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Questions and Answers Related to Collection of Race and Ethnicity Data by Visual Observation and Identification in the CACFP and SFSP Programs – Policy Rescission – Set 2

Purpose

This guidance is intended to assist State agencies and Program operators of the Child and Adult Care Food Program (CACFP) and Summer Food Service Program (SFSP) in meeting the longstanding Federal requirement to collect race and ethnicity data of program participants.

Legal Authority

CACFP 12-2024, SFSP 16-2024

Background

As a reminder, using visual identification is no longer an allowable practice, per CACFP 11-2021, SFSP 07-2021 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[1], published May 17, 2021, and CACFP 09-2022, SFSP 05-2022 Questions and Answers Related to CACFP 11-2021, SFSP 07-2021 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[2], published June 13, 2022. The Food and Nutrition Service (FNS) is issuing this memorandum to provide further clarification on these earlier published guidance documents. In addition, this guidance includes examples of challenges Program operators may encounter and best practices that may be used to collect race and ethnicity data for the CACFP and SFSP. Each scenario is followed by examples of talking points that Program operators may use when faced with challenges collecting these data. See the appendix at the end of this document for best practices and example scenarios.

Comments

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

Collection of Race and Ethnicity Data in the CACFP and SFSP

Questions and Answers Set 2

1. **How does the collection of race and ethnicity data on individual participants fit in with the other Civil Rights work that Program operators perform?**
   Data collection is an important piece of Civil Rights activities that State agencies and Program operators perform. Data on individual participants and on potential participants (based on aggregate data) are used to determine compliance with Civil Rights requirements. These data also assist Program operators in determining how effectively FNS programs are reaching potentially eligible populations and identifying where additional outreach may be needed.

2. **What other options do sites have to collect race and ethnicity data if enrollment forms are not a site requirement and data cannot be obtained through self-reporting?**
   When sites do not require enrollment forms and data for actual participants cannot be obtained via self-reporting, aggregate data on potential participants may be used. Aggregate data must be specific to the service area of the meal service site and could include aggregate school enrollment data or census data. See CACFP 09-2022, SFSP 05-2022[3] for more information.

3. **What are State agency and Program operator roles in race and ethnicity data collection?**
   The State agency must ensure that race or ethnicity beneficiary data are collected annually and maintained on file for 3 years for all institutions within its jurisdiction. State agencies must use these data during routine compliance reviews to determine how effectively the Program is reaching potentially eligible beneficiaries, identifying areas where additional outreach is needed, and assessing compliance.
   Program operators are responsible for collecting the data annually for their own sites and providers, and for maintaining it on file. FNS allows State agencies to collect data on behalf of sponsors or institutions, as long as the data can be broken down to the site level.
   FNS encourages State agencies to work with Program operators on their data collection systems as needed. For information on suggested collection methods, please refer to CACFP 09-2022, SFSP 05-2022[4]. State agencies and Program operators should refer to FNS Instruction 113-1: Civil Rights Compliance and Enforcement-Nutrition Programs and Activities[5] for complete information about the roles and responsibilities for Program operators.

4. **At what point in the year does an institution need to collect participant or aggregate data?**
   Institutions may collect data at any point during the year as long as it is collected annually (i.e., once per Program year). Data for each SFSP site must be collected once during each site's operation, except for residential camps, which must collect data separately for each camp session. Data for each CACFP child care center, family day care home, outside school hours care center, at-risk afterschool care center, adult day care center, or emergency shelter must be collected once a year. Please refer to question # 8 in CACFP 09-2022, SFSP 05-20224.

5. **Can States collect data on behalf of all of their sites (e.g., pulling school or census data for**

them)? If that happens, does the State have to provide it to the operator?
FNS allows State agencies to collect data on behalf of sponsors or institutions, as long as the data can be broken down to the site level. If the State agency collects data on behalf of their sites, the State agency should share the information with the sponsor or institution. As mentioned in question #2 of this document, when sites do not require enrollment forms and data for actual participants cannot be obtained via self-reporting, aggregate data on potential participants may be used.

6. **If an institution operates CACFP at-risk afterschool during the school year and then transitions to SFSP for the summer, can they use one data collection to fulfill the requirement for both Programs?**
The institution must complete the data collection requirement for each Program separately. However, if the institution has collected data for a child in one Program, and the same child is also enrolled in the other Program in the same year, the institution can use the data from one program to also fulfill the requirement for the other Program for that individual child.

