



DEPARTMENT OF EDUCATION

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SCHOOL NUTRITION PROGRAMS
MEAL BENEFIT FORM AND AGREEMENT FOR CHILD NUTRITION PROGRAMS
POLICY STATEMENT FOR FREE AND REDUCED-PRICE MEALS AND/OR
AFTER SCHOOL SNACK PROGRAM
SCHOOL YEAR [Insert Current SY]

\_\_\_\_\_ has agreed to participate in the:
(insert name of School Food Authority)

- School Lunch Program
School Breakfast Program
Afterschool Snack Program
Special Milk Program

and accepts responsibility for providing (1) free and reduced-price meals or (2) after school snacks to eligible children in the schools under its jurisdiction.

The School Food Authority (SFA) assures the Delaware Department of Education that the school system will uniformly implement the following policies to administer the program(s) in schools under its jurisdiction. In fulfilling these responsibilities, the SFA agrees to:

- A. Free Meals: Serve meals (or snacks under the Afterschool Snack Program) to children from households whose income is at or below the free limit of the Income Eligibility Guidelines or to children from SNAP (Supplemental Nutrition Assistance Program, formerly known as Food Stamps) households or DE-TANF (Delaware Temporary Assistance for Needy Families) assistance units that provide a case number.
B. Reduced-Price Meals: Serve meals at a reduced price to children from households whose income is at or below the reduced-price limit of the Income Eligibility Guidelines.
C. Limited Reduced-Price Costs: Set reduced-price charges for lunch and breakfast at or below the maximum reduced price allowed by regulations and below the full price for the lunch or breakfast.
D. Equal Treatment: Ensure no physical segregation of, nor any other discrimination against, any child because of his/her inability to pay the full price of the meal or snack. The names of the children eligible to receive free or reduced-price meals or snack shall not be published, posted or announced in any manner, and there shall be no overt identification of any such children by use of special tokens, tickets, or any other means. Further assurance is given that children eligible for free or reduced-price meals or snacks shall not be required to:

1. Work for their meals;
2. Use a separate lunch room or snack service area;
3. Go through a separate serving line;
4. Enter the lunchroom through separate entrance;
5. Eat meals at a different time; or
6. Eat a meal different from the one sold to children paying the full price.

**E. Non-Discrimination Statement:**

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, sex, disability, age, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA.

Persons with disabilities who require alternative means of communication for program information (e.g. Braille, large print, audiotape, American Sign Language, etc.), should contact the Agency (State or local) where they applied for benefits. Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program complaint of discrimination, complete the [USDA Program Discrimination Complaint Form](#), (AD-3027) found online at: [http://www.ascr.usda.gov/complaint\\_filing\\_cust.html](http://www.ascr.usda.gov/complaint_filing_cust.html), and at any USDA office, or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter 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;

(2) fax: (202) 690-7442; or

(3) email: [program.intake@usda.gov](mailto:program.intake@usda.gov).

This institution is an equal opportunity provider.

- F. **Verification:** Verify eligibility of applicant households in accordance with program regulations and annually maintain records as follows: (1) a summary of the verification efforts; (2) the total number of applicants and Meal Benefit Forms on file by October 1 into respective categories as per program regulations; and (3) the percentage or number of Meal Benefit Forms verified. Compliance with these requirements will be monitored by the State Agency as part of its supervisory assistance monitoring and verification efforts.

**G. Appeal Process:** Establish and use a fair hearing procedure under which a household can appeal a decision made by the SFA with respect to the household’s Meal Benefit Form for benefits and/or any subsequent reduction or termination of benefits. During the appeal and hearing, the child(ren) who were determined to be eligible based on the face of the Meal Benefit Form submitted will continue to receive free or reduced-price meals or snacks. Prior to initiating the hearing procedure, the school official, the parents or guardians may request a conference to provide an opportunity for the parents/guardians and school officials to discuss the situation, present information, obtain an explanation of data submitted on the Meal Benefit Form and the decisions rendered. Such a conference shall not in any way prejudice or diminish the right to a fair hearing.

**NOTE: THE HEARING OFFICIAL MUST BE SOMEONE WHO IS NOT INVOLVED IN THE ORIGINAL ELIGIBILITY DETERMINATION. IT IS SUGGESTED THAT HE/SHE HOLD A POSITION AT A HIGHER ADMINISTRATIVE LEVEL THAN THAT OF THE DETERMINING OFFICIAL.**

The designated Hearing Official is:

Name	Title	Address
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who shall ensure that the hearing procedure provides the following for both the household and the SFA:

1. A publicly announced, simple method for making 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, the documents and records presented to support the decision under appeal.
4. Reasonable promptness and convenience in scheduling a hearing, and adequate notice as to its time and place.
5. An opportunity to present oral or documentary evidence and arguments supporting a position without undue interference.
6. An opportunity to question or refute any testimony or other evidence and to confront and cross examine any adverse witness(es).
7. That the hearing be conducted, and the decision be made, by an official who did not participate in the decision under appeal or any previous conference.
8. That the decision of the hearing official be based on the oral and documentary evidence presented at the hearing and entered into the hearing record.
9. That the parties concern and any designated representatives thereof be notified in writing of

the decision.

