

Business and Noninstructional Operations

NUTRITION PROGRAM COMPLIANCE

BP 3555

The Governing Board recognizes the district's responsibility to comply with state and federal nondiscrimination laws as they apply to the district's nutrition programs. The district shall not deny any individual the benefits or service of any nutrition program or discriminate on any basis prohibited by law.

Compliance Coordinator

The Board shall designate a compliance coordinator for nutrition programs, who may also be the compliance officer(s) specified in AR 1312.3 - Uniform Complaint Procedures, to ensure compliance with the laws governing the district's nutrition programs.

The responsibilities of the compliance coordinator include, but are not limited to:

1. Providing the name of the compliance coordinator, the Section 504 coordinator, and Title IX coordinator, if different from the compliance coordinator, to the California Department of Education (CDE) and other interested parties
2. Annually providing mandatory civil rights training to all frontline staff who interact with program applicants or participants and to those who supervise frontline staff

The subject matter of such training shall include, but not be limited to, collection and use of data, effective public notification systems, complaint procedures, compliance review techniques, resolution of noncompliance, requirements for reasonable accommodation of persons with disabilities, requirements for language assistance, conflict resolution, and customer service.

3. Establishing admission and enrollment procedures that do not restrict enrollment of students on the basis of race, ethnicity, national origin, or disability, including preventing staff from incorrectly denying applications and ensuring that such persons have equal access to all programs
4. Sending a public release announcing the availability of the child nutrition programs and/or changes in the programs to public media and

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to community and grassroots organizations that interact directly with eligible or potentially eligible participants

5. Communicating the program's nondiscrimination policy and applicable complaint procedures, as provided in the section "Notifications" below
6. Providing appropriate translation services when a significant number of persons in the surrounding population have limited English proficiency
7. Ensuring that every part of a facility is accessible to and usable by persons with disabilities and that participants with disabilities are not excluded from the benefits or services due to inaccessibility of facilities
8. Ensuring that special meals are made available to participants with disabilities who have a medical statement on file documenting that their disability restricts their diet
9. Implementing procedures to process and resolve civil rights complaints, including alleged discrimination on the basis of race, color, national origin, age, sex, sexual orientation, gender identity, or disability, and program-related complaints, including maintaining a complaint log, working with the appropriate person to resolve any complaint, and referring the complainant to the appropriate state or federal agency when necessary
10. Developing a method, which preferably uses self-identification or self-reporting, to collect racial and ethnic data for potentially eligible populations, applicants, and participants

Notifications

The compliance coordinator shall ensure that the U.S. Department of Agriculture's (USDA) "And Justice for All" civil rights poster, or a substitute poster approved by USDA's Food and Nutrition Service, is displayed in areas visible to the district's nutrition program participants, such as food service areas and school offices.

The compliance coordinator shall notify the public, all program applicants, participants, and potentially eligible persons of their rights and responsibilities and steps necessary to participate in the nutrition programs, including

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program requirements and program availability. Applicants, participants, and the public also shall be advised of their right to file a complaint, how to file a complaint, the complaint procedures, and that a complaint may be filed anonymously or by a third party.

In addition, the compliance coordinator shall ensure that all forms of communication available to the public regarding program availability shall contain, in a prominent location, the most current version of the nondiscrimination statement provided by USDA about the district's status as an equal opportunity provider and the address of the agency with responsibility to handle complaints made against the district.

Forms of communication requiring this nondiscrimination statement include, but are not limited to, web sites, public information releases, publications, and posters, but exclude items such as cups, buttons, magnets, **menus**, and pens that identify the program when the size or configuration makes it impractical. The nondiscrimination statement need not be included on every page of program information on the district's or school's web site, but the statement or a link to the statement shall be included on the home page of the program information.

A short version of the nondiscrimination statement, as provided by USDA, may be used on pamphlets, brochures, and flyers in the same print size as the rest of the text.

