



STATE OF ALABAMA  
DEPARTMENT OF EDUCATION



Eric G. Mackey, Ed.D.  
State Superintendent of Education

August 16, 2023

**MEMORANDUM**

**TO:** City and County Superintendents

**FROM:** Eric G. Mackey *EGM*  
State Superintendent of Education

**RE:** Collection of Race and Ethnicity Data for School Meal Programs

The Child Nutrition Programs (CNP) section of the Alabama State Department of Education is in the process of ensuring compliance with federal civil rights regulations in School Meal Programs. The Food and Nutrition Service (FNS) of the United States Department of Agriculture (USDA) require all School Meal Program sponsors to collect race and ethnicity data of applicants and participants. The purpose of this data collection effort is to determine how effectively School Meal Programs are reaching potentially eligible students. Responses have no effect on eligibility.

To meet this requirement, School Meal Program sponsors must notify applicants and participants that (1) the purpose for collecting race and ethnicity data is to determine how effectively School Meal Programs are reaching potentially eligible students, (2) provision of this data is voluntary, (3) responses are kept confidential, and (4) responses have no effect on eligibility. Notifications must be posted on local School Food Authority or school websites no later than October 1, 2023, in a language and format that applicants and participants can understand.

There are situations when applicants or participants choose not to provide this information. It may be helpful to reiterate that their response has no bearing on eligibility and will be kept confidential. If the person does not provide the information, an alternative method of collecting the information must be used. Appropriate methods include using school enrollment data or direct certification data. The USDA has determined that making a judgment of race or ethnicity based on appearance is not reliable. It is no longer allowable for school personnel to use visual observation to identify race and ethnicity.

If you have any questions, please contact the School Programs staff at (334) 694-4657.

EGM/ATK/AF

- cc: Child Nutrition Program Directors
- City and County School Principals
- Private School Administrators
- Residential Child Care Institution Administrators
- Brandon T. Payne
- Angelice Lowe
- Julie Autrey
- Jason Swann
- Susan Tudor Crowther

FY23-3033

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**For all other FNS nutrition assistance programs, state or local agencies, and their subrecipients, must post the following Nondiscrimination Statement:**

In accordance with federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, this institution is prohibited from discriminating on the basis of race, color, national origin, sex (including gender identity and sexual orientation), disability, age, or reprisal or retaliation for prior civil rights activity.

Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication to obtain program information (e.g., Braille, large print, audiotape, American Sign Language), should contact the responsible state or local agency that administers the program or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339.

To file a program discrimination complaint, a Complainant should complete a Form AD-3027, USDA Program Discrimination Complaint Form which can be obtained online at: <https://www.usda.gov/sites/default/files/documents/ad-3027.pdf>, from any USDA office, by calling (866) 632-9992, or by writing a letter addressed to USDA. The letter must contain the complainant's name, address, telephone number, and a written description of the alleged discriminatory action in sufficient detail to inform the Assistant Secretary for Civil Rights (ASCR) about the nature and date of an alleged civil rights violation. The completed AD-3027 form or letter must be submitted 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; or
2. **fax:**  
(833) 256-1665 or (202) 690-7442; or
3. **email:**  
[Program.Intake@usda.gov](mailto:Program.Intake@usda.gov)

This institution is an equal opportunity provider.