



DOH-CACFP: Number 224 (11/24)
Supersedes Number 198 (01/18)

TO: All CACFP Sponsoring Organizations

FROM: Danielle Quigley, MS, RD, CDN *Danielle Quigley, MS, RD, CDN*
Director, Bureau of Child and Adult Care Food Programs

SUBJECT: Civil Rights Requirements

I. Purpose and Scope

The purpose of this policy memo is to provide a summary of Sponsor responsibilities regarding Civil Rights requirements.

II. Background

Civil Rights regulations are intended to ensure equal access to Child and Adult Care Food Program (CACFP) benefits and services regardless of race, color, national origin, sex (including gender identity and sexual orientation), age or disability as well as the protected characteristics under New York State Human Rights Law.

III. Regulations

Federal Civil Rights regulations can be found at:

- Nondiscrimination: [7 CFR 226.6](#)
- Food and Nutrition Services Civil Rights Compliance and Enforcement – Nutrition Programs and Activities: [FNS Instruction 113-1](#)
- [Title VI of the Civil Rights Act of 1964](#)
- [Title IX of the Education Amendments of 1972](#)
- [Section 504 of the Rehabilitation Act of 1973](#)
- [Age Discrimination Act of 1975](#)
- [7 CFR 15](#) and [7 CFR 15b](#)
- [28 CFR 42](#) and [28 CFR 50](#)
- United States Department of Agriculture Equal Opportunity Public Notification Policy: [Departmental Regulation 4300-003](#)
- [Americans with Disabilities Act of 1990, As Amended](#)

New York State Human Rights Law can be found at: <https://dhr.ny.gov/new-york-state-human-rights-law>

IV. Requirements

All sponsors and institutions that operate CACFP and receive federal funds must ensure equal treatment and access for all applicants, participants and employees. The following requirements will help ensure that your organization complies with federal and state regulations and policies concerning civil rights and nondiscrimination.

Civil Rights and Nondiscrimination

- Ensure that no individual(s) is/are excluded from participation, denied benefits, or subjected to discrimination in the New York State (NYS) CACFP on the grounds of any protected classes under federal or NYS Human Rights Law.

Public Notification

- Inform the public how to apply for program benefits, their rights and responsibilities, how to file a discrimination complaint, and the complaint procedures.
- This can be done by informing individuals about eligibility, benefits and services (i.e. free or reduced priced meals and snacks), program availability (i.e. location of facilities, hours of service), conveying the message of equal opportunity, reflecting diversity and inclusion in all program-related information and graphics, using the appropriate nondiscrimination statement on web pages, materials and notices, and displaying the “And Justice for All” poster.

“And Justice for All” Nondiscrimination Poster

- Display the “And Justice for All” nondiscrimination poster in daycare centers in an area that is visible to applicants and participants. The poster contains nondiscrimination policy information and procedures for filing a complaint of discrimination.
- The poster is not required in day care homes.

Use of the Nondiscrimination Statement

- Include the USDA nondiscrimination statement on materials that mention CACFP or USDA and all material produced for public information, public education, or public distribution. This includes websites, brochures, menus, enrollment forms, employee handbooks, etc.
- A link to the full nondiscrimination statement: <https://www.fns.usda.gov/civil-rights/usda-nondiscrimination-statement-other-fns-programs>
- If the material is too small to include the full statement, include this USDA notice: “This institution is an equal opportunity provider.” Sponsors and institutions should contact the State agency to confirm the use of the abbreviated NDS.

Language Assistance Services

- Ensure meaningful access to programs by having language assistance services in place.
- Train staff how to use language access services.
- Notify applicants/participants that free language assistance services are available upon request if they have difficulty understanding English. This notice should be proactively

posted on program webpages and local offices/sites where potential applicants/participants would look for information regarding programs and services.

- Encourage staff to use “[I Speak](#)”, [Language Identification Tool](#) or similar resource to assist in identifying the language of a non or limited English speaking individual.

