



**THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE
STATE OF NEW YORK / ALBANY, NY 12234**

Office of P-20 Education Policy

Child Nutrition Program Administration

89 Washington Avenue, Room 375 EBA, Albany, NY 12234

Phone: (518) 473-8781 Fax: (518) 473-0018

To: School Food Authorities and Summer Food Service Program Sponsors

Child Nutrition Program Administration

Date: Thursday, May 12, 2022

From:

Updated Civil Rights Information

Subject:

The attached memorandum includes the Food and Nutrition Service's (FNS) complaint processing policy update related to program complaints alleging discrimination on the basis of gender identity or sexual orientation in programs or activities receiving Federal financial assistance.

In short, discrimination on the basis of sex in programs or activities receiving Federal financial assistance includes discrimination on the basis of sexual orientation and discrimination on the basis of gender identity. This policy update is consistent with the Supreme Court's decision in *Bostock v. Clayton County*, 140 S. Ct. 1731, 590 U.S. ___ (2020), and applies to prohibitions against discrimination based on sex in all FNS programs. This memorandum will impact the processing of program discrimination complaints, effective immediately. In addition, FNS's Civil Rights Division will update the Nondiscrimination Statement (NDS) and the And Justice for All (AJFA) posters to include gender identity and sexual orientation as protected bases. We understand these changes may impact your operations and we will be available to provide you with technical assistance to make the necessary changes.

All documents, pamphlets, websites, etc. should be updated with the 2022 NDS (included below) as follows:

1. Websites must be updated within 90 days of the date of this memorandum.
2. Documents, pamphlets, brochures, etc., using 2015 NDS language must be updated when current supply on hand is exhausted or by September 30, 2023.
3. All new printing must use the 2022 NDS

AJFA posters currently posted must not be removed until replaced with the new poster. SED will post an update on our website when the new AJFA posters are received.

Please contact your program representative with any questions.

Attachments:

[*Application of Bostock v Clayton County*](#)

[*NDS and AJFA Poster Memo 2022*](#)

[*Bostock Q&A Memo*](#)

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/USDA-OASCR%20P-Complaint-Form-0508-0002-508-11-28-17Fax2Mail.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:

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

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