



VISTA UNIFIED
SCHOOL DISTRICT

Vista Unified School District

Civil Rights and Complaint Procedures Handbook

For the

U.S. Department of Agriculture Child Nutrition Programs

Child Nutrition Services

4680 North Avenue

Oceanside, CA 92056

(760) 726-2170 x92400

(760) 724-5605 (Fax)

Civil Rights

Civil Rights Coordinator

Assistant Superintendent, Human Relations

Duties:

- Provide civil rights training to all staff annually
- Implement procedures to determine and process civil rights complaints
- Implement procedures to determine and process program related complaints
- Notify the public, participants, and potential participants, upon request, of information about program requirements and the procedures for filing a complaint in English and/or in the appropriate language for persons with limited English proficiency
- Ensure that the public, participants, and potential participants are notified that a complaint can be filed anonymously or by a third party
- Develop a method to collect racial and ethnic data via self-identification or self-reporting by applicant.
- Ensure that participants with disabilities are not excluded from enjoying the benefits or services due to inaccessibility of facilities. Every part of a facility must be accessible to and usable by persons with disabilities.
- Ensure the most current version of the federal nondiscrimination statement is included in a prominent location on all public information releases, publications, and on posters concerning nutrition program activities, except menus.
- Ensure “And Justice For All” posters are displayed in areas visible to program recipients, such as nutrition service areas and the Nutrition Services Office.
- Send a public release announcing the availability of the program and of any changes in the programs
- Provide appropriate translation services when a significant number of persons in the surrounding population have limited English proficiency.
- Establish admission and enrollment procedures that do not restrict enrollment of minority persons or persons with disabilities. Ensuring minority persons and participants with disabilities have equal access to all programs.
- Maintain a complaint log to include the following:
 - Name, address and telephone number or other means of contacting the complainant (if not anonymous)
 - Serving site name and location
 - Nature of complaint or action that led to the charges being filed.
 - For complaints that appear discriminatory the following information:
 - Basis on which the complainant feels that discrimination occurred (must feel discriminated against based on one or more of the protected classes)

- Names, titles, addresses of persons who may have knowledge of the discriminatory action or situation (if known)
- Date(s) that the alleged discrimination occurred
- All civil rights complaints should be forwarded to the USDA National Office in Washington, D.C. at the address provided in CDE Nutrition Services Division Civil Rights and Complaint Procedures For USDA Child Nutrition Programs (attached)

Nondiscrimination Statement

In accordance with federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, this institution is prohibited from discriminating on the basis of race, color, national origin, sex (including gender identity and sexual orientation), disability, age, or reprisal or retaliation for prior civil rights activity.

Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotope, and American Sign Language) should contact the responsible State or local Agency that administers the program or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at **(800) 877-8339**.

To file a program discrimination complaint, a complainant should complete a Form AD-3027, USDA Program Discrimination Complaint Form, which can be obtained online, at <https://www.ascr.usda.gov/sites/default/files/USDA-OASCR%20P-Complaint-Form-0508-0002-508-11-28-17Fax2Mail.pdf>, from any USDA office, by calling **(866) 632-9992**, or by writing a letter addressed to USDA. The letter must contain the complainant's name, address, telephone number, and a written description of the alleged discriminatory action in sufficient detail to inform the Assistant Secretary for Civil Rights (ASCR) about the nature and date of an alleged civil rights violation. The completed AD-3027 form or letter must be submitted to USDA by:

mail:

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

fax:

(833) 256-1665 or (202) 690-7442;

email: program.intake@usda.gov.

This institution is an equal opportunity provider.

Complaint Procedure

1

•Any individual or interested third party, public agency, or organization may file a complaint

2

•Discrimination Complaint: A complaint alleging discrimination based on race, color, national origin, sex (including gender identity and sexual orientation), age, or disability

•Program Complaint: A complaint alleging violation of federal or state laws or regulations concerning the program

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•All civil rights complaints are to be directed to Civil Rights Coordinator

•Assistant Superintendent, Human Resources

•Phone: 760-726-2170 extension 92201

•Address: 1234 Arcadia Ave., Vista, CA 92084

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•Civil Rights Coordinator will maintain a log of all complaints and work with appropriate people to resolve complaints

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•If the nature of the complaint appears discriminatory, complaint should be forwarded to USDA National Office in Washington, D.C.

