

POLICY STATEMENT FOR FREE AND REDUCED PRICE BENEFITS

The School District is hereinafter called Local Education Agency (LEA)/Sponsor.

The LEA has entered into agreement to participate in the National School Lunch Program 7 CFR Part 210, and/or School Breakfast Program 7 CFR Part 220, and/or Special Milk Program 7 CFR Part 215, and/or USDA Food Program 7 CFR Part 250, and/or After-School Snack Service 7 CFR Part 210, and/or Fresh Fruit and Vegetable Program 7 CFR Part 210. The LEA accepts responsibility for providing free and reduced-price meals or free milk to eligible children in schools under its jurisdiction **each school day**.

The Maine Department of Education, Child Nutrition is hereinafter called CN.

The LEA assures CN that the school system will uniformly carry out this policy in schools which participate in the programs named above. The LEA will determine children's eligibility for free milk only in qualifying early childhood education classes and milk only in schools which participate in the Special Milk Program and carry out this policy therein. In fulfilling its responsibilities in its schools, the LEA agrees to serve

- **Free Meals or Free Milk (for early childhood education classes and milk only schools) to children:**
 - (1) from households approved by the LEA whose income is at or below the free meal income level shown in the annual eligibility guidelines;
 - (2) for whom the school has state or local, SNAP or TANF office documentation of their current participation in SNAP or TANF Programs;
 - (3) categorically free as indicated in Federal Regulation 7 CFR 210 and Federal Guidance;
 - (4) follow CEP programs guidance.
- **Reduced Price Meals:**

to children at a reduced price from the price charged to children paying full price. The price shall not be more than \$.40 for lunch and \$.15 for snack. Public school students eligible for reduced price meals will not be charged for breakfast. Breakfast meals must be counted and claimed as reduced. A state reimbursement of \$.30 per public school breakfast will be reimbursed with the monthly claim. These meals will be served only to children from households approved by the LEA whose income is at or within the reduced-price eligibility guideline range. Private schools cannot charge more than \$.30 for reduced price breakfast.

SAU Requirement Language for the Application

Super Circular 2 CFR Part 200.501 *Audit Requirements*, requires that grantees or sub-recipients that expend \$750,000 or more in Federal awards during their fiscal year are subject to an audit requirement. Audit requirements for State and local governments, and non-profit organizations receiving Federal awards or sub-awards, are defined in 2 CFR Part 200.501, Audit Requirements.

All School Administrative Units are required to comply with Title 20-A, Chapter 221, Subchapter 2 §6051 (6), requiring that each school board provide a copy of the audit report to the Commissioner of the Department of Education within six months after the end of the audit period (<http://www.mainelegislature.org/legis/statutes/20-A/title20-Asec6051.html>).

I. The LEA agrees to operate its school food services as follows:

A. Non-Discrimination

The Maine Department of Education (MDOE) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, sex, religion, age, sexual orientation, or disability.

There will be no physical segregation of, or any other discrimination against, any child because of inability to pay the full price of the meal or milk. There shall be no overt identification of any such children. The names of children eligible to receive free or reduced-price meals or free milk shall not be posted, published, or announced in any way. Furthermore, children eligible for free or reduced-price meals or free milk shall not be required to:

1. use special tokens or tickets, or other means of identification,
2. work for their meals or milk,
3. use a separate dining area,
4. go through a separate serving line,
5. enter the dining area through a separate entrance,
6. eat meals or drink milk at a different time,
7. eat a different meal from the meal sold to children paying full price for a meal or drink milk different from that sold to children paying the full price for milk.

II. Assurances

A. Civil Rights Assurances

The LEA/Sponsor will comply with: i. Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.); ii. Title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.); iii. Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794); iv. Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.); v. Title II and Title III of the Americans with Disabilities Act (ADA) of 1990 as amended by the ADA Amendment Act of 2008 (42 U.S.C. 12131-12189); vi. Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency." (August 11, 2000); vii. All provisions required by the implementing regulations of the Department of Agriculture (USDA) (7 CFR Part 15 et seq.); viii. Department of Justice Enforcement Guidelines (28 CFR Parts 35, 42 and 50.3); ix. Food and Nutrition Service (FNS) directives and guidelines to the effect that, no person shall, on the grounds of race, color, national origin, sex (including gender identity and sexual orientation), age, or disability, be excluded from participation in, be denied the benefits of, or otherwise be subject to discrimination under any program or activity for which the Sponsor receives Federal financial assistance from USDA; and hereby gives assurance that it will immediately take measures necessary to effectuate this Agreement. x. The USDA non-discrimination statement that in accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Sponsors also agree to comply with the Maine Human Rights Act non-discrimination requirements.

