

Commissioner's Memo  
8/19/2021

## Civil Rights Compliance in Child Nutrition Programs SY2021-2022

### Memo Information

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Memo Type Informational

Unit Child Nutrition

Regulatory Authority USDA SP 16-2021; 7 CFR 15; FNS 113-1

Response Required NO

Attention Superintendents; Principals; Child Nutrition Directors/Managers

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### Memo Text

The purpose of this memo is to provide guidance on Civil Rights compliance and enforcement in Child Nutrition Programs and activities.

All programs receiving Federal dollars must ensure eligible participants know about and have equal access to Child Nutrition Programs. The linked document below is an overview of the requirements: [Civil Rights Requirements for Child Nutrition Programs in Arkansas](#).

The United States Department of Agriculture (USDA) recently issued some question and answers related to Civil Rights for the 2021-2022 school year.

#### Question and Answers

### 1. Is the Nondiscrimination Statement required on informational materials and websites?

States are not relieved of their obligation to include the required Nondiscrimination Statement (NDS) on all printed and electronic program materials made available to applicants, participants, and potentially eligible persons for public information, public education, or public distribution. This includes, but is not limited to, information pertaining to eligibility, benefits, services, the location of local facilities or service delivery points, and hours of service.

If the size of the material is too small to include the full statement, the material must, at a minimum, include the following statement in print in the same font size as the main text: "This institution is an equal opportunity provider." On websites, the Nondiscrimination Statement (NDS) or a link to it, must be included on the home page of the program information.

Recognizing that print media (television, radio, and Internet announcements) are generally short in duration, the full NDS must be provided to the media outlet but does not need to be read or printed in its entirety. The single line, short NDS is sufficient to meet the requirement.

### 2. Will meal pattern waivers affect a program operator's responsibility to make meal modifications for participants with disabilities?

During this public health emergency, States and program operators are not relieved of their obligation to provide meal modifications for participants with disabilities. When planning a non-congregate meal service, State agencies and program operators should consider how individuals who require meal modifications will be identified and served.

### 3. Do you need to have "And Justice for All" (AJFA) posters on mobile routes for COVID-19 meal distribution?

The AJFA poster must be prominently displayed in all facilities and locations that distribute Program benefits or administer services. Meals delivered from stationary vans or buses should display the AJFA poster. For vehicles making door-to-door drop deliveries at homes and businesses, the AJFA poster does not need to be displayed.

### 4. For SY 2021-2022, some schools are considering providing meals in the classroom rather than the cafeteria. In those situations, do the schools need to display an And Justice for All poster in every classroom?

No. It is not feasible or cost-effective to require that each classroom in a school display an And Justice for All Poster. Instead, schools can display posters in prominent locations throughout the school, such as a bulletin board in the main building entrance, the school office, or another area frequently visited by parents/guardians and children. Schools may copy posters and put one in each classroom, but that is not required.

## 5. Are States required to provide free language assistance?

During this public health emergency, States are not relieved of their obligation to ensure meaningful access to services for limited English proficient (LEP) persons. This includes both providing interpretation services and translating critical documents.

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## Attachments

- [USDA\\_SP\\_16-2021\\_090725.pdf](#)
- [FNS\\_113-1\\_091047.pdf](#)