



State of Arizona
Department of Education

CN# 017-12
USDA # CACFP 16-2012

MEMORANDUM

TO: Child and Adult Care Food Program Organizations and Day Care Home
Sponsoring Organizations

FROM: Mary Szafranski, Deputy Associate Superintendent
Arizona Department of Education, Health and Nutrition Services

Melissa Conner, Director
Arizona Department of Education, Child and Adult Care Food Program

DATE: May 14, 2012

SUBJECT: Prohibition of Separation by Gender during Child Nutrition Program Meal Service

Original Signed

The United States Department of Agriculture (USDA), Food and Nutrition Services (FNS), has developed guidance on the separation of children by gender during a Child Nutrition Program (CNP) meal service. The information additionally clarifies that this requirement applies to children not participating in the program meal, but in all facilities that receives Federal funds. Please review and develop internal structures to ensure that your facilities meet this requirement during the meal service.

The below guidance provides clarification to the statutory requirements that prohibit separating children by gender in any facility receiving federal funds appropriated for providing meals under the CNPs. Facilities are defined as schools, institutions, child care centers, day care homes and summer feeding sites.



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FNS Guidance:

- a. Upon consultation with USDA Office of the General Counsel (OGC), FNS has determined that school authorities may not separate any students based on gender during the service of program meals.
- b. There are other methods to ensure safety and discipline without separating students based on impermissible factors such as gender.
- c. Under the governing statute for the CNPs, FNS does not have the authority to grant States and/or programs a waiver to the requirements mandated under these acts in the enforcement of constitutional statutory rights of individuals under Title IX.
- d. An exemption by an educational institution controlled by a religious organization may be filed with the USDA pursuant to 15 C.F.R. 15a.12 (b). The exemption must be in writing and by the most senior official of the requesting institution. The request must also identify which part of this policy violates a specific tenet of the religious organization.

Please feel free to contact your specialist if you have questions.



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