

# Section 6000

# Civil Rights

## Table of Contents

<b>6100</b>	<b>Civil Rights Act of 1964</b>
6110	Public Notification
6120	Data Collection and Maintenance
6130	Administrative and Site Reviews
6140	Training
6150	Complaints
<b>6200</b>	<b>Section 504 of the Rehabilitation Act of 1973</b>
6210	Program Accessibility
6220	Public Notification
6230	Employments
6240	Food Services
6250	Designation of Section 504 Coordinator
6260	Complaint/Grievance Procedures
6270	Self-Evaluation of Services
<b>6300</b>	<b>Americans With Disabilities Act</b>
6310	Introduction
6320	Services
6330	Employment

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A CACFP contracting entity (CE) is responsible for ensuring that all persons have equal access to the program. The CE (and sponsored sites) cannot discriminate in employment or program participation based on:

- Race;
- Color;
- National Origin;
- Sex;
- Age; or
- Disability.

A CE must strictly adhere to and enforce the provisions of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act (ADA), both within the CE's administrative office and if a sponsor, within the sites they sponsor.

## **6100 Civil Rights Act of 1964**

### **6110 Public Notification**

CE's (and sponsored sites) must:

- Display the official USDA nondiscrimination poster ("...And Justice For All") in a prominent place;
- Make program information available to the public upon request;
- Provide information materials related to the CACFP-ADC in languages other than English, if the need exists; and
- Provide the following nondiscrimination statement and complaint-filing procedures in all applications and program-related information intended for current and potential participants:

**In accordance with Federal law and U.S. Department of Agriculture policy, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, or disability.**

**To file a complaint of discrimination, write USDA, Director, Office of Adjudication, 1400 Independence Avenue, SW, Washington D.C. 20250-9410 or call toll free (866) 632-9992 (Voice). Individuals who are hearing impaired or have speech disabilities may contact USDA**

through the Federal Relay Service at (800) 877-8339; or (800) 845-6136 (Spanish). USDA is an equal opportunity provider and employer.

In Spanish the non-discrimination statement and complaint-filing procedure is:

**De acuerdo con la ley federal y las políticas del Departamento de Agricultura de los EE.UU. (USDA, sigla en inglés), se le prohíbe a esta institución que discrimine por razón de raza, color, origen, sexo, edad, o discapacidad.**

**Para presentar una queja sobre discriminación, escriba a USDA, Director, Office of Adjudication, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410, o llame gratis al (866) 632-9992 (voz). Personas con discapacidad auditiva o del habla pueden contactar con USDA por medio del Servicio Federal de Relevos (Federal Relay Service) al (800) 845-6136 (español) o (800) 877-8339 (inglés). USDA es un proveedor y empleador que ofrece oportunidad igual para todos.**

The non-discrimination statement **must** be printed in its entirety on all program eligibility documents that are intended for the public. However, civil rights laws allow CEs and sponsored sites to restrict program participation based on age or sex commensurate with the objectives of the CACFP, for example, child care centers can deny the participation of elderly persons, shelters for battered women can deny the participation of men.

Program-related written materials must be provided to all current and potential program participants with the nondiscrimination statement and complaint-filing procedures included.

**NOTE:** When human likenesses are used in program materials, reasonable efforts must be made to depict an ethnic balance.

## **6120 Data Collection and Maintenance**

A CE and sponsored sites must determine the number of actual beneficiaries by racial/ethnic category and benefit level (free, reduced-price and paid) who are currently enrolled in the program. CEs and sponsored sites must also determine the estimated number of potentially eligible beneficiaries by racial/ethnic category. Racial/ethnic categories include the following:

<b>Race:</b>	<b>Ethnicity:</b>
White	Hispanic or Latino
Black or African American	Not Hispanic or Latino
American Indian or Alaska Native	
Asian	
Native Hawaiian or Other Pacific Islander	

Adults of multiple racial categories should be categorized according to appearance or the group with which they mainly identify.

After collecting this data, a CE and sponsored sites must:

- Maintain the original data by individual site with documentation of the sources and methods by which it was obtained.
- Maintain the data and relevant documentation according to the record keeping requirements described in Item 4400, Program Documentation.
- Establish safeguards to protect the confidentiality of the data.

### **6130 Administrative and Site Reviews**

Reviews help to ensure that civil rights requirements are fulfilled at each level of program administration, including the application approval process and the federal and state monitoring efforts.

F&N will determine whether a CE and sponsored sites comply with civil rights requirements before approving an application to participate. We determine compliance by examining the pre-award compliance review form submitted with the initial application, as well as by observation during the visit prior to approval. During administrative and site reviews, F&N will also evaluate compliance with civil rights requirements.

### **6140 Training**

A CE must complete the Civil Rights training prior to program participation and annually thereafter. In addition, CEs must ensure that all staff that perform key CACFP activities and all sponsored sites, if applicable, are trained in civil rights requirements prior to program participation and annually thereafter.

To meet the Civil Rights training requirements, CEs may use the training developed by TDA located on the TDA website at [www.squaremeals.org](http://www.squaremeals.org), select F&N Resources, then training. TDA offers a training video and a Civil Rights Training – Self Study and provides a quiz that can be completed and maintained in the Program files to document compliance. CEs will need adobe reader to use the Civil Rights Training – Self Study.

CEs will be notified of future revisions to the Civil Rights training materials.

