

**Policy 3555: Nutrition Program Compliance**

Status: DRAFT

Original Adopted Date: 03/13/2017

The Board of Trustees 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.

(cf. 0410 - Nondiscrimination in District Programs and Activities)

(cf. 3550 - Food Service/Child Nutrition Program)

(cf. 3552 - Summer Meal Program)

(cf. 3553 - Free and Reduced Price Meals)

(cf. 5030 - Student Wellness)

Coordinator

The Board designates the compliance officer(s) specified in AR 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~~ compliance officer, to the California Department of Education (CDE) and other interested parties

(cf. 6164.6 - Identification and Education Under Section 504)

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

(cf. 6159 - Individualized Education Program)

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

(cf. 5141.27 - Food Allergies/Special Dietary Needs)

9. Implementing procedures to process and resolve civil rights (discrimination) (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 and 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

(cf. 5022 - Students and Family Privacy Rights)

(cf. 5125 - Student Records)

#### Notifications

The 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 shall be is displayed in areas visible to the district's nutrition program participants, such as food service areas and school offices.

The coordinator shall notify the public, all program applicants, participants, and potentially eligible persons of their program rights and responsibilities and steps necessary for participation 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.

(cf. 5145.6 - Parental Notifications)

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

"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 based on race, color, national origin, sex, disability, age, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA.

Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotope, 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.

### Complaints of Discrimination

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](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: 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 CC 15582)

(1) m 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),

(2) f Fax: (833) 256-1665 or (202) 690-7442; or,

(3) eEmail: [program.intake@usda.gov](mailto:program.intake@usda.gov).

This institution is an equal opportunity provider." Complaints of discrimination on any other basis shall be investigated by the district using the process identified in AR 1312.3 - Uniform Complaint Procedures.

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 Regarding Noncompliance with Program Requirements

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

(cf. 1312.3 - Uniform Complaint Procedures)

When a complaint alleging discrimination on 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. U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410, (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](mailto:program.intake.usda.gov).

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

5 CCR 15580-15584

#### Description

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

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**

	<b>Description</b>
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 - <a href="https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==">https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==</a>
Website	U.S. Department of Agriculture, Office for Civil Rights - <a href="https://simbli.eboardsolutions.com/SU/J1WoJCyzrMoakKekNi26slshjw==">https://simbli.eboardsolutions.com/SU/J1WoJCyzrMoakKekNi26slshjw==</a>
Website	U.S. Department of Agriculture, Food and Nutrition Service - <a href="https://simbli.eboardsolutions.com/SU/Wry6HD6BSTBkfn7BqplusR7BQ==">https://simbli.eboardsolutions.com/SU/Wry6HD6BSTBkfn7BqplusR7BQ==</a>
Website	California Department of Education, Nutrition Services Division - <a href="https://simbli.eboardsolutions.com/SU/O5xpn2rTFL2uz0BslshlorGXQ==">https://simbli.eboardsolutions.com/SU/O5xpn2rTFL2uz0BslshlorGXQ==</a>
Website	U.S. Department of Education, Office for Civil Rights - <a href="https://simbli.eboardsolutions.com/SU/xmCPrTcoZle111WmbX10Vg==">https://simbli.eboardsolutions.com/SU/xmCPrTcoZle111WmbX10Vg==</a>

**Cross References**

	<b>Description</b>
0410	Nondiscrimination In District Programs And Activities - <a href="https://simbli.eboardsolutions.com/SU/pCyhRbG14ptNovsTCMVwXw==">https://simbli.eboardsolutions.com/SU/pCyhRbG14ptNovsTCMVwXw==</a>
1100	Communication With The Public - <a href="https://simbli.eboardsolutions.com/SU/iAdplusl8Zfidd7GAWdVckbGQ==">https://simbli.eboardsolutions.com/SU/iAdplusl8Zfidd7GAWdVckbGQ==</a>
1312.1	Complaints Concerning District Employees - <a href="https://simbli.eboardsolutions.com/SU/lzNeUrhTEQ21wsIS6lcMVg==">https://simbli.eboardsolutions.com/SU/lzNeUrhTEQ21wsIS6lcMVg==</a>
1312.1	Complaints Concerning District Employees - <a href="https://simbli.eboardsolutions.com/SU/9LTTorL3kVT8zED2537z1A==">https://simbli.eboardsolutions.com/SU/9LTTorL3kVT8zED2537z1A==</a>
1312.3	Uniform Complaint Procedures - <a href="https://simbli.eboardsolutions.com/SU/otCIBVk0D6plus8wlXORRHEWg==">https://simbli.eboardsolutions.com/SU/otCIBVk0D6plus8wlXORRHEWg==</a>

