



## Collection of Race and Ethnicity Data in the Child and Adult Care Food Program and Summer Food Service Program

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### Purpose

The purpose of this memorandum is to provide guidance to participants in the Child and Adult Care Food Program (CACFP) and Summer Food Service Program (SFSP) on the collection of race and ethnicity data.

### Legal Authority

FNS Instruction 113-1; CACFP 09-2022; CACFP 11-2021; SFSP 05-2022; SFSP07-2021

### Cross Reference

DECAL Policy Memorandum, Questions and Answers Related to Collection of Race and Ethnicity Data by FNS Policy Memorandum, Collection of Race and Ethnicity Data by Visual Observation and Identification in the Child and Adult Care Food Program and Summer Food Service Program – Policy Rescission, June 13, 2022; USDA SFSP Administration Guide.

### Definitions

"Adult day care facility" means a licensed or approved adult day care center under the auspices of a sponsoring organization.

"At-risk afterschool care center" means a public or private nonprofit organization that is participating or is eligible to participate in the CACFP as an institution or as a sponsored facility and that provides nonresidential child care to children after school through an approved afterschool care program located in an eligible area. However, an *Emergency shelter*, as defined in this section, may participate as an at-risk afterschool care center without regard to location.

"Camps" (SFSP) means residential summer camps and nonresidential day camps which offer a regularly

scheduled food service as part of an organized program for enrolled children. Nonresidential camp sites shall offer a continuous schedule of organized cultural or recreational programs for enrolled children between meal services.

"Child care center" means any public or private nonprofit institution or facility (except day care homes), or any for-profit center, as defined in this section, that is licensed or approved to provide nonresidential child care services to enrolled children, primarily of preschool age, including but not limited to day care centers, settlement houses, neighborhood centers, Head Start centers and organizations providing day care services for children with disabilities. Child care centers may participate in the Program as independent centers or under the auspices of a sponsoring organization.

"Closed enrolled site" (SFSP) means a site which is open only to enrolled children, as opposed to the community at large, and in which at least 50 percent of the enrolled children at the site are eligible for free or reduced-price school meals under the National School Lunch Program and the School Breakfast Program, as determined by approval of applications in accordance with [§ 225.15\(f\)](#), or on the basis of documentation that the site meets paragraph (1), (2), or (3) of the definition of "Areas in which poor economic conditions exist" as provided in this section.

"Head Start participant" means a child currently receiving assistance under a Federally-funded Head Start Program who is categorically eligible for free meals in the CACFP by virtue of meeting Head Start's low-income criteria.

"Open site" (SFSP) means a site at which meals are made available to all children in the area and which is located in an area in which at least 50 percent of the children are from households that would be eligible for free or reduced price school meals under the National School Lunch Program and the School Breakfast Program, as determined in accordance with paragraph (1), (2), or (3) of the definition of "Areas in which poor economic conditions exist."

## Background

The U.S. Department of Agriculture (USDA) is responsible for ensuring compliance with Title VI of the Civil Rights Act of 1964 among its federally assisted programs, including CACFP and SFSP. The collection of race and ethnicity data is consistent with the Office of Management and Budget Guidance on the subject. These data are used to determine how effectively FNS programs are reaching potential eligible persons and beneficiaries, identify areas where additional outreach is needed, assist in the selection of locations for compliance reviews, and complete reports as required. These requirements are established in 7 CFR 15 and FNS Instruction 113-1, Civil Rights Compliance and Enforcement - Nutrition Programs and Activities dated November 8, 2005.

FNS Instruction 113 requires recipients of Federal financial assistance to ask all CACFP and SFSP program applicants and participants to identify all racial and ethnic categories that apply. FNS Instruction 113-1, Appendix B Section F titled Data Collection 2(b) and 3(b) also states, in reference to CACFP and SFSP respectively, "Visual identification may be used by institutions/sponsors to determine a beneficiary's racial or ethnic category..." Upon further review, USDA determined the only program with a regulatory requirement implementing the 1997 OMB Revisions to the Standards for the Classification of Federal Data on Race and Ethnicity, 60 Fed. Reg. 210, 58785 (October 30, 1997) to

collect race and ethnicity data via visual observation and identification is the Supplemental Nutrition Assistance Program (SNAP).