If you are unable to download these materials, fax a request for one (1) copy only to the F&N Training Unit at 888-237-5030, or send an email request to [FNDTraining@TexasAgriculture.gov](mailto:FNDTraining@TexasAgriculture.gov). Include your name, organization name, and complete organization mailing address, and allow 2-4 weeks for delivery. F&N is unable to provide more than one copy to each CE.

## **6150      Complaints**

A CE and sponsored sites must have procedures for processing complaints. Staff at all locations must be able to provide documentation of the procedures and an explanation of the complaint process. If a civil rights complaint is filed the CE must forward it to USDA immediately. A courtesy copy should be sent to your community Operations office.

Sponsors are responsible for forwarding civil rights complaints filed with a site to USDA.

## **6200 Section 504 of the Rehabilitation Act of 1973**

### **6210 Program Accessibility**

The CACFP, when viewed in its entirety, must be accessible to and usable by disabled persons, including persons with impaired vision or hearing. A CE is not required to make every part of existing facilities physically accessible to disabled persons, but must ensure that their programs, and if sponsors that the programs at their sites, are accessible.

CEs and sponsored sites must offer the most integrated setting possible to enable persons with disabilities to fully benefit from the program.

CEs and sponsored sites can make their programs accessible to persons with disabilities by:

- Moving to accessible buildings;
- Assigning aides to assist participants;
- Delivering services at alternate accessible sites (for sites with 15 or fewer employees);
- Redesigning their equipment;
- Changing the schedule of service hours;
- Altering existing facilities; and/or
- Constructing new, accessible facilities.

A CE, and sponsored sites, should develop a transition plan to ensure program accessibility when structural changes to buildings are necessary.

If a CE or sponsored site cannot provide services to a person with disabilities because a part of a center or facility where services are provided is not accessible, they must:

- Inform the person with disabilities of alternate sites where they can receive services; and
- Pay all or part of any additional cost the person with disabilities incurs as a result of being transported to the alternate site. (There are some circumstances when a CE or sponsored site is not required to pay these costs. Contact your Community Operations office for additional information.)

### **6220 Public Notification**

A CE and sponsored sites must continually inform potential and current participants, beneficiaries, applicants, and employees that the CE and sponsored sites do not discriminate on the basis of disability. This includes notifying unions or professional organizations that maintain collective bargaining or professional agreements with recipients.

## **6230 Employment**

A CE and sponsored site is prohibited from discriminating against any qualified person based on a disability. Reasonable accommodations must be made for the known physical or mental limitations of an otherwise qualified applicant or employee with disabilities. A CE or sponsored site is not expected to make accommodations that impose an undue hardship on the operation of the program.

## **6240 Food Services**

Each CE and sponsored site must serve special meals without additional charge to adults with disabilities that restrict their diet. Refer to Item 4113.4, Meals for Adult Participants with Disabilities, and Item 4113.5, Meals for Adult Participants with Medical or Special Dietary Needs, for additional information related to meals for adults with disabilities or special dietary needs.

## **6250 Designation of Section 504 Coordinator**

CEs and sponsored sites that employ 15 or more people must designate one or more persons to coordinate compliance with Section 504 regulations. An existing employee may be designated to perform this function.

## **6260 Complaint/Grievance Procedures**

CEs and sponsored sites that employ 15 or more people must maintain procedures to process complaints and grievances. Procedures that are required by a program other than the CACFP may satisfy this requirement if they comply with due process standards and provide for prompt and equitable resolution of complaints and grievances.

## **6270 Self-Evaluation of Services**

CEs must evaluate the quality and availability of their services to people with disabilities, and begin to correct any inequitable policies or practices. The evaluation should be made with the assistance of people with disabilities or organizations that advocate for people with disabilities. The CE must maintain a list of interested persons with whom they consulted, a description of areas that they examined and the problems that they identified, and descriptions of modifications that they made.

CEs must retain the results of a self-evaluation study in accordance with CACFP record-keeping requirements. Refer to Item 4400, Program Documentation, for additional guidance.

CEs that are sponsors must ensure that their sites are in compliance with all civil rights requirements.

## **6300 Americans With Disabilities Act**

### **6310 Introduction**

The Americans With Disabilities Act (ADA) became effective January 26, 1992. This act and Section 504 of The Rehabilitation Act of 1973 combine to prevent a wide range of discriminatory actions against disabled persons. The ADA, however, does not replace Section 504. The ADA applies to all persons and is not limited solely to persons who receive federal financial participation.

The ADA comprises the following subjects:

- Non-discriminatory practices.
- Reasonable accommodation.

The ADA applies to the following areas:

- Services; and
- Employment.

### **6320 Services**

When evaluating the services offered, including at sponsored sites, the CE should consider the following questions:

- Can the person with disabilities get to the facility with reasonable ease?
- If the person can reach the location, can they enter the facility and access the specific location where services are provided?
- If they can access the location where services are provided, is there an accessible bathroom?
- If they can access the location where services are provided, are necessary accommodations made for their particular disability?

### **6330 Employment**

In accordance with the ADA, a CE and sponsored sites must comply with the following requirements. CEs and sponsored sites:

- Cannot discriminate against a person with a disability when hiring or promoting staff if the person is otherwise qualified for the job.

- Can inquire about a person's ability to perform a job, but cannot ask whether a person has a disability or subject a person to tests that screen out people with disabilities.
- Must provide "reasonable accommodation" to persons with disabilities, for example, job restructuring and modification of equipment.

**NOTE:** A CE or sponsored site is not required to provide accommodations that impose an undue hardship on their business.