

## Procedures for Receiving and Processing Complaints Alleging Civil Rights Discrimination (including Wisconsin protected classes) in the U.S. Department of Agriculture (USDA) Child Nutrition Programs

	School Food Authority Information	
School Food Authority Name		Agency Code
School Food Authority Civil Rights Coordinator for the USDA Child Nutrition Programs		
Name	Title	
Email Address	Phone Number	

Federal law prohibits discrimination on the basis of these protected classes: race, color, national origin, sex (including gender identity and sexual orientation), disability and age. Any person alleging discrimination based on a protected class has the right to file a complaint within 180 days of the alleged discriminatory action. Complaints can be accepted verbally, in writing, anonymously, and from third party representatives.

Upon receipt of a complaint, the receiver of the complaint at the school/district should immediately:

1. Contact the School Food Authority (SFA) USDA Child Nutrition Programs Civil Rights Coordinator, listed above.
2. The recipient of the complaint and/or SFA Civil Rights Coordinator must provide the individual with the information necessary to file a complaint and not impede on the individual's right to file.
3. After explaining the complaint process, the recipient of the complaint and/or SFA Civil Rights Coordinator may try to resolve the situation in real time. Remember to advise the complainant of their right to file the complaint at the federal level if they wish to do so.
4. Document the complaint:
  - a. Utilize the [USDA Program Discrimination Complaint Form \(Spanish\)](#) or make an effort to obtain all of the following information:
    - Name, address, and phone number of complainant,
    - Specific name and location of entity delivering the benefit or service,
    - The nature of the incident, action, or method of administration that led the complainant to feel discriminated against,
    - The basis on which the complainant feels discriminated (race, color, national origin, sex, etc.),

- The names, titles, business addresses, and phone numbers of persons who may have knowledge of the discriminatory action,
  - The date(s) during which the alleged discriminatory actions occurred, or if continuing, the duration of such actions.
- b. Either the complainant, the receiver of the complaint, or the SFA Civil Rights Coordinator, should document the complaint. If a complainant makes the allegations verbally or refuses to place such allegations in writing, the person to whom the allegations are made must write up the elements of the complaint.
5. All verbal, written, or anonymous complaints received by the SFA must be forwarded to the Wisconsin Department of Public Instruction, Bureau of School Nutrition Director within five days of receiving the complaint.

#### **Wisconsin Department of Public Instruction (DPI)**

**Mail:** Director, Bureau of School Nutrition  
P.O. Box 7841  
Madison, WI 53707

**Email:** [jessica.sharkus@dpi.wi.gov](mailto:jessica.sharkus@dpi.wi.gov)

WI DPI will forward the complaint to the USDA Midwest Regional Office for processing.

6. All Civil Rights complaints received must be tracked on a civil rights complaint log. This log should be maintained in a confidential manner and only available to SFA staff members who have a legitimate need to know. A Civil Rights Complaint Log Template is available on the Bureau of School Nutrition civil rights webpage.

#### **USDA 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 to obtain program information (e.g., Braille, large print, audiotope, 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.usda.gov/sites/default/files/documents/ad-3027.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:

1. **mail:**  
U.S. Department of Agriculture  
Office of the Assistant Secretary for Civil Rights  
1400 Independence Avenue, SW  
Washington, D.C. 20250-9410; or
2. **fax:**  
(833) 256-1665 or (202) 690-7442; or
3. **email:**  
[Program.Intake@usda.gov](mailto:Program.Intake@usda.gov)

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### **Wisconsin Protected Classes**

Wisconsin state law prohibits discrimination on the basis of the federal protected classes, but also includes pregnancy, marital status, parental status, sexual orientation, religion, creed, and ancestry.

Any complaints received alleging civil rights discrimination specifically for the Wisconsin state protected classes should follow the same procedures above.

