

FRESNO COUNTY SUPERINTENDENT OF SCHOOLS
FRESNO COUNTY BOARD OF EDUCATION

Business and Noninstructional Operations
NUTRITION PROGRAM COMPLIANCE

The County Superintendent and County Board recognize their responsibility to comply with state and federal nondiscrimination laws as they apply to County Superintendent/County Board schools nutrition programs. The County Superintendent shall not deny any individual the benefits or service of any nutrition program or discriminate on any basis prohibited by law.

Compliance Coordinator

The County Superintendent 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 County Superintendent'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.

FRESNO COUNTY SUPERINTENDENT OF SCHOOLS
FRESNO COUNTY BOARD OF EDUCATION

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 County Superintendent'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 County Superintendent's status as an equal opportunity provider and the address of the agency with responsibility to handle complaints made against the County Superintendent.

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 County Superintendent'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 County Superintendent'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

**FRESNO COUNTY SUPERINTENDENT OF SCHOOLS
FRESNO COUNTY BOARD OF EDUCATION**

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

Complaints of discrimination on any other basis shall be investigated by the County Superintendent using the process identified in AR 1312.3 - Uniform Complaint Procedures.

Complaints Regarding Noncompliance with Program Requirements

Any complaint alleging that the County Superintendent 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 County Superintendent 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 County Superintendent 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 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 County Superintendent shall investigate and prepare a written report pursuant to 5 CCR 4631. (5 CCR 15583)

FRESNO COUNTY SUPERINTENDENT OF SCHOOLS
FRESNO COUNTY BOARD OF EDUCATION

Unless extended by written agreement with the complainant, the County Superintendent's compliance coordinator shall investigate the complaint and prepare a written report to be sent to the complainant within 60 days of the County Superintendent's receipt of the complaint. (5 CCR 15583; 5 CCR 4631)

If the complainant is not satisfied with the findings in the County Superintendent'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)

Adopted: 12/12/2023

Legal ReferencesEducation Code

200-262.4 Prohibition of discrimination
42238.01 Definitions for purposes of funding
48985 Notices to parents in language other than English
49060-49079 Student records
49490-49590 Child nutrition programs

Penal Code

422.6 Crimes; harassment

Code of Regulations, Title 5

15580-15584 Child nutrition programs complaint procedures
3080 Applicability of uniform complaint procedures to complaints regarding students with disabilities
4600-4670 Uniform complaint procedures
4900-4965 Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance

United States Code, Title 20

1400-1482 Individuals with Disabilities Education Act
1681-1688 Title IX of the Education Amendments of 1972; discrimination based on sex

United States Code, Title 29

794 Rehabilitation Act of 1973; Section 504

United States Code, Title 42

12101-12213 Americans with Disabilities Act
2000d-2000d-7 Title VI, Civil Rights Act of 1964
2000e-2000e-17 Title VII, Civil Rights Act of 1964, as amended

Code of Federal Regulations, Title 7

210.19 National School Lunch Program; additional responsibilities
210.23 National School Lunch Program; school responsibilities
215.14 Special Milk Program; nondiscrimination

FRESNO COUNTY SUPERINTENDENT OF SCHOOLS
FRESNO COUNTY BOARD OF EDUCATION

- 215.7 Special Milk Program; requirements for participation
- 220.13 School Breakfast Program; special responsibilities of state agencies
- 220.7 School Breakfast Program; requirements for participation
- 225.11 Summer Food Service Program; corrective action procedures
- 225.3 Summer Food Service Program; administration
- 225.7 Summer Food Service Program; program monitoring
- 226.6 Child and Adult Care Food Program; state agency administrative responsibilities
- 250.15 Out-of-condition donated foods, food recalls, and complaints

Code of Federal Regulations, Title 28

35.101-35.190 Americans with Disabilities Act

36.303 Nondiscrimination on the basis of disability, public accommodations, auxiliary aids, and services

Management Resources

California Department of Education Publications

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

U.S. Department of Agriculture Publications

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

Websites

U. S. Department of Agriculture, And Justice for All Posters: <https://www.fns.usda.gov/cr/and-justice-all-posters-guidance-and-translations>

U.S. Department of Agriculture, Office for Civil Rights: <https://www.usda.gov/oascr/home>

U.S. Department of Agriculture, Food and Nutrition Service: <https://www.fns.usda.gov/>

California Department of Education, Nutrition Services Division: <https://www.cde.ca.gov/re/di/or/nsd.asp>

U.S. Department of Education, Office for Civil Rights: <https://www2.ed.gov/about/offices/list/ocr/index.html>