

Child Nutrition - Hearings Procedure/Appeal Process

The district shall establish and use a fair hearing procedure under which a household can appeal a decision made by the school food authority with respect to the household's application for benefits and/or any subsequent reduction or termination of benefits. During the appeal and hearing, the child who was determined to be eligible based on the face of the application submitted will continue to receive free or reduced-price meals. Prior to initiating the hearing procedure, the school official, the parents or guardians may request a conference to provide an opportunity for the parents/guardians and school officials to discuss the situation, present information, obtain an explanation of data submitted in the application and the decisions rendered. Such a conference shall not in any way prejudice or diminish the right to a fair hearing.

The district shall designate a hearings officer. (The hearings officer shall be someone not involved in the original eligibility determination.)

END OF POLICY

Legal Reference(s):

Nondiscrimination on the Basis of Handicap in Programs or Activities Receiving Federal Financial Assistance, 7 C.F.R. Part 15b (2001).

National School Lunch Program, 7 C.F.R. Part 210 (2006).

Special Milk Program for Children, 7 C.F.R. Part 215 (2006).

School Breakfast Program, 7 C.F.R. Part 220 (2006).

Determining Eligibility for Free and Reduced Price Meals and Free Milk, 7 C.F.R. § 245.8 (2006).

Uniform Federal Assistance Regulations, 7 C.F.R. Part 3015 (2006).