

**CALIFORNIA DEPARTMENT OF EDUCATION  
NUTRITION SERVICES DIVISION**

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

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## Introduction

The California Department of Education (CDE) Nutrition Services Division (NSD) provides the Civil Rights and Complaint Procedures to help agencies comply with the U.S. Department of Agriculture (USDA) Child Nutrition Programs (CNP) regulations, as required by the Food and Nutrition Service (FNS) Instruction 113-1.

The requirements contained in the procedures apply to all programs and activities receiving federal financial assistance for the CNPs, whether those programs and activities are federally funded in whole or in part (FNS Instruction 113-1, Page 3). Thus, when a state agency, local agency, or any other subrecipient agrees to administer *FNS* program services and benefits, they enter into a contractual agreement (i.e., Federal/State Agency Agreement or a State Agency/Local Agency Agreement) to adhere to all laws, regulations, instructions, policies, and guidance related to nondiscrimination in program delivery (FNS Instruction 113-1, Page 4[C]).

## Civil Rights Compliance in the Child Nutrition Programs

Each state agency, local agency, or any other subrecipient must ensure that it performs certain duties to both prevent and resolve all complaints related to programs and civil rights. Agencies **must** appoint a Civil Rights Coordinator to perform these duties. These duties include:

Providing the name of the Civil Rights Coordinator, 504 Coordinator, and Title IX Coordinator (if different from the Civil Rights Coordinator)

Providing mandatory civil rights training to all staff annually (FNS Instruction 113-1, Page 16[XI])

Implementing procedures to determine and process Civil Rights complaints (FNS Instruction 113-1, Page 32[XVII][B])

Implementing procedures to determine and process program related complaints

Notifying the public, participants, and potential participants, upon request, of information abo.25p related cod cod co abo.25p related potent 532.78 5(d)-oN.86 394.99 Tr#2

applicant -identification to obtain racial and ethnic data. Self-identification or self-reporting is the preferred method of obtaining characteristic data (FNS Instruction 113-1, Page 17[XII][A]).

Ensuring that the agency makes special meals available to participants with disabilities who have a medical statement on file documenting that their disability restricts their diet (Accommodating Children With Special Dietary Needs in the School Nutrition Programs, Page 5[II][A])

Including the most current version of the federal nondiscrimination statement in a prominent location on all public informational releases, publications, and posters concerning nutrition program activities, except menus (FNS Instruction 113-1, pages 13[IX][A][3], 14[d], and 15[IX][B][4])

posters in areas visible to program recipients, such as the food service area and sponsor's office, except in family day care homes (FNS Instruction 113-1, Page 15[B][1])

Sending a public release announcing the availability of the CNPs and/or changes in the programs to public media and community/grassroots organizations (FNS Instruction 113-1, Page 15[IX][B][2])

Providing appropriate language translations when a significant number of persons in the surrounding population have limited English proficiency (FNS Instruction 113-1, pages 9 and 10[VII])

Establishing admission and enrollment procedures that do not restrict enrollment of minority persons or persons with disabilities, including preventing staff from incorrectly denying applications of minority persons and persons with disabilities, and ultimately ensuring minority persons and participants with disabilities have equal access to all programs (FNS Instruction 113-1, Page 1[II][B] and [D], Americans with Disabilities Act 28, Title 2, *Code of Federal Regulations*, Part 35, Subtitle A and D, and FNS Instruction 113-1, Page 1[I][A] and [II][A])

Additionally, in order to meet federal civil rights requirements for CNPs, the NSD recommends that the Civil Rights Coordinator maintain a complaint log and work with the appropriate people to resolve the complaint.

The complaint as well as the complaint log should include, at a minimum, the following information:

The name, address, and telephone number or other means of contacting the complainant, such as an e-mail address

The specific location and name of the entity delivering benefits

The nature of the complaint or action that led to the charges being filed

If the nature of the complaint appears discriminatory, the NSD recommends that the Civil Rights Coordinator collect the following information:

The basis on which the complainant feels that discrimination occurred. In order to be considered a discrimination complaint, the complainant must feel discriminated against based on one or more of the protected classes.

The names, titles, and if known, addresses of persons who may have knowledge of the discriminatory action or situation.

The date(s) that the alleged discrimination occurred, or the duration of such action.

All civil rights complaints should be forwarded to the USDA National Office in Washington, D.C., at the address provided on page 8 of this document.

Try to be as detailed as possible when logging information about the complaint. This will help resolve the situation in a more efficient manner.

## **Nondiscrimination Statement**

As mentioned, agencies must include the most current version of the federal nondiscrimination statement in a prominent location on all public informational releases, publications, and posters concerning nutrition program activities, except menus. The current nondiscrimination statement is:

**The U.S. Department of Agriculture prohibits discrimination against its customers, employees, and**

As the nondiscrimination statement says, the USDA prohibits discrimination in all its programs and activities on the bases of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an

regulations **do not** cover all types of discrimination. The **only** protected classes covered under the CNPs are race, color, national origin, sex, age, or disability.

### **Public Notification and Grassroots Efforts**

All FNS assistance programs must include a public notification system or grassroots effort. The purpose of this system is to inform applicants, participants, and potentially-eligible persons of program availability, program rights and responsibilities, the policy of nondiscrimination, and the procedure for filing a complaint (FNS Instruction 113-1, Page 13[IX]).

Particularly, the focus of the grassroots effort should be to target underserved populations and inform them of the availability of the CNPs. Certain organizations can help. A grassroots organization is any organization at the local level that interacts directly with eligible or potentially-eligible participants or beneficiaries, such as an advocacy organization, community action program, civic organization, migrant group, religious organization, neighborhood council, or other similar group (FNS Instruction 113-1, Page 5[V][P]).

Agencies should consider the following methods of communication when informing the public of available CNPs: the Internet, newspaper articles, radio or television announcements, flyers, or any other vehicle of communication deemed necessary to reach the intended recipients (FNS Instruction 113-1, Page 15[IX][B][2]).

### **Protected Racial and Ethnic Categories in the CNPs**

The 2009 10 Civil Rights policy for CNPs established a two-question format for collecting racial and ethnic data from all program applicants and participants. Agencies must use separate categories when collecting and reporting ethnicity and race (FNS Instruction 113-1, Page 18[XII][A][4][a], 18[XII][A][4][b]). Agencies must collect ethnicity first, and then offer respondents the option of selecting one or more racial designations. Recommended instructions accompanying the multiple responses for race should include one of the following: Mark one or more or Select one or more to encourage accurate information (FNS Instruction 113-1, Page 18 [XII][A][4]).





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### **Where to File a Complaint**

To file a program or Civil Rights complaint, please contact one of the following agencies listed below:

Child Nutrition Programs  
Civil Rights and Program Complaint Coordinator  
California Department of Education  
Nutrition Services Division  
1430 N Street, Room 4503  
Sacramento, CA 95814-2342  
916-323-8521 **or** 800-952-5609

**Or**

USDA, Director, Office of Adjudication  
1400 Independence Avenue, Southwest  
Washington, D.C. 20250-9410  
866-632-9992  
Federal Relay Service 800-877-8339 (English)  
or 800-845-6136 (Spanish)

**Note: The USDA will investigate and process all complaints of age discrimination.**  
All program complaints filed with the NSD will be resolved at the state level. The

## **Terminology Key**