7. **May State agencies or sponsors collect data during monitoring reviews?**
Yes, State agencies or sponsors may collect the data 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 as described in FNS Instruction 113-1: Civil Rights Compliance and Enforcement - Nutrition Programs and Activities[6]. As a reminder, when collecting data, State agencies and sponsors must use methods that are based on self-identification and self-reporting. A best practice for this would be obtaining the information from parents or guardians or adult participants with their consent.

8. **When conducting monitoring reviews or processing Program application renewals, how should State agencies treat data that was collected using visual identification prior to May 17, 2021, when FNS disallowed the use of visual identification?**
When CACFP 09-2022, SFSP 05-20227 was released, Program operators were instructed to end the practice of visual identification as of May 21, 2021. Any data collected prior to May 17, 2021, are no longer valid. However, State agencies are required to ensure that race and ethnicity data are maintained for institutions for three years. Therefore, any data collected prior to May 17, 2021, no longer need be retained since it has passed the three-year mark.

9. **May Program operators assume the race or ethnicity of a participant from the participant's last name?**
No. Program operators should not assume the race or ethnicity of a Program participant based on their last name, religion, community organization affiliation, etc. When identifying alternative means to capture race and ethnicity data, Program operators should use methods that are based on self-identification and self-reporting. Adult participants and parents and guardians of child participants may be asked to voluntarily identify the race or ethnicity of the participant. Obtaining this information from an adult is the preferred method of data collection, as parent or guardians can provide accurate information.

10. **Can Program operators use surveys to collect race and ethnicity data at non-enrolled sites?**
Yes. Program operators may distribute voluntary surveys to any households with participants located within the service area of an SFSP open site or a CACFP non-enrolled center, or just to households with participants attending the meal service site. As a reminder, Program operators must ensure that the surveys are accessible to all households, including to

individuals with disabilities, individuals with limited English proficiency, or to individuals that may experience other possible barriers to access. It must also be made clear that responses to the survey, or lack of responses to the survey, will not impact participants' eligibility for the program. FNS encourages institutions to work with their State agency as they design and implement their data collection process.

11. **Are Program operators required to perform a data analysis of the race or ethnicity data collected at their SFSP site or CACFP center?**
    No. Performing data analysis is not a requirement for Program operators, sponsors, or institutions. However, State agencies must use the data collected by sponsors and institutions during Program reviews to determine how effectively the Program is reaching potentially eligible beneficiaries, identifying areas where additional outreach is needed, and assessing institution compliance as described in FNS Instruction 113-1: Civil Rights Compliance and Enforcement – Nutrition Programs and Activities8. State agencies may determine how to complete this review on a case-by-case basis.

12. **How may State agencies utilize the race and ethnicity data collected to better serve their participating populations?**
    State agencies may compare the number of participants of different races or ethnicities to the race and ethnicity groups in the community they serve. State agencies and Program operators may find it helpful to also calculate the percentage of participants in each race or ethnicity group to better identify eligible participants in a service delivery area, project area or county, to uncover any trends in participation by race or ethnicity category. This information might highlight if changes are needed to their outreach practices, if they need to translate materials into more languages, or that there may be barriers to Program access. State agencies are encouraged to share the information with the sponsor or institution. Having this information can help Program operators think creatively about changes, such as specialized programming or revisions to their menus, which can attract participants from underserved communities.

13. **How can a Program gauge equity when only aggregate data are being collected?** Although State agencies and institutions are not required to do so, they might consider taking a qualitative approach to gauge how effectively the Program targets underserved communities when individual data are not being collected. Some questions a State could ask a Program operator during monitoring could include:

    • Have you noticed any barriers to Program access for participants of some races or ethnicities? If so, how are you working to correct them? Do you need help with solutions?

    • Do you have best practices, including (but not limited to) materials, menus, or activities to share with others?

14. **What are some examples of ways to collect race and ethnicity data at non-enrolled sites without verbally asking participants?**

    • Provide a paper form that parents and guardians and adult participants can complete.

    • Provide a QR code or web address to access an online survey tool or anonymous form.

    • Sites should ensure that questions are in appropriate languages and are clearly labeled as optional.

