

CHILD NUTRITION CIVIL RIGHTS GUIDANCE & COMPLAINT PROCESS

INVICTUS LEADERSHIP ACADEMY FOOD SERVICES

The Civil Rights compliance guidance applies to the following programs at Invictus Leadership Academy:

- National School Lunch Program
- School Breakfast Program
- Seamless Summer Option Program

Civil Rights Overview

Sponsors agree to administer these programs in accordance with Civil Rights Laws. Sponsors must ensure equal access to all eligible participants regardless of race, age, color, sex, national origin, or disability. All participants must be treated in the same manner.

The goals of Civil Rights include:

- Eliminating barriers that prevent or deter people from receiving benefits of government sponsored or funded programs.
- To provide equitable treatment to all in the delivery of programs and services to all applicants, participants, and beneficiaries of a federal program.
- To ensure that all applicants and participants understand their rights and responsibilities
- To show respect and dignity to all

Civil Rights requirements for Child Nutrition Programs can be found in FNS Instruction 113.1.

USDA FNS Protected Classes

A protected class refers to any person or group of people who have characteristics for which discrimination is prohibited based on law, regulation, or executive order. Protected classes in the Child Nutrition Programs are:

- Race
- Age
- Color
- Sex
- National Origin
- Disability

Discrimination is the treatment or consideration of, or making a distinction in favor or against, a person based on the group, class, or category to which the person belongs. Examples of unlawful discrimination include:

- Giving one group or type of participants larger or extra helpings of food
- Separating genders

- Failing to provide children with a dietary disability accommodating meals
- Failing to provide program information to all potential program applicants

Collecting and Reporting Participant Data

All schools that participate in a USDA Child Nutrition Program must have a system to collect the racial and ethnic data of program participants in accordance with FNS Instruction 113-1. This data is used to determine the state’s compliance with Federal Civil Rights laws. This information is strictly for statistical reporting requirements and has no effect on the determination of eligibility for program benefits. This data is maintained in a confidential file for 3 years plus the current year and this information is restricted to authorized school personnel and other authorized state and federal personnel, when requested.

Invictus Leadership Academy collects this information on free and reduced-price meal applications. Applicants may first check one of the two boxes with regard to ethnicity:

- Hispanic or Latino – A person of Cuban, Mexican, Puerto Rican, South or Central America, or other Spanish culture or origin, regardless of race.
- Not Hispanic or Latino

Applicants may then check one or more of the second set of boxes with regard to race:

- American Indian or Alaska Native – A person having origins in any of the original peoples of North and South America (including Central America) and 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, Pakistan, The Philippine Islands, Thailand, and Vietnam.
- Black or African American – A person having origins in any of the black racial groups of Africa.
- 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.

Self-identification or self-reporting is the preferred method of obtaining characteristic data. USDA regulations state that “respect for individual dignity should guide the process and methods for collecting data on race and ethnicity.”

Public Notification Systems

Invictus Leadership Academy annually notifies the public of their participation in the program. Notification to applicants and participants includes information regarding program availability, program rights and responsibilities, the procedure for filing a complaint, and the policy of nondiscrimination.

The public notification system includes the following elements:

- **Public Release:** the public is informed of their program rights and responsibilities and the steps necessary for participation in the program.
- **Display of “And Justice for All” poster:** schools display the “And Justice” poster in the correct size (11” x 17”) in a prominent location where it is visible to all participants in the program. The poster provides the USDA address and phone numbers that the public can use to file a complaint if they think their civil rights are violated.
- **Nondiscrimination statement:** all informational materials, including websites used by schools to inform the public about FNS programs will contain the nondiscrimination statement. The nondiscrimination statement will be included, in its entirety, on all program materials. Examples of items requiring the statement include, but are not limited to:
 - Public Release
 - Notification letter for free/reduced-price meals
 - Promotional Literature
 - Websites
 - Menus

If the material is too small to permit the full statement to be included, the material will at a minimum include the statement, in print size no smaller than the text that “The USDA and the CDE are equal opportunity providers and employers.”

