

State Prototype Document

SOUTH DAKOTA DEPARTMENT OF EDUCATION

Policy Statement for Free and Reduced-Price Meals, Afterschool Snacks, and/or Free Milk School Nutrition Programs

Name and Address Of Local Education Agency (LEA):

Mailing Address:

City, State, Zip:

Each Local Education Agency (“LEA”) participating in the National School Lunch Program (“NSLP”), School Breakfast Program (“SBP”) or providing free milk under the Special Milk Program (“SMP”) must have an approved free and reduced-price policy statement on file at the State agency per 7 Code of Federal Regulation (“CFR”) 245.10. Once approved, the policy statement becomes a permanent document which must be amended when the LEA makes a substantive change in its free and reduced-price policy or changes in federal or state requirements necessitate a change to all policy statements.

A policy statement is a collection of documents and descriptions of processes that are utilized by LEA’s to implement regulatory requirements regarding their School Nutrition Program(s). The policy statement must provide an accurate reflection of what is currently implemented in the LEA.

**LEAs Operating the Special Milk Program (SMP)**

A free policy statement must be approved by the State Agency for LEAs participating in the SMP with the free milk option. LEAs may submit one policy statement for both meals and milk when some of the schools in the district participate in the SMP and others participate in meal programs.

**Local Education Agency Policy Statement Amendments**

Unless there is a substantive change made to the free and reduced-price policy of the LEA, the policy statement need not be changed and resubmitted for State agency approval. Routine changes, such as inclusion of the new IEGs are not sufficient to require resubmission.

The LEA must amend its policy statement for any substantive changes to its free and reduced-price policy and include a description of the change. In all cases, the LEA must have an approved policy statement on file at the State agency that accurately describes its current free and reduced-price policies. Amendments must be submitted for approval to the State agency by October 15. The amendments must be approved by the State agency prior to implementation.

The amendments must also reflect:

- Changes made necessary by law or regulations;
- Additional information specified by the State agency.

The following changes made by the LEA must be updated in the annual iCAN application and do not need an amendment to the policy statement:

- An operational change to a special provision or community eligibility provision;
- Changes in meal or milk collection procedures;
- Designation of new approving or hearing officials;
- Changes in procedures for accepting applications; and
- Revisions in the letter to households or application for free and reduced-price meals or free milk.

Policy Statement for Free and Reduced-Price Meals, Afterschool Snacks, and/or Free Milk  
School Nutrition Programs

**Unapproved Policy Statements and Amendments**

Each year, if a local educational agency does not have its policy statement approved by the State Agency by October 15, reimbursement shall be suspended for any meals or milk served until such time as the Local Educational Agency's free and reduced-price policy statement has been approved by the State Agency. Furthermore, no commodities donated by the Department shall be used in any school after October 15, until such time as the Local Educational Agency's free and reduced-price policy statement has been approved by the State agency. Once the Local Educational Agency's free and reduced-price policy statement has been approved, reimbursement may be allowed, at the discretion of the State Agency for eligible meals and milk served during the period of suspension. Per 7 CFR 245.10(c).

**Definitions**

- Local educational agency means a public board of education or other public or private nonprofit authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public or private nonprofit elementary schools or secondary schools in a city, county, township, school district, or other political subdivision of a State, or for a combination of school districts or counties that is recognized in a State as an administrative agency for its public or private nonprofit elementary schools or secondary schools. The term also includes any other public or private nonprofit institution or agency having administrative control and direction of a public or private nonprofit elementary school or secondary school, including residential child care institutions, Bureau of Indian Affairs schools, and educational service agencies and consortia of those agencies, as well as the State educational agency in a State or territory in which the State educational agency is the sole educational agency for all public or private nonprofit schools.
- School food authority means the governing body which is responsible for the administration of one or more schools; and has the legal authority to operate the Program therein.
- State agency means (a) the State educational agency. In South Dakota, the State agency is the Department of Education, Child and Adult Nutrition Services.

**Assurances**

The Local Education Agency ("LEA") assures the South Dakota Department of Education, Office of Child and Adult Nutrition Services ("CANS") that the LEA will uniformly implement the following policy to determine children's eligibility for free and reduced-price meals, free milk, and free and reduced-price snacks in schools that participate in the National School Lunch Program ("NSLP"), School Breakfast Program ("SBP"), or Afterschool Snacks program. The LEA also determines children's eligibility for free milk in schools with pricing programs that only participate in the Special Milk Program ("SMP"). In fulfilling its responsibilities, the LEA agrees to all conditions outlined in this "Policy".

In fulfilling its responsibilities, the LEA agrees to each of the conditions below:

1. To designate a qualified individual or individuals to review applications and make determinations of eligibility, using the criteria outlined in this policy. To update the iCAN online application with the names of officials and the position of the LEA or school official, designated to make eligibility determinations.
2. To ensure that children who are not categorically eligible for free and reduced price benefits the LEA will determine eligibility for free and reduced-price meals or free milk in accordance with the current Income Eligibility Guidelines.
3. To specify procedures the LEA will use in accepting applications from families for free and reduced-price meals or for free milk. Additionally, the LEA must include the specific procedures it will use for obtaining

**State Prototype Document**  
**SOUTH DAKOTA DEPARTMENT OF EDUCATION**  
**Policy Statement for Free and Reduced-Price Meals, Afterschool Snacks, and/or Free Milk**  
**School Nutrition Programs**

documentation for determining children's eligibility through direct certification, in lieu of an application. LEAs shall also provide households that are directly certified with a notice of eligibility, as specified in §245.6(c)(2) and shall include in their policy statement a copy of such notice.