15. **Are there defined categories for race and ethnicity data that must be collected for Child Nutrition Programs?**

The standard data collection categories for race and ethnicity data for government are outlined by the Office of Management and Budget (OMB) in the [Standards for the Classification of Federal Data on Race and Ethnicity](#)[9]. Race and Ethnicity Categories should be in a two-question format. Ethnicity is collected first, and race collected second. There are two categories for data on ethnicity: "Hispanic or Latino" and "Not Hispanic or Latino." Respondents are offered the option of selecting one or more race designations. There are five minimum categories for data on race: American Indian or Alaska Native, Asian, Black or African American, Native Hawaiian or Other Pacific Islander, and White. FNS recommends that the instructions accompanying the multiple responses for race should specify "Mark one or more" or "Select one or more." For more information, please refer to [FNS Instruction 113-1: Civil Rights Compliance and Enforcement – Nutrition Programs and Activities10](#).

Please note that in March 2024, OMB published revisions to collecting race and ethnicity data as outlined in [OMB Publishes Revisions to Statistical Policy Directive (SPD) No. 15: Standards for Maintaining, Collecting, and Presenting Federal Data on Race and Ethnicity | OMB | The White House](#)[11]. The updated standards use a combined question about race and ethnicity on Federal forms and will add a new category for "Middle Eastern or North African" (MENA). FNS is in the process of making these updates in order to comply with OMB SPD No.15 by the effective date of March 28, 2029.

16. **May States utilize designations such as "NP" for "not provided" as part of their coding structure to identify the share of Program participants for whom race and ethnicity data were not collected?**

State agencies are allowed to have a coding category in instances in which a participant's information is "not provided (NP)," although it is not required by FNS. State agencies may calculate the percentage of participants whose data they were unable to obtain. FNS strongly encourages State agencies and Program operators to find effective ways to legally collect race and ethnicity data. See question #9 in [CACFP 09-2022, SFSP 05-202212](#) for more information.

Appendix

Race and Ethnicity Data Collection Best Practices

Scenarios and Talking Points

This document provides examples of scenarios that Program operators may encounter when fulfilling the Federal requirement to annually collect race and ethnicity data for the Child and Adult Care Food Program (CACFP) and the Summer Food Service Program (SFSP). Each scenario is followed by example talking points that Program operators may use to help guide conversation when speaking with the parents or guardians of a participant. In the scenarios described below, the **action** is bolded, followed by corresponding suggested language in quotes.

Note: This document is not intended to address all possible circumstances.

Scenario #1: *A Program operator is collecting race and ethnicity data from a participant or from a parent or guardian of a participant and the individual is expressing fear or suspicion with how the information might be used.*

- **Validate and assure**: "That is a valid concern and I understand why you are hesitant. Your child's personal information will not be shared. For example, all we are reporting is the number of participants that are in each race and ethnicity group, but your child's name will not be associated with the data. Your response will not impact your child's eligibility for the Program."

- **Explain**: "As a provider of one of the U.S. Department of Agriculture's (or USDA's) nutrition Programs, this helps ensure that the Program is effectively reaching eligible populations, in our community and across the country."

- **Explain:** "We are requesting this information to ensure that we are complying with Federal civil rights laws. Your response will not affect your participation in meal service and may be protected by the Privacy Act. Providing this information will help us make sure that this program is administered fairly and without discrimination."

Scenario #2: *A Program operator is collecting race and ethnicity data from a participant or from a parent or guardian of a participant and might be unsure how to deliver this message appropriately to participating parents and guardians.*

- **Provide examples:** "Race, for example, is considered to be American Indian or Alaskan Native, Asian, Black, or African American, Native Hawaiian or Other Pacific Islander, or White. Ethnicity, on the other hand, and how you might have seen on other Federal forms, might be Hispanic/Latino, or non-Hispanic/non-Latino."

- **Define:** "It can be a challenge to remember the difference between race and ethnicity because they're often used interchangeably. Race describes some physical, or inherited, traits. Ethnicity, a broader term, refers to cultural identity, which is mostly learned from a family's culture, expression, or location. Typically, when we are talking about ethnicity, we're asking if your ethnicity falls under one of these categories: Hispanic or non-Hispanic."

Scenario #3: New Enrollee. *A Program operator is enrolling a new participant into their Program and wants to use the opportunity to collect race and ethnicity data from a parent or guardian.*

- **Collect:** Provide the method of race and ethnicity data collection best suited to the facility and program's needs.
  - This could simply be an addendum to an existing enrollment form on paper or online if it's not already included.
  - This could be completed on a paper slip with only the questions about race and ethnicity, and then submitted to a box dedicated to these slips of paper.
  - This could look like a survey distributed via QR code in a prominent location within a center (i.e., institution) routinely visited by parents/guardians with justification or reasoning for the survey attached.
  - The purpose for collecting this information could be explained verbally if in a one-on-one setting, or in written form, if providing paperwork to a group of parents or guardians (e.g., town hall style).

