**COLORADO DEPARTMENT OF EDUCATION**

**OFFICE OF SCHOOL NUTRITION**

**FREE AND REDUCED PRICE MEAL POLICY**

DISTRICT/AGENCY:

The above district/agency has agreed to participate in the National School Lunch Program (NSLP) and/or School Breakfast Program (SBP) and/or Special Milk Program (SMP) and accepts responsibility for providing free and reduced price meals/milk to eligible children in the schools under its jurisdiction. This policy statement and its attachments are permanent as approved.

The School Food Authority (SFA) assures the Colorado Department of Education, Office of School Nutrition (OSN) that the school system will uniformly implement the following policy to determine children's eligibility for free and reduced price meals in all NSLP, SBP, and SMP schools under its jurisdiction. In fulfilling its responsibilities, the SFA:

1. Agrees to serve meals free to children from families whose income is at or below the free scale of the Secretary's Income Eligibility Guidelines.

2. Agrees to serve meals at a reduced price to children from households whose income is between the free scale and the reduced price scale of the Income Eligibility Guidelines.

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 The names of the children eligible to receive free or reduced price meals will not be published, posted, or announced in any manner, and there will be no overt identification of any such children by use of special tokens, tickets, or any other means.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

a) work for their meal(s);

b) use a separate dining area or meal service area;

c) go through a separate serving line;

d) enter through a separate entrance;

e) eat a meal at a different time; or

f) eat a meal different from the one sold to children paying the full price.

4. Agrees to avoid any policy or practice that has the effect of overtly identifying eligible children in the sale of competitive foods. If competitive foods are sold, the sale of competitive foods will not inadvertently result in eligible children being identified. Ways to limit overt identification related to the sale of competitive foods include:

a) Limit competitive foods to those also offered as part of reimbursable meals on the reimbursable lunch lines;

b) Offer competitive foods on the same lines as reimbursable meals are offered; or

c) Only allow competitive foods to be purchased with a pre-paid card.

5. Agrees to set reduced price charges for lunch and breakfast at or below the maximum reduced price allowed by regulations and below the full price of the lunch or breakfast. In Colorado, the reduced charge for breakfast is $0, and the reduced charge for lunch for grades PK-2 is $0.

6. Agrees that in the operation of the Child Nutrition Programs no child will be discriminated against because of race, sex, color, national origin, age or disability.

7. Agrees to inform parents of students participating in the program, as well as local minority and grassroots organizations, of the availability of program benefits and services, the nondiscrimination policy, and all significant changes in existing requirements that pertain to program eligibility and benefit.

8. Agrees to verify information on applications for free and reduced price meal benefits according to federal regulations.

9. Agrees that all program literature and radio and TV announcements will contain the nondiscrimination statement and procedures for filing a complaint.

10. Agrees to handle discrimination complaints in accordance with the requirements of federal regulations.

11. Agrees to establish and use a fair hearing procedure under which: (a) a family can appeal a decision made by the SFA with respect to the family's free or reduced price meals. During the appeal and hearing, the child who was determined to be eligible based on the face of the application submitted will continue to receive free or reduced price meals.

Prior to initiating the hearing procedure, the school official, the parent(s), or guardian may request a conference to provide an opportunity for the parent(s) or guardian and school officials to discuss the situation, present information, obtain an explanation of data submitted in the application and the decisions rendered. Such a conference will not in any way prejudice nor diminish the right to a fair hearing.

The hearing procedure shall provide the following for both the family and the SFA:

• A publicly announced, simple method of making an oral or written request for a hearing.

• An opportunity to be assisted or represented by an attorney or other person.

• An opportunity to examine prior to and during the hearing, documents and records presented to support the decision under appeal.

• Reasonable promptness and convenience in scheduling a hearing and adequate notice as to its time and place.

• An opportunity to present oral or documentary evidence and arguments supporting a position without undue interference.

• An opportunity to question or refute any testimony or other evidence and to confront and cross-examine any adverse witnesses.

• That the hearing shall be conducted and the decision will be made by an official who did not participate in the decision under appeal or any previous conference.

• That the decision of the hearing official shall be based on the oral and documentary evidence presented at the hearing and entered into the hearing record.

• That the parties concerned and any designated representative thereof will be notified in writing of the decision of the hearing official.

