Local Education Agency Free and Reduced-price Meals Fair Hearing Procedure Template

Households that disagree with the meal benefit determination made on an Application for Educational Benefits or as a result of the verification process have a right to appeal the benefit determination decision. During the appeal and hearing process, meal benefits, which were determined on the face value of the application submitted, will continue to be received.

Appeals Conference

Prior to initiating the fair hearing procedure, the school hearing official, the parent or guardian may request an appeal conference to provide an opportunity to discuss the situation present information, obtain an explanation of information submitted in the application, and the benefit decision rendered. The appeals conference is informal in nature and may be held in person, virtually, or by phone. Local Education Agency (LEA) participants may include the determining official and/or School Nutrition Program Director. The appeals conference provides an opportunity for the household to clarify information provided on the Applications for Educational Benefits. All clarifications should be documented on the application with the date of the clarification. Based on the information the household provides the determining official may re-determine the meal benefit. If the household is not satisfied with the results of the conference, a Fair Hearing may be requested. Such a conference shall not in any way prejudice or diminish the right to a fair hearing.

Fair Hearing

A Fair Hearing is a formal review conducted by the LEA Hearing Official who was not involved with the initial meal benefit determination. The hearing procedure shall provide the following for both the household and the local educational authority.

1. A simple, publicly announced method to make 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, any documents and records presented to support the decision under appeal;
4. An opportunity to present oral or documentary evidence and arguments supporting a position without undue interference;
5. An opportunity to question or refute any testimony or other evidence and to confront and cross-examine any adverse witnesses;
6. 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;
7. 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;

8. 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;
9. The parties concerned and any designated representative shall be notified in writing of the decision of the hearing official;
10. 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;
11. 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.

LEA Fair Hearing Procedure

Households must request an Appeals Conference or Fair Hearing within 10 calendar days of receiving the notice of benefit determination.

If the household is not satisfied with the results of the Appeals Conference, a Fair Hearing must be requested within 7 calendar days following the Appeals Conference.

Conference and hearing request can be made by: email to spencer.fischer@district196.org (phone, email, etc.)

An Appeals Conference and/or Fair Hearing request will go to Spencer Fischer (staff name) for scheduling.

The LEA will provide a notice with the date and time of the conference or hearing within 14 calendar days of receiving the request for an appeals conference of fair hearing.

A minimum of 3 LEA staff will be present at each Appeals Conference and/or Fair Hearing. One staff person will be responsible for maintaining meeting minutes. The determining official may participate.

The appeal will be considered abandoned if:

- Households do not submit a request for a conference/hearing within 10 days of receiving the notice of benefit determination.
- Households or their authorized representative does not participate in the conference/hearing.

Within 14 calendar days of the fair hearing, households will be provided with written notification of the results of the hearing. The hearing official's decision is final.

Appeal documentation will be maintained for three years and stored Nutrition Services Department (location).