As a result, USDA reviewed this policy and concluded that the use of visual observation identification by CACFP institutions and facilities and SFSP sponsors is not an appropriate method for collecting race or ethnicity in the CACFP and SFSP. On May 17, 2021, FNS issued the Policy Memorandum, Collection of Race and Ethnicity Data by Visual Observation and Identification in the Child and Adult Care Food Program and Summer Food Service Program - Policy Rescission. This policy advised that visual observation and identification by CACFP institutions and facilities and SFSP sponsors is no longer an allowable practice for CACFP and SFSP program operators to use during the collection of race or ethnicity data. The requirement to end the practice of visual identification was effective May 17, 2021.

FNS provided a grace period for CACFP and SFSP program operators and State agencies to develop other data collection methods. This grace period began May 17, 2021 and came to an end on December 31, 2022. During this grace period program operators were not to receive a finding of non-compliance during reviews; however, it was to be noted as an observation and could have become a finding if alternative means were not implemented before the end of the grace period. By January 1, 2023, program operators must have alternative means to capture the data or they may be issued a finding of non-compliance on their next review.

## **Program Requirements**

The collection of racial and ethnic data information can determine how effectively the CACFP and SFSP are reaching potential eligible participants. This data can be used during program monitoring reviews, applications for Federal financial assistance and routine Civil Rights compliance reviews to identify areas where additional outreach is needed, determine any barriers to access, and assess the institution's and sponsor's compliance. This data can also be used to analyze the impact of policy changes on participants and for investigating program discrimination complaints.

Therefore, the collection of racial and ethnic data information is integral to Program operations and, as per FNS Instruction 113-1, the collection of this information is still a requirement within the CACFP and SFSP. But as per FNS Policy Memorandum, Collection of Race and Ethnicity Data by Visual Observation and Identification in the Child and Adult Care Food Program and Summer Food Service Program – Policy Rescission, June 13, 2022, operators may not use visual observation and identification as a method to collect the data.

Obtaining the data from parents, guardians, or adult participants is the preferred method of data collection, as parents, guardians, and adult participants can provide accurate information. FNS does discourage asking a child directly to self-identify their race and ethnicity, as this practice may be confusing to young children.

## **Collection of Individual Data from Adult Participants, Parents, and Guardians**

CACFP institutions/facilities and SFSP sponsors must collect individual racial and ethnic information for participants who participate in Program meal services. Organizations that operate enrolled programs such as traditional childcare or adult care centers or SFSP closed enrolled sites may use DECAL's Income

Eligibility Statement Forms (IES forms) to collect this information, as this form provides an area for adult participants, parents, and/or guardians to indicate the enrolled participant's race and ethnicity. DECAL's IES forms are located on Nutrition Services' website or can be found at the following links: [CACFP](#), [SFSP](#).

However, not all CACFP or SFSP organizations operate enrolled programs or programs for which IES forms are required. Those operations include but are not limited to Head Start programs, CACFP At-Risk Afterschool Meals programs, SFSP open sites, and SFSP closed enrolled sites that meet the area eligibility requirement through census data and not through the collection of IES forms. To assist these types of organizations regarding data collection methods, DECAL has developed the CACFP/SFSP Racial and Ethnic Data Individual Collection Form for Families ("Individual Collection Form") that may be distributed to each parent and/or guardian to complete. The Individual Collection Form may be used by both CACFP and SFSP organizations and can be found [here](#).

