

**FREE AND REDUCED PRICE FOOD SERVICES**

NORTH COLONIE CENTRAL SCHOOLS, (District Sponsoring Agency or governing body) responsible for administration of one or more schools referred to as the School Food Authority (SFA), has entered into agreement to participate in the National School Lunch Program, School Breakfast Program, and/or Special Milk Program and accepts responsibility for providing free and reduced price meals and/or free milk to eligible children in the schools under its jurisdiction.

The SFA assures the State Education Department that the school system will uniformly implement the following policy with respect to determining the eligibility of children for free and reduced price meals in each school building under its jurisdiction which participates in the programs mentioned above.

In fulfilling its responsibilities, the SFA agrees to the following:

A. Free Meals and (For Milk Only Schools) Free Milk

To serve meals or milk at no charge to children from families approved by the SFA and whose income is at or below the income levels for free meals and milk listed on the annual income eligibility guidelines, or to children from food stamp households, Aid to Dependent Children, Temporary Assistance to Needy Families (TANF) households participating in the Food Distribution Program on Indian Reservations (FDPIR) that provide a case number, or households that provide a Direct Certification letter from the Department of Social Services.

B. Reduced Price Meals

To serve lunch at a reduced price of \$.25 or less, and breakfast at a reduced price of \$.25 or less, to children from families approved by the SFA whose income is within the range of the annual income eligibility guidelines for reduced price meals.

C. Special Conditions

To serve free or reduced price meals or free milk to foster children in cases where the court or welfare agency is legally responsible for the child and the annual personal income of the child is not above the income for free or reduced price meals of a one-member family.

To provide free or reduced price meals or free milk to those children whose parents or guardians have become unemployed, provided the loss of income causes the family income during the period of unemployment to be within the eligibility criteria.

D. Non-Discrimination

1. That there will be no physical segregation of, or any other discrimination against, any child because of his inability to pay the full price of the meal

or milk. The names of children eligible to receive free or reduced price meals or milk shall not be published, posted, or announced in any manner and there shall be no overt identification of any such children by use of special tokens or tickets, or by any other means. Further assurance is given that children eligible for free or reduced price meals or free milk shall not be required to:

- Work for their meals or milk.
  - Use a separate lunchroom.
  - Go through a separate serving line.
  - Enter the lunchroom through a separate entrance.
  - Eat meals or drink milk at a different time.
  - Eat a meal different from the meal sold to children paying the full price of such a meal or drink milk different from that sold to children paying the full price.
2. That in the operation of child nutrition programs, no child shall be discriminated against because of his or her race, gender or sexual orientation, age, color, national origin, or physical or mental handicap.

E. Hearing Procedures

To establish and use a fair hearing procedure in cases of appeal by parents of the school's decision on applications and in cases where the school official challenges the correctness of information contained in an application or of the continued eligibility of any child for a free or reduced price meal or free milk. During appeal, hearing, and disposition of the case, the child will receive free or reduced price meals or free milk.

To maintain, for a period of three years plus the current year, records of all such appeals, challenges, and dispositions.

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

That the hearing procedure shall provide:

1. A simple, publicly announced method for making an oral or written request for a hearing;
2. An opportunity to be assisted or represented by an attorney or other person in presenting its appeal;
3. An opportunity to examine, prior to and during the hearing, the 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 its position;
6. An opportunity to question or refute any testimony or other evidence and to confront and cross-examine any adverse witnesses;

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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 previous 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 their 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 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; and
11. That such written record of each hearing shall be preserved for a period of three years plus the current year and shall be available for examination by the parties concerned or their representative at any reasonable time and place during such period.

F. Reviewing Official

A reviewing official shall review and make determinations of eligibility using the criteria outlined in this policy to determine which individual children are eligible for free or reduced price meals or free milk. The official should sign, date, and indicate eligibility determination on each application.

G. Notice to Parents

To send at the beginning of each school year, and whenever there is a change in eligibility criteria, to the parent or guardian of each child, a letter such as the prototypes in Attachment V or VI, including a form on which to make application for free or reduced price meals or free milk.

H. Applications

To advise parents to complete the application and return it or the Direct Certification letter received from the Department of Social Services to the reviewing official for eligibility determination.

Such applications, direct certification letters, and documentation of action taken will be maintained for three years plus the current year after the end of the school year to which they pertain.

To accept applications at any time during the year and to supply applications to any parent enrolling a child in a school for the first time.

To accept the eligibility of a child who transfers from one school to another under the jurisdiction of the SFA. Copies of the application or Direct Certification letter and eligibility dates should be retained with the records of both schools.

To inform parents of eligibility determinations. Parents must be notified in writing of the reason(s) for rejection of their application, notification of the

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right to appeal, instructions on how to appeal, and a reminder to parents that they may reapply for free or reduced price benefits at any time during the school year. Copies of rejection letters to parents must be maintained for 3 years plus the current year.