Complaints of Discrimination

A complaint alleging discrimination in the district's nutrition program(s) on the basis of race, color, national origin, sex, sexual orientation, gender identity, age, or disability shall, within 180 days of the alleged discriminatory act, be filed or referred to USDA at any of the following: (5 CCR 15582)

Mail:

U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410

Phone: (866) 632-9992, (800) 877-8339 (Federal Relay Service - English, deaf, hard of hearing, or speech disabilities), (800) 845-6136 (Federal Relay Service -

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Spanish)
Fax: (833) 256-1665 or (202) 690-7442
Email: program.intake@usda.gov

Complaints of discrimination on any other basis shall be investigated by the district using the process identified in AR 1312.3 - Uniform Complaint Procedures.

Complaints Regarding Noncompliance with Program Requirements

Any complaint alleging that the district has not complied with program requirements pertaining to meal counting and claiming, reimbursable meals, eligibility of a child or adult, use of cafeteria funds and allowable expenses in relation to any child nutrition program specified in Education Code 49550-49564.5 shall be filed with or referred to CDE. (Education Code 49556; 5 CCR 15584)

Complaints against a program operator that is not an educational agency shall be filed with or referred to CDE. (5 CCR 15584)

Complaints of noncompliance with any other nutrition program requirements shall be submitted to and investigated by the district using the following procedures.

Complaints may be filed by a student or the student's duly authorized representative by phone, email, or letter. The complaint shall be submitted within one year from the date of the alleged violation and shall include the following: (5 CCR 15581)

1. A statement that the district has violated a law or regulation relating to its child nutrition program
2. The facts on which the statement is based
3. The name of the district or the school against which the allegations are made
4. The complainant's contact information
5. The name of the student if alleging violations regarding a specific student

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The district shall investigate and prepare a written report pursuant to 5 CCR 4631. (5 CCR 15583)

Unless extended by written agreement with the complainant, the district's compliance coordinator shall investigate the complaint and prepare a written report to be sent to the complainant within 30 calendar days of the district's receipt of the complaint. If the complainant is dissatisfied with the compliance coordinator's decision, the complainant may, within five business days, file the complaint in writing with the Board.

The Board shall consider the matter at its next regular Board meeting or at a special Board meeting convened in order to meet the 60-day time limit within which the complaint must be answered pursuant to 5 CCR 4631. When required by law, the matter shall be considered in closed session. The Board may decide not to consider the complaint, in which case the coordinator's decision shall be final.

If the Board considers the complaint, the Board's decision shall be sent to the complainant within 60 calendar days of the district's initial receipt of the complaint or within the time period that has been specified in a written agreement with the complainant. (5 CCR 4631)

If the complainant is not satisfied with the findings in the district's report, the complainant may appeal the decision to CDE by filing a written appeal within 30 days of receiving the decision. (5 CCR 4632)

Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State

5 CCR 15580-15584
5 CCR 3080

5 CCR 4600-4670
5 CCR 4900-4965

Ed. Code 200-262.4
Ed. Code 42238.01
Ed. Code 48985

Description

*Child nutrition programs complaint procedures
Applicability of uniform complaint procedures to complaints regarding students with disabilities
Uniform complaint procedures
Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance
[Prohibition of discrimination](#)
Definitions for purposes of funding
Notices to parents in language other than English*

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Ed. Code 49060-49079

Ed. Code 49490-49590

Pen. Code 422.6

Federal

20 USC 1400-1482

20 USC 1681-1688

28 CFR 35.101-35.190

28 CFR 36.303

29 USC 794

34 CFR 100.1-100.13

34 CFR 104.1-104.39

34 CFR 106.1-106.61

34 CFR 106.9

42 USC 12101-12213

42 USC 2000d-2000d-7

42 USC 2000e-2000e-17

7 CFR 210.19

7 CFR 210.23

7 CFR 215.14

7 CFR 215.7

7 CFR 220.13

7 CFR 220.7

7 CFR 225.11

7 CFR 225.3

7 CFR 225.7

7 CFR 226.6

7 CFR 250.15

Management Resources

*California Department of Education
Publication*

*U. S. Department of Agriculture
Publication*

*U.S. Department of Agriculture
Publication*

Student records

Child nutrition programs

Crimes; harassment

Description

Individuals with Disabilities Education Act

*Title IX of the Education Amendments of 1972;
discrimination based on sex*

Americans with Disabilities Act

*Nondiscrimination on the basis of disability; public
accommodations; auxiliary aids and services*

