

# Davis Joint USD

## Board Policy

### Nutrition Program Compliance

BP 3555

#### Business and Noninstructional Operations

~~The Board of Education~~ 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 against him/her ~~because of his/her race, color, national origin, gender, sex, sexual orientation, disability, or on~~ any ~~other~~ basis prohibited by law, ~~in its implementation of such a program.~~

(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 ~~coordinator of the district's efforts to comply with the laws governing its nutrition programs and to investigate any related complaints. Any complaint concerning the district's nutrition programs shall be investigated using the process identified in the section entitled "Procedures" in the district's AR 1312.3—Uniform Complaint Procedures.~~ the district's civil rights coordinator to ensure compliance with the laws governing its nutrition programs and to investigate any related complaints.

~~(cf. 1312.3—Uniform Complaint Procedures)~~

~~The coordinator shall provide training on the laws, regulations, procedures, and directives related to the district's nutrition programs to district employees involved in administering them. The coordinator also shall develop procedures and systems that do not restrict the participation of individuals in the district's nutrition programs, based on their race, ethnicity, or disability, and that prevent district employees from incorrectly denying the applications for participation submitted by such individuals.~~

~~The coordinator shall develop and maintain a system for collecting racial and ethnic data of participants in the district's nutrition programs and may report to the Board on whether the district's nutrition programs are effectively reaching eligible individuals and whether and where additional outreach may be needed.~~

~~(cf. 5022—Students and Family Privacy Rights)~~  
~~(cf. 5125—Student Records)~~

~~When a significant number of participants or potential participants in the district's nutrition programs are only non-English speakers, the coordinator shall make an appropriate language translation available.~~

~~(cf. 5020—Parent Rights and Responsibilities)~~  
~~(cf. 6020—Parent Involvement)~~  
~~(cf. 6174—English Language Learners)~~

~~The coordinator also shall ensure that the district's nutrition programs accommodate the special dietary needs of any individual with a disability who has on file a medical statement that restricts his/her diet because of his/her disability.~~

~~(cf. 5141.27—Food Allergies/Special Dietary Needs)~~  
~~(cf. 6159—Individualized Education Program)~~  
~~(cf. 6164.6—Identification and Education Under Section 504)~~

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, to the California Department of Education 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 and program-related complaints, including maintaining a complaint log and working with the appropriate person to resolve any complaint

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~~ The U.S. Department of Agriculture's (USDA) "And Justice for All" ~~or other civil rights poster or a substitute poster approved by the USDA's Food and Nutrition Programs Civil Rights posters are~~ Service shall be displayed in areas visible to the district's nutrition program participants, such as food service areas and school offices.

~~Annually, the coordinator shall notify all students, parents/guardians, and employees of program requirements and the procedures for filing a complaint, through the district's usual means of notification.~~

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. 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.

(cf. 5145.6 - Parental Notifications)

In addition, ~~the coordinator~~ all forms of communication available to the public regarding program availability shall ~~ensure that every informational release, publication, or poster concerning the~~

~~district's nutrition programs and/or activities includes~~contain, in a prominent location, the following statement:

"In accordance with ~~federal~~ Federal civil rights law and U.S. Department of Agriculture ~~policy,~~  
~~this institution is~~(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 the basis of race, color, national origin, sex, ~~age, religion, political~~  
~~beliefs, or~~ disability. ~~In addition, California law prohibits discrimination on any basis identified~~  
~~in Government Code 12940,~~ age, or reprisal or retaliation for prior civil rights activity in any  
program."

~~To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, 1400~~  
~~Independence Avenue, S.W., Washington, D.C. 20250-9410 or call (800) 795-3272~~  
~~(voice) activity conducted or (202) 720-6382 (TTY). USDA is an equal opportunity provider~~  
~~and employer.~~ "funded by USDA.

~~However, if the document is no more than one page and there is no room to~~ Persons with  
disabilities who require alternative means of communication for program information (e.g.,  
Braille, large print, audiotape, 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.