• That for each hearing a written record shall be prepared, including: the decision under appeal, any documentary evidence and a summary of any oral testimony presented at the hearing, the decision of the hearing official and the reasons therefore, and a copy of the notification will be given to the parties concerned of the hearing official's decision.

• That such written records will be retained for period of three years after the close of the school year to which they pertain. These records will be made available for examination by the parties concerned or their designees at any reasonable time and place during such period.

12. Agrees to designate a qualified individual to review applications and make determinations of eligibility, using the criteria outlined in this policy. When an application is rejected, parents or guardians will be informed of the reason for denial and the hearing procedure.

An individual, not involved in determining eligibility will be designated as the fair hearing official. See the public release for current hearing official and determining official. NOTE: It is suggested that the hearing official hold a position at a higher administrative level than that of the determining official.

13. Agrees to develop and distribute to each child's parent(s) or guardian, a letter as outlined in the Letter to Parents. In addition, an application form for free or reduced price meals will be distributed with the parent letter at or about the beginning of each school year or whenever there is a change in eligibility criteria. The letter to parents with the free or reduced price meal application will have only the income eligibility guidelines for reduced price meals with an explanation that households with incomes at or below the reduced price guidelines may be eligible for either free or reduced price meals.

Interested parents or guardian are responsible for filling out the application and returning it to the school for review. Such applications and documentation of determinations made will be maintained for a period of three years following the end of the school year to which they pertain.

Applications may be filed at any time during the year. Parents or guardians enrolling a child in a school for the first time will be supplied with appropriate meal application materials regardless of the time of year the child is registered. If a child transfers from one school to another under the jurisdiction of the same SFA, his/her eligibility for free or reduced price meals will be transferred to and honored by the receiving school.

Children will be served free or reduced price meals immediately upon the establishment of their eligibility.

14. Agrees to inform households that a foster child is 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 and reduced price meals. If the foster family is not eligible for free or reduced price meal benefits, it does not prevent a foster child from receiving free meal benefits.

Households with children who are categorically eligible under Other Source Categorically Eligible Programs should contact the school for assistance in receiving benefits and mark the relevant box on the application to indicate their status.

15. Agrees to submit a public release containing both the free and reduced price eligibility guidelines and all other information outlined in the parent letter to the local news media, local unemployment offices and major employers contemplating or experiencing large layoffs.

16. Agrees that there are no barriers for participation in Programs for Limited English Proficient (LEP) families and to communicate with parents and guardians in a language they can understand throughout the certification and verification processes.

17. Agrees to establish a procedure to collect money from children who pay for their meals, establish and follow a daily point of service meal counting procedure, and to account for the number of free, reduced price, and full price meals served. The procedure described in the collection and coding forms will be used so no other child in the school will consciously be made aware of the identity of the children receiving free or reduced price meals.

18. The SFA agrees to comply with the provisions of the Direct Certification process, as outlined in the Direct Certification Attachments E, F, and G.

19. The SFA agrees to comply with the requirements of Provision 2, Special Assistance Certification and Reimbursement Alternatives.

20. Agrees to submit to the CDE OSN any alterations to the attachments of this policy before implementation. Such changes will be effective only upon approval from the CDE OSN.

The following are considered part of this policy:

* Letter to Parents
* Application
* Income Eligibility Guidelines
* Public Release
* Direct Certification Agreement
* Notification Method for Direct Certification
* Distribution, Collection, Coding and Point of Service Methods
* Provision 2 Agreement (if applicable)

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| --- | --- |
| **Signature on Behalf of School Food Authority** | **Colorado Department of Education/Child Nutrition** |
|  |  |
| **Signature** | **Signature** |
| **Name (Please Print)** | **Name (Please Print)** |
| **Title** | **Title** |
| **Date** | **Date** |

*If you use CDE’s prototype Public Release, please fill in the district-specific information below. Otherwise, delete this page and paste in a copy of your Public Release.*

**[DISTRICT \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_]**

**2013-2014 School Year**

**PUBLIC RELEASE**

**[1. ]** today announced its policy for determining eligibility of children who may receive free and reduced price meals **[or free milk]** served under the National School Lunch and School Breakfast Programs **[list other Child Nutrition Programs here, if applicable, such as the Afterschool Care Snack Program and Special Milk Program]**. Local school officials will use the following household size and income criteria for determining eligibility.

