

## **Free and Reduced Price Policy Statement**

### **For ALL Child Nutrition Programs, the Sponsor:**

1. Accepts responsibility for providing free and reduced-price meals or after school snacks or free milk to eligible children in the facilities under its jurisdiction.
2. Assures the State Agency that it will uniformly implement the following policy to determine children's eligibility for free and reduced-price meals or after school snacks or free milk in all child nutrition and commodity programs under its jurisdiction following all regulations and policies set forth by 7 CFR245.10 (a)(1-5) and the Eligibility Manual for School Meals.
3. In fulfilling its responsibility, agrees to:
  - a. Free and Reduced Price Meal Benefit Issuance
    - i. Designate a determining official to review applications and make determinations of eligibility. This official will use the criteria outlined in this policy to determine which individual children are eligible for free or reduced-price meals or snacks or free milk.
    - ii. Distribute to each enrolled child's parent or guardian, a letter to households including an application for free and reduced-price meals or snacks or free milk, unless the household has been directly certified. These items are to be mailed at the beginning of each year, and whenever there is a change in eligibility criteria.
    - iii. Use the prototype household Free and Reduced Price materials as referenced in the Materials section or seek approval of any alterations or amendments including use of software that includes an electronic online Free and Reduced Price Application to the State Agency, prior to implementation. Such changes will be effective only upon approval. All changes in eligibility criteria must be publicly announced in the same manner as used at the beginning of the year.
    - iv. Supply application documents to any household enrolling a child for the first time at any time during the year unless the child is directly certified.
    - v. Determine eligibility in accordance with the current Income Eligibility Guidelines and procedures set forth in the Eligibility Guidance Manual.
    - vi. Serve meals, snacks or milk free to children from households who receive Supplemental Nutrition Assistance Program (SNAP), Food Distribution Program for Households on Indian Reservations (FDPIR) or Temporary Assistance for Needy Families (TANF) benefits or whose income is at or below the eligibility scale for free meals or milk.
    - vii. Utilize the Direct Certification Application (DCA) system to complete direct certification with SNAP, at least three times each year.
    - viii. Serve meals, snacks or milk free to children determined as homeless, runaway, migrant, foster or Head Start.
    - ix. Serve meals or snacks at a reduced-price to children from households whose income is at or below the current eligibility scale for reduced-price meals or snacks.

- x. Notify parents or guardians individually of the acceptance or denial of applications within ten working days of the receipt of application and serve children free or reduced-price meals or snack or free milk immediately upon the establishment of meal eligibility.
- xi. Allow households to complete applications at any time during the school year.
- xii. Provide the following explanations with Free and Reduced-Price Application materials:
  - a. Households with children who are categorically eligible under Other Source Categorically Eligible Programs (homeless, runaway, migrant, Head Start) should contact the school/sponsor for assistance in receiving benefits and indicate the source of their status on the application.
  - b. Foster child(ren) are 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. The explanation must say 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.
- xiii. Charge no more than 40 cents for a lunch, 30 cents for a breakfast, and 15 cents for a snack served to a reduced-price eligible child.
- xiv. Establish a procedure to collect money from children who pay for their meals, snacks or milk that prevents overt identification and to account for the number of free, reduced-price, and full-price meals or snacks and free and full-price milk served. All districts will develop a board approved Charge Policy for school meals.
- xv. Prevent disclosure of confidential free and reduced-price eligibility information as required under 7 CFR 245.6 (f-k).
- xvi. Maintain applications and documentation of action taken for three years after the end of the year to which they pertain.

b. Verification – 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 in accordance with program regulations and maintain records for a period of three (3) years as follows:

- i. The total number of applications on file by October 1.
- ii. The total number of students approved for free or reduced-price meals on October 31.
- iii. Documentation of sample selection.
- iv. Summary of the verification efforts.

c. Nondiscrimination Practices and Hearing Procedures

- i. Operate the child nutrition programs so that no child shall be discriminated against because of race, color, national origin, sex, age, or disability.

