

**County Of San Bernardino
Department of Behavioral Health**

Charitable Choice Policy

Effective Date 11/07
Approval Date 11/07


Allan Rawland, Director

Policy In compliance with Title 42 of the Code of Federal Regulations, part 54, it is the policy that all Department of Behavioral Health (DBH) Alcohol and Drug Service (ADS) programs and contract agencies shall:

- Incorporate language prohibiting discrimination against individuals based on religion within contracts.
- Ensure religious organizations are equally eligible for receipt of contracts through DBH Alcohol and Drug Services Administration.
- Ensure religious organizations establish a referral process to a reasonably accessible program for those clients who may object to the religious nature of the program.

Purpose The purpose of this policy is to ensure that DBH staff and contract agencies comply with guidelines in Title 42, Code of Federal Regulations Part 54: Nondiscrimination and Institutional Safeguards for Religious Providers.

Identifying Religious Organizations All contract organizations shall complete the attached "Survey for Ensuring Equal Opportunity for Applicants". Organizations that indicate "Yes" to question 4 will be required to comply with guidelines within this policy.

Roles & Responsibilities Stated in the table below are the roles and responsibilities that are required for compliance under Title 42 of the Code of Federal Regulations, part 54:

Roles	Responsibilities
DBH ADS	<ul style="list-style-type: none">• Identify and monitor religious providers for compliance.• Maintain an overall log for reported referrals• Submit referral information to the State annually

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Charitable Choice Policy, Continued

Roles & Responsibilities (continued)

Roles	Responsibilities
Contract Agencies	Any provider that has been identified as a religious organization: <ul style="list-style-type: none">• shall not use funds for religious program content• must notify clients of their rights prohibiting discrimination• must notify clients of their right to be referred to another program if they object to the religious nature of the program at intake. (see ADS003, Notice of Personal/Civil Rights)• must have a referral process in place to a reasonably accessible program that includes a notice to DBH ADS Administration and the funding of alternative services.

Note: Please refer to "[Summary Of Final Rules On Charitable Choice](#)" for more information

Reference

- Title 42, CFR Part 54
 - DBH SPM, 0205:Title 22 Fair Hearing Rights Policy
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SURVEY ON ENSURING EQUAL OPPORTUNITY FOR APPLICANTS

Purpose: This form is for applicants that are nonprofit private organizations (not including private universities). Please complete it to assist the Federal government in ensuring that all qualified applicants, small or large, non-religious or faith-based, have an equal opportunity to compete for Federal funding. Information provided on this form will not be considered in any way in making funding decisions.

Instructions for Submitting Survey (see back of form)

1. Does the applicant have 501(c)(3) status?

Yes No

2. How many full-time equivalent employees does the applicant have?
(Check only one box).

3 or Fewer 15-50
 4-5 51-100
 6-14 over 100

3. What is the size of the applicant's annual budget? (Check only one box.)

Less Than \$150,000
 \$150,000 - \$299,999
 \$300,000 - \$499,999
 \$500,000 - \$999,999
 \$1,000,000 - \$4,999,999
 \$5,000,000 or more

4. Is the applicant a faith-based/religious organization?

Yes No

5. Is the applicant a non-religious community-based organization?

Yes No

6. Is the applicant an intermediary that will manage the grant on behalf of other organizations?

Yes No

7. Has the applicant ever received a government grant or contract (Federal, State, or local)?

Yes No

8. Is the applicant a local affiliate of a national organization?

Yes No

Survey Instructions on Ensuring Equal Opportunity for Applicants

1. 501(c)(3) status is a legal designation provided on application to the Internal Revenue Service by eligible organizations. Some grant programs may require nonprofit applicants to have 501(c)(3) status. Other grant programs do not.

2. For example, two part-time employees who each work half-time equal one full-time equivalent employee. If the applicant is a local affiliate of a national organization, the responses to survey questions 2 and 3 should reflect the staff and budget size of the local affiliate.

3. Annual budget means the amount of money your organization spends each year on all of its activities.

4. Self-identify.

5. An organization is considered a community-based organization if its headquarters/service location shares the same zip code as the clients you serve.

6. An “intermediary” is an organization that enables a group of small organizations to receive and manage government funds by administering the grant on their behalf.

7. Self-explanatory.

8. Self-explanatory