

Pricing Program – Policy Statement Requirements [7 CFR 226.23(c)]

Independent centers and sponsoring organizations of centers which charge separately for meals shall develop a policy statement for determining eligibility for free and reduced-price meals which shall include the following:

(1) The specific criteria to be used in determining eligibility for free and reduced-price meals. The institution's standards of eligibility shall conform to the United States Department of Education's (USDA) income standards.

(2) A description of the method or methods to be used in accepting applications from families for free and reduced-price meals. These methods will ensure that applications are accepted from households on behalf of a foster child and children who receive FDPIR, FIP or FAP assistance, or for adult participants who receive FAP, FDPIR, SSI, or Medicaid assistance.

(3) A description of the method or methods to be used to collect payments from those participants paying the full or reduced price of the meal which will protect the anonymity of the participants receiving a free or reduced-price meal.

(4) An assurance which provides that the institution will establish a hearing procedure for use when benefits are denied or terminated as a result of verification:

(i) A simple, publicly announced method for a family to make an oral or written request for a hearing

(ii) An opportunity for the family to be assisted or represented by an attorney or other person in presenting its appeal

(iii) An opportunity to examine, prior to and during the hearing, the documents and records presented to support the decision under appeal

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(iv) That the hearing shall be held with reasonable promptness and convenience to the family and that adequate notice shall be given to the family as to the time and place of the hearing

(v) An opportunity for the family to present oral or documentary evidence and arguments supporting its position

(vi) An opportunity for the family to question or refute any testimony or other evidence and to confront and cross-examine any adverse witnesses

(vii) That the hearing shall be conducted and the determination made by a hearing official who did not participate in making the initial decision

(viii) The determination of the hearing official shall be based on the oral and documentary evidence presented at the hearing and made a part of that hearing record

(ix) That the family and any designated representatives shall be notified in writing of the decision of the hearing official

(x) 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 therefor, and a copy of the notification to the family of the decision of the hearing official

(xi) That such written record of each hearing shall be preserved for a period of three years and shall be available for examination by the family or its representatives at any reasonable time and place during such period

(5) An assurance that there will be no overt identification of free and reduced-price meal recipients and no discrimination against any participant on the basis of race, color, national origin, sex, age, or handicap.

(6) An assurance that the charges for a reduced-price lunch or supper will not exceed 40 cents, that the charge for a reduced-price breakfast will not exceed 30 cents, and that the charge for a reduced-price snack will not exceed 15 cents.

In addition, institutions are responsible to ensure that free and reduced-price meals are served to participants unable to pay full price for meals.