

FREE & REDUCED PRICED MEAL ELIGIBILITY APPEALS

Each local educational agency of a school participating in the National School Lunch Program, School Breakfast Program or the Special Milk Program or of a commodity only school shall establish a hearing procedure under which:

1. A family can appeal from a decision made by the local educational agency with respect to an application the family has made for free or reduced price meals or for free milk, and
2. The local educational agency can challenge the continued eligibility of any child for a free or reduced price meal or for free milk. The hearing procedure shall provide for both the family and the local educational agency:
 - a. A simple, publicly announced method to make an oral or written request for a hearing.
 - b. An opportunity to be assisted or represented by an attorney or other person.
 - c. An opportunity to examine, prior to and during the hearing, any documents and records presented to support the decision under appeal.
 - d. 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.
 - e. An opportunity to present oral or documentary evidence and arguments supporting a position without undue interference.
 - f. An opportunity to question or refute any testimony or other evidence and to confront and cross-examine any adverse witnesses.
 - g. 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 previously held conference.
 - h. That 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.
 - i. That the parties concerned and any designated representative shall be notified in writing of the decision of the hearing official.
 - j. That 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 therefore, and a copy of the notification to the parties concerned of the decision of the hearing official.

- k. That the written record of each hearing shall be preserved for a period of three 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 household disagrees with an adverse action that affects its benefits and requests a fair hearing, benefits shall be continued as follows while the household awaits the hearing and decision:

1. Households that have been approved for benefits and that 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 10-day advance notice period; and
2. Households that are denied benefits upon application shall not receive benefits.

End of McClusky School District #19 Exhibit IB-E1