I. Verification of Applications

Verify the eligibility of applicant households *by December 15* in accordance with program regulations and annually maintain records as follows: (1) a summary of the verification efforts; (2) the total number of applications on file by October 31; (3) the percentage or number of applications verified; and (4) the total number of children represented on those applications selected for verification.

J. Anonymity and Accountability

To establish a procedure to collect money from children who pay for their meals or milk which prevents overt identification, and accounts, at the point of service, for the number of free and reduced price and full price meals served or the number of half-pints of free and full price milk served. The procedure(s) adopted will be used in order that no other child in the school will consciously be made aware, by such procedure, of the identity of the children receiving reduced price meals, free meals, or free milk.

K. Amendments to Policies

To submit to the State Education Department any alterations or amendments to the policy including eligibility criteria, applications, public announcements, etc. for approval prior to implementation. Such changes will be effective following approval by the Child Nutrition Administration, Rm. 548EB, State Education Dept., Albany, NY 12234. Any and all changes in eligibility criteria shall be publicly announced in the same manner used at the beginning of the school year.

L. Records

To maintain a file of the following records for three years plus the current year after the end of the fiscal year to which they pertain.

1. All applications and Direct Certification letters returned and documentation of action taken.
2. Records of all appeals and challenges and their disposition.
3. All notifications of eligibility determinations.
4. Records of all verification efforts and resulting eligibility changes.

M. Public Release

On or about the beginning of the school year, a public release containing the same information supplied to parents and including both free and reduced price eligibility criteria should be provided to the informational media (local newspaper), the local unemployment office, and any major employers contemplating large layoffs in the areas from which the school draws its attendance.

N. Special Assistance - Provisions 1 and 2 (where applicable) \*

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Provision 1: Biennially, notify parents, distribute and certify applications for free students in schools where at least 80 percent of all enrolled children are eligible for free or reduced price meals. Annually, notify, distribute, and certify applications for all other students enrolled in the school. Maintain accountability and recordkeeping requirements as mandated by program regulations for this alternate system.

Provision 2: In schools where all enrolled children, regardless of their category of eligibility, are served meals at no charge; notify parents, distribute, and certify applications for free and reduced price students once every three consecutive school years. Pay for the differential cost of student meals, when the costs of these meals exceeds federal reimbursements from other than federal fund sources. Maintain accountability and recordkeeping requirements as mandated by program regulations for this alternate reimbursement system. Adult meals may not be subsidized to any degree from child nutrition funds.

\* You must notify your respective Child Nutrition Office by September if you intend to participate in Provision 1 or 2

**KEEP THIS FORM ON FILE. DO NOT RETURN TO SED**  
**CERTIFICATION STATEMENT:** Please complete the following information and retain on file for examination by members of this Department or USDA during a review of your Child Nutrition Program. The Certificate of Acceptance is no longer required to be sent to your regional office.

O. Administrative Prerogative

In certain circumstances, when households fail to apply for free or reduced price meals, the nutritional needs of students who are obviously at an economic disadvantage may be addressed by local officials.

Using administrative prerogative, local officials may complete an application for a student known to be eligible if the household had applied. This judgmental option acknowledges the various reasons that a family may fail to apply for free or reduced price meals, such as lack of understanding, fear of authority, alien status, substance abuse, etc.

To exercise this option properly, an application must be completed on behalf of the student based on the best family size and income information available. The source of this information must be noted on the application. Prior efforts made by the School Food Authority to obtain a completed application from the parent or guardian should be documented.

The names of all household members, a social security number, or an adult signature need not be secured. Instead, the name of the student, household size, estimated family income, and the administrator's signature must be provided. The household must be notified of the student's approval status for free or reduced price meals. These applications should be excluded from the verification process.

This option must be used judiciously and only after repeated efforts to obtain applications from families have been unsuccessful. It is to be used on an individual basis and not to provide eligibility determinations for large numbers

of students. It also may not be used when family income is above the eligibility guidelines, even though the children are not coming to school with a meal or money. Family economic status must remain the criterion for administratively making the decision to place the student on free or reduced price meals.

#### Questions and answers regarding Administrative Prerogative

1. *Can a student be approved for free or reduced price meals without an application from the parent or guardian?*

Yes. Under special circumstances, a school official may fill out an application for a student whom they have reason to believe would be eligible if the household were to apply. However, the school must first attempt to obtain an application from the household.

2. *How can a school show that attempts have been made to obtain the application from the household?*

Copies of mailings to the household and documentation of conversations with the parent/guardian or a responsible adult in the household must be kept on file.

3. *If the parent guardian of the student cannot be reached or communicated with due to language barriers, etc., who may be contacted for household information?*

An employer, a Social Service official, immigration official, or a relative suggested by either the student or the student's teacher may be contacted to urge the household to apply.

4. *Is there a specific time period which the school must allow to pass before attempts to obtain an application are deemed unsuccessful?*

No specific time period is required. The process should be facilitated as quickly as possible so that the student is not going without meals in school.

5. *Can an administrative prerogative be implemented during the period of time in which the school is attempting to obtain an application from the household?*

If the school has reason to believe that the student is going without meals in school on a regular basis due to financial need, the school may implement an administrative prerogative immediately.