This assurance is given in consideration of and for the purpose of obtaining any and all Federal financial assistance, grants, and loans of Federal funds, reimbursable expenditures, grant, or donation of Federal property and interest in property, the detail of Federal personnel, the sale and lease of, and the permission to use Federal property or interest in such property or the furnishing of services without consideration or at a nominal consideration, or at a consideration that is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale, lease, or furnishing of services to the recipient, or any improvements made with Federal financial assistance extended to the Sponsor by USDA. This includes any Federal agreement, arrangement, or other contract that has as one of its purposes the provision of cash assistance for the purchase of food, and cash assistance for purchase or rental of food service equipment or any other financial assistance extended in reliance on the representations and agreements made in this assurance.

By accepting this assurance, the Sponsor agrees to compile data, maintain records, and submit records and reports as required, to permit effective enforcement of nondiscrimination laws and permit authorized USDA

personnel during hours of program operation to review and copy such records, books, and accounts, access such facilities and interview such personnel as needed to ascertain compliance with the nondiscrimination laws. If there are any violations of this assurance, the Department of Agriculture, FNS, shall have the right to seek judicial enforcement of this assurance. This assurance is binding on the Sponsor, its successors, transferees and assignees as long as it receives assistance or retains possession of any assistance from USDA. The person or persons whose signatures appear below are authorized to sign this assurance on behalf of the Sponsor.

The LEA will operate in compliance with all nondiscrimination laws, regulations, instructions, policies and guidelines.

The LEA will compile data, maintain records, and submit reports as required to permit effective enforcement of nondiscrimination laws, regulations, policies, instructions, and guidelines. The agreement permits authorized USDA personnel to review such records, books, and accounts as needed during hours of program operation to ascertain compliance.

The LEA will ensure there are no barriers for participation in Programs for Limited English Proficient (LEP) families and that State agencies and LEAs are required to communicate with parents and guardians in a language they can understand throughout the certification and verification processes;

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; and

A statement of the measures the LEA has taken to prevent disclosure of confidential free and reduced price eligibility information as required under 7 CFR 245.6(f-k).

B. Anonymity and Accountability

Procedures will be carried out to collect money from children who pay for the meals or milk and to account for the number of free and reduced price and full price meals served at point of service or the number of cartons of free and full price milk served. The procedure(s) described in the online application to participate (Suggested Anonymity and Accountability Systems) will be used so no other child in the school will consciously be made aware of the identity of the children receiving reduced price meals, free meals, or free milk by the procedures.

C. USDA Food Compliance

Compliance with all USDA policies and instructions and compliance with food safety and recall requirements.

This agreement may be terminated in writing by either party with 60 days' notice.

III. The LEA agrees to operate the eligibility process as follows:

A. Notice to Parents

At the beginning of each school year and whenever there is a change in eligibility criteria, the Letter to Parents will be sent to each family. A form on which to make application for free or reduced price meals or free milk will be attached.

B. Public Release

The local unemployment office and area employers contemplating large layoffs will be told of the eligibility criteria for free and reduced-price meals and free milk and other information supplied in the letter to parents.

CNP is hereby authorized to notify the news media of the eligibility guidelines and other information regarding the application process.

C. Categorically Eligible for Meal Benefits

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 and an explanation that 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 this does not prevent a foster child from receiving free meal benefits;

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

District will use the Direct Certification list as the primary method of determining a student's status by logging into the education web-based system. Parents will be notified of the determination. The district will also indicate review of list by clicking on button at bottom of page.

D. Application

Parents or guardians will be asked to complete and return one application per household to the Approving Official(s).

Applications and local or state SNAP or TANF office documentation of SNAP or TANF participation will be accepted at any time during the year.

Every parent or guardian enrolling a child in school for the first time will be given an application.

The eligibility of a child will be transferred and honored whenever a child transfers from one school to another under the same jurisdiction of the LEA.

Parents or guardians will be given notification of the eligibility determination within 10 working days of the receipt of the application.

The service of meals or milk will start immediately upon establishing eligibility.

Parents or guardians will be informed in writing of reason(s) for rejection of their application. They will be advised of how to contact the Hearing Official.

Such applications and documentation of action taken will be kept for 3 years plus the current year after the end of the school year to which they pertain to, or longer when unresolved audits are pending.

The LEA will determine eligibility in accordance with the current Income Eligibility Guidelines (IEGS).

E. Special Provisions – Option (This option available with State Agency approval, allows student applications to be collected less frequently and tasks related to collection of applications, when both Lunch and Breakfast are approved for a provision option.) All options require State Agency approval and media release beginning the school year.

Provision I: Applications for free and reduced-price meals will be collected bi-annually in schools with 80% or more of the attending students eligible for free or reduced price meals during October.

