

Policy 3555: Nutrition Program Compliance

Status: DRAFT

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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 because of his/her race, color, national origin, gender, sex, sexual orientation, disability, or any other basis prohibited by law, in its implementation of such a program. **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:

Coordinator

The Board designates **Providing the name of the** compliance officer specified in AR 1312.3 – Uniform Complaint Procedures as coordinator of the district's efforts to comply with the laws governing its nutrition programs and to investigate any related complaints. Any complaint concerning the district's nutrition programs shall be investigated using the process identified in the section entitled "Procedures" in the district's AR 1312.3 – Uniform Complaint Procedures.

The **Section 504** coordinator shall provide training on the laws, regulations, procedures, and directives related to the district's nutrition programs to district employees involved in administering them. The, **and Title IX** coordinator also shall develop procedures and systems that do not restrict the participation of individuals in the district's nutrition programs, based on their race, ethnicity, or disability, and that prevent district employees from incorrectly denying the applications for participation submitted by such individuals.

1. The, **if different from the compliance** coordinator shall develop and maintain a system for collecting racial and ethnic data of participants in the district's nutrition programs and shall, at least annually, report to the Board on whether the district's nutrition programs are effectively reaching eligible individuals and whether and where additional outreach may be needed., **to the California Department of Education (CDE) and other interested parties**
2. When a significant number of **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 or potential participants in the district's nutrition programs are only non-English speakers, the coordinator shall make an
5. **Communicating the program's nondiscrimination policy and applicable complaint procedures, as provided in the section "Notifications" below**
6. **Providing appropriate language 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**

Ensuring that special meals are made available:

8. The coordinator also shall ensure that the district's nutrition programs accommodate the special dietary needs of any individual with a disability who has on file **to participants with disabilities who have** a medical statement that **on file documenting that their disability** restricts his/her **their** diet because of his/her
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" or other **civil rights poster, or a substitute poster** approved by **USDA's Food and Nutrition Programs Civil Rights posters are** **Service, is** displayed in areas visible to the district's nutrition program participants, such as food service areas and school offices.

Annually, the

The compliance coordinator shall notify **the public, all students, parents/guardians program applicants, participants, and employees** **potentially eligible persons of their rights and responsibilities and steps necessary to participate in the nutrition programs, including program requirements and the procedures for filing program availability. Applicants, participants, and the public also shall be advised of their right to file** a complaint, through the district's usual means of notification:

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 every informational release, publication, or poster concerning the district's nutrition programs and/or activities includes **all forms of communication available to the public regarding program availability shall contain**, in a prominent location, the following **most current version of the nondiscrimination** statement:

"In accordance with federal law and U.S. Department of Agriculture policy, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, religion, political beliefs, or disability. In addition, California law prohibits discrimination on any basis identified in Government Code 12940.

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410 or call (800) 795-3272 (voice) or (202) 720-6382 (TTY). **provided by USDA is an about the district's status as an** equal opportunity provider and employer."

However, if the document is no more than one page and there is no room to print **address of the full agency with responsibility to handle complaints made against the district.**

Forms of communication requiring this nondiscrimination statement, the district may instead use the **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 "This institution is an equal opportunity provider" 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.

When a complaint 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 1500, Sacramento, CA 95814-2342 or call 916-445-0850 or 800-952-5609
2. Office of Civil Rights, USDA, Western Region, 90 Seventh Street, Suite 10-100, San Francisco, CA 94103 or call 415-705-1336 or fax 415-705-1364 or email Joe.Torres@fns.usda.gov
3. USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410 or call 800-795-3272 or 202-720-6382 (TTY)

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

**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**
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 60 days of the district's receipt of the complaint. (5 CCR 15583; 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 References

	Description
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
Ed. Code 200-262.4	Prohibition of discrimination - https://simbli.eboardsolutions.com/SU/ytTLslshoozWGUAAbNL6kKkgxQ==
Ed. Code 42238.01	Definitions for purposes of funding
Ed. Code 48985	Notices to parents in language other than English
Ed. Code 49060-49079	Student records
Ed. Code 49490-49590	Child nutrition programs
Pen. Code 422.6	Crimes; harassment

Federal References

	Description
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
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
29 USC 794	Rehabilitation Act of 1973; Section 504
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
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
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 References

	Description
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 Publication	USDA Nondiscrimination Statement, December 2022
U.S. Department of Agriculture Publication	Application of Bostock v. Clayton County to Program Discrimination Complaint Processing – Policy Update, CRD 01-2022, May 2022
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 - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==
Website	U.S. Department of Agriculture, Office for Civil Rights - https://simbli.eboardsolutions.com/SU/J1WoJCyzrMoakKekNi26slshjw==
Website	U.S. Department of Agriculture, Food and Nutrition Service - https://simbli.eboardsolutions.com/SU/Wry6HD6BSTBkfn7BqplusR7BQ==
Website	California Department of Education, Nutrition Services Division - https://simbli.eboardsolutions.com/SU/O5xpn2rTFL2uz0BslshlorGXQ==
Website	U.S. Department of Education, Office for Civil Rights - https://simbli.eboardsolutions.com/SU/xmCPrTcoZle111WmbX10Vg==

