



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

NORTH DAKOTA DEPARTMENT OF PUBLIC INSTRUCTION

CHILD NUTRITION & FOOD DISTRIBUTION PROGRAMS

SFN 52890 (5-10)

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| Local Agency | Date |
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The above named local agency has agreed to participate in the Child and Adult Care Food Program and accepts responsibility for claiming free and reduced-price meals to eligible participants in the facilities under its jurisdiction, effective the date entered above.

The local agency 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 in all child nutrition programs under its jurisdiction. In fulfilling its responsibility, the local agency:

- A. Agrees to serve meals free of charge to children who receive Food Stamp, AFDC, or Commodity benefits or whose income is at or below the eligibility scale for free meals listed in Attachment SFP-50A¹.
- B. Agrees to serve meals at a reduced-price to children whose income falls between the free meal scale and the maximum percent of the Secretary of Agriculture's Income Eligibility Guidelines listed in Attachment SFP-50A¹.
- C. Agrees that the maximum reduced-price charged to eligible children shall not exceed 40 for lunch or supper, 30 for breakfast and 15 for 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. The names of the children eligible to receive free or reduced-price meals will not be published, posted, or announced in any manner and there shall be no overt identification of any such children by use of special tokens or tickets or any other means.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 shall not be required to: work for their meals, use a separate dining area, go through a separate serving line, enter the dining area through a separate entrance, consume meals at a different time, or consume a meal different from the one sold to children paying the full price.
- E. Agrees to treat all children the same. In the operation of child nutrition programs, no one will be discriminated against because of race, sex, color, national origin, age, or disability.
- F. Agrees to designate

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.

- G. Agrees to develop and distribute to the household of enrolled children: A letter to households as outlined in Attachment SFP-50B and an application for free and reduced-price meals as outlined in Attachment SFP-50C. These are to be distributed at the beginning of each year, whenever there is a change in eligibility criteria, or whenever local employment conditions change due to major strikes or layoffs.

Households will be requested to supply a "School Lunch Notice" from the Department of Human Services or to complete the application and return it to the determining official (named in F) 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 filed 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 a letter to households and an eligibility application. If a child transfers from one facility to another under the jurisdiction of the same local agency, his/her eligibility for a free or reduced-price meals will also be transferred 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, each household will be notified of the acceptance or denial of the application. Children will receive benefits 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 may contact the local agency for assistance in completing the application.

- H. Agrees to establish and use a fair hearing procedure for households' appeals of the decisions on an application and for officials' challenges to the continued eligibility of any child for free or reduced-price meals. During the appeal and hearing, the child will continue to receive free or reduced-price meals. A record of all such appeals and challenges and their dispositions shall be retained for three years.

Prior to initiating the hearing procedures, the household or local official may request a conference to provide an opportunity for the household 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 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 with 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.

When an application is denied, households or guardians will be provided written notification of the reason for denial, the right to appeal, and the hearing procedure. The written notification must also contain a statement which informs the household of its right to reapply for free and reduced-price meal benefits at any time during the year. The designated hearing official is

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| Name | Title |
| Address | |

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

- I. Agrees to establish a procedure to collect money from children who pay for their meals and to account for the number of free, reduced-price, and full price meals served. The procedure described in Attachment SFP-50E will be used so that no other child in the facility will consciously be made aware by such procedure of the identity of the child receiving free or reduced-price meals.
- I. Agrees to submit to the State Department of Public Instruction any alterations, 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 used at the beginning of the year.
- J.

The following forms are adopted with and considered part of the policy:

- Income Eligibility Guidelines to be Used by Determining Official
- Letter to Households
- Free and Reduced-Price Meal Application
- Meal Counting and Claim Preparation
- Notification Letter Regarding Meals
- Notification of Change in Benefits

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