



Utah State Board of Education
Child Nutrition Programs
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Salt Lake City, UT 84114-4200
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POLICY STATEMENT FOR FREE AND REDUCED-PRICE MEALS

LEA NAME:

The above-named sponsor has an agreement to participate in the National School Lunch Program (NSLP), National School Breakfast Program (NSBP) and/or Special Milk Program (SMP). Program participation is recorded in CNPWeb. In accordance with 7 CFR 245.10, each Local Education Agency (LEA) participating in the NSL, SBP and/or the SMP with the free milk option must have an approved free and reduced-price policy statement on file with the Utah State Board of Education Child Nutrition Program office that accurately describes its current free and reduced-price policy.

Standard counting and claiming schools accept responsibility for providing free and reduced-price meals or snacks or free milk to eligible children in the facilities under its jurisdiction, **effective SY23-24**. This policy statement is permanent as approved.

Community Eligibility Provision Schools, Provision 2 and Provision 3 Schools (NSLP & SBP) accept responsibility for providing meals or snacks to all children at no cost in approved schools under its jurisdiction, **effective SY23-24**. Such schools are exempt from parts A, B, C, E, F, G and H of this agreement.

The sponsor assures the Utah State Board of Education that it will uniformly implement the following policy to determine children's eligibility for free and reduced-price meals or free milk in all child nutrition programs under its jurisdiction. In fulfilling its responsibility, the sponsor:

- A. **Eligibility Official.** Agrees to designate an LEA official as an application approving official. The approving official will use the criteria outlined in this policy to determine which individual children are eligible for free or reduced-price meals or free milk. The name of the individual responsible is recorded on CNPWeb.
 - i. **Application Procedures.** Agrees to distribute to the households of enrolled children: a letter to households and an application for free and reduced-price meals or free milk. These items are to be distributed at the beginning of each year. LEAs will ensure there are no barriers for participation in our 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. Application materials will be made available in languages applicable to the school population. The LEA will follow the current USDA FNS guidance and policy in determining free and reduced-price meal eligibility. Applications may be completed at any time during the year. Any household enrolling a child for the first time, at any time during the year, shall be supplied with such documents.
 - ii. **Direct Certification.** The LEA will directly certify students in the CNPWeb Direct Certification module complying with the process established by the state Child Nutrition Programs.
 - iii. **Foster Child.** 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 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;

- iv. **Categorically Eligible.** Households with 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.
- v. **Free Meals or Milk.** Agrees to serve meals, snacks, or milk free to children from families who receive SNAP, TANF, FDPIR, Homeless, Migrant, Foster, Runaway, or whose income is at or below the current year Income Eligibility Guidelines for free meals or milk.
- vi. **Reduced-Price Meals or Snacks.** Agrees to serve meals or snacks at a reduced price to children from families whose income falls between the free meal scale and the maximum percent of the current year Income Eligibility Guidelines.
- vii. **Transfer Students.** If a child transfers from one facility to another under the jurisdiction of the same sponsor, his/her eligibility for a free or reduced-price meal or snack or free milk will be transferred to and honored by the receiving facility.
 - i. **Notification.** All children from an eligible household will receive the same benefits. Within ten working days of the receipt of application, parents or guardians will be notified individually of the acceptance or denial of their application [7 CFR 245.6(c)(6)(i)].
 - ii. **Denied Application.** When an application is denied, households will be provided written notification of the reason for denial and the hearing procedure.
 - iii. **Effective Eligibility.** Children will be served free or reduced-price meals or snacks or free milk immediately upon the establishment of their eligibility.

- B. **Meal Charges.** Agrees that the maximum reduced price charged to eligible students shall not exceed 40 cents for a lunch, 30 cents for a breakfast, 15 cents for a snack for private schools, and no charge for snacks for public schools.
 - i. Agrees to establish a procedure to collect money from children who pay for their meals, snacks or milk and to account for the number of free, reduced-price, and full-price meals or snacks and free and full-price milk served.
 - ii. The LEA annually provides written notification of the meal charge policy.
- C. **Overt Identification.** The LEA ensures procedures prevent overt identification of children receiving free or reduced-price meals, afterschool snacks or free milk. LEAs selling competitive foods during a meal service in the cafeteria prevents overt identification of children receiving free and reduced-price meals or free.
 - i. The LEA has taken to prevent disclosure of confidential free and reduced-price eligibility information as required under 7 CFR 245.6(f-k).
- D. **Non-discrimination.** Agrees that there will be no physical segregation of, nor any other discrimination against, any child because of his/her inability to pay the full price of the meal, snack or milk. The names of the children eligible to receive free or reduced-price meals or snacks or free milk will 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 any other means. Further assurance is given that children eligible for free or reduced-price meals or snacks or free milk shall not be required to: work for their meals, snacks or milk, use a separate dining area, go through a separate serving line, enter the dining area through a separate entrance, consume meals, snacks or milk at a different time, or consume a meal, snack or milk different from the one sold to children paying the full price.
 - i. The LEA/Sponsor hereby agrees that it will comply with Title VI of the Civil Rights Act of

1964 (42 U.S.C. § 2000d to 2000d-6) and all requirements imposed by the regulations of the Department of Agriculture (7 CFR Part 15), The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), Department of Justice (28 CFR Parts 42 & 50), the Civil Rights Restoration Act of 1987, Enforcement of Title VI of the Civil Rights Act of 1964, the Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681 et. seq.), Section 504 of the Rehabilitation Act of 1973, the Age of Discrimination Act of 1975 (45 CFR Part 91), the Americans with Disabilities Act (28 CFR Part 35, Title II, Subtitle A), and Food and Nutrition Service (FNS) directives or regulations issued pursuant to that act and the regulations to the effect that no person in the United States shall, on the grounds of race, color, national origin, gender, age, or disability, be excluded from participation in, or be denied the benefits of, or be otherwise subject to discrimination under any program or activity for which the applicant received federal financial assistance from the department; and HEREBY GIVES ASSURANCE THAT it will immediately take any measures necessary to effectuate this agreement.

