

Free and Reduced-price Meals Fair Hearing Procedure for Households

When the school makes an initial meal benefit determination or change to a determination, households receive written notification. The notification informs the household of the meal benefit determined for your student(s) and the effective date of the meal benefit. If you disagree with the meal benefit determination, you have the right to appeal the decision. During the appeal and/or hearing process, meal benefits, which were determined on the face value of the application submitted, will continue to be received.

There are two levels to the appeal process:

1. **Appeals Conference:** The household may request an informal appeals conference to provide an opportunity to discuss the determination, clarify information provided on the Application for Educational benefits and receive an explanation of how the benefit determination was made. The Appeals Conference may be held in person, virtually or by phone. Local Educational Agency (LEA) participants may include the determining official and/or School Nutrition Program Director. Based on the clarifying information provided, the determining official will re-determine the meal benefit. If the household is not satisfied with the results of the Appeals Conference, a Fair Hearing may be requested. Such a conference shall not in any way prejudice or diminish the right to a Fair Hearing.
2. **Fair Hearing:** A Fair Hearing is more formal and is conducted by a Hearing Official who was not involved with the meal benefit decision. Regulations require the hearing procedure to provide the following for both the household and the LEA.
 - 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. An opportunity to present oral or documentary evidence and arguments supporting a position without undue interference;
 - e. An opportunity to question or refute any testimony or other evidence and to confront and crossexamine any adverse witnesses;
 - f. The hearing must be held with reasonable promptness and convenience, and adequate notice shall be given as to the time and place of the hearing;
 - g. The hearing must 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. 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. The parties concerned and any designated representative shall be notified in writing of the decision of the hearing official;
 - j. 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. 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.

An Appeals Conference or Fair Hearing must be requested within 5 calendar days of receiving the notice of benefit determination.

If the household is not satisfied with the results of the Appeals Conference, a Fair Hearing must be requested within calendar 5 days following the Appeals Conference.

Within 5 calendar days of receiving the request for an Appeals Conference or Fair Hearing, the LEA will provide a notice with the date and time of the conference or hearing.

Your appeal will be considered abandoned if:

- You do not submit a request for a conference/hearing within 5 calendar days of receiving the notice of benefit determination.
- You or your authorized representative do not participate in the scheduled conference/hearing.

At the Fair Hearing the hearing official will explain the reason for the benefit determination. You will be able to explain the reasons why you think the determination is incorrect. You should bring any documents/information that support why you think the determination is incorrect.

Within 5 calendar days of the Fair Hearing, you will receive notification of the results of the hearing. The hearing official's decision is final.

Non-Discrimination Statement: This explains what to do if you believe you have been treated unfairly.

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To file a program discrimination complaint, a Complainant should complete a Form AD-3027, USDA Program Discrimination Complaint Form which can be obtained online at: <https://www.usda.gov/sites/default/files/documents/ad-3027.pdf>, from any USDA office, by calling (866) 632-9992 or by writing a letter addressed to USDA. The letter must contain the complainant's name, address, telephone number and a written description of the alleged discriminatory action in sufficient detail to inform the Assistant Secretary for Civil Rights (ASCR) about the nature and date of an alleged civil rights violation. The completed AD-3027 form or letter must be submitted to USDA by: (1) **mail:** U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410; or (2) **fax:** (833) 256-1665 or (202) 690-7442; or (3) **email:** program.intake@usda.gov.

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