



Georgia Dept of Early Care and Learning

BRIGHT FROM THE START

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MEMORANDUM

To: All Institutions and Sponsors Participating in the CACFP

From: Tamika Boone, Nutrition Services Director

Date: September 22, 2023

Subject: Requirements for Institutions Providing Civil Rights Training to Frontline Staff (v.4)

Legal Authority: FNS Instruction 113-1

The purpose of this memorandum is to provide guidance to institutions on Civil Rights training requirements. The document has been revised to include updated links to the USDA Program Discrimination Complaint Form. The memorandum supersedes previous guidance, *Requirements for Institutions Providing Civil Rights Training to Frontline Staff*, dated November 12, 2015.

Institutions participating in the Child and Adult Care Food Program (CACFP) are required to be in compliance with Title VI of the Civil Rights Act of 1964. As such, organizations may not discriminate based on race, color, national origin, sex, disability, age, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA.

Additionally, organizations must provide information to households in a language that is understandable by the household.

In accordance with (Food and Nutrition Service) FNS Instruction 113-1, institutions are required to provide Civil Rights training on an annual basis to its frontline staff who interact with applicants or participants. Specific training subject matter must include, but is not limited to the following information:

- **Collection and use of data.**

Institutions are required to obtain data by race and ethnic category on potentially eligible populations, applicants, and participants in their program service area. Systems for collecting actual racial and ethnic data must be established, collected annually and maintained for a period of three full years (plus the current year).

- **Effective public notification systems.**

Institutions must include a public notification system. The purpose of this system is to inform applicants, participants, and potentially eligible persons of the program availability, program rights and responsibilities, the policy of nondiscrimination, and the procedure for filing a complaint. Basic elements of public notification must include program availability; complaint information and a nondiscrimination statement.

Nondiscrimination Statement. All materials and sources, including websites, used by institutions to inform the public about the CACFP must contain the following nondiscrimination statement.

In accordance with federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, this institution is prohibited from discriminating on the basis of race, color, national origin, sex (including gender identity and sexual orientation), disability, age, or reprisal or retaliation for prior civil rights activity.

Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication to obtain program information (e.g., Braille, large print, audiotape, American Sign Language), should contact the responsible state or local agency that administers the program or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339.

To file a program discrimination complaint, a Complainant should complete a Form AD-3027, USDA Program Discrimination Complaint Form which can be obtained online at: <https://www.usda.gov/sites/default/files/documents/USDA-OASCR%20P-Complaint-Form-0508-0002-508-11-28-17Fax2Mail.pdf>, from any USDA office, by calling (866) 632-9992, or by writing a letter addressed to USDA. The letter must contain the complainant's name, address, telephone number, and a written description of the alleged discriminatory action in sufficient detail to inform the Assistant Secretary for Civil Rights (ASCR) about the nature and date of an alleged civil rights violation. The completed AD-3027 form or letter must be submitted to USDA by:

- 1) mail:
U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410;
- 2) fax: (833) 256-1665 or (202) 690-7442; or
- 3) email: program.intake@usda.gov.

This institution is an equal opportunity provider.

If the material is too small to permit the full statement, the materials will at a minimum include the following statement, in print size no smaller than the text: "*USDA is an equal opportunity provider and employer.*"

Methods of public notification. All institutions serving the public must take the actions outlined below to inform the general public, potentially eligible populations, community leaders, grassroots organizations, and referral sources about FNS programs and applicable Civil Rights requirements:

- Prominently display the United States Department of Agriculture's (USDA) nondiscrimination poster entitled "And Justice for All;"
- Include the required nondiscrimination statement, outlined above, on all appropriate CACFP publications, web sites, posters, and informational materials provided to the public; and
- Convey the message of equal opportunity in all photographic and other graphics that are used to provide program or program-related information.
- For new institutions:
 - Inform potentially eligible persons, applicants, participants, and grassroots organizations (particularly those in underserved populations), of program availability or changes in programs. This includes information pertaining to eligibility, benefits, and services, the location of local facilities or service delivery points, and hours of service. USDA requires institutions to use the "Building for the Future" flyer which can be accessed [here](#); Sponsoring organizations must post the flyer at all sponsored facilities.
 - A media release must be provided with the initial CACFP application. In addition, all new institutions are required to issue a media release and sponsoring organizations must also issue a statewide media release for its new sponsored facilities. Each year during the application renewal period, DECAL shall issue a media release on behalf of all institutions currently participating in the Child and Adult Care Food Program (CACFP). CACFP Policy Memo, "Media Releases," dated July 19, 2006, provides additional requirements for issuing media releases.
- **Complaint Procedures**
Any person alleging discrimination based on race, color, national origin, sex, age, or disability, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA, has a right to file a complaint within 180 days of the alleged discriminatory action. If institutions receive a complaint of discrimination, the person alleging the complaint must be provided with the nondiscrimination statement and procedures for filing a complaint. Complaints should be forwarded to DECAL or directly to USDA using the address in the nondiscrimination statement.
- **Compliance review techniques.**
DECAL shall perform pre-award and post-award compliance reviews to ensure institutions are in compliance with Civil Rights provisions. Pre-award compliance reviews are required for new institutions, and thereafter, post-award compliance reviews shall be performed on a regular basis as part of the Program review process for all other institutions. Compliance reviews shall also be conducted by FNS Regional and/or Headquarters Civil Rights Division when significant Civil Rights concerns have a direct effect on the delivery of FNS program services and/or benefits identified.
- **Resolution of noncompliance.**

Noncompliance is a factual finding that any civil rights requirement as provided by law, regulation, policy, instruction or guidelines is not being adhered to by a State agency, local agency, or other sub recipient.

- **Requirements for reasonable accommodation of persons with disabilities.**

Institutions are required to provide appropriate information, including web-based information, in alternative formats for persons with disabilities.

- **Requirements for language assistance.**

Where a significant number or proportion of the population eligible to be served needs service or information in a language other than English in order to be informed of or to participate in the program, the institution shall take reasonable steps to provide information in an appropriate language to such persons. Institutions in need of assistance with providing language services may go to www.LEP.gov for more information, or may contact DECAL.

- **Conflict resolution.**

Once noncompliance is determined, steps must be taken to immediately obtain compliance within 60 days. The effective date of the finding of noncompliance is the date of the written notice of noncompliance to the institution or its staff. If compliance is not achieved, DECAL shall notify the USDA Regional Office.

- **Customer service.**

Institutions shall not discriminate against any applicant or participant in any aspect of program administration, including, but not limited to, the certification of households, the issuance of program benefits, the conduct of fair hearings, or the conduct of any other program service for reasons of race, color, national origin, sex, disability, age, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA. A detailed presentation in PDF format of all training requirements can also be found on the DECAL web site at www.decal.ga.gov.

For questions regarding this policy memo, please contact the Nutrition Division Civil Rights Compliance Officers: Tamika Boone at (404) 656-6292 or Sonja Adams at (404) 651-8193.