Cross References

	Description
0410	Nondiscrimination In District Programs And Activities - https://simbli.eboardsolutions.com/SU/FnDZ7yHITUVLmcPBwcYa4w==
1100	Communication With The Public - https://simbli.eboardsolutions.com/SU/Hywu1plusUHmPznTnAojQeislshg==
1312.1	Complaints Concerning District Employees - https://simbli.eboardsolutions.com/SU/UeCd2AJJxfBU7E37o1kmUg==
1312.1	Complaints Concerning District Employees - https://simbli.eboardsolutions.com/SU/3x1plusj0z5ZLMqRsshsEIT6Q==
1312.1-E PDF(1)	Complaints Concerning District Employees - https://simbli.eboardsolutions.com/SU/eAlz50x7oMx0vq3x9PJTplusg==
1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/CfApluscpxRIZplusOj2lmuhfqBA==
1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/NaAoUplustL0gdMDg4YyrqkSQ==
1312.3-E PDF(1)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/CGtJ1bS0fJ2qqnQzzY5qbQ==
1312.3-E PDF(2)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/hYsgaF9LHjeplus4tInfVHZyg==
3312	Contracts - https://simbli.eboardsolutions.com/SU/RtEPentWF4fC8KdSsZuiQQ==

3550 Food Service/Child Nutrition Program -
<https://simbli.eboardsolutions.com/SU/slshbnNdB5VoKn29R1FDUD8Vw==>

3550 Food Service/Child Nutrition Program -
<https://simbli.eboardsolutions.com/SU/KVOgHhXokXVv3QqM5NwYslshQ==>

3551 Food Service Operations/Cafeteria Fund -
<https://simbli.eboardsolutions.com/SU/QnRDSUG2lxmDwo549gJLww==>

3551 Food Service Operations/Cafeteria Fund -
<https://simbli.eboardsolutions.com/SU/XdvpOUBAPs20PKuptA0S1w==>

3553 Free And Reduced Price Meals -
<https://simbli.eboardsolutions.com/SU/veLi3k2THgU0fAplusDEpluskdyw==>

3553 Free And Reduced Price Meals -
<https://simbli.eboardsolutions.com/SU/bJft7yoiEWomeYDx1LdKBg==>

5022 Student And Family Privacy Rights -
<https://simbli.eboardsolutions.com/SU/h5JLCQ5YKFEnVYt3uPtVRFg==>

5022 Student And Family Privacy Rights -
<https://simbli.eboardsolutions.com/SU/Ojlr0nHfn6zu7MkMxhpsw==>

5030 Student Wellness -
<https://simbli.eboardsolutions.com/SU/aWkPBgslshQGAKepvUCWXMslsh2Q==>

5125 Student Records -
<https://simbli.eboardsolutions.com/SU/tWHWUiPwslshr1YYPUplusvwMslshMq==>

5125 Student Records -
<https://simbli.eboardsolutions.com/SU/Arf4IGHplusjQnGslsh3Sd1slshP0Hw==>

5141.27 Food Allergies/Special Dietary Needs -
<https://simbli.eboardsolutions.com/SU/BpdsG3ZLempXC2QjsEmMpA==>

5141.27 Food Allergies/Special Dietary Needs -
<https://simbli.eboardsolutions.com/SU/Oo5IPmslshBsdwTIS6qQdQN7Q==>

5145.13 Response To Immigration Enforcement -
<https://simbli.eboardsolutions.com/SU/gLr7slshhPFSiLdMymMnKUslshdg==>

5145.13 Response To Immigration Enforcement -
<https://simbli.eboardsolutions.com/SU/ZNjPWs0Z3YmduSxQEj5x9g==>

5145.6 Parent/Guardian Notifications -
<https://simbli.eboardsolutions.com/SU/aumLfEWWhRQTqmF8OKcrwjQ==>

5145.6-E PDF(1) Parent/Guardian Notifications -
<https://simbli.eboardsolutions.com/SU/l9Q83SWFkslshSZslshvpzndBslshIA==>

6159 Individualized Education Program -
<https://simbli.eboardsolutions.com/SU/3vVDizDulqY8l7eXsslshJApA==>

6159 Individualized Education Program -
<https://simbli.eboardsolutions.com/SU/3on5FNplusCvSTDslshj1eANpc2Q==>

6164.6 Identification And Education Under Section 504 -
<https://simbli.eboardsolutions.com/SU/gbFxC7lSvpjPqUUGCplusA3gg==>

6164.6 Identification And Education Under Section 504 -
<https://simbli.eboardsolutions.com/SU/iulaSTmMoGzrsDKTvj9UWg==>

9321-E PDF(1) Closed Session -
<https://simbli.eboardsolutions.com/SU/JouF3slshhdp1t8S6jr9jTrVg==>

9321-E PDF(2) Closed Session -
<https://simbli.eboardsolutions.com/SU/R7Dlbslsh4Z8zkiT8c3evrPAg==>

9321 Closed Session -
<https://simbli.eboardsolutions.com/SU/eQxvTE4sunzJru8wB8gc1g==>