Reasonable Accommodations for Persons with Disabilities

Reasonable food substitutions or modifications are required for a student with a dietary disability if a medical statement is on file that is completed and signed by a licensed physician. The CDE Medical Statement form or a written medical statement (i.e. prescription) is required for each child that has a disability. This written medical statement must clearly identify the child’s:

- Disability
- Major life activity or bodily function affected by the disability
- Diet prescription
- Food or foods to be omitted from his or her diet
- Reasonable food or choice of foods that must be substituted in his or her meals

A child with a disability will be provided with reasonable dietary accommodations when that need is supported by a written medical statement. The USDA does not require meals for a child with a disability that involves dietary restrictions documented in the written medical statement to meet the current mandated meal patterns.

The Medical Statement Form to Request Meals and/or Accommodations may be found on CDE’s Web page at <http://www.cde.ca.gov/ls/nu/cr/documents/medstat.doc>.

Non-Severe Food Allergies and/or Food Intolerance

The school food authority is not required to make food substitutions for children with non-severe food allergies or food intolerances, who do not have a disability. The School Food Authority may choose to make reasonable food substitutions, at their discretion, for individual children who do not have a disability, but who are medically certified as having a special medical or dietary need. Determinations are made on a case-by-case basis. Any accommodation must meet the mandated meal pattern. A medical statement for a child who does not have a disability must be signed by a licensed physician, physicians' assistant, or nurse practitioner.

In accordance with USDA regulation, for students with lactose intolerance or a nonlife threatening milk allergy, no other beverage can be substituted for milk except a lactose-free beverage that meets the nutritional requirements of milk.

School food authorities are not required to make food substitutions based on food choices or food preferences.

Reasonable accommodations also refer to ensuring that participants with a disability have physical access to programs and services; such as easily accessible entrances.

Reasonable Accommodations for Persons with Limited English Proficiency (LEP)

- Invictus Leadership Academy Food Service Department distributes the Application for Free and Reduced Meals in English and Spanish.
- The online application is available in English and Spanish.
- The menus are distributed and posted on the school nutrition website in English and Spanish.
- The “And Justice for All” poster, which includes information on how to file a complaint of discrimination, is displayed and provided in both English and Spanish.
- The school translator assists Spanish speaking callers or visitors who have questions regarding child nutrition services.

Preventing Overt Identification

Overt identification is any action that may result in a child being recognized as potentially eligible to receive or certified for free or reduced price school meals. A child's eligibility status is not disclosed at any point in the process of providing free or reduced-price meals, including notification of the availability of free or reduced-price benefits; certification and notification of eligibility; provision of meals in the cafeteria; and the point of service. The names of those eligible to receive free or reduced-price meals will not be published, posted, or announced in any manner.

Students eligible for free or reduced-price meals will not be required to:

- Work for their meals
- Use a separate lunchroom or other service area
- Go through a separate serving line

- Enter the lunchroom through a separate entrance
- Eat meals at a different time
- Eat a meal different from the one sold to children paying the full price
- Use a method of payment or distribution of tickets or tokens different from the method used by children paying full price

Menus items will not differ at different school sites based on the percentage of free and reduced-price students in the population. For example, a school with an 80% free and reduced-price population will not receive reduced choices or different menu choices than a school with a 25% free and reduced-price population.

The information on rosters and computer screens at the point of sale is coded to avoid other students discerning any student's eligibility status.

Training

The Director of Food Services will provide annual training to Food Service Child Nutrition Program staff in the following topics:

- 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
- Customer Service

Site Compliance Reviews

During each school year Food Service Supervisors conduct site monitoring reviews for each meal programs. Food Service Supervisors check to ensure:

- There is no overt identification of students
- There is no disparate treatment based on anyone's protected class.
- The "And Justice for All" poster is prominently displayed.

None compliance requires a corrective action and follow-up visit. Completed monitoring forms and corrective actions are sent to the food service office where they are reviewed by the Director of Food Services and/or designee. Further follow-up or action may be warranted based on these reviews.

Customer Service

Invictus Leadership Academy Food Service Department is committed to treating all of our customers with dignity and respect. We aim to provide excellent customer service regardless of race, age, color, sex, national origin or disability. We welcome questions concerning our programs and aim to consistently provide full and timely information to enable our customers to make necessary decisions.

Conflict Resolution

The Food Service Department recognizes the right of all of our customers to file a complaint. We also recognize that there may be many occasions when conflicts may be resolved in house. The department is committed to exerting every effort in providing solutions when conflicts arise by seeking to listen to understand; demonstrating empathy and discovering needs; identifying barriers to a resolution and overcoming those barriers; turning problems into possibilities; and whenever possible finding a win/win solution.