Provision II: Schools may not charge students for their meals. During the base year the free and reduced price process must be followed. During subsequent years verification is not required. Schools during the base year must count reimbursable meals by category (free, reduced price and paid). Reimbursement in the subsequent 3 years is based on claiming percentages established in the base year.

Provision III: Schools may not charge students for their meals. During the base year the free and reduced price process must be followed. During subsequent years verification is not required. Schools during the base year must count reimbursable meals by category (free, reduced price and paid). Reimbursement in the subsequent 4 years is based on reimbursement received in the base year, with annual adjustments for inflation and enrollment changes in the participating school.

Community Eligible Provision: Students are not charged for their meals. This provision is based on community (school or district) economic status. This provision is 4 successive years. No applications are collected, no verification is conducted. Reimbursement is determined by a Federally provided percent. There is possible option for a grace year (year 5) with State Agency approval.

F. Approving Official

As Approving Official(s) the position(s) named below shall: review applications; decide eligibility of individual children for free and reduced price meals or free milk using the criteria outlined in this Policy; sign, date and show action on each application; and inform the parent of the action, within 10 working days or receipt of the application.

G. Hearing Official

The Hearing Official will be someone who did not participate in making the original eligibility decision under appeal or in any previously held conference. The Hearing Official cannot be the Approving Official or the Application Confirmation Official.

H. Hearing Procedures

A fair hearing procedure will be established and used for an appeal by a household of the school's decision on the application for free or reduced price meals or free milk, a subsequent reduction or termination of benefits as a result of review procedures or verification and when the school official challenges the correctness of information in an application or the continued eligibility of a child for a free or reduced price meal benefit or free milk. During the appeal, hearing, and disposition of case, the child will receive free or reduced price meals or free milk.

Before starting the hearing procedure, the parent or guardian or local school official may ask for a conference to provide for a discussion of the situation, presentation of formation, and an explanation of data submitted in the application and decision made. This conference shall not prejudice or diminish the right to a fair hearing.

The fair hearing procedure shall provide:

1. a publicly announced simple method for making an oral or written request for a hearing;
2. an opportunity to be helped or represented by an attorney or other person in presenting an appeal;
3. a chance to examine, before and during the hearing, the documents and records used in making the decision under appeal;
4. a hearing held with reasonable promptness, convenience and adequate notice given about the time and place;

5. a chance to present oral or written evidence and supporting arguments;
6. that the hearing shall be conducted and the decision made by a hearing official who did not take part in making the decision under appeal or in any previous conference;
7. 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;
8. that the parties concerned, and their appointed representative shall be told in writing of the decision of the hearing official;
9. that a written record shall be prepared of 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
10. that such written record of each hearing shall be preserved for three years and shall be available for examination by the parties concerned or their representative at any reasonable time and place during such period.

Application Confirmation Official

Prior to any other verification activity, an LEA official, other than the approving official who made the initial eligibility determination, must review each approved application selected for verification to ensure that the initial determination was accurate. This person cannot be a Hearing Official or an Approving Official.

I. Verification of Applications

This process is required of the LEA for program participation in the School Breakfast Program and the National School Lunch Program.

Verification Official

The LEA will obtain from CNP the program regulations about verification of applications and will conduct such verification in accordance with program regulations by November 15 yearly and maintain all records and submit an online report to CNP by November 20 yearly. Training is offered yearly.

The verification official confirms eligibility for free and reduced-price meals under the NSLP and SBP. Verification is only required when eligibility is determined through the application process. This person cannot be a Hearing Official or Approving Official.

J. Amendments to Policies

Any and all changes to the policy including eligibility criteria, applications, public announcements, etc., will be sent to CNP for approval before implementation. Such changes will be effective only upon written approval and all changes in eligibility criteria shall be publicly announced in the same manner used at the beginning of the school year.

K. Contract with a Food Service Management Company

The LEA can contract with a Food Service Management Company (FSMC) for the operation of School Food Service with proper procurement methods. The FSMC contract must be reviewed by the Department of Education as required in Federal Regulation 7 CFR 210.16. Contracts cannot have a term longer than one year, with four one-year renewals, as required by 7 CFR 210.16(d). The FSMC cannot be responsible for the Free and Reduced Price Meal eligibility determination.

Contract must be included and approved prior to implementation.

L. The following must be submitted to Child Nutrition Maine Department of Education:

- Media release (Standard Provision, Universal Free, and/or Special Provisions);
- Notice to households of approval or denial of benefits;
- Notice to households of selection for verification;
- Notice to households of adverse action; and • Notice of eligibility, based on direct certification.

Sponsor/LEA Name

Printed Name of Executive Contact/Superintendent

Title

Signature of Executive Contact/Superintendent

Date