Complaint Log

Complaint Log is kept on file by Human Resources

Sample Complaint Log

VISTA UNIFIED SCHOOL DISTRICT

Standard Complaint Form

INSTRUCTIONS TO THE PERSON FILING THE COMPLAINT (COMPLAINANT): Please complete and sign the form. This form should be used to file a formal written complaint regarding concerns related to employees or the content of adopted instructional materials. Please review the Complaints section of the District website to process all other complaints. Before filing this form, the complainant should attempt to resolve the complaint by an informal conference with the appropriate employee and/or supervisor. Submit the original signed and any attachments; retain a copy for your records.

To (Supervisor): _____ School/ Department: _____
From (Complainant Name): _____ Contact Phone: _____
Email address: _____

INFORMAL CONFERENCE		
Date the informal conference was held concerning this matter		Location
Who was present at this meeting?		
STATEMENT OF COMPLAINT:		
1. Nature of the complaint. A written complaint must include the name(s) of each employee involved, a brief but specific summary of the complaint and the facts surrounding it, including a specific description or prior attempts to discuss the complaint with the employee(s) involved and the failure to resolve the matter.		
2. SPECIFIC POLICY ALLEGEDLY VIOLATED, OR MISAPPLIED:		
3. REMEDY SOUGHT:		

Signature of Complainant: _____ Date _____

**CALIFORNIA DEPARTMENT OF EDUCATION
NUTRITION SERVICES DIVISION**

**Civil Rights and Complaint Procedures
for the
U.S. Department of Agriculture
Child Nutrition Programs
Revised June 2022**

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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 program (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 about program requirements and the procedures for filing a complaint in English and/or in the appropriate language for persons with limited English proficiency (FNS Instruction 113-1, Page 13[IX])
- Ensuring that the public, participants, and potential participants are notified that a complaint can be filed anonymously or by a third party
- Developing a method to collect racial and ethnic data. The agency can use an applicant's voluntary self-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])
- Ensuring that participants with disabilities are not excluded from enjoying the benefits or services due to inaccessibility of facilities. Every part of a facility must be accessible to and usable by persons with disabilities (Rehabilitation Act of 1973, Section 504)
- The most current version of the federal nondiscrimination statement in a prominent location in all public information releases, publications, and on posters concerning nutrition program activities, except menus (FNS Instruction 113-1, pages 13[IX][A][3],14[d], and 15[IX][B][4])
- Displaying And Justice For All 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 translation services 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. This includes preventing staff from incorrectly denying applications of minority persons and persons with disabilities, and ultimately ensuring that 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 must include, at a minimum, the following information:

- The name, address, and phone number or other means of contacting the complainant, such as an e-mail address (if not anonymous)
- 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 alleges discrimination, the NSD recommends that the Civil Rights Coordinator collect the following information and forward to USDA:

- 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
- Forward all allegations of discrimination to the USDA National Office in Washington, D.C., at the address provided on page 12 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 in all public information releases, publications, and on posters concerning nutrition program activities, except menus. The current nondiscrimination statement can be found at the USDA's Civil Rights web page: <https://www.fns.usda.gov/cr/fns-nondiscrimination-statement> (FNS Instruction 113-1, Page 15[IX][d][2]).

The USDA prohibits discrimination in all its programs and activities. However, CNP regulations do not cover all types of discrimination. The only protected classes covered under the CNPs are race, color, national origin, sex (including gender identity and sexual orientation), 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],[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]).

