

NUTRITION PROGRAM COMPLIANCE

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 against him/her 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 the Title IX coordinator, if different from the compliance coordinator to the California Department of Education 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 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

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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 complaint 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 the 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 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 the USDA about the district's status as an equal opportunity provider and the address of the agency with responsibility to handle complaints 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 the USDA, may be used on pamphlets, brochures, and flyers in the same print size as the rest of the text.

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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 - 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

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5. The name of the student if alleging violations regarding a specific student

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.

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)

Legal Reference:

CODE OF REGULATIONS, TITLE 5:

15580-15584	Child nutrition programs complaint procedures
3080	Applicability of uniform complaint procedures regarding students with disabilities
4600-4670	Uniform complaint procedures
4900-4965	Nondiscrimination in elementary and secondary education programs receiving state or federal financial assistance

EDUCATION CODE:

200-262.4	Prohibition of discrimination
42238.01	Definitions for purposes of funding
48985	Notices to parents in language other than English
49060-49079	Student records
49490-49590	Child nutrition programs

PENAL CODE:

422.6	Crimes; harassment
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UNITED STATES CODE, TITLE 20:

1400-1482	Individuals with Disabilities in Education Act
1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex

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CODE OF FEDERAL REGULATIONS, TITLE 28:

35.101-35.190 Americans with Disabilities Act
36.303 Nondiscrimination on the basis of disability, public accommodations, auxiliary aids, and services

UNITED STATES CODE, TITLE 29:

794 Section 504 of the Rehabilitation Act of 1973

CODE OF FEDERAL REGULATIONS, TITLE 34:

100.1-100.13 Nondiscrimination in federal programs; effectuating Title VI
104.1-104.39 Section 504 of the Rehabilitation Act of 1973
106.1-106.61 Discrimination on the basis of sex, effectuating Title IX
106.9 Dissemination of policy

UNITED STATES CODE, TITLE 42:

12101-12213 Americans with Disabilities Act
2000d-2000d-7 Title VI, Civil Rights Act of 1964
2000e-2000e-17 Title VII, Civil Rights Act of 1964 as amended

CODE OF FEDERAL REGULATIONS, TITLE 7:

210.19 National School Lunch Program; additional responsibilities
210.23 National School Lunch Program; district responsibilities
215.14 Special Milk Program; nondiscrimination
215.7 Special Milk Program; requirements for participation
220.13 School Breakfast Program; special responsibilities of state agencies
220.7 School Breakfast Program; requirements for participation
225.3 Summer Food Service Program; administration
225.7 Summer Food Service Program; program monitoring
226.6 Child and Adult Care Food Program; state agency administrative responsibilities
250.15 Out-of-condition donated foods, food recalls, and complaints

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATION

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

U.S. DEPARTMENT OF AGRICULTURE, FOOD AND NUTRITION SERVICE

TUSD Adopted: 06.27.17

TUSD Revised: 04.09.24

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PUBLICATIONS

USDA Nondiscrimination Statement, December 2022

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

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

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATION

Notice of Non-Discrimination, August 2010

WEB SITES

CSBA District and County Office of Education Legal Services:

<https://legalservices.csba.org>

U.S. Department of Agriculture, Office for Civil Rights:

<http://www.ascr.usda.gov>

U.S. Department of Agriculture, Food and Nutrition Services:

<http://www.fns.usda.gov>

California Department of Education, Nutrition Services Division:

<http://www.cde.ca.gov/ls/nu>

U.S. Department of Education, Office for Civil Rights:

<http://www2.ed.gov/ocr>