

FREE AND REDUCED PRICE FOOD SERVICES

East Quogue Union Free School District responsible for the administration of an elementary school, referred to as the school food authority (SFA), has entered into agreement to participate in the National School Lunch Program, and Special Milk Program and accepts responsibility for providing free and reduced price meals and/or free milk to eligible children in the school under its jurisdiction.

The SFA assures the State education department that the school system will uniformly implement the following policy with respect to determining the eligibility of children for free and reduced price meals in each school building under its jurisdiction which participates in the programs mentioned above.

In fulfilling its responsibilities, the SFA agrees to the following:

A. Free Meals and Free Milk

To serve meals or milk at no charge to children from families approved by the SFA and whose income is at or below the income levels for free meals and milk listed on the annual income eligibility guidelines, or to children from food stamp households, Aid to Dependent Children/Temporary Assistance to Needy Families (ADC/TANF) households, households participating in the Food Distribution Program on Indian Reservations (FDPIR) that provide a case number, or households that provide a Direct Certification letter from the NYS Office of Temporary and Disability Assistance.

B. Reduced Price Meals

To serve lunch at a reduced price of \$.25 or less, to children from families approved by the SFA whose income is within the range of the annual income eligibility guidelines for reduced price meals.

C. Special Conditions

To serve free or reduced price meals or free milk to foster children in cases where the court or welfare agency is legally responsible for the child and the annual personal income of the child is not above the income for free or reduced price meals of a one-member family.

To provide free or reduced price meals or free milk to those children whose parents or guardians have become unemployed, provided the loss of income causes the family income during the period of unemployment to be within the eligibility criteria.

D. Non-Discrimination

1. That there will be no physical segregation of, or any other discrimination against, any child because of his inability to pay the full price of the meal or milk. The names of children eligible to receive free or reduced price meals or milk shall not be published, posted, or announced in any manner, and there shall be no overt identification of any such children by use of special tokens or tickets, or by any other means. Further assurance is given that children eligible for free or reduced price meals or free milk shall not be required to:
 - Work for their meals or milk.
 - Use a separate lunchroom.
 - Go through a separate serving line.
 - Enter the lunchroom through a separate entrance.
 - Eat meals or drink milk at a different time.
 - Eat a meal different from the meal sold to children paying the full price of such a meal or drink milk different from that sold to children paying the full price.
2. That in the operation of Child Nutrition Programs, no child shall be discriminated against because of his or her race, gender or sexual orientation, age, color, national origin, or physical or mental handicap.

E. Hearing Procedures

To establish and use a fair hearing procedure in cases of appeal by parents of the school's decision on applications and in cases where the school official challenges the correctness of information contained in an application or of the continued eligibility of any child for a free or reduced price meal or free milk. During appeal, hearing, and disposition of the case, the child will receive free or reduced price meals or free milk.

To maintain, for a period of three years plus the current year, records of all such appeals, challenges, and dispositions.

That in initiating the hearing procedure, the parent or local school official may request a conference to provide an opportunity for the parent and school 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.

That the hearing procedure shall provide:

1. A simple, publicly announced 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 in presenting its appeal;

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3. An opportunity to examine, prior to and during the hearing, the documents and records presented to support the decision under appeal;
4. That the hearing shall be held with reasonable promptness and convenience and that adequate notice shall be given as to the time and place of the hearing;
5. An opportunity to present oral or documentary evidence and arguments supporting its position;
6. An opportunity to question or refute any testimony or other evidence and to confront and cross-examine any adverse witnesses;
7. That 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 previous conference;
8. That the decision of the hearing official, who may not be the same person as the reviewing and/or the verification official, shall be based on the oral and documentary evidence presented at the hearing and made a part of the hearing record;
9. That the parties concerned and their designated representative shall be notified in writing of the decision of the hearing official;
10. That a written record shall be prepared with respect to each hearing which shall include: 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 therefore and a copy of the notification to the parties concerned of the decision of the hearing official; and
11. That such written record of each hearing shall be preserved for a period of three years plus the current year and shall be available for examination by the parties concerned or their representative at any reasonable time and place during such period.

