

# Public Notification and Civil Rights Complaint Procedure

In the administration of school nutrition programs that receive federal financial assistance from the U.S. Department of Agriculture (USDA), the following procedure is intended to guide school staff in the process of providing public notice of nondiscrimination in the school nutrition programs and the process for handling civil rights complaints.

In the operation of the food service program, discrimination is prohibited against individuals based on the following protected classes: race, color, national origin, age, sex, or disability.

## Public Notification

The Superintendent or designee will ensure the “And Justice for All” poster is prominently displayed in each school where meals and snacks are served.

The Superintendent or designee will ensure the following nondiscrimination statement is on all publications, webpages, posters and informational materials that mention or indicate involvement with the USDA and child nutrition programs.

In accordance with Federal civil rights law and U.S. Department of Agriculture (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 race, color, national origin, sex, disability, age, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA.

Persons with disabilities who require alternative means of communication for program information (e.g. Braille, large print, audiotapes, American Sign Language, etc.), should contact the Agency (State or local) where they applied for benefits. Individuals who are deaf or 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://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 by:

- Mail: U.S. Department of Agriculture  
Office of the Assistant Secretary for Civil Rights  
1400 Independence Avenue, SW  
Washington, D.C. 20250-9410;
- fax: (202)690-7442;

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

This institution is an equal opportunity provider.

### Federal Civil Rights Complaint Procedure

If a complainant has a civil rights complaint in regard to their participation in the school nutrition program, the school entity must provide the complainant with the USDA Program Discrimination Complaint form and advise them to send the complaint to: USDA, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Stop 9410, Washington, D.C. 20250-9410, (202) 690-7442 (fax), or [program.intake@usda.gov](mailto:program.intake@usda.gov) (email).

In lieu of the USDA Program Discrimination Complaint Form, a complainant may also file a program discrimination complaint by writing a letter to the Office of Adjudication, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410. The complaint letter must contain the following information:

- Your name, address, and telephone number.
- The name, address, and telephone number of your attorney or authorized representative, if you are represented.
- The basis of your complaint. The basis is what you believe was the motivating factor for the discrimination. For example, you may believe you were treated differently because of your race, color, national origin, age, sex, or disability.
- The date(s) that the incident(s) you are reporting as discrimination occurred. Please note that we cannot accept a complaint about an incident that took place more than 180 days prior to the filing of the complaint. If the discrimination occurred more than 180 days prior to filing your complaint, you may request a waiver of the filing requirement.
- The name of the individual(s) or school entity you believe discriminated against you and the agency or recipient that employs that/those individual(s).
- The issue(s) of your complaint. The issue is a description of what happened, or the action that was taken by the individual(s) or agency that discriminated against you, resulting in some harm. Explain as clearly as possible what happened, why you believe it happened, and how you were discriminated against. Please include how other persons were treated differently from you, if applicable. If you were denied a benefit or service, please provide a copy of the denial letter. If you have documents to support the events you are reporting, provide a copy of the supporting documents.

Individuals who are hearing impaired or have speech disabilities may contact the USDA through Federal Relay Service at (800) 877-8339; or (800) 845-6136 (Spanish).

If the school entity is unsure if the complaint falls under a protected class, the school entity will provide the complainant the federal civil rights complaint information.

A program discrimination complainant must be filed not later than 180 days of the date the complainant knew or should have known of the alleged discrimination, unless the time for filing is extended by the USDA.

The USDA will determine if it has jurisdiction under the law to process the complaint on the bases identified and in the programs involved. Reprisal that is based on prior civil rights activity is prohibited.

USDA Program Discrimination Complaint forms:

- USDA Program Discrimination Complaint form (English)
- USDA Program Discrimination Complaint form (Spanish)

### State Civil Rights Complaint Procedure

After providing the complainant with the information on how to file a civil rights complaint directly at the federal level, the school entity may attempt to resolve the complaint informally. (This is not an investigation. This is simply trying to resolve the situation if it was potentially caused by a miscommunication.)

If the complainant refuses to discuss the matter any further, if the matter cannot be resolved, or if the satisfactory resolution is achieved, then the school entity should:

- Reiterate the federal civil rights complaint procedure;
- Document the complaint and actions taken in the Civil Rights Complaint Log; and
- Notify the Pennsylvania Department of Education (PDE) of the steps taken to attempt to resolve the complaint and if a final resolution was achieved.

### Civil Rights Complaint Log

The school entity will keep a Civil Rights Complaint Log, which will document the complaint and actions taken. The Complaint Log will include the following information:

- Date complaint received.
- Complainant's name.
- Complainant's address.
- Complainant's telephone number.
- Complainant's email address.
- Allegations of discrimination/issue.
- Date of alleged discriminatory action.

The Civil Rights Complaint Log will be maintained separately from any other complaint log.

### Notification to the Pennsylvania Department of Education (PDE)

Within five (5) days of the receipt of a Civil Rights complaint, the school entity will forward information related to the complaint to PDE at the address below:

Pennsylvania Department of Education

Division of Food and Nutrition

333 Market Street

Harrisburg, PA 17126-0333

Telephone: 1-800-331-0129

FAX: 717-783-6566