



## LOUISIANA DEPARTMENT OF EDUCATION

July 18, 2022

U.S. Department of Agriculture  
Civil Rights Division, 7th Floor  
1320 Braddock Pl  
Alexandria, VA 22314

Dear Mr. Contreras:

The Louisiana Department of Education (LDOE) is requesting guidance from the U.S. Department of Agriculture (USDA) regarding the USDA's interpretation of discrimination, under Title IX of the Education Amendments of 1972 (Title IX) and the Food and Nutrition Act of 2008 (Food and Nutrition Act), on the basis of gender identity and/or sexual orientation in programs or activities receiving Federal financial assistance. LDOE requests that the USDA provide responses to the following questions:

- A) Is it discriminatory, under Title IX and/or the Food and Nutrition Act, for a food service worker, employed by a K-12 school that receives Federal financial assistance, to decline to use a transgender student's preferred gender identity pronoun(s)?
  - o If the USDA's Food and Nutrition Service (FNS) Civil Rights Division deems the food service worker's act discriminatory and the K-12 school allows the food service worker to continue declining to use the transgender student's preferred gender identity pronoun, what specific actions would the USDA take against the school?
  - o Would the USDA withhold Federal nutrition assistance funding to students attending the school?
  
- B) Is it discriminatory, under Title IX and the Food and Nutrition Act, for a K-12 school that receives Federal financial assistance, to prohibit a student from using a restroom based on gender identity if the gender identity conflicts with the student's biological sex as indicated on the student's birth certificate?
  - o If the USDA's FNS Civil Rights Division deems the school's restroom policy discriminatory and the K-12 school declines to alter its restroom policy, what specific actions would the USDA take against the school?
  - o Would the USDA withhold Federal nutrition assistance funding to students attending the school?

Please do not hesitate to reach out if you need any additional information.

Sincerely,

A handwritten signature in black ink that reads "Cade Brumley".

Dr. Cade Brumley  
State Superintendent of Education