# SNP Memo #2021-2022-40


**COMMONWEALTH of VIRGINIA
Department of Education**

DATE: May 23, 2022

TO: Directors, Supervisors, and Contact Persons Addressed

FROM: Sandra C. Curwood, PhD, RDN, ***Sandy***

## SUBJECT: Updates to the USDA Nondiscrimination Statement

The purpose of this memorandum is to alert school and child nutrition program operators of updates made to the United States Department of Agriculture, Food and Nutrition Service (USDA-FNS) Nondiscrimination Statement. Gender identity and sexual orientation have been added to further define the protected base of sex. The policy memorandum, questions and answers, and cover letter can be accessed online via the link below:

* [CRD 01-2022, Application of *Bostock v. Clayton County* to Program Discrimination Complaint Processing - Policy Update](https://www.fns.usda.gov/cr/crd-01-2022)

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 USDA-FNS programs.

The USDA-FNS Civil Rights Division will update the nondiscrimination statement (NDS) and the *And Justice for All* posters.

### Nondiscrimination Statement

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

1. Websites must be updated within 90 days of May 5, 2022.
2. Documents, pamphlets, brochures, etc., using 2015 NDS language must be updated when the current supply on hand is exhausted or by September 30, 2023.
3. All new printing must use the 2022 NDS. The updated FNS NDS will be [available in multiple languages](https://www.fns.usda.gov/cr/fns-nondiscrimination-statement).

The Virginia Department of Education, Office of School Nutrition Programs (VDOE-SNP) updated the NDS on all English documents in SNPWeb *Download Forms* and Spanish translations are forthcoming.

### *And Justice for All* Posters

School and child nutrition program operators will be notified by the VDOE-SNP when new *And Justice for All* posters are ready for distribution. Until new posters are received, additional guidance is outlined below.

1. *And Justice for All* posters currently posted must not be removed until replaced with the new poster.
2. The 2019 *And Justice for All* poster(s) language should be updated on websites, training presentations, and any pending printing of brochures, pamphlets, and materials and replaced with the appropriate 2022 version.

### Complaint Processing

Program operators will have to update their program discrimination complaint processing procedures for allegations related to services and activities receiving federal financial assistance from the USDA to ensure discrimination complaints alleging sexual orientation and gender identity discrimination are processed as complaints of prohibited sex discrimination.

### For more information

For more information, please contact your assigned school or child nutrition programs regional specialist or the SNP policy mailbox via email at SNPpolicy@doe.virginia.gov.

SCC/AMN