



Georgia Department of Early Care and Learning

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Nathan Deal
Governor

Amy M. Jacobs
Commissioner

MEMORANDUM

To: Child and Adult Care Food Program (CACFP) Institutions and Summer Food Service Program (SFSP) Sponsors

From: Falita S. Flowers, Nutrition Services Director (*Original Signed*)

Date: May 11, 2015 - Reissued

Subject: Guidance on Prohibition of Separation by Gender during Child Nutrition Program Meal Service

Legal Authority: USDA Policy Memorandum, CACFP 12-2015, SFSP-14-2015

This memorandum explains the prohibition on separation by gender during Child Nutrition Program meal service and outlines select circumstances under which gender-based separation may be permissible. This memorandum supersedes previously rescinded guidance, CACFP 16-2012, SFSP 12-2012, "*Prohibition of Separation by Gender during Child Nutrition Program Meal Service*," dated May 9, 2012.

This guidance impacts institutions participating in the Child and Adult Care Food Program (CACFP) and sponsors participating in the Summer Food Service Program (SFSP) and includes at-risk after school participants, child or adult care institutions and facilities, camps (including residential facilities), and other sites, as defined in 7 CFR § 225.2 and 226.2, that are providing meal services as a CACFP and/or SFSP activity.

Separation by Gender during Meal Service Prohibited

CACFP institutions and SFSP sponsors are not permitted to separate children on any protected basis during the service of Program meals or snacks, in keeping with Federal non-discrimination laws and policies as outlined for the Department of Agriculture (USDA) programs in 7 CFR Parts 15, 15a, and 15b. Federal law prohibits discrimination based on gender at any educational institution receiving Federal assistance.

Exceptions to the Prohibition on Gender-Separated Meal Service

For co-educational schools and school-based sites:

The Food and Nutrition Service (FNS) recognizes religious exemptions granted by the Department of Education (ED) without prior express approval. ED guidelines allow school and school-based sites to

apply for an exemption when Federal law prohibiting gender separation is inconsistent with the institution's religious tenets. These exemptions apply broadly to operations, including the meal service at a given site, such as a faith-based school.

Additionally, ED guidelines specifically allow for the approval of gender-separate instruction at public primary and secondary non-vocational schools that could take a variety of forms. It is important to emphasize that since the general rule is that gender separation during meal service is prohibited, a co-educational school may not use limited ED approval of gender-separate instruction to justify blanket gender separation during meal service. Limited exemptions in such situations must be expressly approved by FNS.

For other institutions and organizations:

Bright from the Start: Georgia Department of Early Care and Learning (DECAL) may approve exemptions allowing separation by gender during a CACFP or SFSP meal service for participating SFAs, organizations, and institutions, without expressing prior approval from FNS, in the following circumstances:

- Meal service at religious institutions operating under the dictates of the religion with which they are affiliated.
- Meal service at juvenile correctional facilities where combining members of the opposite gender would present a potential safety risk.
- Meal service at facilities that fully separate by gender as part of their normal operations (for example, gender-separated summer camps).

When requesting an exemption, the CACFP institution or SFSP sponsors must specify which of the above listed reasons apply and why separation by gender is necessary. Institutions and sponsors interested in requesting an exemption must complete the **Request for Exemption Form** (See attachment). DECAL will document all exemption requests, including the date of approval or disapproval, and if applicable, the duration of the approval.

The above listed exemptions are the only acceptable bases for gender separation during CACFP or SFSP meal service. Any gender separation not based on the ED and/or FNS approval processes is strictly prohibited.

On a case by case basis, situations that do not clearly fit into any of the exemptions outlined above may be considered by DECAL in direct consultation with the FNS Regional Office, including the FNS Civil Rights Office and appropriate FNS National Office Child Nutrition Program staff.

For questions concerning this memorandum, please contact Sonja Adams, Policy Administrator at (404) 651-8193.

cc: Deidria W. Bolden, Assistant Commissioner for Federal Programs and Administration, DECAL



BRIGHT FROM THE START

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ATTACHMENT

**Child and Adult Care Food Program (CACFP) and Summer Food Service Program (SFSP)
Request for Exemption Allowing Separation by Gender during a CACFP or SFSP Meal Service**

Organization Name: _____ Agreement Number: _____

Address: _____

City: _____ State: _____ County: _____ Zip: _____

_____ is requesting to allow separation by gender during a meal service.

(Organization Name)

_____ certifies the organization operates is food service program under the following categories:

(Organization Name)

- Meal service at religious institutions operating under the dictates of the religion with which they are affiliated.
- Meal service at juvenile correctional facilities where combining members of the opposite gender would present a potential safety risk.
- Meal service at facilities that fully separate by gender as part of their normal operations (for example, gender-separated summer camps).

I certify that I am the Delegated Principal of this organization, and I am legally responsible for the administration and operation of the CACFP or SFSP, and that I have verified that the meal service location on the attached form meet the appropriate requirements to request a waiver to allow meal separation by gender during meal services.

I also certify that the information contained in this document is true and correct and that listing false or incorrect information and failure to notify Bright from the Start when the information contained in this document changes may result in the denial of reimbursement, termination and disqualification of the organization, its responsible principals and/or individuals from participation the SFSP, CACFP or any other Child Nutrition Program.

Signature of Delegated Principal

Date of Submission

