

### **Food Service Appeals**

A family may appeal the District's decision to deny an application for free and reduced-price food services or to terminate such services as outlined by the U.S. Department of Agriculture in 7 C.F.R. 245.7 Determining Eligibility for Free and Reduced-Price Meals and Free Milk in Schools. The Superintendent shall provide a copy of the procedures to the family.

During an appeal, students previously receiving food service benefits shall not have their benefits terminated. Students who were denied benefits shall not receive benefits during the appeal.

The Superintendent or designee shall keep a record of any appeals made and the hearing record on file for a period of three years. The District shall also maintain accurate and complete records showing the data and method used to determine the number of eligible students served free and reduced-price food services. These records shall also be maintained for three years.

#### **Appeal Procedure**

A parent/guardian may make an oral or written request for a food services appeal hearing by contacting the Child Nutrition Department. The Child Nutrition Director will review the appeal request and schedule a hearing time and date. Notice of the hearing will be sent to the parent/guardian and school officials who will participate in the hearing within a reasonable time before the hearing. The Child Nutrition Director will attempt to accommodate reasonable requests to reschedule the hearing; however, the hearing shall be held with reasonable promptness.

Both parties may be assisted or represented by an attorney or other person at their own expense. Both parties will have an opportunity to examine, prior to and during the hearing, any documents and records presented to support the decision under appeal. The Superintendent shall serve as hearing officer so long s/he did not participate in making the decision under appeal or in any previously held conference related to the appeal. If s/he had such previous involvement, the Superintendent shall appoint an alternative hearing officer.

Both parties will have an opportunity to present oral or documentary evidence and arguments supporting a position without undue interference and will have an opportunity to question or refute any testimony or other evidence and to confront and cross-examine any adverse witnesses.

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. The parties concerned and any designated representative shall be notified in writing of the decision of the hearing officer.

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. 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 During Hearing Process**

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.