines complaint investigation procedures

Reasonable Modifications

- A public entity shall make reasonable modifications in policies, practices, or procedure when the modifications are necessary to avoid discrimination on the basis of disability,
- Unless the public entity can demonstrate that making the modifications would fundamentally alter the nature of the service, program, or activity

Reasonable Accommodations

- Ensure Access For People with Disabilities
- Examples: Parking lot entrances & exits, halls, elevators, rest rooms, sign language interpreters, Braille signage, service animals
- Alternative arrangements for service



Reasonable Accommodations

Food Accommodations:

- 7 CFR 15 b.26(d): Special meals must be served at no extra charge to participants with disabilities that restrict their diet
 - Tailored to meet individuals' situations
- 7 CFR 226.20(g): Sponsors must make substitutions to meal to accommodate participants with disabilities that restrict their diet

Reasonable Accommodations

Basic Requirements (refer to Nutrition 101 training):

- Medical Plan of Care for Special Diets Form- Statement to Request Special Meals and/or Accommodations
 - Form located in NPS → Applications → Download Forms → Meal Patterns
 - Training located in NPS → Applications → Download Forms → Training
- Description of disability or medical condition
- Explanation of accommodation needed (foods to be omitted and recommend alternatives)
- Signature of medical authority or approved professional (including registered dietitians) if due to a disability

Knowledge Check

Which of the following *must* be included in the Civil Rights binder at each site?

- A. Meal count records
- B. Complaint log
- C. Training attendance sheets
- D. Menu planning forms

Answer

- B. Complaint log

Language Assistance

- Provide reasonable, timely, appropriate and competent language services at no cost to individuals with LEP
- Outreach in other languages is important
- Generally, service must be provided, however there is flexibility in how it is provided
- Participants are entitled to free language services and the sponsor must notify them of this right
- Denying access due to language barriers is considered discrimination

Language Assistance

How service is provided depends on:

- Number & proportion of LEP persons served or encountered in eligible population
- Frequency of LEP persons' contact with program
- Nature & importance of program, activity, or service, and resources available and costs
- **SHORTAGE OF RESOURCES DOES NOT ELIMINATE REQUIREMENT EXCEPT IN CASES OF EXTREME HARDSHIP.**

Language Assistance

- Volunteers may be used as interpreters, but make sure they understand interpreter ethics – particularly confidentiality!
- Children should not be used as interpreters
- Sponsors must ensure a procedure for Limited English Proficiency is in place
- See www.lep.gov for resources & information

Knowledge Check

True or False:

Language services for individuals with Limited English Proficiency (LEP) must be provided at no cost to the participant.

Answer

- True

Conflict Resolution

- Have a written and posted policy for dealing with unacceptable behavior and conflicts
- Explain the situation and try to remain calm
- Get help if needed, especially if there are threats or if violence is possible
- Use alternative dispute resolution (ADR) methods such as arbitration or mediation
- Be empathetic. Understand that people may not know the rules or understand how programs work. They may feel uncomfortable coming to ask for help
- Explain the policy and let them know you are unable to violate the rules

Interpretation of Discrimination Based on “Sex”

July 7, 2025

- “...USDA has rescinded the Biden Administration’s May 2022 *Bostock* policy update that sought to require federally-funded food and nutrition service programs to redefine discrimination by reason of “sex” under Title IX of the Education Amendments of 1972 (Title IX) and the Food and Nutrition Act of 2008 (FNA) as not based on just male or female, but also “gender identity.”
- “Courts have determined that discrimination based on “sex” does not, under Title IX, include discrimination on the basis of “gender identity.”

Questions?

Contact:

Nevada Department of Agriculture

702-668-4585

775-353-3758

fnd@agri.nv.gov



Training Certification Statement

I, _____, certify that I have completed the annual Civil Rights Requirements training contained in this PowerPoint presentation.

I further certify to ensure that civil rights is properly implemented at all sites that are a part of the CACFP program.

Name	
Signature	
Title	
Organization	
Date	

CACFP Designated Official/Authorized Representative and Program Contact *ONLY complete the following:*

- Upload to NPS | Checklist | Sponsor | Miscellaneous
- Add comment: Trainee's First Initial, Last Name & FY (E.g.,: Vguy FFY26_CR Certificate)