F. **Reviewing Official**

A reviewing official shall review and make determinations of eligibility using the criteria outlined in this policy to determine which individual children are eligible for free or reduced price meals or free milk. The official should sign, date, and indicate eligibility determination on each application.

G. **Notice to Parents**

To send at the beginning of each school year, and whenever there is a change in eligibility criteria, to the parent or guardian of each child, a letter such including a form on which to make application for free or reduced price meals or free milk, and a parent disclosure letter and consent statement.

H. **Applications**

To advise parents to complete the application and return it or the Direct Certification letter received from the NYS Office of Temporary and Disability Assistance to the reviewing official for eligibility determination.

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Such applications, direct certification letters, and documentation of action taken, will be maintained for three years plus the current year after the end of the school year to which they pertain.

To accept applications at any time during the year and to supply applications to any parent enrolling a child in a school for the first time.

To accept the eligibility of a child who transfers from one school to another under the jurisdiction of the SFA. Copies of the application or Direct Certification letter and eligibility dates should be retained with the records of both schools.

To inform parents of eligibility determinations. Parents must be notified in writing of the reason(s) for rejection of their application, notification of the right to appeal, instructions on how to appeal, and a reminder to parents that they may reapply for free and reduced price benefits at any time during the school year. Copies of rejection letters to parents must be maintained for three years plus the current year.

I. **Verification of Applications**

Verify the eligibility of applicant households *by December 15* in accordance with program regulations and annually maintain records as follows: (1) a summary of the verification efforts; (2) the total number of applications on file by October 31; (3) the percentage or number of applications verified; and (4) the total number of children represented on those applications selected for verification. Failure to do verification will result in the SFA being ineligible to receive free and reduced price reimbursement.

J. **Anonymity and Accountability**

To establish a procedure to collect money from children who pay for their meals or milk which prevents overt identification, and accounts, at the point of service, for the number of free and reduced price and full price meals served or the number of half-pints of free and full price milk served. The procedure(s) adopted will be used in order that no other child in the school will consciously be made aware, by such procedure, of the identity of the children receiving reduced price meals, free meals, or free milk.

K. **Amendments to Policies**

To submit to the State Education Department any alterations or amendments to the policy including eligibility criteria, applications, public announcements, etc., for approval prior to implementation. Such changes will be effective following approval by your respective regional office. Any and all changes in eligibility criteria shall be publicly announced in the same manner used at the beginning of the school year.

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L. **Records**

To maintain a file of the following records for three years plus the current year after the end of the fiscal year to which they pertain:

1. All applications and Direct Certification letters returned and documentation of action taken.
2. Records of all appeals and challenges and their disposition.
3. All notifications of eligibility determinations, including benefit rejection letters.
4. Records of all verification efforts and resulting eligibility changes.

M. **Public Release**

On or about the beginning of the school year, a public release containing the same information supplied to parents and including both free and reduced price eligibility criteria should be provided to the informational media (local newspaper), the local unemployment office, and any major employers contemplating large layoffs in the areas from which the school draws its attendance.

N. **Food Substitutions for Children With Disabilities**

Federal regulations governing the operation of Child Nutrition Programs and Section 504 of the Rehabilitation Act of 1973 require that children with disabilities be offered the opportunity to participate in all academic and non-academic activities including the school nutrition programs. To ensure that these children are not denied reasonable access to the programs, the Department of Agriculture's regulations require schools and institutions to make reasonable accommodations, such as providing substitutions in the regular meal patterns, for children who have a disability and whose disability restricts their diet. A student with a disability is defined in 7 4CFR part 15b.3 as one who has "...a physical or mental impairment which substantially limits one or more major life activities..." Major life activities are defined to include functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

Accordingly, meal substitutions must be made for children with disabilities and must be supported by a statement signed by the physician attesting to the need for the substitutions and recommending alternate foods. These meals must be offered at no extra charge.

Adopted: November 16, 1999

September 1999