Nutrition Program Compliance

Adopted: 05/17/2011 | **Last Revised**: 03/05/2024 | **Last Reviewed**: 03/05/2024

The Board of Education 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.

Coordinator

The Board designates the compliance officer, positive school climate coordinator, specified in Rule 1312.3 - Uniform Complaint Procedures as the district's civil rights coordinator to ensure compliance with the laws governing its nutrition programs and to investigate any related complaints.

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

1. Providing the name of the civil rights coordinator, Section 504 coordinator, and Title IX coordinator, if different from the civil rights 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;

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 (discrimination) complaints and program-related complaints, including maintaining a complaint log and working with the appropriate person to resolve any complaint;

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

The nutrition services coordinator shall notify the public, all program applicants, participants, and potentially eligible persons of their program rights and responsibilities and steps necessary for participation. 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 file anonymously or by a third party.

In addition, all forms of communication available to the public regarding program availability shall contain, in a prominent location, the following statement:

> In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating on the basis of race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA. In addition, California law prohibits discrimination on any basis identified in Government Code 12940.

Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language, etc.), should contact the agency (state or local) where they applied for benefits. Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, (AD-3027) found online at: http:// www.ascr.usda.gov/complaint_filing_cust.html, and at any USDA office, or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter 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;

2. fax: (202) 690-7442; or

3. email: program.intake@usda.gov.

"This institution is an equal opportunity provider."

Forms of communication requiring this nondiscrimination statement include, but are not limited to, web sites, public information releases, publications, and posters, but exclude menus. 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, stating "This institution is an equal opportunity provider," may be used on pamphlets, brochures, and flyers in the same print size as the rest of the text.

Complaints

Any complaint concerning the district's nutrition programs shall be investigated using the process identified in Rule 1312.3 -Uniform Complaint Procedures.

When a complaint alleging discrimination of the basis of race, color, national origin, sex, age, or disability is unresolved at the district level, the coordinator shall notify the complainant of the option to contact and/or forward his/her complaint to one of the following agencies:

1. Child Nutrition Program Civil Rights and Program Complaint Coordinator, California Department of Education, Nutrition Services Division, 1430 N Street, Room 4503, Sacramento, CA 95814-2342 or call (916) 323-8531 or 800-952-5609

2. USDA, Director, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410 or call (866) 632-9992, (800)877-8339 (Federal Relay Service -English), (800) 845-6136 (Federal Relay Service -Spanish), fax (202) 690-7442, or email program.intake.usda.gov

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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.

Legal References:

STATE

CALIFORNIA CODE OF REGULATIONS

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

EDUCATION CODE

200-280 Prohibition of discrimination
Ed. Code 42238.01 Definitions for purposes of funding
Ed. Code 48985 Notices to parents/guardians in language other than English
Ed. Code 49060-49079 Student records
Ed. Code 49490-49590 Child nutrition programs

PENAL CODE

422.6 Crimes; harassment

FEDERAL

UNITED STATES CODE

20 USC 1400-1482 Individuals with Disabilities Education Act
20 USC 1681-1688 Title IX of the Education Amendments of 1972; discrimination based on sex
29 USC 794 Rehabilitation Act of 1973; Section 504
42 USC 12101-12213 Americans with Disabilities Act
42 USC 2000d-2000d-7 Title VI, Civil Rights Act of 1964

42 USC 2000e-2000e-17 Title VII, Civil Rights Act of 1964, as amended
CODE OF FEDERAL REGULATIONS
28 CFR 35.101-35.190 Americans with Disabilities Act
28 CFR 36.303 Nondiscrimination on the basis of disability; public accommodations, auxiliary aids, and services
34 CFR 100.1-100.13 Nondiscrimination in federal programs; effectuating Title VI
34 CFR 104.1-104.39 Section 504 of the Rehabilitation Act of 1973
34 CFR 106.1-106.61 Discrimination on the basis of sex; effectuating Title IX
34 CFR 106.9 Severability
7 CFR 210.19 National School Lunch Program; additional responsibilities
7 CFR 210.23 National School Lunch Program; district responsibilities
7 CFR 215.14 Special Milk Program; nondiscrimination
7 CFR 215.7 Special Milk Program; requirements for participation
7 CFR 220.13 School Breakfast Program; special responsibilities of state agencies
7 CFR 220.7 School Breakfast Program; requirements for participation
7 CFR 225.11 Summer Food Service Program; corrective action procedures
7 CFR 225.3 Summer Food Service Program; administration
7 CFR 225.7 Summer Food Service Program; program monitoring
7 CFR 226.6 Child and Adult Care Food Program; state agency administrative responsibilities
7 CFR 250.15 Out-of-condition donated foods, food recalls, and complaints

MANAGEMENT RESOURCES

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATION
Civil Rights and Complaint Procedures, U.S. Department of Agriculture Child Nutrition Programs, June 2018
U. S. DEPARTMENT OF AGRICULTURE 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, Nov. 2005
U.S. DOE OFFICE FOR CIVIL RIGHTS PUBLICATION
Notice of Non-Discrimination, August 2010
WEBSITES
U. S. Department of Agriculture, And Justice for All Posters
https://ipa.osu.edu/about-us/usda-and-justice-all-poster
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 Service http://www.fns.usda.gov/
California Department of Education, School Nutrition https://www.cde.ca.gov/ls/nu/sn/
U.S. Department of Education, Office for Civil Rights http://www2.ed.gov/ocr

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