CACFP and SFSP organizations may also develop and use their own form to collect racial and ethnic information for each of their participants. If the organization creates and uses its own form to collect the required data, the form **must** include the following options for the individual participant's parent and/or guardian to select:

- Ethnicity
  - Hispanic/Latino
  - Not Hispanic/Latino
- Parent and/or guardian may select one or more of the following racial identities:
  - American Indian or Alaskan Native
  - Asian
  - Black or African American
  - Native Hawaiian or Other Pacific Islander
  - White
  - Multiracial

In addition, the form **must** include the following advisement to parents and/or guardians:

"Use of the racial and ethnic data is to ensure compliance with USDA nondiscrimination requirements only. Providing this information is voluntary. Your response or lack of response will not impact the participant's eligibility for meals."

Once the information has been collected for each of the participants, the information must then be transferred to DECAL's Combined Racial/Ethnic Data Collection Form. The Combined Racial/Ethnic Data Collection Form may be used by both CACFP and SFSP organizations and can be found [here](#).

Adult participants, parents, and guardians may provide racial and ethnic data on a voluntary basis. For this reason, FNS does not expect that the number of respondents will equal the number of children at a meal service site. If a program operator is unable to collect a participant's information, the operator may indicate on the collection form (either the DECAL's Individual Collection Form, the operator's own form or

IES form) that the ethnic and racial identity is "unknown".

**Note:** Operators must ensure that the form used to collect racial and ethnic information is provided separately to each adult participant, or parent/guardian.

## **Non-Enrolled Programs**

As per FNS, program operators of sites that do not require enrollment (non-enrolled sites) should choose data collection methods that are easy for adult participants, parents and guardians to use. Examples of programs that do not require enrollment and typically do not collect enrollment documentation are CACFP At-Risk Afterschool Meals Program operators and SFSP open sites. For the purposes of the collection of racial and ethnic information requirement, parents and guardians of children attending non-enrolled sites are not required to provide the participant's name. Additionally, parents and guardians must not be required to fill out a free or reduced-price meal application (IES Form) for non-enrolled programs.

Non-enrolled programs may either provide their own form or DECAL's Individual Collection Form to each of their participants to take home to their parents and/or guardians to complete. If the parent and/or guardian completes the form, the form may be returned to the Program site either by the parent and/or guardian or by the participant. A parent and/or guardian may email, fax or mail the form to the operator. If the parent and/or guardian is present at the non-enrolled program, the form may be provided to them directly for completion.

If not all forms are completed by parents and/or guardians, it is not expected or required that non-enrolled programs follow-up with the participants or the parents and/or guardians to request the completion of the forms.

### **Collection of Individual Data from Non-enrolled Sites Operated by a School Sponsor**

Non-enrolled sites operated by a school sponsor, such as CACFP At-Risk Afterschool Meals Program sites or SFSP open sites, may use individual school enrollment data to obtain racial and ethnic data for individual participants.

SFSP sites that are able to obtain children's names and have access to school enrollment records may use them to obtain racial and ethnic data.

### **Use of Aggregate Data for Non-Enrolled Programs**

Aggregate racial and ethnic data information may be used as an alternative data collection method by non-enrolled programs under only certain circumstances. SFSP and CACFP non-enrolled programs may use aggregate data if fewer than 50% of participants provide race and ethnicity data. For both SFSP and CACFP, this percentage would be calculated based upon a consecutive 5-day average of attendance. If a non-enrolled program was to operate less than 5 days, an average of attendance would be taken from all the days of operation.

For example: Great Kids' CACFP At-Risk Afterschool Meals Program is ready to begin collecting racial and ethnic data information as it's been almost a year since the information had last been collected. The organization reviews the attendance from the prior 5 days of operation and calculates the average daily

attendance. Based upon its calculation, Great Kids averaged a daily attendance of 50 at-risk afterschool participants. Based upon this average, Great Kids may use aggregate data if only 24 or less participants' racial and ethnicity information is collected. If Great Kids was to receive information from 25 participants or more, than the individual data collected from either DECAL's Individual Collection Forms or the organization's own individual data collection forms would provide the final data to be reported (50 average attendance x .50 = 25 participants).

