

REGULATION

ABEB-BR 2: FREE AND REDUCED PRICED MEAL ELIGIBILITY APPEALS

Districts participating in the National School Lunch Program, School Breakfast Program or the Special Milk Program shall establish a hearing procedure under which:

1. A family may appeal a decision made by the District with respect to an application the family has made for free, or reduced-price meals, or for free milk, and
2. The District may challenge the continued eligibility of any student for a free, or reduced-price meal, or for free milk programs.

Prior to initiating the hearing procedure, the school official, the parent(s) or guardian may request a conference to provide an opportunity for them to discuss the situation, present information, obtain an explanation of data submitted in the application and the decisions rendered. Such a conference shall not in any way prejudice or diminish the right to a fair hearing.

The hearing procedure shall provide both the family and the District:

1. A simple, publicly announced method to make 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, any 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 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. 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.
8. 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.
9. That the parties concerned, and any 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 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.
11. That the written record of each hearing shall be preserved for a period of three years after the end of the fiscal year to which they pertain, except when audit

REGULATION

findings have not been resolved the records shall be retained beyond the three-year period as long as required for resolution of the issues raised by the audit. The records shall be made 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 ten-day advance notice period; and
2. Households that are denied benefits upon application shall not receive benefits.