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MEMORANDUM 01-2021

TO: Child Nutrition Program Sponsors, TEFAP ERA and sub-ERAs
FROM: Child Nutrition Programs
DATE: November 11, 2020
RE: Nondiscrimination Statement Update

Background: The USDA FNS Civil Rights webpage has been updated resulting in changes to the links within the Nondiscrimination Statement (NDS). This will require all program sponsors to update the NDS links on websites and electronic program materials.

Action: At a minimum, the full version of the NDS must be on 1) application form(s), 2) Notifications of eligibility or ineligibility, 3) Notice of adverse action form, 4) Home page of the program information, and 5) Public information releases. Printed materials referencing the links should be updated at the next revision or printing. Copies of the current NDS in English and Spanish are enclosed and will be checked on administrative reviews. Here are the links to the USDA Civil Rights and NDS web pages:

- <https://www.fns.usda.gov/civil-rights>
- <https://www.fns.usda.gov/cr/fns-nondiscrimination-statement>

The “How to File a Program Complaint” link should be checked to ensure that it directs to the updated background URL: <https://www.usda.gov/oascr/how-to-file-a-program-discrimination-complaint>. Sponsors must advise applicants and participants at the service delivery point of their right to file a complaint, how to file a complaint, and the complaint procedures. The direct links to the USDA Complaint forms in English and Spanish are listed below.

Complaint form:

- <https://www.usda.gov/sites/default/files/documents/USDA-OASCR%20P-Complaint-Form-0508-0002-508-11-28-17Fax2Mail.pdf> (English)
- https://www.ocio.usda.gov/sites/default/files/docs/2012/Spanish_Form_508_Complaint_6_8_12_0.pdf (Spanish)

Additional resources and training on Civil Right compliance for Child Nutrition Programs is available on the USBE CANVAS NSLP Central website <https://usbe.instructure.com/courses/54/pages/state-forms-and-resources>.

References: [FNS Instruction 113-1](#), 7 CFR 15, 7 CFR 210.3; 7 CFR 210.9(b)(11); 7 CFR 215.7(d)(3); 7 CFR 215.14; 7 CFR 220.7(e)(15); 7 CFR 225; 7 CFR 226; 7 CFR 245; 7 CFR 250

Attachments: Nondiscrimination Statement_CNP_20201109 and Nondiscrimination Statement QAs

Contact: Kathleen Britton, Kathleen.britton@schools.utah.gov

USDA Nondiscrimination Statement

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, sex, disability, age, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA.

Persons with disabilities who require alternative means of communication for program information (e.g. Braille, large print, audiotope, American Sign Language, etc.), should contact the Agency (State or local) where they applied for benefits. Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program complaint of discrimination, complete the [USDA Program Discrimination Complaint Form](#), (AD-3027) found online at: <https://www.usda.gov/oascr/how-to-file-a-program-discrimination-complaint>, and at any USDA office, or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter 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;

(2) Fax: (202) 690-7442; or

(3) Email: program.intake@usda.gov.

This institution is an equal opportunity provider.

USDA Nondiscrimination Statement - Spanish Translation

De conformidad con la Ley Federal de Derechos Civiles y los reglamentos y políticas de derechos civiles del Departamento de Agricultura de los EE. UU. (USDA, por sus siglas en inglés), se prohíbe que el USDA, sus agencias, oficinas, empleados e instituciones que participan o administran programas del USDA discriminen sobre la base de raza, color, nacionalidad, sexo, discapacidad, edad, o en represalia o venganza por actividades previas de derechos civiles en algún programa o actividad realizados o financiados por el USDA.

Las personas con discapacidades que necesiten medios alternativos para la comunicación de la información del programa (por ejemplo, sistema Braille, letras grandes, cintas de audio, lenguaje de señas americano, etc.), deben ponerse en contacto con la agencia (estatal o local) en la que solicitaron los beneficios. Las personas sordas, con dificultades de audición o discapacidades del

habla pueden comunicarse con el USDA por medio del Federal Relay Service [Servicio Federal de Retransmisión] al (800) 877-8339. Además, la información del programa se puede proporcionar en otros idiomas.

Para presentar una denuncia de discriminación, complete el Formulario de Denuncia de Discriminación del Programa del USDA, (AD-3027) que está disponible en línea en: https://www.ocio.usda.gov/sites/default/files/docs/2012/Spanish_Form_508_Compliant_6_8_12_0.pdf y en cualquier oficina del USDA, o bien escriba una carta dirigida al USDA e incluya en la carta toda la información solicitada en el formulario. Para solicitar una copia del formulario de denuncia, llame al (866) 632-9992. Haga llegar su formulario lleno o carta al USDA por:

(1) correo: U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410;

(2) fax: (202) 690-7442; o

(3) correo electrónico: program.intake@usda.gov.

Esta institución es un proveedor que ofrece igualdad de oportunidades.

<https://www.fns.usda.gov/civil-rights/usda-nondiscrimination-statement-other-fns-programs>

Nondiscrimination Statement Q&As

Civil Rights

1. How do I find the Nondiscrimination Statement in other languages?

- a. The English and Spanish translations have been provided with this policy.
- b. Other translations are available on FNS Civil Rights Division website <https://www.fns.usda.gov/cr/fns-nondiscrimination-statement>.
 - i. Important Note: As there are specific NDS for other USDA Food and Nutrition Service programs, use the Nondiscrimination Statement (NDS) *“for all other FNS nutrition assistance programs, state or local agencies, and their subrecipients.”*
- c. Contact USBE Child Nutrition Programs if you need the Nondiscrimination Statement in another language.

2. When should the full statement be used?

- a. All information materials and sources, including websites, must contain a nondiscrimination statement.
- b. Full Version must be included on:
 - i. Public information, including program literature and public notification
 1. Inform applicants, participants, potentially eligible persons of program availability, program rights, responsibilities, policy of nondiscrimination and procedure for filing a complaint.
 - a. Application form(s)
 - b. Notifications of eligibility or ineligibility
 - c. Notice of adverse action form
 - d. Posters
 - e. Informational Materials (i.e. pamphlets)
 - ii. Program (home) webpage
 1. The statement is not required to be included on every page of the program website. At a minimum, the nondiscrimination statement or a link to it must be included on the home page of the program information.
 - iii. Agreements, Memorandum of Understanding (MOU), Contracts, Procurement (Request for Proposal and contract solicitations)

3. When can the abbreviated nondiscrimination statement be used?

- a. Abbreviated version can be used in special circumstances.
 - i. If the material is too small to permit the full statement to be included, the material will at a minimum include the statement, in print size no smaller than the [smallest font] text. The short statement may be used on flyers, posters or similar documents that are one page by nature.
 - ii. In addition, recognizing that Internet, radio, and television public service announcements are generally short in duration, the nondiscrimination

statement does not have to be read in its entirety. Rather, a statement such as “The [program name] is an equal opportunity provider” is sufficient to meet the nondiscrimination requirement.

b. Abbreviated Statement:

- i. This institution is an equal opportunity provider.
- ii. Esta institución es un proveedor que ofrece igualdad de oportunidades.
(Spanish)

4. When is a nondiscrimination statement not required?

- a. A nondiscrimination statement is not required to be imprinted on items such as cups, buttons, magnets, and pens that identify the program, when the size or configuration makes it impractical.

(FNS 113-1, Public Notification, <https://fns-prod.azureedge.net/sites/default/files/113-1.pdf>)