**INVICTUS LEADERSHIP ACADEMY CHILD NUTRITION PROGRAMS
CIVIL RIGHTS COMPLAINT PROCEDURE**

A complainant may at any time avail themselves of their right to file a complaint via the School Nutrition Programs Civil Rights Procedure.

An allegation will be determined to be a Civil Rights complaint in the Child Nutrition Program if it is alleged that the program is administered or operated in a manner that results in disparate treatment of services being provided to persons or groups of persons because of their protected class. Unlawful discrimination may be considered intentional or unintentional.

The protected classes for filing a discrimination complaint against a Child Nutrition Program are:

race, age, color, sex, national origin, or disability

Any person who believes they have been discriminated against based on protected classes has the right to file a complaint within 180 days of the alleged discriminatory action.

A Civil Rights complaint may be verbal, written, or observed. A complaint may also be anonymous and will be handled the same as any other complaint as long as sufficient information is provided to proceed with an investigation. Any individual, including a person's duly authorized representative or an interested third party, public agency, or organization, may file a complaint. If the complaint is verbal and the person alleging discrimination is not inclined to put the allegation in writing, the Executive Director is responsible for obtaining all pertinent information and developing a written complaint on behalf of the complainant.

The Civil Rights Coordinator:

Dr. LaTonya Derbigny
Invictus Leadership Academy
Executive Director
6715 S. Western Ave
Los Angeles, CA 90047
323-615-4243

All Civil Rights Complaints will be documented on a Civil Rights Complaint Log whether verbal or written. The Executive Director will attempt to collect the following information for insertion into the complaint log:

- The name, address, and telephone number or other means of contacting the complainant.
- The specific location and name of the entity delivering benefits.

- The nature of the complaint or action that lead to the charges being filed.

If the nature of the complaint appears discriminatory the Executive Director will attempt to collect the following information:

- The basis on which the complainant feels the discrimination occurred. In order to be considered a Child Nutrition Civil Rights complaint, the complainant must feel discriminated against based on one or more of the protected classes.
- The names, titles, and addresses, if known, of persons who may have knowledge of the discriminatory action or situation.
- The dates that the alleged discrimination occurred, or the duration of such action.

All complainants will be given a Civil Rights Complaint Form and/or Executive Director completes form with complainant. The complainant may choose to mail the Civil Rights Complaint Form or return to the Executive Director who will then forward to the Child Nutrition Program, Civil Rights Coordinator in Sacramento or the USDA, Director, Office of Civil Rights in Washington D.C. The complaint form will be forwarded within 3 working days to:

Child Nutrition Program
Civil Rights and Program Complaint Coordinator
California Department of Education
Nutrition Services Division
1430 N Street, Room 1500
Sacramento, CA 95814-2342
916-445-0850 or 800-952-5609

Or

USDA, Director, Office of Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410
800-795-3272 or 202-720-6382 (TTY)

If the complainant does not wish to provide information to the Invictus Leadership Academy Executive Director they may file a complaint directly with the California Department of Education, Nutrition Services Division in Sacramento or the USDA, Director, Office of Civil Rights in Washington D.C.

Persons wishing to file a Civil Rights program complaint of discrimination may complete the USDA Program Discrimination Complaint Form, found online at:

http://www.ascr.usda.gov/complaint_filing_cust.html

or available on request from the Civil Rights Coordinator.

The U.S. Department of Agriculture prohibits discrimination against its customers, employees, and applicants for employment on the bases of race, color, national origin, age, disability, sex, gender identity, religion, reprisal, and where applicable, political beliefs, marital status, familial or parental status, sexual orientation, or all or part of an individual's income is derived from any public assistance program, or protected genetic information in employment or in any program or activity conducted or funded by the Department. (Not all prohibited bases will apply to all programs and/or employment activities.)

If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, found online at http://www.ascr.usda.gov/complaint_filing_cust.html, or at any USDA office, or call (866) 632-9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter to us by mail at U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, or by fax (202) 690-7442 or by e-mail at program.intake@usda.gov. 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 (Spanish).

USDA is an equal opportunity provider and employer.

Note: The only protected classes covered under the Child Nutrition Programs are race, color, national origin, sex, age, or disability.