

ELIGIBILITY FOR FREE OR REDUCED PRICE MEALS OR FREE MILK

A determination of a student's eligibility for free or reduced price meals or free milk ("benefits") shall be made in accordance with the criteria established by the National School Lunch Program, School Breakfast Program, and the Special Milk Program. A student or his/her legal guardian (hereinafter "student") may appeal the School's decision with respect to an application for benefits by notifying the student's building principal. Should an appeal be made, a hearing shall be held.

Hearing Procedure

Both the student and the School shall have an opportunity to be assisted or represented by an attorney or other person, and an opportunity to examine, prior to and during the hearing, any documents and records presented to support the decision under appeal.

The hearing shall be held with reasonable promptness and convenience, and adequate notice shall be given as to the time and place of the hearing. The student may present oral or documentary evidence and arguments supporting a position without undue interference. The student may question or refute any testimony or other evidence and confront and cross-examine any adverse witnesses.

The hearing shall be conducted and the decision made by a hearing official who did not participate in making the decision under appeal or in any previously held conference. The decision of the hearing official shall be based on the oral and documentary evidence presented at the hearing and made a part of the hearing record. The parties concerned and any designated representative shall be notified in writing of the decision of the hearing official. A written record shall be prepared with respect to each hearing, which shall include the challenge or the decision under appeal, any documentary evidence and a summary of any oral testimony presented at the hearing, the decision of the hearing official, including the reasons therefor, and a copy of the notification to the parties concerned of the decision of the hearing official.

The written record of each hearing shall be preserved for a period of three (3) years and shall be available for examination by the parties concerned or their representatives at any reasonable time and place during that period.

Continuation of Benefits

When a student disagrees with an adverse action which affects his/her benefits and requests a hearing, benefits shall be continued as follows while the student awaits the hearing and decision:

1. Students who have been approved for benefits and who are subject to a reduction or termination of benefits later in the same school year shall receive continued benefits if they appeal the adverse action within the ten (10) day advance notice period; and
2. Students who are denied benefits upon application shall not receive benefits.

LEGAL REFS: 7 C.F.R. §245.7

Adopted: June 19, 2017