# Civil Rights Compliance Checklist

All School Food Authorities (SFAs) that participate in the USDA Child Nutrition Programs must comply with Federal civil rights requirements and regulations. These regulations are intended to ensure that the benefits of the Child Nutrition programs are made available to all eligible people in a nondiscriminatory manner. This Civil Rights Compliance Checklist is intended to assist SFAs with meeting all civil rights requirements and replaces the previous PI-1441. More information on civil rights requirements is located on the [Civil Rights](https://dpi.wi.gov/school-nutrition/program-requirements/civil-rights) webpage (https://dpi.wi.gov/school-nutrition/program-requirements/civil-rights). This document is for SFA use only and should be completed annually. **Do not submit** to the Department of Public Instruction (DPI).

## Civil Rights Training

- Civil Rights training has been completed at the beginning of the school year by all school nutrition staff and any other school staff with school food service responsibilities. Maintain documentation of the training and an attendance record of participants on file.

## Nondiscrimination Statement

- The current non-discrimination statement (2022) for the USDA Child Nutrition Programs is on all program materials, the main school nutrition website, policies, and other resources used to inform the public about the programs.
- Private SFAs that claim a Title IX religious exemption use the 2015 version of the nondiscrimination statement on all program materials.

## And Justice for All Poster

- The 2019 or 2022 version of the nondiscrimination statement "And Justice for All" poster is displayed in all schools in the SFA in a prominent place, visible to and readable by recipients near the serving area.
- Private SFAs that claim a Title IX religious exemption use the 2019 version of the poster.

## Public Notification

- The Public Release was distributed to a variety of community organizations at the beginning of the school year including at a minimum:
  - Local news media
  - Grassroots organizations
  - The local unemployment office
  - Other: \_\_\_\_\_

## Complaints of Discrimination

- The SFA has procedures in place for receiving and forwarding complaints alleging civil rights discrimination specifically for the USDA Child Nutrition Programs. *A DPI template policy is available.* Procedure name/number/link: \_\_\_\_\_
- A separate civil rights complaint log is available to record any discriminations complaints received. This log should be maintained confidentially and only available to the SFA staff members who have legitimate need to know. A DPI template complaint log is available.

## Limited English Proficiency

- Is there a need for program materials to be available in a language other than English?
  - If yes, what languages are needed and has it been done? \_\_\_\_\_

## Special Dietary Needs

- SFA has procedures in place to inform parents and guardians how to request a meal modification and their right to file a grievance. A DPI template policy is available.
- Documentation from a state authorized medical authority is on file in the food service department, for each student with a disability requiring a special dietary meal modification.

**Racial and Ethnic Data Collection**

- The SFA has a process for annually collecting racial and ethnic data for eligible populations, applicants, and participants enrolled in your SFA. This data is used to determine how effectively your program is reaching potentially eligible children and if outreach may be needed.
- Procedures ensure that racial/ethnic data is only made available to authorized personnel.
- Complete the chart below using data from the Student Information System and Free and Reduced-Price Meal Applications.
- Based on your student population, are denied free/reduced price meals applicants disproportionately composed of minority applicants? Yes/No
  - If yes, provide a reasonable explanation or modify practices.

Race and Ethnicity Categories	Total District Enrollment by Race and Ethnicity	Number of students that applied and <u>were</u> approved for free/reduced price meals	Number of students that applied and <u>were not</u> approved for free/reduced price meals
Hispanic/Latino <i>of any race</i>			
American Indian/Alaska Native			
Asian			
Black/African American			
Native Hawaiian or Pacific Islander			
White			
Two or More Races			
<b>TOTAL</b>			

**Title IX (Applicable to Public and Private SFAs)**

- How many school staff are employed by the SFA? \_\_\_\_\_
- If the SFA employs more than 15 staff persons:
  - Who is the designated staff person that coordinates Title IX (sex nondiscrimination) and gender equitable school compliance? \_\_\_\_\_
  - Who is the designated staff person to coordinate Section 504 (disability) compliance? \_\_\_\_\_



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