

**Alabama State Department of Education
Child Nutrition Programs
Discrimination Complaint Policy**

Any person alleging discrimination based on one or more of the protected classes (race, color, national origin, age, disability, and sex) may file a complaint within 180 days of the alleged discriminatory action. Civil rights protections also extend to individuals who face retaliation or reprisal for filing a civil rights complaint or participating in any way in a civil rights complaint or investigation. Only the U.S. Secretary of Agriculture has the authority to extend the time limit under special circumstances.

Complaints may be made by participants, parents, guardians, or others. Complaints may be oral or written. Complaints may be made anonymously. The complainant and the entity that the complaint is filed against are encouraged to resolve the issue at the lowest level if possible.

ALSDE and institution staff must advise the person that the matter is confidential and may be protected by the federal Privacy Act. The person must also be advised of the right to file a complaint directly with the USDA.

All complaints must be processed in accordance with FNS Instruction 113-1 and the FNS State Agency Complaints Processing Memorandum of Understanding. Complaints received by staff in the Child Nutrition Section (CNP) of the Alabama State Department of Education (ALSDE), must be recorded in the Civil Rights Complaint Log maintained by each program. The log is kept separate from any other program complaint files. ALSDE CNP staff who receive a verbal complaint must use the USDA Program Discrimination Complaint form to gather as much information as possible. The information that is gathered on the form must be summarized on the log and then the form must be filed in the binder. If a written complaint is received, the information must be recorded on the complaint log and filed in the binder, along with any other documentation that is received. The program administrator must forward all complaints, including any additional documentation that was provided, within five days of receipt to:

U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, DC 20250-9410
Fax: (202) 690-7442
Email: program.intake@usda.gov

Federal regulations require that any complaint based on age discrimination be referred for mediation. The state agency will cooperate fully with the USDA during its investigations and attempts to resolve the complaint. Any correspondence regarding a complaint must be

kept on file for at least four years after the date the state agency is notified that the complaint is closed.

Local sponsors must have written policies and procedures for handling civil rights complaints. The policies and procedures must include forwarding the complaint to the ALSDE CNP section, where it is logged, and then forwarded to the USDA. Local sponsors are encouraged to use the USDA Program Discrimination Complaint Form but are not required to do so. If a local form is developed, it must include the following elements:

- a. Name, address, telephone number, and email address of the person making the complaint;
- b. The name and address of the entity providing the Program;
- c. The nature of the alleged incident or action;
- d. The basis for nondiscrimination (race, color, national origin, age, disability, or sex);
- e. The names, title, phone numbers, addresses, and email addresses of persons who may have knowledge of the alleged discriminatory action; and
- f. The date(s) when the alleged discriminatory action occurred.

Written complaints may be received in any format. No specific form may be required.

The policies for handling complaints must be consistent with all relevant federal regulations. The policies and procedures must include forwarding the complaint to the ALSDE CNP section, where it is logged, and then forwarded to the USDA. Written complaints may be received in any format. No specific form may be required.

Date approved: 12-23-2025