



EAST BRIDGEWATER PUBLIC SCHOOLS

East Bridgewater, Massachusetts 02333

www.ebps.net

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The East Bridgewater Public School District, in partnership with the community, continues to provide an academically challenging, safe, and supportive learning environment that promotes the pursuit of excellence for all.

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CIVIL RIGHTS COMPLAINT POLICY

The East Bridgewater School District is committed to complying with Civil Rights Requirements in all of its programs, including the USDA Food and Nutrition Services and DESE School Food and Nutrition Programs, and specifically the Civil Rights Requirements outlined in Food and Nutrition Programs Instruction 113-1 and the 2016 MoU between USDA FNS Civil Rights Division and the Massachusetts DESE Office for Food and Nutrition Programs.

Any person alleging discrimination in the District's School Food and Nutrition Program based on race, color, national origin, age, sex, or disability, (i.e., meal modification) either written or verbal, has the right to file a complaint. The designee at the District/school level will provide assistance to the individual(s) including but not limited to explaining the steps in the complaint process, and maintain a complaint log, as required by law.

Procedures

Inform: the person to whom potential discrimination may have or perhaps they feel have potentially occurred and their right to file an official complaint. Consider if parental/guardian notification is appropriate.

- Offer to share the complaint process steps and let them know it can be submitted anonymously.
- Ask if they would like to submit an official complaint.
- If not, ask the person how you can help. Clarify what they want you to do with the information they are giving you. This may be a person who is *reporting a concern* because they want you/someone to help them and is not interested in submitting an official Civil Rights Complaint.
 - When the person reports satisfaction that the issue has been resolved, no further steps need to be taken.
- If yes, walk them through USDA's complaint process and clarify if they want to use USDA's process on their own or if they want you to "accept" their complaint or help them submit to USDA.
 - If they would like to submit the complaint on their own, ask if you can do anything else to help resolve the issue in the meantime and no further steps need to be taken.
 - If they would like you to "accept" the complaint: Accept, Document and Share the Complaint per instructions below.

Accept: an official complaint in any form.

- *Remember before beginning this step: Someone can be "reporting a concern" they would like addressed but not submitting an official Civil Rights complaint. Be sure to clarify what their intention is. If they choose not to submit an official Civil Rights complaint continue to reach a resolution that is mutually agreed upon.*
- How SO accepts complaints should be determined at the local level and described here. Note when developing these procedures there are some things you will want to keep in mind.
 - The complaint procedures cannot prevent a complaint from being accepted.
 - Procedures cannot require that following the complaint process be a prerequisite for accepting a complaint
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 - The school can't require that a complaint only be submitted through one form, or person or at a specific date/time. They can offer the use of a standard form or refer them to a specific person but ultimately if a person wants to submit a complaint verbally in the moment that complaint needs to be accepted.

Document: The complaint in a complaint log specific to Child Nutrition Programs.

- How was the complaint given? In writing or verbally?
- Staff member who received the complaint must transcribe it.
- Essentially, whoever receives a complaint needs to document the event by filling out the fields on the complaint log.
- If a complaint is given verbally a detailed record of the complaint must be taken.
- At a minimum, the log must contain the complainant(s) name, contact information, the location (including country), nature and date of the alleged discrimination. Name of individual(s) and organization(s) alleged to have engaged in discrimination, basis of alleged discrimination, date of referral to FNS CRD, the findings of any investigation by FNS, and a descriptive disposition of the final complaint including any corrective action planned or taken.

Share: The complaint within 5 days with FNS CRD.

Send a copy of the complaint you accepted by any of the following methods:

mail: U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410;
fax: (202) 690-7442; or
email: program.intake@usda.gov

East Bridgewater Public Schools School Food Authority (SFA) Civil Rights Policy: Meal Modifications Policy

East Bridgewater Public Schools (EBPS) is committed to ensuring equal access to its meal programs for all students, regardless of race, color, national origin, sex, disability, age, or religion, in accordance with federal civil rights laws and U.S. Department of Agriculture (USDA) regulations. This policy specifically addresses meal modifications as a form of reasonable accommodation for students with disabilities or medical needs.

