

■ **Hearing and Appeal Process**

The school district should establish and use a fair hearing procedure under which a household can appeal a decision made by the school district's reviewing official with respect to the household's application for benefits and/or any subsequent reduction or termination of benefits. During the appeal and hearing process, the child who was determined to be eligible based on the information provided on the application will continue to receive free or reduced-price meals. Households appealing a reduction or termination of benefits as a result of verification of eligibility will continue to receive benefits if they appeal within the 10-day advance notice period. Prior to initiating the hearing procedure, the school official or the parents/guardians may request a conference to provide an opportunity to discuss the situation, present information, obtain an explanation of data submitted on the application and the decisions rendered. Such a conference shall not in any way prejudice or diminish the right to a fair hearing.

The designated hearing official shall ensure that the hearing procedure provides the following for both the household and the school district:

1. That the method for making an oral or written request for a hearing be publicly announced and simple.
2. That both parties will have an opportunity to be assisted or represented by an attorney or other person.
3. That both parties will have an opportunity to examine, prior to and during the hearing, the documents and records presented to support the decision under appeal.
4. That reasonable promptness and convenience in scheduling a hearing will be made and adequate notice as to time and place be given.
5. That both parties will have an opportunity to present oral or documentary evidence and arguments supporting a position without undue interference.
6. That both parties will have an opportunity to question or refute any testimony or other evidence and to confront and cross-examine any adverse witness(es).
7. That the hearing be conducted and the decision be made by an official who did not participate in the decision under appeal or any previous conference. It is recommended that the hearing official hold a position at a higher administrative level than the reviewing official(s).
8. That the decision of the hearing official be based on the oral and documentary evidence presented at the hearing and entered into the hearing record.
9. That the parties concerned and their designated representative, if any, be notified in writing of the decision. If the hearing results in a reduction or termination of benefits for the household, the written notification to the household of the hearing official's decision should include the 10-day advance notice of adverse action.
10. That for each hearing a written record be prepared, that includes: (a) the decision under appeal; (b) any documentary evidence; (c) a summary of any oral testimony presented at the hearing; (d) the decision of the hearing official and the reasons for that decision; and (e) a copy of the notification to the parties concerned of the hearing official's decision.
11. That such written records **MUST** be retained for a period of five years after the end of the fiscal year to which they pertain. These records **MUST** be made available for examination by the parties concerned or their designees at any reasonable time and place during such period.