

Appeal Hearing Fact Sheet

Households Can:

- Appeal their free/reduced price eligibility determination.
- Make an oral or written request for a hearing.
- Be assisted or represented by an attorney, an advocate, or other person.
- Examine the documents and records supporting the decision being appealed before the hearing.
- Request a school conference prior to a formal hearing. Any such conference must not prejudice a later appeal.

1. Scheduling a Hearing

- The hearing should be reasonably prompt and convenient for the household.
- Adequate notice will be given to the household at the time and place of the hearing.

2. Hearing Procedure

- The household will have an opportunity to present oral or documentary evidence and arguments supporting its position without undue interference.
- The household will have an opportunity to question or refute any testimony or other evidence and to confront and cross-examine any adverse witnesses.
- The hearing shall be conducted and the decision made by a hearing official who did not participate in the action being appealed or in any previously held conference.
- The decision shall be based on the oral and documentary evidence presented at the hearing and made a part of the record.

3. After a Hearing

- The household and any designated representative shall be notified in writing of the decision of the hearing official.
- A written record shall be prepared which includes the action being appealed, any documentary evidence and a summary of oral testimony presented at the hearing, the decision and the reasons for the decision of the hearing official, and a copy of the notice sent to the household of the decision of the hearing official.
- The written record shall be maintained for a period of three years following the conclusion of the hearing, during which it shall be available for examination by the household or its representatives at any reasonable time and place during that period.

Reminders

- If a household requests a hearing within the 10 calendar day advance notice period, the child shall continue to receive free or reduced-price meals or free milk until a decision is rendered. The school may continue to claim reimbursement at that level during this period.
- The hearing official must be an individual who was not connected with the approval or verification process. Question #79 on the Sponsor Summary in the CNPweb lists the hearing official.
- If the hearing official rules that benefits must be reduced, the actual reduction or termination of benefits must take place no later than 10 operating days after the 10 calendar day advance notice period, or 10 operating days after the decision by the hearing official.