- ii. Ensure there are no barriers for participation for Limited English Proficient (LEP) families and to communicate with parents and guardians in a language they can understand throughout the certification and verification process.
- iii. No physical segregation of, nor any other discrimination against, any child because of his/her inability to pay the full price of a 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.
- iv. Conduct annual Civil Rights training for all frontline staff and supervisors who work with program applicants or participants. Training materials are available on the State Agency website.
- v. Collect and report available racial and ethnic data of program participants.
- vi. Notify the public of participation in the applicable Child Nutrition Programs.
  - a. Notification must include, program availability, complaint procedures and nondiscrimination statement.
  - b. Prominent display of the 'And Justice for All' Poster.
  - c. The State Agency will send a statewide alert to the media.
  - d. Provide alternative information formats for disabled persons.
  - e. Use the nondiscrimination statement on publications and websites.
  - f. Convey equal opportunity in photographs.
- vii. Make reasonable substitutions or modifications for children whose disabilities restrict their diet as described in 7 CFR Part 15b.
- viii. Provide households a written notification for the reason for denial of an application and the hearing procedure. The designated hearing official must be someone not involved in the original eligibility determination. It is suggested that he/she hold a position superior to that of the determining official.
- ix. Establish and use a fair hearing procedure for household's appeals of the decision on an application and for official's challenges to the continued eligibility of any child for free or reduced-price meals or snacks or free milk. During the appeal and hearing, the determining official's decision will be in effect. A record of all such appeals and challenges and their dispositions shall be retained for three years. Prior to initiating the hearing procedures, the parent or local official may request a conference to provide an opportunity for the parent and 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. The hearing procedure shall provide the following:

- 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. Reasonable promptness and convenience in scheduling a hearing and adequate notice 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 to confront and cross-examine any adverse witnesses.
- g. Assurance that the hearing be conducted and the decision made by a hearing official who did not participate in the decision under appeal or in any previous conference.
- h. Assurance that the decision of the hearing official be based on the oral and documentary evidence presented at the hearing and made a part of the hearing records.
- i. Assurance that the parties concerned and any designated representative thereof be notified in writing of the decisions of the hearing official.
- j. Assurance that for each hearing, a written record 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 to the parties concerned of the hearing official's decision.
- k. Assurance that such written record be preserved for a period of three years after the close of the year to which they pertain and shall be available for examination by the parties concerned or their representatives at any reasonable time and place during such period.

d. Materials – Use updated materials as provided to Sponsors each year in the Montana Agreement and Payment System and/or on the State Agency website. The following items are adopted with and considered part of this policy:

- i. Application for Free and Reduced-Price Meals;
- ii. Income Eligibility Guidelines;
- iii. Letter to Households;
- iv. Media Release;
- v. Notice to households of approval or denial of benefits;

- vi. Notice to households of selection for verification;
- vii. Notice to households of adverse action;
- viii. Notice of eligibility, based on Direct Certification;
- ix. Income Eligibility Guidance Manual;
- x. USDA Special Needs Guidance; and
- xi. Civil Rights Training.

**For schools participating in Community Eligibility Provision, the Sponsor agrees to:**

Include a list of all schools participating in CEP in the CEP Schedule (7 CFR 245.9(g)(1)) and the following information for each school:

- The initial school year of implementing CEP (7 CFR 245.9(g)(1)(i));
- The school years the cycle is expected to remain in effect (7 CFR 245.9(g)(1)(ii));
- The school year the CEP must be reconsidered (7 CFR 245.9(g)(1)(iii));
- The available and approved data that will be used in reconsideration, as applicable (7 CFR 245.9(g)(1)(iv)); and
- A certification that the school(s) meet the criteria for participating in CEP, as specified in paragraphs (a), (b), (c), (d), (e) or (f) of 7 CFR 245.9, as appropriate (7 CFR 245.9(g)(2)).

**Nondiscrimination Statement:**

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 complaint of discrimination, 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/USDA-OASCR%20P-Complaint-Form-0508-0002-508-11-28-17Fax2Mail.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](mailto:program.intake@usda.gov).

This institution is an equal opportunity provider.