The minimum designations for ethnic and racial data collection are as follows:

Ethnicity

- Hispanic or Latino—A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race. The term Spanish origin can be used in addition to Hispanic or Latino
- Not Hispanic or Latino

Race

- American Indian or Alaskan Native—A person having origins in any of the original peoples of North and South America, including Central America, who maintains tribal affiliation or community attachment
- Asian—A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent, including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam
- Black or African American—A person having origins in any of the black racial groups of Africa. Terms such as Haitian or Negro can be used in addition to Black or African American
- Native Hawaiian or Other Pacific Islander—A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands
- White—A person having origins in any of the original peoples of Europe, the Middle East, or North Africa

Discriminatory Behavior

Discriminatory behavior can sometimes be difficult to determine; therefore, it is important to keep in mind the protected classes for the CNPs when addressing potential discrimination. The following are general examples of prohibited discriminatory behavior to help agencies and Complaint Coordinators have a clearer understanding (FNS Instruction 113-1, Page 24[XIV][A][1-4]):

- Denying an individual or household the opportunity to apply for FNS program benefits or services on the basis of race, color, national origin, sex (including gender identity and sexual orientation), age, or disability. CalWORKs and the Food Distribution Program on Indian Reservations (FDPIR) also prohibit discrimination on the basis of religion and political beliefs.
- Providing FNS program services or benefits in a different manner on the basis of race, color, national origin, sex (including gender identity and sexual orientation), age, or disability, unless the difference is necessary to comply with nondiscrimination requirements, such as disability accommodations (this includes providing disability accommodations which includes dietary accommodation or physical assistance). CalWORKs and the FDPIR also prohibit discrimination on the basis of religion and political beliefs.
- Selecting members for planning and advisory bodies in such a way as to exclude persons from membership on the basis of race, color, national origin, sex (including gender identity and sexual orientation), age, or disability. CalWORKs and the FDPIR also prohibit discrimination on the basis of religion and political beliefs.
- Selecting FNS program sites or facilities in a manner that denies an individual access to FNS program benefits, assistance, or services on the basis of race, color, national origin, sex (including gender identity and sexual orientation), age, or disability. CalWORKs and the FDPIR also prohibit discrimination on the basis of religion and political beliefs.

Where to file a Complaint

To file a program or Civil Rights complaint, contact VUSD Coordinator or one of the following agencies listed below.

Vista Unified School District

Assistant Superintendent

Human Relations

1234 Arcadia Ave.

Vista, CA 92084

760-726-2170

Or

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: All complaints of discrimination will be investigated and processed by the USDA. All program complaints filed with the NSD will be resolved at the State level. The NSD Complaint Coordinator logs the complaint, refers it to the appropriate program or Field Services Unit, and tracks it through resolution. The NSD reserves the right to conduct unannounced site visits to determine the validity of all allegations.

Terminology Key

Complainant

Any individual, including a person's duly authorized representative or an interested third party, public agency, or organization who files a complaint

Complaint

A written or verbal statement alleging a violation of a federal or state law or regulation, which may include an allegation of unlawful discrimination

Complaint Coordinator

A staff member who is responsible for tracking all program complaints until resolution

Discrimination

The act of making a distinction in favor of, or against a person, intentionally or unintentionally, with policies, procedures, attitudes, and practices that denies equal access or limits services and benefits to those who are eligible

Discrimination Complaint

A complaint alleging discrimination based on race, color, national origin, sex (including gender identity and sexual orientation), age, or disability

Program Complaint

A complaint alleging violation of federal or state laws or regulations concerning the program(s)

APPENDIX A

NUTRITION SERVICES COMPLAINT PROCEDURES DISCRIMINATION

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

USDA, Director, Office of Adjudication
1400 Independence Avenue, Southwest
Washington, D.C. 20250-9410
866-632-9992

Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339 or (800) 845-6136 (in Spanish).

You may also file a written complaint at the following address:

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

ELIGIBILITY AND BENEFIT LEVEL

If your household did not qualify for the USDA meal program and/or you feel you did not get the correct benefit amount you or your representative please contact:

Director of Nutrition Services
4680 North Avenue
Oceanside, CA 92056
(760) 726-2170 x92400

If after contacting the above and you still feel you did not receive the correct benefit amount according to the law, you or your representative may request a fair hearing by calling or writing to:

Assistant Superintendent, Business Services
1234 Arcadia Ave.
Vista, CA 92084
(760) 726-2170 x92302