- ii. The LEA ensures the current USDA Nondiscrimination statement is used on all materials informing the public about USDA Food and Nutrition Service Child Nutrition Programs.

E. **Verification.** The LEA ensures to follow program regulations and correct verification type as noted on CNPWeb. The verification pool will reflect all current year approved free and reduced-price meal applications as of October 1. The LEA will complete all verification activities by November 15th each year as specified in 7 CFR 245.6(a).

F. **Recordkeeping and Reporting.** Agrees to verify in accordance with program regulations and maintain records as follows: (1) a summary of the verification efforts; (2) the total number of applications on file; and (3) the number of applications verified. Information will be reported in CNPWeb and reviewed as part of the Administrative Review.

G. **Fair Hearing Procedures.** The LEA agrees to establish and use a fair hearing procedure for households' appeals of the decision on an application. A record of all such appeals and challenges and their dispositions shall be retained. The LEA agrees to designate an LEA official as a hearing official. The hearing official will follow applicable procedures for fair hearings. The hearing official cannot be the same person as the application approving official.

- i. Name or Position Title of the Hearing Official:
- ii. The household may request a conference with an appropriate LEA or school food service official prior to a formal hearing.
- iii. 10-Calendar Day Advance Notice Period. When a household appeals a reduction or termination of benefits within the 10-calendar day advance notice period, the LEA must continue to provide the benefits for which the child was originally approved, until a final determination is made. The LEA may continue to claim reimbursement at the original level during this period.
 - When a household does not request an appeal during the 10-calendar day advance notice period, benefits must be reduced or terminated no later than 10 operating days after the notice period. If the hearing official rules the child's benefits must be reduced, the actual reduction or termination of benefits must take place no later than 10 operating days after the hearing official's decision.
- iv. The hearing procedures outlined in 7 CFR 245.7 provide the household and LEA:
 - A simple, publicly announced method to make 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, any documents and

- records presented to support the decision under appeal;
 - An opportunity to present oral or documentary evidence and arguments supporting a position without undue interference; and
 - An opportunity to question or refute any testimony or other evidence and to confront and cross-examine any adverse witnesses.
- v. The hearing must be held with reasonable promptness and convenience, and adequate notice shall be given as to the time and place of the hearing;
 - vi. The hearing must be conducted, and the decision made by a hearing official who did not participate in making the decision under appeal or in any previously held conference;
 - vii. 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;
 - viii. The parties concerned and any designated representative shall be notified in writing of the decision of the hearing official;
 - ix. A written record shall be prepared with respect to each hearing, which shall include the challenge or 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 therefor, and a copy of the notification to the parties concerned of the decision of the hearing official; and
 - x. The written record of each hearing shall be preserved for a period of three years and shall be available for examination by the parties concerned or their representatives at any reasonable time and place during that period.

H. **Program Materials.** The state office will complete a state-wide public media release for all currently approved NSLP sponsors. Sponsors approved after the state-wide public media release will notify the public through public media release to the local media, unemployment offices and major employers contemplating large layoffs in the attendance area of its schools. A copy of the media release is available CNPWeb School Meal Programs offline forms. The LEA will use the USDA Food and Nutrition Service, USBE Child Nutrition Program templates or ensure all required for the:

- Media Release for Free and Reduced-Price Meals or Milk;
- Letter to Households;
- Application for Free and Reduced-Price Meals;
- 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.

I. **Amendments.** The policy statement becomes a part of the permanent agreement and must be amended with the LEA makes a substantive change to it free and reduced-price policy. Amendments must be submitted to the state office by October 15 each year. The amendments must be approved by the State agency prior to implementation. The amendments must reflect changes made by the LEA (e.g., changes in collection procedures, designation of new approving or hearing officials, changes in procedures for accepting applications, revisions in the letter to households or application for free and reduced-price meals or free milk).

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Local Official Signature

Title of Local Official

Date

In accordance with federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, this institution is prohibited from discriminating on the basis of race, color, national origin, sex (including gender identity and sexual orientation), disability, age, or reprisal or retaliation for prior civil rights activity.

Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication to obtain program information (e.g., Braille, large print, audiotape, American Sign Language), should contact the responsible state or local agency that administers the program or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339.

To file a program discrimination complaint, a Complainant should complete a Form AD-3027, USDA Program Discrimination Complaint Form which can be obtained online at: <https://www.usda.gov/sites/default/files/documents/ad-3027.pdf>, from any USDA office, by calling (866) 632-9992, or by writing a letter addressed to USDA. The letter must contain the complainant's name, address, telephone number, and a written description of the alleged discriminatory action in sufficient detail to inform the Assistant Secretary for Civil Rights (ASCR) about the nature and date of an alleged civil rights violation. The completed AD-3027 form or letter must be submitted to USDA by:

- (1) mail:
U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410; or*
- (2) fax:
(833) 256-1665 or (202) 690-7442; or*
- (3) email:
program.intake@usda.gov*

This institution is an equal opportunity provider.