The U.S. Department of Agriculture's (USDA) nondiscrimination regulation (7 CFR 15b), as well as the regulations governing the Child Nutrition Programs, make it clear that substitutions to the regular meal must be made, at no extra cost, for children who are unable to eat meals served in any Child Nutrition Programs (CNP) because of their disabilities. USDA's Food and Nutrition Service (FNS) has issued [SP 59-2016: Policy Memorandum on Modifications to Accommodate Disabilities in the School Meal Programs](#) and [CACFP 14-2017, SFSP 10-2017 Modifications to Accommodate Disabilities in the Child and Adult Care](#), which clarify that Child and Adult Care Food Program (CACFP) institutions and facilities and Summer Food Service Program (SFSP) sponsors (Program operators) and School Food Authorities (SFAs) are required to make reasonable modifications to accommodate children with disabilities. The Massachusetts Department of Elementary and Secondary Education, Office for Food and Nutrition Programs (FNP) will routinely review Program Operators/SFAs for documented compliance to these regulations during Administrative, Site and Home Reviews.

The Definition of a Disability:

The Americans with Disabilities Act (ADA) Amendments Act of 2008 made important changes to the meaning and interpretation of the term "disability." The changes demonstrated Congress's intent to restore the broad scope of the ADA by making it easier for an individual to establish that he or she has a disability. After the passage of the ADA Amendments Act, most physical and mental impairments constitute a disability. Therefore, rather than focusing on whether or not a student has a disability, Program Operators/SFAs should focus on working collaboratively with parents to ensure an equal opportunity to participate in the school meal programs and receive program benefits. *Note: Program Operators/SFAs are encouraged but not required to consider children's cultural, religious, and ethical preferences when planning and preparing meals. Variations must be consistent with meal pattern regulations for children's meals to be eligible for reimbursement.*

Program Operators/SFAs are Responsible for: Communicating the Availability of Meal Modifications

- Program Operators/SFAs must continually notify families of the process for requesting meal modifications and identify the individual responsible for coordinating modifications. As part of this notification, Program Operators/SFAs should explain when/where parents and guardians need to submit supporting documentation for their child's modification request.
 - o Methods of notification can include:
 - Program website / social media
 - Parent and student handbooks
 - Direct communication to households
- Program Operator/SFAs response to meal modification requests should be timely. The provision of modifications should not be delayed while the parent obtains a medical statement.

Providing Access to Meals Served in CNPs to All Students:

- *Modifications within the Meal Pattern* — If a meal modification for a child's disability can be made within the CNP meal pattern, a medical statement is not necessary and the Program Operator/SFA is not required to obtain a medical statement.
- *Modifications Outside of the Meal Pattern* — In a disability situation, meal modifications outside the meal pattern are reimbursable, provided the request is supported by a medical statement signed by a State licensed healthcare professional. [Attachment A](#)
 - o The medical statement (template available in attachment A) must include:
 - Information about the child's physical or mental impairment that is sufficient to allow the Program Operator/SFA to understand how it restricts the child's diet,
 - An explanation of what must be done to accommodate the child's disability, and
 - The food or foods to be omitted and recommended alternatives, in the case of a modified meal.
 - o Program Operator/SFA may not require the written medical statement to provide a specific diagnosis by name or use the term "disabled" or "disability," though the State licensed healthcare professional may use these terms when submitting a medical statement.
 - o If the child's IEP or 504 Plan includes the information required in the medical statement, or if the Program Operator/SFA obtains written medical verification of the impairment during the IEP/504

Plan process, it is not necessary for the Program Operator/SFA to also obtain a separate medical statement.

- *Serving Meals in an Integrated Setting* — Program Operators/SFAs must provide all meal services in the most integrated setting appropriate to the needs of the disabled participant. Exclusion of any participant from the Program environment is not considered an appropriate or reasonable modification.