Rehabilitation Act of 1973; Section 504

*Nondiscrimination in federal programs; effectuating Title
VI*

Section 504 of the Rehabilitation Act of 1973

*Discrimination on the basis of sex; effectuating Title IX
Severability*

Americans with Disabilities Act

Title VI, Civil Rights Act of 1964

Title VII, Civil Rights Act of 1964, as amended

*National School Lunch Program; additional
responsibilities*

National School Lunch Program; district responsibilities

Special Milk Program; nondiscrimination

Special Milk Program; requirements for participation

*School Breakfast Program; special responsibilities of
state agencies*

*School Breakfast Program; requirements for
participation*

*Summer Food Service Program; corrective action
procedures*

Summer Food Service Program; administration

Summer Food Service Program; program monitoring

*Child and Adult Care Food Program; state agency
administrative responsibilities*

*Out-of-condition donated foods, food recalls, and
complaints*

Description

*Civil Rights and Complaint Procedures, U.S. Department
of Agriculture Child Nutrition Programs, June 2018*

USDA Nondiscrimination Statement, December 2022

*Application of Bostock v. Clayton County to Program
Discrimination Complaint Processing – Policy Update,
CRD 01-2022, May 2022*

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U.S. Department of Agriculture
Publication

Civil Rights Compliance and Enforcement - Nutrition Programs and Activities, FNS Instruction 113-1, November 2005

U.S. DOE Office for Civil Rights
Publication

Notice of Non-Discrimination, August 2010

Website

U. S. Department of Agriculture, And Justice for All Posters

Website

[CSBA District and County Office of Education Legal Services](#)

Website

[U.S. Department of Agriculture, Office for Civil Rights](#)

Website

[U.S. Department of Agriculture, Food and Nutrition Service](#)

Website

[California Department of Education, Nutrition Services Division](#)

Website

[U.S. Department of Education, Office for Civil Rights](#)

Cross References

Policy

0410

Description

[Nondiscrimination In District Programs And Activities](#)

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[Communication With The Public](#)

1312.1

[Complaints Concerning District Employees](#)

1312.1

[Complaints Concerning District Employees](#)

1312.3

[Uniform Complaint Procedures](#)

1312.3

[Uniform Complaint Procedures](#)

1312.3-E(1)

[Uniform Complaint Procedures](#)

1312.3-E(2)

[Uniform Complaint Procedures](#)

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[Contracts](#)

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[Food Service/Child Nutrition Program](#)

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[Food Service/Child Nutrition Program](#)

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[Food Service Operations/Cafeteria Fund](#)

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[Food Service Operations/Cafeteria Fund](#)

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[Summer Meal Program](#)

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[Summer Meal Program](#)

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[Free And Reduced Price Meals](#)

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[Free And Reduced Price Meals](#)

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[Staff Development](#)

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[Student And Family Privacy Rights](#)

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[Student And Family Privacy Rights](#)

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[Student Wellness](#)

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[Student Records](#)

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5141.27

[Food Allergies/Special Dietary Needs](#)

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[Food Allergies/Special Dietary Needs](#)

5145.13

[Response To Immigration Enforcement](#)

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5145.13	<u>Response To Immigration Enforcement</u>
5145.6	<u>Parent/Guardian Notifications</u>
5145.6-E(1)	<u>Parent/Guardian Notifications</u>
6159	<u>Individualized Education Program</u>
6159	<u>Individualized Education Program</u>
6164.6	<u>Identification And Education Under Section 504</u>
6164.6	<u>Identification And Education Under Section 504</u>
9321	<u>Closed Session</u>
9321-E(1)	<u>Closed Session</u>
9321-E(2)	<u>Closed Session</u>

Policy

Adopted: April 9, 2013

Revised: September 22, 2016; October 22, 2020; May 25, 2023

PASADENA UNIFIED SCHOOL DISTRICT

Pasadena, California