

## **POLICY STATEMENT FOR FREE AND REDUCED PRICE MEALS OR FREE MILK**

Starpoint Central School (Local Education 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 it 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 that 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 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 Supplemental Nutrition Assistance Program (SNAP) households, Temporary Assistance to Needy Families (TANF) households, households participating in the Food Distribution Program on Indian Reservations (FDPIR) that provide a case number, or households that are identified through the SNAP/MEDICAID Direct Certification Matching Process.

### **B. Reduced Price Meals**

To serve breakfast and/or lunch and/or snacks served through the Afterschool snack program at no charge to children from families whose income is within the range of the annual income eligibility guidelines for reduced price meals.

### **C. Special Conditions**

To serve free meals/milk to foster children in cases where the court or welfare agency is legally responsible for the child. Documentation from an appropriate State or local agency supports the foster child's status. Foster children are categorically eligible for free meals and may be included as a member of the foster family if the foster family chooses to also apply for benefits for other children. Including children in foster care as household members can help other children in the household qualify for free or reduced price meals. If the foster family is not eligible for free or reduced price meal benefits, the foster child will still be provided free meal benefits.

To provide free or reduced price meals or free milk to 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. These students must be approved using one of the methods noted in this eligibility guidance booklet.

### **D. Non-Discrimination**

1. That there will be no physical segregation of, or any other discrimination against, any child because of his/her inability to pay the full price of the meal or milk. LEAs selling competitive foods during a meal service are encouraged to include in the description of how the cafeteria and meal service prevents overt identification of the children receiving free and reduced price meals or free milk. The names of children eligible to receive free or reduced price meals or free 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 for the same 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, sex, age, color, disability, national origin, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA.

#### **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 accuracy 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 on 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 an 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 the position;
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 previous conference;
8. That the decision of the hearing official, who may not be the same person as the reviewing and/or the verification 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 the eligibility determination on each application.

**G. Notice to Parents**

To send at the beginning of each school year, and whenever there is an increase in eligibility, to the parent or guardian of each child, a letter such as the prototypes in Attachment VII, VIII, or IX including a form on which to make application for free or reduced price meals or free milk, and a parent disclosure letter and consent statement.

**H. Applications**

To advise parents to complete the application and return it to the reviewing official for eligibility determination.

To maintain applications and documentation of action taken, for three years 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 application of a child who transfers from one school to another under the jurisdiction of the SFA. Copies of the application and eligibility dates should be retained with the records of both schools. The application from the transfer student from another SFA should be reviewed to ensure that it is correctly approved.

To inform parents of eligibility determinations. Parents must be notified in writing of the reason(s) for denial of their application, notification of the right to appeal, instructions on how to appeal, and a reminder to parents that they may reapply for free and reduced price benefits at any time during the school year. Copies of denial letters to parents must be maintained for three years plus the current year.

**I. Verification of Applications**

Verify the eligibility of applicant households **by November 15** in accordance with program regulations and annually maintain records.

**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, reduced 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. The LEA will develop measures to prevent disclosure of confidential free and reduced price eligibility information as required and include the steps with this policy statement.

## 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 NYSED Child Nutrition Program Administration office. Any and all changes in eligibility criteria shall be publicly announced in the same manner used at the beginning of the school year. Changes in content to any prototype documents from this guidance booklet require prior State Agency approval.

## 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 eligibility determinations obtained through the Direct Certification Matching Process (DCMP) (SNAP, Medicaid, Foster)
2. All applications and documents to support homeless, migrant, head start, etc.
3. Records of all appeals and challenges and their disposition.
4. All notifications of eligibility determinations, including denial letters.
5. Records of all verification efforts and resulting eligibility changes.

## M. Public Release

At 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 media (local newspaper), the local unemployment office, and any major employers contemplating large layoffs in the areas from which the school draws its attendance. Documentation must be kept on file for three years plus the current year identifying where the public release was sent.

## N. Special Assistance - Provision 2 and Community Eligibility Provision

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 four consecutive school years. For three years after the base year, the school is not required to count meals served by category for claiming purposes. After the base year, the building's monthly reimbursement is based on total meal counts and monthly claim statistics from the base year. Maintain accountability and record keeping requirements as mandated by program regulations for this alternate reimbursement system.