Ensuring Information is Current and Confidential

- *Confidentiality* — It is extremely important for schools to protect the privacy of children who have a disability. The Family Educational Rights and Privacy Act of 1974 (FERPA) requires medical information to be kept confidential. Confidentiality practices should ensure that School Nutrition Program staff, identified by the SFA, have enough information to operationalize the production of each child's modified meal. Per [FERPA 99.31](#), parental consent is not needed to share information required to provide a meal modification with school officials who meet outlined conditions. Staff of the school nutrition program, including Food Service Management Companies, as identified by the SFA meet these conditions. The information required to provide a meal modification is requested in the meal modification sample in attachment A. Non-School Program Operators should follow their local policies and procedures to ensure medical information is kept confidential and shared with staff who need the information to provide safe meals to participants in care.
- *Limitations on Information Request*: Program Operators/SFAs are reminded that they may not request medical records or medical charts related to a child's disability as part of the medical statement. The school only needs to obtain the medical statement to receive Federal reimbursement for modified meals outside of the Program meal pattern. Schools also must follow confidentiality requirements under IDEA; any questions about IDEA should be directed to the Section 504/ADA Coordinator.
- *Ensuring Information is Current* — Parents/Guardians should not be required to resubmit medical statements, but an effort should be made by Program Operators/SFAs to ask if they would like the accommodation to continue or stop either annually or in another defined period of time.

Reimbursement

Reimbursement for a modified meal is based on a child's eligibility for free, reduced price, or paid meals, regardless of the extent of the meal modification. Program Operators/SFAs will not receive additional reimbursement to cover the extra costs sometimes associated with providing a reasonable modification and may not charge children with disabilities an extra fee for a modified meal.

Declining Meal Modification Requests

Program Operators/SFAs generally should not decline to provide a meal modification to accommodate a child's disability that is supported by a medical statement. However, Program Operators/SFAs may decline a request for a meal modification that would fundamentally alter the nature of the CNP. A fundamental alteration is a modification so drastic that it would change the essential nature of the CNP. Program Operators/SFAs should work closely with families to prevent any misunderstandings before declining a modification request. We encourage Program Operators/SFAs to contact your DESE consultant if you plan to decline a modification request.

- If a Program Operator/SFA declines a request, the Program Operator/SFA must, under the Procedural Safeguards requirements, ensure that the child's parent or guardian understands their right to file a grievance if they believe a violation has occurred regarding the request for a reasonable modification.
- Procedures in place to address requests to accommodate children with disabilities in the facility/school, in compliance with Section 504 of the Rehabilitation Act of 1973 or IDEA, may be used to fulfill this requirement.
- The USDA Civil Rights Complaint process may be utilized in addition to or in place of Procedural safeguards.

Taking a Team Approach:

When it is possible, FNS and FNP strongly encourage Program Operators/SFAs to take a team approach when implementing the guidelines in this memorandum and providing modifications for participants with disabilities. Developing a team that includes individuals from the SFA, sponsoring organization, center, day care home, or summer site, and the Section 504 Coordinator (when there is one) will help ensure consistent decisions, implementation, and tracking of meal modifications. The most effective team may also include others with training in this area, such as a nurse or Registered Dietitian. Any request for a modification related to the meal or meal service should be reviewed by the team and forwarded to the Section 504 Coordinator, when there is one.

File: EFE

CIVIL RIGHTS COMPLAINT POLICY FOR CHILD NUTRITION PROGRAMS

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LEGAL REF: FNS 113-1: Civil Rights Compliance and Enforcement

NOTE: [Procedures Template for USDA Food and Nutrition Services Complaints can be found here.](#)

Districts are required by FNS 113-1 to establish procedures to receive complaints, assist individuals with complaints, log, and report Civil Rights complaints related to School Food and Nutrition Services.

NOTE: The Superintendent or designee will develop complaint procedures

SOURCE: MASC 2023

SCHOOL COMMITTEE APPROVED: October 15, 2024

Updated 4/15/2025 [FILE ACE NONDISCRIMINATION ON THE BASIS OF DISABILITY](#)

The East Bridgewater School Committee voted to amend Policy\File: AC, *Non-Discrimination Policy Including Harassment and Retaliation*, at its April 15, 2025 School Committee Meeting. The School Committee made the following amendment to the policy:

- Added language in [new] section [7]: "students may not be discriminated against for requiring meal modifications."
- [School Committee agenda & minutes](#)

The East Bridgewater Public School System is committed to ensuring that all of its programs and facilities are accessible to all members of the public. We do not discriminate on the basis of age, color, pregnancy or pregnancy related conditions, disability, national origin, race, religion, sex, sexual orientation, gender or gender identity, homelessness.

The contents of all East Bridgewater school publications are available upon request in languages other than English.