10. 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 reason therefore, and a copy of the notification to the parties concern of the hearing official's decision.
11. That such written record must be retained for a period of 3 years after the close of the school year to which they pertain. These records must be made available for examination by the parties concerned or their designees at any reasonable time and place during such period.

**H. Determining Official:**

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Name	Title	Address
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- I. **Press Release:** The Department of Education will submit a public/press release containing the Reduced-Price Eligibility Guidelines and other information contained in the parent letter, to the local news media, local unemployment offices and major employers contemplating or experiencing large layoffs.
- J. **Meal Benefit Form and Process:** Develop and distribute to each child's parents or guardian a letter and Household Meal Benefit Form for free and reduced-price meals or where appropriate, free snacks. These forms shall be distributed at or about the beginning of each school year but not before July 1<sup>st</sup> or whenever there is a change in eligibility criteria. The letter to parents with the Meal Benefit Form attachment shall have *only* the income eligibility guidelines for reduced-price meals with an explanation that households with incomes at or below the reduced-price guidelines may be eligible for either free or reduced-price meals.

Interested parents or guardians are responsible for filling out the Meal Benefit Forms and returning it to the school for review. Such forms and documentation for eligibility determinations made will be maintained for a period of 3 years following the end of the school year which they pertain. Meal Benefit Forms may be completed at any time during the year. Parents or guardians enrolling a child in a school for the first time shall be supplied with appropriate meal benefit materials regardless of the time of year the child is registered. If a child transfers from one school to another under the same jurisdiction of the same SFA, his/her eligibility for free or reduced-price meals, will be transferred to and honored by the receiving school.

Parents or guardians will be promptly notified of the acceptance or denial of their Meal Benefit Form(s). Children will be served meals immediately upon the establishment of their eligibility.

Foster children are also eligible for these benefits. If a household has foster children living with them and wishes to apply for such meals for these children, the household shall be instructed to contact the school.

When a Meal Benefit Form is denied, parents or guardians must be provided with written

notification which shall include: (1) the reason for the denial of benefits, e.g. income in excess of allowance limits or incomplete form, (2) notification of the right to appeal; (3) instructions on how to appeal; and (4) a statement reminding parents that they may reapply for free and reduced-price benefits at any time during the school year. The reasons for ineligibility shall be properly documented and retained on file at the SFA level.

K. **Collection and Accountability:** Establish a procedure to collect money from children who pay for their meals and to account for the number of free, reduced-price, and full price meals served. The attached collection procedure will be used so that no child in the school will be aware of such procedures or the identity of the children receiving free or reduced-price meals.

L. **Revisions to Policies:** Submit to the Department of Education any revisions to the administrative procedures outlined above before implementation. Such changes will be effective only upon approval. All changes in eligibility criteria will be publicly announced in the same manner used at the beginning of the school year.

M. **Community Eligibility Provision (CEP):** For SFAs participating in the CEP, the following must be completed in the chart below:

1. A list of all schools participating in the CEP;
2. The initial school year of implementing the CEP;
3. The school years the cycle is expected to remain in effect;
4. The school year the special assistance provision must be reconsidered; and
5. The available and approved data that will be used in reconsideration, as applicable.

School Name	Initial School Year of Implementing CEP	School Years the Cycle is Expected to Remain in Effect	School Year CEP Must be Reconsidered	Approved Data that will be Used in Reconsideration

The following attachments are considered part of this policy statement and must be included when applying for program participation. It will remain up to the discretion of the Department of Education whether the items listed below will be collected when renewing the agreement:

- **Income Eligibility Guidelines for Free and Reduced-Price Meals or Snacks**

- **Letter to Parents and Meal Benefit Form for Free and Reduced-Price Meals or Snacks**
- **Notification Letter to Parents Applying for Either Free and Reduced-Price Meals or Snacks**
- **Collection Procedures**
- **Letter of Notification of Household Selection of Verification and Documentation**
- **Letter of Verification Results and Adverse Action**
- **School Lunch Program Agreement to Furnish/Purchase Meals (optional)**

Signatures:

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School Food Authority Official

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Date

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Education Associate, Nutrition Programs  
Delaware Department of Education

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Date

Updated: April 2016; August 2018; November 2020