

## **Policy Statement for Providing Free and Reduced-Price Meals to Students**

The local education agency (LEA) accepts responsibility for providing free and reduced-price meals and/or free milk and after school snacks to eligible children. The LEA/school food authority (SFA) assures the Commonwealth of Virginia, Department of Education, Office of School Nutrition Programs (VDOE-SNP), that the LEA/SFA will uniformly implement the following policies to administer the program(s) in all schools and sites under its jurisdiction. In fulfilling these responsibilities, the LEA/SFA agrees to the following provisions:

With the exception of students participating in the Community Eligibility Provision (CEP) for whom meals are served at no cost, serve meals free to children from households whose income is at or below the free meal eligibility scale listed in the current income eligibility guidelines, or whose participation in the Supplemental Nutrition Assistance Program (SNAP), Temporary Assistance for Needy Families (TANF), or the Food Distribution Program on Indian Reservations (FDPIR) qualifies them for direct certification for free meals, or whose migrant, homeless, runaway or foster child status or other federally-approved status as prescribed by the United States Department of Agriculture (USDA), entitles them for categorical eligibility for free meals;

- A. With the exception of students participating in the CEP for whom meals are served at no cost, serve meals at a reduced price to children from households whose income is at or below the reduced-price meal eligibility scale listed in the current income eligibility guidelines or other available resources to serve breakfast meals at no charge to students who are eligible for reduced-price meals;
- B. For school year 2022-2023 and 2023-2024 only, the State budget included providing funding to local school divisions to reduce or eliminate the cost of school breakfast and school lunch for students who are eligible for reduced-price meals under the NSLP and SBP. For these school years only, the cost of reduced-price meals is waived; therefore, students approved for reduced-price meals will not have to pay.
- C. Ensure food is not used as a means of rewarding or punishing students for any purpose;

- D. Ensure no physical segregation or other overt identification of, nor any other discrimination against, any child because of his/her inability to pay the full price. The names of children eligible to receive free or reduced-price meals shall not be distributed, published, posted, or announced in any manner, and there shall be no overt identification of any such children by use of special tokens, tickets, identification numbers, or any other means. Further assurance is given that children eligible for free or reduced-price meals shall not be required to:
- a. work for their meals;
  - b. use separate dining rooms areas;
  - c. go through a separate serving line;
  - d. enter the dining room through a separate entrance;
  - e. eat meals at a different time; and/or
  - f. eat a meal different from the one sold to children paying the full price.
- E. Operate the SNPs so that no child shall be discriminated against on the basis of race, color, national origin, sex (including gender identity and sexual orientation), age, or disability, nor are students separated during the meal service based on gender
- F. Authorize a SFA employee to serve as the Determining Official for the LEA; the Determining Official shall determine student's meal eligibility status based on the 2019-2020 eligibility guidelines or participation in the CEP. This official agrees that information on the application will be used to determine the child's eligibility for only those benefits designated by the parent/guardian. The Determining Official is also authorized to make decisions about extending school meal benefits to students residing in households where other students are directly certified for free meals and who are subsequently eligible to receive them based on USDA guidance. The Determining Official is also responsible for collecting, analyzing, and reporting data to support the LEA's /SFA's identified student percentage (ISP) should the division elect to participate in the CEP (Note: the Determining Official may not serve as the Hearing Official). LEAs are responsible for assuring that the certification and verification processes meet all regulatory requirements and policies including the calculation of income frequencies.
- G. Develop and make available to each child's parent or guardian, a letter as outlined herein, including a household application for free or reduced-price meals, at the beginning of each school year. Parents will be responsible for completing a household application and returning it to the school for review. Such applications and documentation of action taken will be maintained for three years after the end of the school year to which they pertain. Applications are effective for one year. Any parent enrolling a child in a school for the

first time, at any time during the year, shall be provided an application for meal benefits. If a child transfers from one school to another under the jurisdiction of the LEA, his/her eligibility for free or reduced-price meals will be transferred to, and honored by, the receiving school. Parents or guardians will be notified, within ten working days, of the acceptance or denial of their applications. Children will be served meals immediately upon the submission of a complete application; children whose applications are approved for free meal benefits shall not incur charges during the application processing period.

Household applications will not be provided to nor requested from families whose children enrolled in schools participating in the CEP unless there are students in the household that are enrolled in non-CEP schools. Students enrolled in CEP schools will be eligible for breakfast, lunch, and snacks at no cost to the student beginning on the first day of school and continuing for the duration of the school year.

Use data from the state agency's direct certification software to issue meal benefits to students who are directly certified for free meals and to notify the students' households of free meal benefits and allow the household the opportunity to decline free meal benefits should they choose to do so.

Public Law 111-296 allows certification of a foster child for free meals, without application, if the LEA or other SNP institution obtains documentation from an appropriate state or local agency indicating the status of the child as a foster child whose care and placement is the responsibility of the Commonwealth or that the foster child has been placed with a caretaker household by a court. The foster child is categorically eligible and may be certified for meal benefits without an application. Households with foster and non-foster children may choose to include the foster child as a household member, as well as any personal income earned by the foster child, on the same household application that includes their non-foster children; this will streamline the application process and may help the foster family's non-foster children qualify for free or reduced-price meals based on household size and income.

In processing the application, the LEA would certify the foster child for free meals, and then make an eligibility determination for the remainder of the household based on the household's income (including personal income earned by the foster child) or other categorical eligibility information reported on the application. Foster payments received by the family from the placing agency are not considered income and do not need to be reported. The presence of a foster child in the household does not convey eligibility for free meals to all children in the household.