|  |  |  |
| --- | --- | --- |
|  | FREE MEALS | REDUCED PRICE MEALS |
| Family Size | Yearly | Yearly |
| 1 | $14,937 | $21,257 |
| 2 | $20,163 | $28,694 |
| 3 | $25,389 | $36,131 |
| 4 | $30,615 | $43,568 |
| 5 | $35,841 | $51,005 |
| 6 | $41,067 | $58,442 |
| 7 | $46,293 | $65,879 |
| 8 | $51,519 | $73,316 |
| For each additional  family member add: | $5,226 | $7,437 |

Children from families whose income is at or below the levels shown are eligible for free or reduced price meals.

Application forms are being provided to all homes with a letter to parents. Only one application is required for all children in the household. Additional copies are available in each school. The information provided on the application is confidential and will be used only for the purpose of determining eligibility and verifying data.

Applications from families receiving Supplemental Nutrition Assistance Program (SNAP) benefits (formerly the Food Stamp Program) or Food Distribution Program on Indian Reservations (FDPIR) benefits need only to list the children’s names, name of the person receiving the program benefits, respective case number, and the signature of an adult household member. Eligibility for free meals is extended to all children in the household when the application lists a case number for any household member.

All other households that would qualify based upon income must show the names of all household members related or not (such as grandparents, other relatives, or friends), the amount of gross income each person receives, the frequency and source of pay, the signature of an adult household member, and the last four digits of that adult’s social security number—or check the box if the adult does not have a social security number. The information on the application may be verified by the school or other program officials at any time during the school year.

Households with children who are eligible under the homeless, migrant, or runaway programs should contact the school for assistance in receiving benefits. To complete an application, they must mark the relevant box to indicate their appropriate eligibility.

Foster children that are under the legal responsibility of a foster care agency or court are eligible for free meals. Any foster child in the household is eligible for free meals regardless of income. If a family has just foster children in the home and wishes to apply for meals, they should complete the application using the instructions for households with foster children only. If a family has foster and non-foster children living with them and wishes to apply for meals, they should complete the application using the instructions for households that have foster and non-foster children residing in the home. Including foster children as household members may help other children in the household qualify for meal benefits.

An application cannot be approved unless it contains complete eligibility information as indicated on the application and instructions.

When known to the school district, households will be notified of their children’s eligibility for free meals if they are members of households receiving assistance from SNAP or FDPIR. If the household receives such a notice, no application is required for free meal benefits. If any children in the household were not listed on the eligibility notice, the household should contact the district to have benefits extended to that child(ren).

When known to the school district, households will be notified of any child’s eligibility for free meals if the individual child is categorized as homeless, migrant, or runaway or is enrolled in an eligible Head Start or Even Start program. For any child not listed on the eligibility notice, the household should contact the district about any child also eligible under one of these programs or should submit an application for other children.

Households notified of their children’s eligibility must contact the district if they choose to decline meal benefits.

Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) participants may be eligible for free or reduced price meals. Please contact your school.

Under the provision of the Policy, **[2. ]** will review applications and determine eligibility. If a parent is dissatisfied with the decision, a request may be made to discuss it with the determining official. A formal appeal may be made either orally or in writing to **[3. ]** for a hearing to appeal the decision. The policy contains an outline of the hearing procedure.

Each school has a copy of the complete policy which may be reviewed by any interested party.

Applications may be submitted any time during the school year. If you are not eligible now but have a decrease in income, become unemployed, have an increase in family size, or become eligible for SNAP or FDPIR benefits, you may fill out an application at that time.

**Non-discrimination Statement: This explains what to do if you believe you have been treated unfairly.** “In accordance with Federal Law and U.S. Department of Agriculture policy, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, or disability. To file a complaint of discrimination, write USDA, Director, Office of Adjudication, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410 or call toll free (866) 632-9992 (Voice). Individuals who are hearing impaired or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339; or (800) 845-6136 (Spanish).   USDA is an equal opportunity provider and employer.”

1. Insert name of School Food Authority (District Name).
2. Insert title of person reviewing applications and determining eligibility.
3. Insert title of Fair Hearing Official.