To file a program complaint of discrimination, complete the USDA Program Discrimination  
Complaint Form, (AD-3027) found online at: [http://](http://www.ascr.usda.gov/complaint_filing_cust.html)  
[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:

(1) mail: U.S. Department of Agriculture  
Office of the Assistant Secretary for Civil Rights  
1400 Independence Avenue, SW  
Washington, D.C. 20250-9410;

(2) fax: (202) 690-7442; or

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

This institution is an equal opportunity provider."

Forms of communication requiring this nondiscrimination statement, ~~the district may instead use~~  
the 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

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

When a complaint alleging discrimination of 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 ~~4500~~4503, Sacramento, CA 95814-2342 or call ~~(916-445-0850)~~ 323-8531 or ~~(800-)~~ 952-5609
2. ~~Office~~U.S. Department of ~~Civil Rights, USDA, Western Region, 90 Seventh Street, Suite 10-100, San Francisco, CA 94103 or call 415-705-1336 or fax 415-705-1364 or email-~~  
~~Joe.Torres@fns.usda.gov~~  
Agriculture
3. ~~USDA, Director~~, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410 ~~or call, (866) 632-9992, (800-795-3272 or) 877-8339 (Federal Relay Service - English), (800) 845-6136 (Federal Relay Service - Spanish), fax (202-720-6382 (TTY)) 690-7442, or email~~ program.intake.usda.gov.

### Legal Reference:

#### EDUCATION CODE

200-262.4 Prohibition of discrimination

48985 Notices to parents in language other than English

49060-49079 Student records

49490-49590 Child nutrition programs

#### PENAL CODE

422.6 Interference with constitutional right or privilege

#### CODE OF REGULATIONS, TITLE 5

3080 Application of section

4600-4687 Uniform complaint procedures

4900-4965 Nondiscrimination in elementary and secondary education programs

#### UNITED STATES CODE, TITLE 20

1400-1482 Individuals with Disabilities in Education Act

1681-1688 Discrimination based on sex or blindness, Title IX

#### UNITED STATES CODE, TITLE 29

794 Section 504 of the Rehabilitation Act of 1973

UNITED STATES CODE, TITLE 42

2000d-2000d-7 Title VI, Civil Rights Act of 1964

2000e-2000e-17 Title VII, Civil Rights Act of 1964 as amended

2000h-2000h-6 Title IX

12101-12213 Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 7

210.23 National School Lunch Program, district responsibilities

215.7 Special Milk Program, requirements for participation

215.14 Special Milk Program, nondiscrimination

220.7 School Breakfast Program, requirements for participation

225.3 Summer Food Service Program, administration

225.7 Summer Food Service Program, program monitoring

CODE OF FEDERAL REGULATIONS, TITLE 28

35.101-35.190 Americans with Disabilities Act

36.303 Auxiliary aids and services

CODE OF FEDERAL REGULATIONS, TITLE 34

100.1-100.13 Nondiscrimination in federal programs, effectuating Title VI

104.1-104.39 Section 504 of the Rehabilitation Act of 1973

106.1-106.61 Discrimination on the basis of sex, effectuating Title IX, especially:

106.9 Dissemination of policy

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Civil Rights and Complaint Procedures for the U.S. Department of Agriculture Child Nutrition Programs, rev. November 2015

U.S. DEPARTMENT OF AGRICULTURE, FOOD AND NUTRITION SERVICE  
PUBLICATIONS

Civil Rights Compliance and Enforcement - Nutrition Programs and Activities, FNS Instruction 113-1, November 2005

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS  
Notice of Non-Discrimination, August 2010

WEB SITES

California Department of Education, Nutrition Services Division: <http://www.cde.ca.gov/ls/nu>

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

U.S. Department of Agriculture, Office for Civil Rights: <http://www.ascr.usda.gov>

U.S. Department of Education, Office for Civil Rights: <http://www2.ed.gov/ocr>

Policy DAVIS JOINT UNIFIED SCHOOL DISTRICT

adopted: January 6, 2011 Davis, California