When an application is denied, parents or guardians will be provided written notification which shall include the following:

1. the reason for the denial of benefits (for example: income in excess of allowable limits or incomplete application);
  2. notification of the right to appeal the denial of benefits;
  3. specific instructions on how to appeal; and
  4. a statement reminding parents that they may reapply for free and reduced-price meal benefits at any time during the school year. (Note: The reasons for ineligibility shall be properly documented and retained on file at the SFA level.)
- H. Select and verify by November 15 the eligibility of a sample of the approved free and reduced-price applications on file as of October 1. The SFA further agrees to maintain the following records relative to verification for a period of three years after the end of the fiscal year:
1. total number of applications on file as of October 1;
  2. documentation of the sample selection; and
  3. a summary of all verification activities and outcomes.
- I. Conduct a second review or independent review of all applications to ensure the applications are complete and benefits are accurately issued. This includes applications that were initially determined to be eligible for free and reduced-price benefits.
- J. Designate individuals within the LEA who are authorized to serve as liaisons in the following areas:
- a. Migrant Liaison;
  - b. Homeless/Runaway Liaison;
  - c. Head Start Liaison; and
  - d. Foster Child Liaison.
- These liaisons will be authorized to provide official, accurate information to the LEA's Determining Official for the purpose of determining the categorical eligibility for students who meet pre-established criteria and for using this information as part of the formula to determine the LEA's ISP for the CEP.
- K. Designate a Hearing Official to establish and use a fair hearing procedure under which:
1. a household can appeal a decision made on the original application;

2. a household can appeal an adverse action made because of verification of an application; and
3. the SFA can challenge the continued eligibility of any child. During the appeal and hearing, the child who was determined to be eligible based on the application submitted will continue to receive free or reduced-price meals or free milk.

The Hearing Official may not be connected to the application or verification processes, may not be the School Nutrition Administrator, should hold a higher administrative position than the Determining and Verifying Official, and may not be a Food Service Management Company (FSMC) employee.

## **Hearing Procedure**

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

1. A publicly-announced, simple 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;
3. An opportunity to examine, prior to and during the hearing, the documents and records presented to support the decision under appeal;
4. Reasonable promptness and convenience in scheduling a hearing, and adequate notice as to its time and place;
5. An opportunity to present oral or documentary evidence and arguments supporting a position without undue interference;
6. An opportunity to question or refute any testimony or other evidence and to confront and cross examine any adverse witness(s);
7. A fair hearing that will be conducted and a subsequent decision made by an official who did not participate in the original decision under appeal (or any previous conference);
8. A fair and impartial decision made by the Hearing Official that will be based on the oral and documentary evidence presented at the hearing and entered into the hearing record;

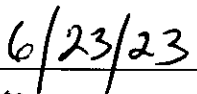
9. Written notification of the decision to all parties concerned and any designated representative thereof;
  10. A written record, including the decision under appeal, any documentary evidence and a summary of any oral testimony presented at the hearing, the decision of the Hearing Official and the reasons therefore, and a copy of the notification to the parties concerned of the Hearing Official's decision; and,
  11. Retention of such written record must be retained for a period of three years after the close of the school year to which it pertains; these records must be made available for examination by the parties concerned or their designees at any reasonable time and place during such period.
- L. Submit a public release annually to notify the public of the process for applying for free and reduced-price meal benefits. At such time during the course of the year the LEA is informed of major employers contemplating or experiencing large layoffs, or other conditions that would result in loss of income to households, the LEA will provide specific information about applying for free or reduced-price school meal benefits to employees whose children may be enrolled in the LEA. In addition, the LEA agrees to provide such a public release whenever there is a change in eligibility criteria, unless specifically exempted from doing so. The public release must inform the household to contact the school or LEA if any student was not listed on the application.
- M. For non-CEP schools, establish written procedure(s) to collect money from children who pay for their meals and milk and to account for the number of free, reduced-price, and full price and alternate meals served. The procedure described will be used so that no other child in the school will be aware of such procedure or the identity of the children receiving free or reduced-price meals or free milk. For schools participating in the CEP, establish a written procedure to count all reimbursable breakfasts, lunches, and snacks served to students at no cost. The procedure shall ensure all students enrolled in CEP schools receive meals at no cost and that only one meal or snack is claimed per student.
- N. Agree, for schools participating in CEP: the years the provision will be in effect are as specified in the CEP schedule in the SNP Application; the four-year cycle will expire on the date specified in the Addendum to the Annual Agreement; the April 1 ISP reported in the last year of the four-year cycle will be used to reconsider CEP eligibility; and, the data used to reconsider eligibility and begin a new four-year cycle will be submitted to the VDOE-SNP to validate the April 1 ISP, including the number of identified students and the school enrollment.
- O. Submit to the VDOE-SNP, any revisions to the administrative procedures outlined in this policy statement before implementation. Such changes will be effective only upon approval

by the department. All changes in eligibility criteria must be publicly announced in the same manner used at the beginning of the school year.

**School Nutrition**

  
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Signature of School Nutrition Director

  
\_\_\_\_\_  
Printed Name of School Nutrition Director

  
\_\_\_\_\_  
Date

**Virginia Department of Education**

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Signature

Dr. Sandra Curwood,  
Director, School Nutrition Programs

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Date