



WISCONSIN SCHOOL NUTRITION **IN A NUTSHELL**

Fair Hearing Procedure for Free and Reduced-Price Meals or Free Milk

Per the [Permanent Agreement/Policy Statement](#) that each school food authority (SFA) agrees to when completing the online contract with the Department of Public Instruction (DPI)-School Nutrition Team (SNT), each local educational agency (LEA) of a school participating in the National School Lunch Program, School Breakfast Program, or the Special Milk Program agrees to establish a hearing procedure that meets all of the requirements of [USDA regulations 7 CFR 245.7](#). The Fair Hearing Procedure must be used when households appeal either a determination of benefits (the decision made by the LEA with respect to the households free and reduced-price meal application) or a decision based on the verification of benefits (the continuation of benefits). A Fair Hearing is a formal review conducted by the LEA Hearing Official who was not involved with the initial meal benefit determination.

Prior to initiating the hearing procedure, the SFA's Determining Official, the parent(s) or the guardian may request a conference to provide an opportunity for the parent(s)/guardian and school official(s) to discuss the situation, present information, obtain an explanation of data submitted in the application, and decisions rendered. Such a conference shall not in any way show prejudice nor diminish the right to a fair hearing. If the household appeals the adverse action within the 10-day advance notice period, the child who was determined to be eligible based on the face value of the application submitted will continue to receive free or reduced-price meals or free milk during the appeal and hearing.

Steps of Fair Hearing Process

The hearing procedure shall provide the following for both the household and the LEA:

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 Template

Households must request an Appeals Conference or Fair Hearing within _____ 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 _____ calendar days following the Appeals Conference.

Conference and hearing request can be made by: (phone, email, etc.) An Appeals Conference and/or Fair Hearing request will go to (staff name) for scheduling.

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

A minimum of _____ 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 _____ days of receiving the notice of benefit determination.
- Households or their authorized representative does not participate in the conference/hearing.

Within _____ 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_____.

Note: LEAs have local discretion on the timeline of the Fair Hearing. For more information, refer to the [Eligibility Manual for School Meals](#).