Reasonable Accommodation of Disabilities

- Comply with Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act (ADA) of 1990, as amended requirements and provide reasonable modifications to ensure that all eligible individuals with disabilities have an equal opportunity to apply and participate in CACFP.
- Ensure physical accessibility for buildings and facilities.
- Ensure equally effective communication by notifying persons with disabilities (including applicants, participants and companions with disabilities) that free services or other auxiliary aides are available upon request. Some examples of auxiliary aides and services include: Braille, large-print materials, audio recordings, American Sign Language, video remote interpreters, closed captioning services, etc.
- This notice should be proactively posted on program webpages and local offices/sites where potential applicants/participants would look for information regarding programs and services.
- Sponsors who need assistance finding language assistance services or auxiliary aids and services can review the New York State Office of General Services (OGS) Centralized Contracts website: <https://ogs.ny.gov/procurement/ogs-centralized-contracts>. To find a list of statewide vendors:
 - Click “Search Contract Awards”
 - Type “Language Services” in the search field
 - Click on the Award Number for a list of vendors who provide written translation, interpreters, closed captioning services, Braille, etc.
 - Sponsors will need to apply to become an Authorized User of the State’s Centralized Contracts: <https://ogs.ny.gov/procurement/ogs-procurement-services-centralized-contract-eligibility-application>
- Please note: Sponsors will not receive additional reimbursement for these types of accommodations, however the expenses are allowable with CACFP reimbursement.

Civil Rights Training

- Provide annual Civil Rights training to all staff and volunteers involved in administering CACFP.
- New staff should receive Civil Rights training before participating in program activities.
- Maintain documentation to show all staff have completed Civil Rights training including date, topic, staff names and location of training.
- Ensure that staff understand their roles and responsibilities in providing equal treatment to all individuals.
- Monitor program activities and interactions routinely to help reduce or eliminate potential issues.

The New York State CACFP has made Civil Rights training materials available to all Sponsor staff. They can be accessed on the CACFP NY Training Website. Sponsor-level staff will need individual accounts to access the training. Accounts may be requested by completing and

emailing the CACFP-193 (CACFP NY Training Website User Account Form) to cacfpadmin@health.ny.gov.

There are two different versions of the Civil Rights training:

- **Sponsor-level training (directors, owners, administrators)** – is available in English and is approximately 14-minutes long. It can only be accessed by Sponsor staff with CACFP NY Training Website accounts. Completion is tracked by the website.
- **Frontline staff training (teachers, providers, monitors, assistants, food service staff, bookkeepers)** – is available in English and Spanish, and is approximately 8-minutes long. These trainings can be accessed in two different ways:
 - Sponsor staff with CACFP NY Training Website accounts can present the training to a group of frontline staff and maintain sign-in sheets.
 - Individually by frontline staff without CACFP NY Training Website accounts using the links below:
 - English: https://cacfpny.adobeconnect.com/civil_rights_frontend/
 - Spanish: https://cacfpny.adobeconnect.com/civilrights_frontend_spanish/

Collection of Race and Ethnicity Data

- Use annual enrollment forms to collect race and ethnicity data. This helps determine how effective programs are at reaching potentially eligible children and adults, and where outreach may be needed for underserved populations.
- Inform applicants/participants that sharing race and ethnicity data is voluntary.
- Assure applicants/participants that the information is used for statistical purposes only and has no effect on eligibility.

Handling Complaints

- Understand the process for handling Civil Rights complaints.
- Train staff on how to identify a Civil Rights complaint if received, written or verbally.
- To file a Civil Rights complaint, the Sponsor or Complainant may complete the [USDA Program Discrimination Complaint Form \(AD-3027\)](#) using any option below:
 - Online at: <https://www.usda.gov/oascr/how-to-file-a-program-discrimination-complaint>
 - In person: at any USDA office
 - By phone: 1(866) 632-9992
 - A written letter can also be mailed to USDA. Provide all information requested in the complaint form.
- Submit the completed form or letter to USDA using any option below:
 - Mail: U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410;
 - Email: Program.Intake@USDA.gov
 - Fax: (833) 256-1665 or (202) 690-7442