\* If your school year begins in September, you must notify your Child Nutrition representative by September 1, 2021. If you intend to participate in Provision 2 for the 2021-2022 school year. If your school year begins in July, you must notify us by July 1, 2021.

Community Eligibility Provision: Schools where at least 40 percent of enrolled students have been deemed free eligible through a means other than an income application (i.e., directly certified using electronic SNAP/Medicaid, homeless, migrant, runaway, foster, and head start) using data from anytime between July 1, 2021 to June 30, 2022, may participate in the Community Eligibility Provision for the 2022-2023 school year. The schools will receive reimbursement in the free and paid category based on the percentage of directly certified students as noted above times a multiplier (as written in federal regulation). For more details about participation and how to apply, please see the CEP Memo on the Child Nutrition Knowledge Center website.

## 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 limited use 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. Documented prior efforts must be made by the SFA to obtain a completed application from the parent or guardian.

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 including source, 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 must not be used 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 coming to school without a meal or money. Family economic status must remain the criterion for administratively making the decision to provide the student access to free or reduced price meals.

## P. Meal Eligibility for Homeless/Migrant/Runaway Children

Children who are categorically eligible under Other Source Categorically Eligible Programs should contact the school for assistance in receiving benefits and indicate the source of their status on the application.

The United States Department of Agriculture (USDA) has acknowledged that the number of homeless, migrant and runaway children has risen considerably in the last few years, that parents/guardians who are homeless or migrant often fail to return a free meal application, and these 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/runaway children residing in shelters or migrant status children. 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:

- The migrant coordinator, homeless liaison or runaway provider may provide you with a list of eligible children based on established criteria. The list must be dated and signed by the coordinator, liaison or provider. These children are then directly certified for free meals for the school year. No other documentation is needed. This is the preferred option.

Other options:

- The director of the homeless shelter at which the child resides can complete and submit an application for the child, or send a list of all children residing in the shelter to the school;

- 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 a 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 family's 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
- Documentation of migrant status children should be maintained by the school migrant coordinator as documentation to substantiate free meal eligibility. This should include the date, the child's name, and signature of the migrant coordinator. For a list of contacts in your school, go to [www.nysteaches.org](http://www.nysteaches.org).

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

Public and nonpublic schools participating in the School Lunch, Breakfast, or Special Milk Programs may accept a Food Distribution Program on Indian Reservation (FDPIR) case number in lieu of household income, SNAP or 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 7 CFR part 15b.3 as one who has a physical or mental impairment which substantially limits one or more major life activities of such individual, a record of such an impairment or being regarded as having such an impairment. Major life activities include but are not limited to: functions such as caring for one's self, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working.

Accordingly, meal substitutions must be made for children with disabilities and must be supported by a medical statement signed from a State licensed healthcare professional. 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. **Children with disabilities are not automatically eligible for free meal benefits.** Parents must adhere to the same income eligibility criteria and procedures used for all children.

**S. Limited English Proficient (LEP) Households**

LEAs will ensure there are no barriers for participation in Child Nutrition Programs for Limited English Proficient (LEP) families and must communicate with parents and guardians in a language they can understand throughout the certification and verification processes.

**T. Meal Charge Policy**

LEAs will establish a written and clearly communicated policy to address student meal charges when payment cannot be collected at the point of service. Charge policies will be reasonable, well-defined and maintain the integrity and dignity of students and households to minimize harm to the student.

**U. Prohibition Against Meal Shaming Plan**

LEAs will establish a written and clearly communicated plan that ensures a student whose parent or guardian has unpaid meal charges is not shamed or treated differently than a student whose parent or guardian does not have unpaid school meal charges. The plan will include the requirement to provide students with the reimbursable meal of their choice and identify other prohibited actions to decrease student distress or the embarrassment associated with not having adequate funds to pay for a school meal.

**V. Program Terminations:** To provide 60 days advance written notice to parents and to immediately inform the NYSED Child Nutrition Program Administration of intent to discontinue participation in NSLP/SBP for public school districts. Non-public schools must send a letter on official letterhead notifying the Child Nutrition Office of the effective date they will no longer participate and the last month they intend to claim meals.