

EEA-R Free and Reduced Meals

6/10/15

(GSBA Reference: EEA – Free Food Service)

RATIONALE/OBJECTIVE:

The Cobb County School District (District) has entered into agreement to participate in the National School Lunch Program and School Breakfast Program, and to receive commodities donated by the United States Department of Agriculture. The District provides free and reduced price meals to eligible children in the schools under its jurisdiction.

RULE:

The District implements the following Rule with respect to determining the eligibility of children for free and reduced price meals in the National School Lunch Program and National School Breakfast Program.

A. FREE AND REDUCED PRICE MEALS:

1. In providing free and reduced price meals, the District:
 - a. Serves meals free to children from families whose income is at or below that listed in the Eligibility Scale.
 - b. Serves meals at the reduced price annually recommended by USDA to children from families whose income is at or below that listed in the Eligibility Scale.
 - c. Provides these benefits to children from families experiencing unemployment which causes the family income to fall within the criteria specified in the Eligibility Scale.
 - d. Mandates that there will be no physical segregation of, or any other discrimination against, any student because of inability to pay the full price of the meal:
 - (1) The names of students eligible to receive free or reduced price meals shall not be published, posted or announced in any manner and there shall be no overt identification of any such student by use of special tokens or tickets or by any other means.
 - (2) Students eligible for free or reduced price meals shall not be required to:
 - (a) Work for their meals,
 - (b) Use a separate dining room or separate area of the dining room,
 - (c) Go through a separate serving line,
 - (d) Enter the dining room through a separate entrance,
 - (e) Eat lunch or breakfast at a different time, or
 - (f) Eat a different meal from the meal sold to children paying the full price.
 - e. Mandates that in the operation of child nutrition programs, no child shall be discriminated against because of race, color, national origin, religion, age, sex or handicap, and
 - f. Will establish and use a fair hearing procedure in cases of appeal by parents/guardians of the school's decisions on applications and for school officials' challenges to the correctness of information contained in an application or of the continued eligibility of any students for free or reduced price meals.
 - (1) During the appeal and hearing, the student will continue to receive free or reduced price meals.
 - (2) Prior to initiating the hearing procedure, the parent/guardian or local school official may request a conference to provide an opportunity for the parent/guardian and school official to discuss the situation, present information, and obtain an explanation of data submitted in the application and decisions rendered. Such a conference shall not in any way prejudice or diminish the right to a fair hearing.
 - (3) The hearing procedure shall provide:

- (a) A publicly-announced, simple method for making an oral or written request for a hearing,
 - (b) An opportunity to be assisted or represented by an attorney or other person,
 - (c) An opportunity to examine, prior to and during the hearing, the documents and records presented to support the decision under appeal,
 - (d) That the hearing shall be held with reasonable promptness and convenience and that adequate notice shall be given as to the time and place of the hearing,
 - (e) An opportunity to present oral or documentary evidence and arguments supporting a position without undue interference,
 - (f) An opportunity to question or refute any testimony or other evidence and confront and to cross-examine any adverse witness,
 - (g) That the hearing shall be conducted and the decision made by a hearing official who did not participate in the decision under appeal or any previous conference,
 - (h) 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,
 - (i) That the parties concerned and any designated representative thereof shall be notified in writing of the decision of the hearing official,
 - (j) That a written record shall be prepared with respect to each hearing. This record 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 hearing official's decision, and
 - (k) That such written record of each hearing shall be preserved for a period of three years after the end of the fiscal year to which it pertains and shall be available for examination by the parties concerned or their representative at any reasonable time and place during such period.
- g. Designates the Regulations Supervisor to review applications and make determinations of eligibility. This official will use the criteria outlined in this Rule to determine which individual students are eligible for free or reduced price meals.
- h. Will develop and send to each student's parent/guardian a letter, including an application form for free and reduced price meals at the beginning of each school year, unless specifically exempted from doing so:
- (1) Parents/guardians will be requested to complete the application and return it to the determining official (named in "g" above) for review.
 - (2) Such applications and documentation of action taken will be maintained for five years after the fiscal year to which they pertain or according to the District's records retention schedule, whichever is longer.
 - (3) If the audit findings have not been resolved, the records shall be retained beyond the five-year period as long as required for the resolution of issues raised by the audit.
 - (4) Applications may be filed at any time during the year and any parent/guardian enrolling a student in a school for the first time, at any time during the year, shall be supplied with such documents.
 - (5) If a student transfers from one school to another within the District, his/her eligibility for a free or reduced price meal will be transferred to and honored by the receiving school.
 - (6) All students from a household will receive the same benefits based on income information; however, categorical eligibility may be different for individual students.
 - (7) Students will be served meals immediately upon the establishment of their eligibility.
 - (8) When an application is rejected, parents/guardians will be informed of the reason for denial and of the hearing procedure. The designated hearing official is the Executive Director Food and Nutrition Services, 6975 Cobb International Boulevard, Kennesaw, Georgia, 30152.
- i. Provides to local grassroots organizations and any major employers contemplating or experiencing large layoffs, a public release containing the same information outlined in the parent/guardian letter at the beginning of the school year. In addition, the District will provide a public release to all newspapers in the area.

