**Letter to Board Members, Sponsor Managers and Supervisors, and other Principals**

**Regarding Participation in the USDA Child and Adult Care Food Program**

As you know, we participate in the USDA Child and Adult Care Food Program (CACFP). This may be one of several publicly funded programs (that is, programs funded wholly or in part by Federal, State, or local dollars) in which we participate and, last year, it accounted for approximately [fill in dollar figure or percentage] of our revenues.

In recent years, the USDA CACFP experienced national problems with financial accountability and Program integrity that received national media coverage and generated congressional calls for Program changes. As a result, Congress passed **Public Law 106-224, the Agricultural Risk Protection Act (ARPA),** which mandated a number of changes to Program eligibility for organizations like ours. The pertinent changes included:

* A requirement that no organization could participate in CACFP if, during a period of time specified by the United States Department of Agriculture, the organization had been ruled ineligible to participate in another publicly funded (i.e., Federally, State, or locally funded) program due to its violation of program requirements.
* A requirement that USDA establish rules relating to the ineligibility of organizations that engage in unlawful practices or have a criminal background; and
* A requirement that USDA establish a National list of organizations and individuals disqualified from CACFP as a result of Program violations during a period of time defined by the Department.

On June 27, 2002, USDA published a rule that implements these changes. Then, USDA and State administering agencies conducted training on these requirements for State and local operators of CACFP. In order to implement the above requirements, USDA established a number of new regulatory requirements:

* Defined sponsor principals: As all managers and supervisors in the sponsorship, as well as any member of the sponsors governing board of directors or similar body.
* As part of their application and re-application to participate, sponsors must provide certifications concerning the past performance and criminal convictions of their organization and its “principals”. USDA has included “principals” in this requirement because it believes that an organization’s performance and accountability is best assessed with reference to the people who manage and oversee the organization.
* Certifications must attest to the performance of the organization and its principals during the preceding seven (7) years.

 **CFR 200.113**

* Certifications must elicit information about business-related criminal convictions. Please note that criminal convictions do not include civil judgments or indictments that did not result in convictions. The regulations provide a list of such business-related offenses that includes fraud, bribery, forgery, theft, making false statements, claims falsification, destruction of records, bribery, embezzlement, receiving stolen property, obstruction of justice, gratuity violations and antitrust violations.
* As part of its Program application or re-application, each sponsor must ALSO provide identifying information concerning the Chairperson of the sponsor’s Board of Directors and its Executive Director, or individuals in comparable positions.
	+ On advice of its attorneys, the Department elected to use date of birth as the identifying information for these individuals. This will enable Federal and State officials reviewing the National Disqualified List to differentiate between individuals with similar or identical names on the basis of their dates of birth.

As a result of these new requirements, we have established a method of collecting relevant information from all of our principals, in order to fill out the required certifications during our next re-application. Because our re-application will not be considered complete and approvable without this information, I urge you, as one of our principals, to fill out and return the form to me at your earliest convenience.

Thank you for your prompt cooperation.

[USDA Nondiscrimination Statement | Food and Nutrition Service](https://urldefense.com/v3/__https%3A/www.fns.usda.gov/civil-rights/usda-nondiscrimination-statement-other-fns-programs__;!!Oai6dtTQULp8Sw!QkRyajDmRUkECXL6LrycazcGSyIJtyEfNq-0vEBT1notxs2ftGSnWaDgqQo2P9Vci9DsU23UmDMWpcnfTeJdTzIL5gZyh1_L4rZ0$)

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](https://urldefense.com/v3/__https%3A/www.usda.gov/sites/default/files/documents/USDA-OASCR%2A20P-Complaint-Form-0508-0002-508-11-28-17Fax2Mail.pdf__;JQ!!Oai6dtTQULp8Sw!QkRyajDmRUkECXL6LrycazcGSyIJtyEfNq-0vEBT1notxs2ftGSnWaDgqQo2P9Vci9DsU23UmDMWpcnfTeJdTzIL5gZyh1Ofy1jK$), 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; or
2. **fax:** (833) 256-1665 or (202) 690-7442; or
3. **email:**Program.Intake@usda.gov

This institution is an equal opportunity provider.

Reviewed August 2023

Board Member Letter