1312.3	Uniform Complaint Procedures - <a href="https://simbli.eboardsolutions.com/SU/tpfkSUzzriRpaplusEKRIaKbg==">https://simbli.eboardsolutions.com/SU/tpfkSUzzriRpaplusEKRIaKbg==</a>
3312	Contracts - <a href="https://simbli.eboardsolutions.com/SU/R74zQv9c0qGVH6BCPGmhjw==">https://simbli.eboardsolutions.com/SU/R74zQv9c0qGVH6BCPGmhjw==</a>
3550	Food Service/Child Nutrition Program - <a href="https://simbli.eboardsolutions.com/SU/jpFQxbWK6TmFOvcVNYRKEQ==">https://simbli.eboardsolutions.com/SU/jpFQxbWK6TmFOvcVNYRKEQ==</a>
3550	Food Service/Child Nutrition Program - <a href="https://simbli.eboardsolutions.com/SU/pvbpTjE0VFUAlbJyp146slshQ==">https://simbli.eboardsolutions.com/SU/pvbpTjE0VFUAlbJyp146slshQ==</a>
3551	Food Service Operations/Cafeteria Fund - <a href="https://simbli.eboardsolutions.com/SU/5EQP0modCeFucslsh3EPBiJplusA==">https://simbli.eboardsolutions.com/SU/5EQP0modCeFucslsh3EPBiJplusA==</a>
3551	Food Service Operations/Cafeteria Fund - <a href="https://simbli.eboardsolutions.com/SU/MOTjk1VgU51C0d41arORJQ==">https://simbli.eboardsolutions.com/SU/MOTjk1VgU51C0d41arORJQ==</a>
3553	Free And Reduced Price Meals - <a href="https://simbli.eboardsolutions.com/SU/bvrsllshDpBZNFqkR5Kvi01BQ==">https://simbli.eboardsolutions.com/SU/bvrsllshDpBZNFqkR5Kvi01BQ==</a>
3553	Free And Reduced Price Meals - <a href="https://simbli.eboardsolutions.com/SU/Z6NdjDX1S9FSqEY0f2DV2A==">https://simbli.eboardsolutions.com/SU/Z6NdjDX1S9FSqEY0f2DV2A==</a>
4231	Staff Development - <a href="https://simbli.eboardsolutions.com/SU/MGWHYGj4exMKam6plusuvrb9A==">https://simbli.eboardsolutions.com/SU/MGWHYGj4exMKam6plusuvrb9A==</a>
5022	Student And Family Privacy Rights - <a href="https://simbli.eboardsolutions.com/SU/r1TXHL56thJKqou0etiFw==">https://simbli.eboardsolutions.com/SU/r1TXHL56thJKqou0etiFw==</a>
5022	Student And Family Privacy Rights - <a href="https://simbli.eboardsolutions.com/SU/1GzyJyalplusP9wBttCqaeb2w==">https://simbli.eboardsolutions.com/SU/1GzyJyalplusP9wBttCqaeb2w==</a>
5030	Student Wellness - <a href="https://simbli.eboardsolutions.com/SU/wu3wNY6btqwyEbwFX1jw2A==">https://simbli.eboardsolutions.com/SU/wu3wNY6btqwyEbwFX1jw2A==</a>
5125	Student Records - <a href="https://simbli.eboardsolutions.com/SU/pWq9ICWaEiSuslshLslshoKOKtjw==">https://simbli.eboardsolutions.com/SU/pWq9ICWaEiSuslshLslshoKOKtjw==</a>
5125	Student Records - <a href="https://simbli.eboardsolutions.com/SU/yjMplusEU6slshNxnNEkzckBCESg==">https://simbli.eboardsolutions.com/SU/yjMplusEU6slshNxnNEkzckBCESg==</a>
5141.27	Food Allergies/Special Dietary Needs - <a href="https://simbli.eboardsolutions.com/SU/wc9edAKbY4YFD8Xp8qslshTtw==">https://simbli.eboardsolutions.com/SU/wc9edAKbY4YFD8Xp8qslshTtw==</a>
5141.27	Food Allergies/Special Dietary Needs - <a href="https://simbli.eboardsolutions.com/SU/D6i4iJ8tyrO1kW6plusyOBplusSw==">https://simbli.eboardsolutions.com/SU/D6i4iJ8tyrO1kW6plusyOBplusSw==</a>
5145.13	Response To Immigration Enforcement - <a href="https://simbli.eboardsolutions.com/SU/Gz25ethbgSGASrRysQzOFg==">https://simbli.eboardsolutions.com/SU/Gz25ethbgSGASrRysQzOFg==</a>
5145.13	Response To Immigration Enforcement - <a href="https://simbli.eboardsolutions.com/SU/HDZgfQkLBQDnJUqxP3zllg==">https://simbli.eboardsolutions.com/SU/HDZgfQkLBQDnJUqxP3zllg==</a>
5145.6	Parent/Guardian Notifications - <a href="https://simbli.eboardsolutions.com/SU/slsh1qzdkOzOTImMBsW7LYzHQ==">https://simbli.eboardsolutions.com/SU/slsh1qzdkOzOTImMBsW7LYzHQ==</a>
5145.6-E PDF(1)	Parent/Guardian Notifications - <a href="https://simbli.eboardsolutions.com/SU/vfFTgkOpP3aVSo6OyQ9w5g==">https://simbli.eboardsolutions.com/SU/vfFTgkOpP3aVSo6OyQ9w5g==</a>
6159	Individualized Education Program - <a href="https://simbli.eboardsolutions.com/SU/gxXSePxYotYMXuBfz3a3Tg==">https://simbli.eboardsolutions.com/SU/gxXSePxYotYMXuBfz3a3Tg==</a>
6159	Individualized Education Program - <a href="https://simbli.eboardsolutions.com/SU/pluskiplusDn3YBAKmA55EtAeHhg==">https://simbli.eboardsolutions.com/SU/pluskiplusDn3YBAKmA55EtAeHhg==</a>
6164.6	Identification And Education Under Section 504 - <a href="https://simbli.eboardsolutions.com/SU/lhqplusplus7gu5dMK7JkSch7jGQ==">https://simbli.eboardsolutions.com/SU/lhqplusplus7gu5dMK7JkSch7jGQ==</a>
6164.6	Identification And Education Under Section 504 - <a href="https://simbli.eboardsolutions.com/SU/zplus1QVrRL4B6dpluscVbvbfGjg==">https://simbli.eboardsolutions.com/SU/zplus1QVrRL4B6dpluscVbvbfGjg==</a>