

## **Policy 3555: Nutrition Program Compliance**

**Original Adopted Date: 3/13/2024**

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 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 Title IX coordinator, if different from the compliance coordinator, to the California Department of Education (CDE) 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 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" civil rights poster, or a substitute poster approved by 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 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.

## **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](mailto: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)

### **Appeal permitted**

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.

The Board shall consider the matter at its next regular Board meeting or at a special Board meeting convened in order to meet the 60-day time limit within which the complaint must be answered pursuant to 5 CCR 4631. When required by law, the matter shall be considered in closed session. The Board may decide not to consider the complaint, in which case the coordinator's decision shall be final.

If the Board considers the complaint, the Board's decision shall be sent to the complainant within 60 calendar days of the district's initial receipt of the complaint or within the time period that has been

specified in a written agreement with the complainant. (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)

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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.

| <b>State</b>          | <b>Description</b>                                                                                                 |
|-----------------------|--------------------------------------------------------------------------------------------------------------------|
| 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    | <a href="#">Prohibition of discrimination</a>                                                                      |
| Ed. Code 42238.01     | <a href="#">Definitions for purposes of funding</a>                                                                |
| Ed. Code 48985        | <a href="#">Notices to parents in language other than English</a>                                                  |
| Ed. Code 49060-49079  | <a href="#">Student records</a>                                                                                    |
| Ed. Code 49490-49590  | <a href="#">Child nutrition programs</a>                                                                           |
| Pen. Code 422.6       | <a href="#">Crimes; harassment</a>                                                                                 |
| <b>Federal</b>        | <b>Description</b>                                                                                                 |
| 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

California Department of Education  
Publication

U. S. Department of Agriculture  
Publication

U.S. Department of Agriculture  
Publication

U.S. Department of Agriculture  
Publication

U.S. DOE Office for Civil Rights  
Publication

Website

Website

Website

Website

Website

Website

### Description

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

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

Notice of Non-Discrimination, August 2010

U. S. Department of Agriculture, And Justice for All Posters

[CSBA District and County Office of Education Legal Services](#)

[U.S. Department of Agriculture, Office for Civil Rights](#)

[U.S. Department of Agriculture, Food and Nutrition Service](#)

[California Department of Education, Nutrition Services  
Division](#)

[U.S. Department of Education, Office for Civil Rights](#)

### Cross References

#### Code

0410

1100

#### Description

[Nondiscrimination In District Programs And Activities](#)

[Communication With The Public](#)

|             |                                                                       |
|-------------|-----------------------------------------------------------------------|
| 1312.1      | <a href="#"><u>Complaints Concerning District Employees</u></a>       |
| 1312.1      | <a href="#"><u>Complaints Concerning District Employees</u></a>       |
| 1312.3      | <a href="#"><u>Uniform Complaint Procedures</u></a>                   |
| 1312.3      | <a href="#"><u>Uniform Complaint Procedures</u></a>                   |
| 1312.3-E(1) | <a href="#"><u>Uniform Complaint Procedures</u></a>                   |
| 1312.3-E(2) | <a href="#"><u>Uniform Complaint Procedures</u></a>                   |
| 3312        | <a href="#"><u>Contracts</u></a>                                      |
| 3550        | <a href="#"><u>Food Service/Child Nutrition Program</u></a>           |
| 3550        | <a href="#"><u>Food Service/Child Nutrition Program</u></a>           |
| 3551        | <a href="#"><u>Food Service Operations/Cafeteria Fund</u></a>         |
| 3551        | <a href="#"><u>Food Service Operations/Cafeteria Fund</u></a>         |
| 3552        | <a href="#"><u>Summer Meal Program</u></a>                            |
| 3552        | <a href="#"><u>Summer Meal Program</u></a>                            |
| 3553        | <a href="#"><u>Free And Reduced Price Meals</u></a>                   |
| 3553        | <a href="#"><u>Free And Reduced Price Meals</u></a>                   |
| 4231        | <a href="#"><u>Staff Development</u></a>                              |
| 5022        | <a href="#"><u>Student And Family Privacy Rights</u></a>              |
| 5022        | <a href="#"><u>Student And Family Privacy Rights</u></a>              |
| 5030        | <a href="#"><u>Student Wellness</u></a>                               |
| 5125        | <a href="#"><u>Student Records</u></a>                                |
| 5125        | <a href="#"><u>Student Records</u></a>                                |
| 5141.27     | <a href="#"><u>Food Allergies/Special Dietary Needs</u></a>           |
| 5141.27     | <a href="#"><u>Food Allergies/Special Dietary Needs</u></a>           |
| 5145.13     | <a href="#"><u>Response To Immigration Enforcement</u></a>            |
| 5145.13     | <a href="#"><u>Response To Immigration Enforcement</u></a>            |
| 5145.6      | <a href="#"><u>Parent/Guardian Notifications</u></a>                  |
| 5145.6-E(1) | <a href="#"><u>Parent/Guardian Notifications</u></a>                  |
| 6159        | <a href="#"><u>Individualized Education Program</u></a>               |
| 6159        | <a href="#"><u>Individualized Education Program</u></a>               |
| 6164.6      | <a href="#"><u>Identification And Education Under Section 504</u></a> |
| 6164.6      | <a href="#"><u>Identification And Education Under Section 504</u></a> |
| 9321        | <a href="#"><u>Closed Session</u></a>                                 |
| 9321-E(1)   | <a href="#"><u>Closed Session</u></a>                                 |

