

Business and Noninstructional Operations
Nutrition Program Compliance

BP 3555 (a)

The Governing Board recognize 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

Business and Noninstructional Operations
Nutrition Program Compliance

BP 3555 (b)

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 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 compliance coordinator shall notify the public, all program applicants, participants, and potentially eligible persons of their program 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 file 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 a 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, 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, 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)

**Business and Noninstructional Operations
Nutrition Program Compliance**

BP 3555 (c)

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: (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 ~~parent/guardian~~ 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)

Business and Noninstructional Operations Nutrition Program Compliance

BP 3555 (d)

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)

State:

5CCR 15580-15584: Child nutrition programs complaint procedures

5CCR 3080: Applicability of uniform complaint procedures to complaints regarding students with disabilities

5CCR 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

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:

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 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 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

Website: U.S. Department of Agriculture, Office for Civil Rights

Website: U.S. Department of Agriculture, Office for Civil Rights

Business and Noninstructional Operations
Nutrition Program Compliance

BP 3555 (e)

Website: California Department of Education, Nutrition Services Division
Website: U.S. Department of Education, Office for Civil Rights

Policy Adopted: 6/14/2023

ORCUTT UNION SCHOOL DISTRICT
Orcutt, California