



DEPARTMENT OF EDUCATION


Townsend Building
401 Federal Street Suite 2
Dover, Delaware 19901-3639
<http://education.delaware.gov>

Mark A. Holodick, Ed.D.
Secretary of Education
(302) 735-4000
(302) 739-4654 - fax

October 3, 2022

MEMORANDUM

TO: School Nutrition Supervisors
Single Unit and Special School Administrators

FROM: Aimee F. Beam, MS, RD, LDN 
Education Associate, Nutrition Programs

RE: **SY 2022 - 2023 Operational Memo #15**
Requirements for USDA Nondiscrimination Statement and Wellness Policy Postings

This Operational Memo serves as a reminder to School Food Authorities (SFAs) regarding the requirements for posting the United States Department of Agriculture (USDA) Nondiscrimination Statement and Wellness Policy (and most recent Wellness Policy Triennial Assessment).

As required by the Food and Nutrition Service (FNS) Instruction 113-1, *Civil Rights Compliance and Enforcement – Nutrition Program and Activities*, “all information materials and sources, including Web sites, used by FNS, State agencies, local agencies, or other subrecipients to inform the public about FNS programs must contain a nondiscrimination statement. It is not required that the nondiscrimination statement be included on every page of the program information Web site. At the minimum, the nondiscrimination statement, or a link to it, must be included on the home page of the program information”. Therefore, all SFAs must post the full [USDA Nondiscrimination Statement](#) on their main nutrition program webpage or post a link to the full statement on their main nutrition webpage. This will be reviewed during the SFA’s Administrative Review.

As required by 7 CFR §210.31(d), *Local School Wellness Policy*, each Local Education Agency (LEA) must:

1. Inform the public about the content and implementation of the local school wellness policy, and make the policy and any updates to the policy available to the public on an annual basis; and
2. Inform the public about progress toward meeting the goals of the local school wellness policy and compliance with the local school wellness policy by making the triennial assessment available to the public in an accessible and easily understood manner.

Therefore, SFAs must maintain documentation that the Wellness Policy and Wellness Policy Triennial Assessment are made available to the public. It is recommended that both documents are posted on the SFA nutrition program webpage. This will be reviewed during the SFA’s Administrative Review.

If you have questions, please call the office at 302-857-3356.

Attachment: FNS Instruction 113-1 Civil Rights Compliance and Enforcement – Nutrition Programs and Activities

cc: Nutrition Team