

Civil Rights Policy and Written Complaint Procedure Licensed and Registered Childcare Providers

Civil Rights regulations are intended to assure that the benefits of the Child Nutrition Programs (CNP) are made available to all eligible persons. This includes:

1. Making every effort in recruitment and enrollment procedures to allow equal participation by all eligible participants and potential participants regardless of race, color, national origin, sex, age, or disability.
2. Distributing and classifying the Applications for Free and Reduced-price Meals [*Application Statement of Household Size-Income For the Child and Adult Care Food Program (Child Care Component)*] in a way that is fair to all and does not discriminate based on race, color, national origin, age, sexual orientation, gender orientation or disability; or reprisal or retaliation for prior civil rights activity.
3. Serving meals in a way that allows equal participation regardless of race, color, national origin, age, sex, or disability.

Discriminatory practices

Discrimination is when an individual or a group of individuals are:

- Denied a benefit or service that others receive,
- Delayed receiving a benefit or service that others receive, or
- Treated differently than others

When individuals or a group of individuals in a protected class (race, color, national origin, age, sex or disability) complain they have been discriminated against, it is Southwest Human Development Services responsibility in assisting the complainants in reporting the alleged incident(s), investigate the incident in a fair and impartial manner, and to work with the TDA and/or the USDA to resolve the complaint.

Examples of discriminatory practices include:

- Refusing the enrollment of an eligible child based on his/her disability
- Failing to provide participants with disabilities reasonable accommodations to receive benefits
- Serving meals at a place, time, or in a manner that discriminates based on race, color, national origin, sex, age, or disability
- Selectively distributing *Application Statement of Household Size-Income For the Child and Adult Care Food Program (Child Care Component)* to only some households (For example, distributing *Application Statement of Household Size-Income for the Child and Adult Care Food Program (Child Care Component)* only to those households the Sponsor thinks will qualify for free or reduced-price eligibility)
- Failing to apply the same eligibility criteria to all provider participants

Obligation to Offer Infant Meals in the CACFP

All child care providers that have infants participating in the Child and Adult Care Food Program (CACFP) must offer meals to all children enrolled for care in their facilities, including infants. A provider may not avoid this obligation by stating that the infants are not “enrolled” in the CACFP, or by citing a logistical or cost barrier to offering infant meals. Decisions on offering meals must be based on whether the child is enrolled at the facility, not whether the child is enrolled in the program. Southwest Human Development Services will maintain documentation that shows CACFP benefits were offered to parents/guardians of infants in care. The parent/guardian may decline program participation by indicating in writing on a Child Enrollment Form that they refuse participation and date and sign the form. When an infant is in care during the meal service period, the child care provider must offer the infant meals that comply with program requirements. If the parents/guardians wish to provide semi-solid or solid food, the parent/guardian must send a signed and dated note to Southwest Human Development Services indicating what foods they will supply. The provider will only be able to claim the meal if the provider supplies at least one component of the meal.

“Building for the Future” Poster

All providers must inform parents or guardians about the program and its benefits when their children are enrolled in the day care home. The “Building for the Future” flier serves as the parent notification document. Southwest Human Development Services will distribute sufficient copies of this flier to all providers so that all newly enrolling families are given a copy.

Collecting and Reporting Racial/Ethnic Data

Collecting racial and ethnic data is required as part of the annual renewal process. Southwest Human Development Services will maintain racial/ethnic data for three years plus the current fiscal year as required by federal regulations. All racial/ethnic data is confidential and is stored in a way that protects each participant’s privacy.

Civil Rights Complaints

All written or verbal complaints alleging discrimination on the basis of race, color, national origin, sex, age, or disability shall be processed within 90 days of receipt. The USDA Office of Adjudication, under the Secretary of Agriculture, is responsible for the handling of complaints.

Civil Rights Training

All providers shall be annually trained on the Civil Rights Requirement.

Non-Discrimination Statement

Whenever the CACFP or USDA is mentioned or implied on materials, the non-discrimination statement must be included. Information that is directed to parents, potential participants or public groups and that mentions the CACFP or USDA meals must include the non-discrimination statement.

Examples of informational materials that require this statement include:

- Your Policies
- Newsletters that are given to your Childcare families
- Brochures used to advertise your Childcare
- Flyers posted to advertise your Childcare
- Any printed or on line advertising

USDA Non-Discrimination Statement

The authorized statements read as follows:

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, audiotope, 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/ad-3027.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:

mail:

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

This institution is an equal opportunity provider.