6. *What should the school official be looking for as evidence that the student is not getting proper nourishment?*

The student's teacher, the school nurse, or other school personnel in direct contact with the student may notice behavior indicating under nourishment, such as irritability, listlessness, complaints of headache or stomach aches, and absenteeism. School cafeteria personnel may notice

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that a student has no food during the lunch period or is constantly requesting to charge lunch.

7. *Can a school official simply write a note to the food service manager to add a student's name to the list of eligible students?*

No. The school official must complete an application that contains the name of the student, the household size, an estimated family income, and a signature of the school official.

8. *How should the school tell the student and the household that the student will have access to free meals in the school cafeteria?*

The household must be informed of the decision via phone, correspondence, or in person. The student may be told by the teacher, school nurse, or other school official.

9. *Is an application completed by a school official handled in the same way as those submitted by households?*

Yes. Like other applications, it must be counted for purposes of the claim for reimbursement and retrievable by building during a review.

However, the application should not be included in the verification process.

10. *Can the administrative prerogative be implemented for families or groups of students who appear to be lacking proper nutrition?*

No. Applications must be completed on an individual basis.

11. *Can an application be completed for a student who appears to be lacking proper nourishment, if the household has indicated that it is not eligible for benefits?*

An application must be completed only for students who appear to be missing meals for reasons of financial need. Other problems occurring in a household that may result in poor eating habits, but that are not a reflection of family economic status, should not be resolved by this measure.

P. Meal Eligibility for Homeless Children

USDA has acknowledged that a number of homeless children has risen considerably in the last few years, parents/guardians who are homeless often fail to return a free meal application, and homeless children are often not included in the direct certification process. While administrators can exercise the administrative prerogative option for determining program eligibility, this process is only intended to be exercised on a case-by-case basis and becomes burdensome in areas where there are many homeless residing in shelters. USDA has therefore established the following procedures for all Child Nutrition Programs when an application is not submitted by the household or it is not anticipated that an application will be submitted:

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- The director of the homeless shelter at which the child resides can complete and submit an application for the child.
- Local level officials may complete an application for a child and approve the child for free meals based solely on their knowledge that the child's address is a homeless shelter or that the child has no known address and is indeed homeless.
- If large numbers of homeless children make it impractical for homeless shelter or school officials to complete individual applications, the school administrator may establish a list of eligible students based on his/her knowledge of the families residence (shelter, address, car, etc.). The documentation necessary to substantiate free meal eligibility for a list of children must contain at a minimum the following information:
  - The child's name
  - The effective date of eligibility determination
  - The name of the shelter, etc. where the child resides
  - The signature of the determining official
  - The date of withdrawal from the shelter, school, or program

The homeless population can be very transient and their circumstances may change. Therefore, it is imperative that when using a list to document eligibility, the administration review the list monthly and update it as changes occur. These lists must be kept current by adding new names and removing the names of children who may have left the school or institution or whose circumstances have changed.

**Q. Food Distribution Program on Indian Reservation (FDPIR)**

Public and nonpublic schools participating in the School Lunch, Breakfast, or Special Milk Programs with children in attendance originating from either the St. Regis Mohawk Tribe or the Seneca Nations of Indians must utilize the application form designated as Attachment IIIB. This application allows the insertion of a Food Distribution Program on Indian Reservation (FDPIR) case number in lieu of household income, food stamp number or ADC/TANF number.

**R. Food Substitutions for Children with Disabilities**

Federal regulations governing the operation of Child Nutrition Programs and Section 504 of the Rehabilitation Act of 1973 require that children with disabilities be offered the opportunity to participate in all academic and nonacademic activities including the school nutrition programs. To ensure that these children are not denied reasonable access to the programs, the Department of Agriculture's regulations require schools and institutions to make reasonable accommodations, such as providing substitutions in the regular meal patterns, for children who have a disability and whose disability restricts their diet. A student with a disability is defined in 74 CFR part 15b.3 as one who has "... a physical or mental impairment which substantially limits one or more major life activities. . ." Major life activities are defined to include functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

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Accordingly, meal substitutions must be made for children with disabilities and must be supported by a statement signed by the physician attesting to the need for the substitutions and recommending alternate foods. These meals must be offered at no extra charge. Substitutions may also be made for non-disabled children who are unable to consume the regular meal because of medical or other special dietary needs, though schools are not required to do so in these instances. Substitutions for non-disabled children must be supported by a statement signed by a recognized medical authority.

**Cross-ref: 8500, Food Service Management**

**Ref: National School Lunch Act of 1946, as amended  
(42 U.S.C. 1751-1760)  
Child Nutrition Act of 1966, Public Law 89-642,  
80 Stat. 885, as amended**

**Note: Prior policy, Policy Statement for Free and Reduced Price Meals or Free Milk, 3543(a)-(d)**

Policy Adopted: August 15, 1983  
Amended: July 6, 1992  
Amended: May 18, 1998