- j. Will establish a procedure to collect money from students who pay for their meals and to account for the number of free, reduced-price and full-price meals. The procedure referenced in the Meal Accountability Procedures will be used so that no other student in the school will consciously be made aware, by such procedure, of the identity of the students receiving reduced price or free meals.
- k. Will submit to the Georgia Department of Education any alteration or amendments to policy, including eligibility criteria, applications, public announcements, collection procedures, etc., for approval prior to implementation. Such changes will be effective only upon approval. Any changes in eligibility criteria must be publicly announced in the same manner used in the beginning of the school year.
- l. Verifies in accordance with program regulations and maintain records as follows:
 - (1) By November 15, by random sample or by focused sample, a number of approved applications on file on October 1, using the following procedures:
 - (a) Randomly select at a minimum 3 percent or 3000 whichever is less of the number of applications approved for free and reduced price meals that are on file on October 1 or from applications approved based on income and claiming monthly income within \$100.00 or yearly income within \$1,200 of the eligibility limit for free or reduced-price meals, one percent; plus 0.5 percent of food stamp households whose applications provided food stamp case numbers in lieu of income information.
 - (b) Mail to parents/guardians of selected students written notification of their selection, which includes acceptable sources of income documentation.
 - (c) If documentation does not support the present approved category, mail parents/guardians an Adverse Action letter outlining change in status and date of change (10 days from date of letter).
 - (d) If no response to notification letter, send Adverse Action letter indicating no response, and change of status to "denied" (10 days from date of letter) because of no response.
 - (e) Provide a discussion and/or hearing (using procedures previously outlined) if requested by parents/guardians.
 - (f) If no response is received to the second letter within ten days, immediately terminate the eligibility for all students in the household.
 - (g) Maintain "School Verification Record of Action."
 - (2) Complete "School Summary of Verification Efforts" by November 15 and submit to system office. Maintain "School Verification Record of Action," to support the summary.
 - (3) Complete Verification Reporting and submit to area school nutrition consultant.
 - (4) Maintain a file of all documentation used in verification, including copies of all letters sent to each parent/guardian along with copies of income documentation supplied by parents/guardians and documentation of current food stamp or AFDC eligibility.
- m. Implements accountability requirements as spelled out by the United States Department of Agriculture in 7CFR210.8 to include, at a minimum:
 - (1) Developing and implementing meal accountability procedures.
 - (2) Performing monthly edits of all school claims for reimbursement.
 - (3) Monitoring meal accountability procedures during an annual review of each school.
- n. Assigns to School Nutrition Program personnel primary responsibilities for the following functions:
 - (1) Collecting cash for meals served to students.
 - (2) Counting meals served for the purpose of filing reimbursement claims.
 - (3) Processing applications for approval and denial of free and reduced-price meals.
 - (4) Maintaining a current student eligibility list.
 - (5) Verifying free and reduced-price meal applications.

B. FORMS AND DOCUMENTS:

Forms and documents issued by the Division of School Food and Nutrition for the implementation of this Rule are in accordance with the policies, rules and regulations of the Georgia Department of Education and the United States Department of Agriculture and are considered an extension of this Rule.

Reclassified an Administrative Rule: 9/1/04
Revised: 9/13/89; 9/27/90; 8/14/91; 11/10/93; 9/7/05
Revised and recoded: 8/23/12 (Previously coded as Administrative Rule EFC)
Revised: 6/10/15

Legal Reference

O.C.G.A. 20-02-1170	Penalty for providing false information on free or reduced food application
O.C.G.A. 20-02-0187	School lunch program/personnel; instruction in nutrition, hygiene, etiquette and social graces
Rule 160-5-6-.01	Statewide School Nutritional Program
42 USC 1751	School Lunch Programs
42 USC 1766	Child and Adult Care Food Program
42 USC 1773	School Breakfast Program
07 CFR 215.1	Special Milk Program for Children, under the Child Nutrition Act
07 CFR 220.12	School Breakfast Program-Competitive Food Services
42 USC 1758	Program requirements-School Lunch Program
07 CFR 210.1	National School Lunch Program - general purpose and scope