### **Types of Aggregate Data**

FNS nor DECAL are able to provide an exhaustive summary of aggregate data collection methods that may be used; however, to help facilitate this transition, FNS and DECAL have identified the below methods that may be used:

- Aggregate school enrollment data. School racial and ethnic aggregate data for all State of Georgia public schools can be found on Nutrition Services' website and [here](#).
- The Census' American Community Survey. This survey can be found at [www.census.gov/programs-surveys/acs/](http://www.census.gov/programs-surveys/acs/).
- National Center for Education Statistics Common Core of Data database. Racial and ethnic data may be obtained at <https://nces.ed.gov/ccd/schoolsearch/>

The aggregate data used must be specific to the service area of the meal service site and the population that is being served. For example, if a non-enrolled program uses aggregate school enrollment data, the operator must use information from a school where the meal service site is located (if located at a school) or a school in the same service area as where the site is located.

**Note:** Aggregate data cannot be used by CACFP and SFSP enrolled programs.

### **Requesting Data Verbally**

FNS recognizes that options for obtaining racial and ethnic data at sites that do not require enrollment (non-enrolled sites) are limited. Requesting data verbally is allowable. However, FNS understands that requesting information verbally may be uncomfortable for staff and for participants. Respect for individual dignity should guide the processes and methods for collecting data on race and ethnicity; ideally, respondent self-identification should be facilitated to the greatest extent possible. Program operators must explain the use of the data is to ensure compliance with USDA nondiscrimination requirements only and that sharing the information is voluntary and will not impact a participant's eligibility for meals. Operators that request data verbally are not required to complete a separate data collection form for each parent/guardian that responds. Operators may document verbal responses in any form; however the collected data must be transferred to the Combined Racial/Ethnic Data Collection Form.

### **Timing of Information Collection**

#### **CACFP**

For the CACFP, participant's racial and ethnic information must be collected annually, in addition, to the completion of the Combined Racial/Ethnic Data Collection Form. This would mean that both the individual data collected and the Combined Racial/Ethnic Collection Form would expire after 12 months

of being collected/completed. CACFP operators cannot use expired documentation to support the racial and ethnic data collection annual requirement and/or be used to complete the Combined Racial/Ethnic Data Collection Form. For example, a childcare center cannot use the racial and ethnic information on an expired IES form to support this requirement.

As a best practice, DECAL encourages CACFP operators to begin collecting racial and ethnic data at least 30 days ahead of the expiration of the last completed Combined Racial/Ethnic Data Collection Form.

As a reminder, Program operators must have alternative means to capture the data by January 1, 2023 or they may be issued a finding of non-compliance on their next review. This would mean that by January 1, 2023, all CACFP institutions/facilities must either have in place their own individual data collection form, IES forms, or DECAL's Individual Collection Form to be used in the collecting of racial and ethnic information. DECAL encourages all CACFP institutions and facilities to begin the actual process of collecting racial and ethnic information as soon as possible.

### **SFSP**

For the SFSP, sponsors must collect ethnic and racial category data each year for each site under the sponsor's jurisdiction. Sponsors of residential camps must collect and maintain this information separately for each session of the camp. For all other SFSP sites, the sponsor must collect the required data at least once during the site's operation.

As best practices, SFSP sponsors should consider beginning the collection of racial and ethnic data within the first few weeks of a site's operation or setting a goal to complete the collection process within 30 days after meal services begin.

SFSP sponsors would be expected to adhere to this memorandum beginning SFSP operations FY 2023.

## **Recordkeeping Requirements**

All CACFP and SFSP programs, both enrolled and non-enrolled, must use the collected racial and ethnic data to complete Combined Racial/Ethnic Data Collection Form. This form and all forms related to the collection of racial and ethnic data must be maintained for three years plus the current fiscal year and be provided upon request as per DECAL's Policies [03-5, Recordkeeping Requirements for All Sponsors and Sponsored Facilities Participating in the SFSP](#) and [02-18, Recordkeeping Requirements in the Child and Adult Care Food Program](#). The Combined Racial/Ethnic Data Collection Form must be maintained on file where meal services occur in addition to being on file with the sponsor.

## **Comments**

For questions concerning this memorandum, please contact Policy Administrator at (404) 651-8193.

