



POLICY STATEMENT FOR FREE AND REDUCED-PRICE MEALS/SNP- CHARGE

NORTH DAKOTA DEPARTMENT OF PUBLIC INSTRUCTION
CHILD NUTRITION AND FOOD DISTRIBUTION PROGRAMS
SFN 9184 (5/09)

Name of Sponsor

The above named sponsor has agreed to participate in the following program(s):

<input type="checkbox"/> National School Lunch/Food Distribution	<input type="checkbox"/> School Breakfast	<input type="checkbox"/> Special Milk	<input type="checkbox"/> After School Snacks
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and accepts responsibility for providing free and reduced-price meals or snacks or free milk to eligible children in the facilities under its jurisdiction, effective October 1, _____. This policy statement and its attachments are permanent as approved.

The sponsor assures the State Department of Public Instruction that it will uniformly implement the following policy to determine children's eligibility for free and reduced-price meals or snacks or free milk in all child nutrition and commodity programs under its jurisdiction. In fulfilling its responsibility, the sponsor:

- A. Agrees to serve meals, snacks or milk free to children from families who receive SNAP, TANF or Commodity benefits or whose income is at or below the Income Eligibility Guidelines for free meals or milk.
- B. Agrees to serve meals or snacks at a reduced price to children from families whose income falls between the free meal scale and the maximum percent of the Income Eligibility Guidelines.
- C. Agrees that the maximum reduced price charged to eligible students shall not exceed 40 cents for a lunch, 30 cents for a breakfast, and 15 cents for a snack.
- D. Agrees that there will be no physical segregation of, nor any other discrimination against, any child because of his/her inability to pay the full price of the meal, snack or milk. The names of the children eligible to receive free or reduced-price meals or snacks or free milk will not be published, posted, or announced in any manner and there shall be no overt identification of any such children by use of special tokens or tickets or any other means. Further assurance is given that children eligible for free or reduced-price meals or snacks or free milk shall not be required to: work for their meals, snacks or milk, use a separate dining area, go through a separate serving line, enter the dining area through a separate entrance, consume meals, snacks or milk at a different time, or consume a meal, snack or milk different from the one sold to children paying the full price.
- E. Agrees to abide by the United States Department of Agriculture's (USDA) nondiscrimination statement: In accordance with Federal law and U.S. Department of Agriculture policy, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, or disability. (Not all prohibited bases apply to all programs). To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, 1400 Independence Avenue SW, Washington, D.C. 20250-9410 or call (800) 795-3272 (voice) or (202) 720-6382 (TTY). USDA is an equal opportunity provider and employer.
- F. Agrees to verify in accordance with program regulations and maintain records as follows: (1) a summary of the verification efforts; (2) the total number of applications on file by October 31; and (3) the percentage or number of applications verified.
- G. Agrees to establish and use a fair hearing procedure for households' appeals of the decision on an application and for officials' challenges to the continued eligibility of any child for free or reduced-price meals or snacks or free milk. During the appeal and hearing, the determining official's decision will be in effect. A record of all such appeals and challenges and their dispositions shall be retained for three years.

Prior to initiating the hearing procedures, the parent or local official may request a conference to provide an opportunity for the parent and official to discuss the situation, present information, and obtain an explanation of data submitted in the application and decisions rendered. Such a conference shall not in any way prejudice or diminish the right to a fair hearing.

The hearing procedure shall provide the following:

1. A publicly announced, simple method for making an oral or written request for a hearing.
2. An opportunity to be assisted or represented by an attorney or other person.
3. An opportunity to examine, prior to and during the hearing, the documents and records presented to support the decision under appeal.
4. Reasonable promptness and convenience in scheduling a hearing and adequate notice as to the time and place of the hearing.
5. An opportunity to present oral or documentary evidence and arguments supporting a position without undue interference.
6. An opportunity to question or refute any testimony or other evidence and to confront and cross-examine any adverse witnesses.
7. Assurance that the hearing be conducted and the decision be made by a hearing official who did not participate in the decision under appeal or in any previous conference.
8. Assurance that the decision of the hearing official be based on the oral and documentary evidence presented at the hearing and made a part of the hearing records.
9. Assurance that the parties concerned and any designated representative thereof be notified in writing of the decisions of the hearing official.

- 10. Assurance that for each hearing, a written record be prepared, including the decision under appeal, any documentary evidence and a summary of any oral testimony presented at the hearing, the decision of the hearing official and the reasons therefore, and a copy of the notification to the parties concerned of the hearing official's decision.
- 11. Assurance that such written record be preserved for a period of three years after the close of the year to which they pertain and shall be available for examination by the parties concerned or their representatives at any reasonable time and place during such period.

H. Agrees to designate

Title (example: superintendent, food service director)

to review applications and make determinations of eligibility. This official will use the criteria outlined in this policy to determine which individual children are eligible for free or reduced-price meals or snacks or free milk.

- I. Agrees to develop and distribute to the households of enrolled children: a letter to households and an application for free and reduced-price meals or snacks or free milk. These items are to be mailed at the beginning of each year, whenever there is a change in eligibility criteria and whenever local employment conditions change due to major strikes or layoffs.

Households will be requested to supply a "Meal Benefit Notice" from the Department of Human Services or to complete the application and return it to the determining official (named in H) for review. Such applications and documentation of action taken will be maintained for three years after the end of the year to which they pertain.

Applications may be completed at any time during the year. Any household enrolling a child for the first time, at any time during the year, shall be supplied with such documents. If a child transfers from one facility to another under the jurisdiction of the same sponsor, his/her eligibility for a free or reduced-price meal or snack or free milk will be transferred to and honored by the receiving facility.

All children from an eligible household will receive the same benefits. Within ten working days of the receipt of applications, parents or guardians will be notified individually of the acceptance or denial of their applications. Children will be served free or reduced-price meals or snacks or free milk immediately upon the establishment of their eligibility.

If a household has foster children living with them and wishes to apply for program benefits for these children, the household will be instructed to contact the sponsor.

When an application is denied, households will be provided written notification of the reason for denial and the hearing procedure. The designated hearing official is:

Title (example: school board president, superintendent)

Note: This person must be someone not involved in the original eligibility determination. It is suggested that he/she hold a position superior to that of the determining official.

- J. Agrees to establish a procedure to collect money from children who pay for their meals, snacks or milk and to account for the number of free, reduced-price, and full-price meals or snacks and free and full-price milk served. The procedure described in Attachment SFN 9188 will be used so that no other child in the facility will consciously be made aware of the identity of the children receiving free or reduced-price meals or snacks or free milk.
- K. Agrees to submit to the State Department of Public Instruction any alterations, amendments, public announcements, etc., prior to implementation. Such changes will be effective only upon approval. All changes in eligibility criteria must be publicly announced in the same manner as used at the beginning of the year.

The following attachments are adopted with and considered part of this policy:

- Income Eligibility Guidelines
- Letter to Households-Charge
- Application for Free and Reduced-Price Meals
- SFN 9188--Meal Counting and Claim Preparation/SNP-Charge
- Notification Letter Regarding Meals-SNP/Charge
- Notification of Change in Benefits

Signature of Local Official	Date
Signature of State Director, Child Nutrition and Food Distribution Programs	Date