CHILD & ADULT CARE FOOD PROGRAM (CACFP)

CIVIL RIGHTS COMPLIANCE AND ENFORCEMENT

The Child & Adult Care Food Program is committed to assuring that the CACFP benefits are made available to all eligible individuals without regard to race, color, national origin, sex, age, or disability.

I. INSTITUTION RESPONSIBILITY TO IMPLEMENT THE PUBLIC NOTIFICATION SYSTEM

A. Child and adult day care centers are required to:

1. Display in a prominent place the nondiscrimination poster “And Justice for All” developed by the USDA.

2. Have the capability of providing informational materials in the appropriate translation (available through the Montana CACFP office) concerning the availability and nutritional benefits of the CACFP.

3. Make CACFP information available to the public upon request. Upon initial visits, parents or guardians of potential beneficiaries shall be given specific CACFP information pertinent to their participant's receipt of benefits through the CACFP.

4. Provide the nondiscrimination statement and procedure for filing a complaint to all parents or guardians of beneficiaries and potential beneficiaries.

B. Sponsors of day care homes are required to provide parents or guardians of beneficiaries, as well as parents of potential beneficiaries seeking enrollment: written CACFP materials containing basic program and information and must contain the nondiscrimination statement and procedure for filing a complaint.

II. <u>DATA COLLECTION AND MAINTENANCE</u>

Actual beneficiary data by racial/ethnic category for each child care center, outside-school-hours care center, adult care center, and family day care home under an institution's jurisdiction shall be collected by the institution each year. Visual identification may be used by institutions to determine a beneficiary's racial/ethnic category. The parents or guardians of a beneficiary may also be asked to identify the racial/ethnic group of their child or participant.

For data collection purposes, a beneficiary may be included in the group to which he or she appears to belong, identifies with, or is regarded in the community as belonging. Parents or guardians of beneficiaries may be asked to identify the racial/ethnic group of

the participant only after it has been explained, and they understand that the collection of this information is strictly for statistical reporting requirements and has no effect on the determination of the participant's eligibility to receive benefits under the CACFP.

Once collected, actual beneficiary data must be maintained on file at the institution. Data, as well as documentation for the data, shall be retained by the institution for the required 3 years. The data shall be maintained using safeguards which prevent its use for discriminatory purposes. Such safeguards include allowing access to CACFP records containing this data to only authorized personnel.

THE FOLLOWING RACIAL/ETHNIC CATEGORIES SHALL BE USED FOR COLLECTING BENEFICIARY DATA:

1. **AMERICAN INDIAN OR ALASKAN NATIVE:** A person having origins in any of the original peoples of North America and who maintain cultural identification through tribal affiliation or community recognition (includes Aleuts and Eskimos).

2. **ASIAN OR PACIFIC ISLANDER:** A person having Origins in any of the original peoples of the far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands. This area includes, for example, China, Japan, Korea, the Philippine Islands, and Samoa.

3. **BLACK (NOT OF HISPANIC ORIGIN):** A person having origins in the black racial groups of Africa.

4. **HISPANIC:** A person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race.

5. **WHITE (NOT OF HISPANIC ORIGIN):** A person having origins in any of the original peoples of Europe, North Africa, or the Middle East.

III. COMPLAINTS

For all written, anonymous or verbal complaints alleging discrimination 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, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, or call (800) 795-3272 (voice) or (202) 720-6382 (TTY). USDA is an equal opportunity provider and employer.

The Mountain Plains Civil Rights Office, has been delegated the authority to determine the manner in which all civil rights complaints are to be handled including agency inquires, compliance reviews, or other means. Regardless of where the complaints are filed, they must reach the above office within 10 days of receipt by the State Agency or Regional Office. Mountain Plains Civil Rights/EEO Office will prepare and issue letters of acknowledgement to complainants.

A. Procedure for Filing Complaints of Discrimination

1. **Right to File a Complaint:** Any Person alleging discrimination based on race, color, national origin, gender, age, or disability has a right to file a complaint within 180 days of the alleged discriminatory action. Such

complaint shall be promptly referred to the Secretary of Agriculture or the Mountain Plains Civil Rights/EEO Office within 5 calendar days of receipt.

2. **Acceptance:** All civil rights complaints, written, verbal or anonymous, shall be accepted by the State CACFP Office, and forwarded to the Mountain Plains Civil Rights/EEO Office. It is necessary that the information be sufficient to determine the identity of the agency or individual towards which the complaint is directed, and to indicate the possibility of a violation. Anonymous complaints should be handled as any other complaints.

3. **VERBAL COMPLAINTS:** In the event a complainant makes the allegations verbally or through a telephone conversation and refuses or is not inclined to place such allegations in writing, the person to whom the allegations are made shall write up the elements of the complaint for the complainant. Every effort should be made to have the complainant provide the following information:

A. Name, address, and telephone number or other means of contacting the complainant.

B. The specific location and name of the entity delivering the service or benefit.

C. The nature of the incident or action that led the complainant to feel discrimination was a factor, or an example of the method of administration which is having a disparate effect on the public, potential participants, or participants.

D. The basis on which the complainant feels discrimination exists (race, color, national origin, gender, age, disability, or political belief).

E. The names, titles, and business addresses of persons who may have knowledge of the discriminatory action.

F. The date(s) during which the alleged discriminatory actions occurred, or if continuing, the duration of such actions.

IV. PROHIBITED DISCRIMINATION

Discrimination is prohibited in all aspects of the delivery of CACFP benefits. Some specific examples of prohibited discrimination and noncompliance with Title VI are as follows:

1. Service or delivery of foods in a place, time or manner that results in or has the effect of denying or limiting the benefits of the CACFP on the basis of race, color, national origin, gender, age, disability, or political belief.

2. Failure to apply the same eligibility criteria to all potential eligible individuals seeking participation in the CACFP.

3. Maintenance of a waiting list which makes distinctions on the basis of race, color, national origin, sex, age, or disability.

4. Failure to use or provide material which provides non-English speaking persons full and equal opportunity to receive benefits or services under the CACFP.

V. SECTION 504 OF THE 1973 REHABILITATION ACT, NONDISCRIMINATION ON THE BASIS OF DISABILITY

Recipients of federal funds shall operate its CACFP or activity so that when viewed in its entirety, is readily accessible to and usable by qualified disabled persons. Because a recipient's facilities are inaccessible to, or unusable by disabled persons, they may not be denied the benefits of, or be excluded from participation.

1. We understand that qualified disabled persons may not, on the basis of disability, be denied admission or be subjected to discrimination in admission, or recruitment into the CACFP;

2. We understand that we are required to serve special meals to recipients whose disability restricts their diet upon request and the receipt of a medical certification from a state recognized medical authority;

3. We understand that the day care center or the day care home is not to make the determination of whether a child is disabled, rather the facility shall accept the signed statement from a state recognized medical authority which shall indicate the individuals disabling condition which restricts their diet and the food choice that may be substituted;

4. We will not charge extra for the preparation and serving of such meals;

5. We have evaluated our current admission and recruitment policies to ensure that there are no barriers to participation on the basis of disability.

Thank you for your help with this procedure. If you have any questions, please contact the Child & Adult Care Food Program at 406-444-4347 or 888-307-9333.