- **Assure:** "While every facility that provides nutrition Programs may differ in collection practices, past instances of race and ethnicity data collection were sometimes based on visual identification, which is no longer allowed. Now, we're trying to be more thoughtful about collecting the information while making clear its importance and the safety and security of

your information."

- **Inquire:** Another way to collect race and ethnicity data is that the Program operator may inquire if the participant attends a nearby school.
  - If yes, and race and ethnicity data is accessed via school forms, find out which school the child attends and proceed to collect this data from the child's school.

Scenario #4: Returning Participant. *A Program operator is connecting with returning participants and their parent or guardian and wants to use the opportunity to collect race and ethnicity data from a parent or guardian. The returning participants and parent or guardian were unaware this information was collected in the past and express concern.*

- **Validate and Assure:** "Your child's personal information will not be shared outside of us immediate providers. For example, all we are reporting is the number of participants that are in each race and ethnicity group. It is a routine portion of enrollment paperwork and remains optional or can be anonymously submitted. Your response will not impact your child's eligibility for the Program"
- **Explain:** "We encourage all participants to share this information because it helps us do important work. It helps us ensure that the Program is effectively reaching eligible populations. It allows us to see how many different populations we're serving and identify areas where additional outreach might be needed. By identifying barriers to access, we can provide services in a fair manner."

Best Practices (suggested)

Below are best practices which have been highlighted in discussions with State agencies, stakeholders, and Program operators; USDA hopes these will be useful to Program operators as they determine their own best practices.

- Use regular modes of contact to communicate new methods of information collection and their purpose.
  - This could look like adding a notification to whatever form of regular contact a Program operator might have with parents and guardians (e.g., an email or print newsletter, text message alerts, website posting).
  - Ensure that modes of communication are available in other languages for individuals with limited English proficiency and in alternative formats for those with disabilities.

- Distribute surveys to gather feedback on meal service and be sure to include a section where households can share their race and ethnicity data. The survey should be easy to understand and explain why this information is being collected. Consider sharing the survey through various methods, such as providing families with a paper copy, emailing it to them, or displaying a QR code in a visible location that parents or guardians routinely visit.
- Ask "How do you identify your race?" and "How do you identify your ethnicity?"
- Allowing voluntary fill-in-the-blank responses as opposed to multiple choice could be helpful in ensuring participants feel their answer is acceptable. As a reminder, in order to meet the race and ethnicity data collection requirement, Program operators must ensure the race categories collected align with the standard data collection method for race and ethnicity data outlined by the Office of Management and Budget (OMB) in the Revisions to Statistical Policy Directive No.

15: Standards for Maintaining, Collecting, and Presenting Federal Data on Race and Ethnicity.

- Collaborate with other Program operators to share best practices.

For more information, please contact your CACFP or SFSP State agency.

A. ^ https://www.fns.usda.gov/cn/Race-and-Ethnicity-Data-Policy-Rescission

B. ^ https://www.fns.usda.gov/cn/qas-related-collection-race-and-ethnicity

C. ^ https://www.fns.usda.gov/cn/qas-related-collection-race-and-ethnicity

D. ^ https://www.fns.usda.gov/cn/qas-related-collection-race-and-ethnicity

E. ^ https://www.fns.usda.gov/cr/fns-instruction-113-1

F. ^ https://www.fns.usda.gov/cr/fns-instruction-113-1

G. ^ https://www.fns.usda.gov/cn/qas-related-collection-race-and-ethnicity

H. ^ https://www.fns.usda.gov/cr/fns-instruction-113-1

I. ^ https://www.govinfo.gov/content/pkg/FR-1997-10-30/pdf/97-28653.pdf

J. ^ https://www.fns.usda.gov/cr/fns-instruction-113-1

K. ^ https://www.whitehouse.gov/omb/briefing-room/2024/03/28/omb-publishes-revisions-to-statistical-policy-directive-no-15-standards-for-maintaining-collecting-and-presenting-federal-data-on-race-and-ethnicity/

L. ^ https://www.fns.usda.gov/cn/qas-related-collection-race-and-ethnicity