

Wisconsin Department of Public Instruction



June 27, 2022

## **Announcements from the Summer Food Service Program (SFSP)**

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### **Civil Rights Update**

This [letter](#) is to inform you that the USDA Food and Nutrition Service's (FNS's) Civil Rights Division has updated the Nondiscrimination Statement and the *And Justice for All* posters to include gender identity and sexual orientation as protected bases. This policy update is consistent with the Supreme Court's decision in *Bostock v. Clayton County* and applies to prohibitions against discrimination based on sex in all FNS programs.

The DPI is working on updating our resources and training materials with this revision. We have updated the Prototype Media Release, found under the Civil Rights section of the [SFSP Materials & Resources](#) page.

## Updated USDA Nondiscrimination Statement

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>, 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](mailto:program.intake@usda.gov)

This institution is an equal opportunity provider.

### **Timeline for Implementation of the Nondiscrimination Statement (NDS):**

All documents, pamphlets, websites, etc. should be updated with the 2022 NDS 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.

**Timeline for Implementation of the “And Justice for All (AJFA)” Posters:**

1. State agencies may distribute AJFA posters currently on hand to local agencies and subrecipients until new posters are received.
2. AJFA posters currently posted must not be removed until replaced with the new poster.
3. The 2019 AJFA poster(s) language should be updated on websites, training presentations and any pending printing of brochure, pamphlets, and materials and replaced with the [appropriate 2022 version](#).
4. State agencies must provide their poster order request to their Regional Civil Rights Officer by June 27, 2022. The DPI Community Nutrition Team has placed our order.

**[USDA Policy Memorandum CRD 01-2022: Application of Bostock v. Clayton County to Program Discrimination Complaint Processing – Policy Update](#)**

This policy memorandum provides additional background regarding the processing of discrimination complaints. State agencies and program operators should expeditiously review their program discrimination complaint procedures and make any changes necessary to ensure complaints alleging discrimination on the basis of gender identity and sexual orientation are processed and evaluated as complaints of discrimination on the basis of sex.

**[USDA Policy Memorandum CRD 02-2022: Questions and Answers Related to CRD 01-2022 Application of Bostock v. Clayton County to Program Discrimination Complaint Processing – Policy Update](#)**

The Food and Nutrition Service (FNS), Civil Rights Division (CRD) is issuing this memorandum to provide clarification on questions related to CRD 01-2022 Application of Bostock v. Clayton County to Program Discrimination Complaint Processing – Policy Update, published on May 5, 2022.

**Of importance for agencies with a religious affiliation:**

Q: How do you request a religious exemption with the U.S. Department of Agriculture?

A: Under U.S. Department of Agriculture (USDA) regulation CFR 15a.205, educational institutions and other entities may claim an exemption from the provisions of Title IX by submitting a written declaration to the Secretary of Agriculture identifying the provisions that conflict with a specific tenet of the religious organization.

USDA's Postal Service mailing address is:  
U.S. Department of Agriculture  
1400 Independence Ave., S.W.  
Washington, DC 20250

The highest-ranking official at an organization would need to submit the request and individual dioceses would need to submit separate requests.

If an agency applies for an exemption, they will need to follow the existing policy until the exemption has been approved; this means the 2022 NDS would need to be posted until the exemption is approved.

**Completing the Race and Ethnicity Data Form**

USDA recently provided [Questions and Answers Related to CACFP 11-2021, SFSP 07- 2021 Collection of Race and Ethnicity Data by Visual Observation and Identification in the Child and Adult Care Food Program and Summer Food Service Program](#). Please review the [Q&A](#) provided. In short, the Race and Ethnicity Data form must continue to be completed annually, once for each non-camp site and once for each session, if the site is a camp. Visual observation cannot be used. Instead, sponsors should use methods that are based on self-identification and self-reporting. A best practice for this would be obtaining the information from parents, or guardians or adult participants. Therefore, if the sponsor has collected this data for other purposes for program participants, that data already available may be used to complete the form. If not available for the specific children participating, aggregate data may be used. Race and ethnicity data may also be obtained through the [Census' American Community Survey](#) and [the National Center for Education Statistics Common Core of Data](#) database.

**Cucumber Crunch!**

Celebrate summer by participating in the Cucumber Crunch! This is a simple, celebratory event to promote local foods and farm to summer. Pick any date this summer and have staff and children crunch into local cucumbers. You'll find all of the resources to celebrate a Crunch day of your choosing on our [Celebrate Summer](#) page. Remember to use #CucumberCrunch and #SummerMeals on social media! You can also share photos of your event with DPI by sending them to [SFSP@dpi.wi.gov](mailto:SFSP@dpi.wi.gov).

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*Program Abbreviation/Definition Key*

- SFA=School Food Authority
- SSO=Seamless Summer Option
- SFSP=Summer Food Service Program

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