4. To comply with the procedures established in the current version of the Eligibility Manual for School Meals.
5. To provide a description of the method or methods to be used to collect payments from those children paying the full price of the meal or milk, or a reduced price of a meal, which will prevent the overt identification of the children receiving a free meal or free milk or a reduced-price meal.
6. To establish and follow a daily point of service meal counting procedure for each meal service site and to accurately account for the number of free, reduced price, and full price meals, snacks or milks served.
7. To set reduced price charges for lunch, breakfast or afterschool snacks at or below the maximum reduced price allowed by regulations and below the full price of the lunch or breakfast. The maximum reduced price is as follows: 40 cents per lunch; 30 cents per breakfast; and 15 cents per after school snack.
8. To verify information on applications for free and reduced-price meal benefits according to federal regulations.
9. To handle discrimination complaints in accordance with the requirements of federal regulations.
10. When an application is rejected, parents or guardians will be provided a written notification of:
  - a. The reason for the denial of benefits, e.g., income in excess of allowable limits or incomplete application;
  - b. Notification of the right to appeal;
  - c. Instructions of how to appeal; and
  - d. A statement reminding parents that they may reapply for free and reduced-price benefits or free milk at any time during the school year.

The reason for ineligibility and documentation of notification to households shall be properly documented and retained on file at the LEA level.

Note: The hearing official must be someone not involved in the original eligibility determination or verification process. It is suggested that he/she hold a position at a higher administrative level than that of the determining official.

11. To establish and use a fair hearing procedure under which a family can appeal a decision made by the LEA with respect to the family's free or reduced-price status. When a household appeals a reduction or termination of benefits within the 10-calendar day advance notice period, the LEA must continue to provide the benefits for which the child was originally approved, until a final determination is made. The LEA may continue to claim reimbursement at the original level during this period.

Prior to initiating the hearing procedure, the school official, the parent(s), or guardian may request a conference to provide an opportunity for the parent(s) or guardian and school officials to discuss the situation, present information, obtain an explanation of data submitted in the application and the decisions rendered. Such a conference shall not in any way prejudice or diminish a later appeal.

**Policy Statement for Free and Reduced-Price Meals, Afterschool Snacks, and/or Free Milk  
School Nutrition Programs**

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

- a. A simple, publicly announced method to make 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, any documents and records presented to support the decision under appeal;
  - d. An opportunity to present oral or documentary evidence and arguments supporting a position without undue interference;
  - e. An opportunity to question or refute any testimony or other evidence and to confront and cross-examine any adverse witnesses;
  - f. 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;
  - g. 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;
  - h. 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;
  - i. The parties concerned and any designated representative shall be notified in writing of the decision of the hearing official;
  - j. 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; and
  - k. 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.
12. That, in the operation of school nutrition programs, no child shall be discriminated against because of race, color, national origin, sex, age, or disability.
13. That there will be 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 milk. The names of the children eligible to receive free or reduced-price meals and/or after school snacks or free milk 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 assistance is given that children eligible for free or reduced-price meals and/or after school snacks or free milk shall not be required to:
- a. Work for their meals or milk,
  - b. Use a separate lunchroom or milk service area,
  - c. Go through a separate serving line,
  - d. Enter the lunchroom through a separate entrance,
  - e. Eat meals or drink milk at a different time or
  - f. Eat a meal different from the one sold to children paying the full price or drink milk different from that sold to children paying the full price
14. To develop and distribute to each child's parents or guardian, a letter as outlined in the iCAN Online System Parent Packet. In addition, an application form for free and reduced-price meals or free milk shall be distributed with the parent letter at or about the beginning of each school year or whenever there is a change in eligibility criteria. The letter to parents with the free and reduced-price meal application

**State Prototype Document**  
**SOUTH DAKOTA DEPARTMENT OF EDUCATION**  
**Policy Statement for Free and Reduced-Price Meals, Afterschool Snacks, and/or Free Milk**  
**School Nutrition Programs**

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. The letter to parents with the free milk application form shall list the income eligibility guidelines for free milk.

15. Interested parents or guardians are responsible for filling out the application and returning it to the school for review.
16. Applications may be filed 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 or milk application materials regardless of the time of year the child is registered. If a child transfers from one school to another under the jurisdiction of the same LEA, his/her eligibility for free or reduced-price meals or free milk will be transferred to and honored by the receiving school.
17. Agrees to inform parents of students participating in the program, as well as local minority and grassroots organizations, of the availability of program benefits and services, the nondiscrimination policy, and all significant changes in existing requirements that pertain to program eligibility and benefit.
18. Children will be served free or reduced-price meals or milk immediately upon the establishment of their eligibility.
19. Such applications and documentation of determinations made will be maintained for a period of 3 years following the end of the school year to which they pertain, or longer if LEA is operating under a special Provision.
20. Agrees that all program literature, website, radio and TV announcements will contain the nondiscrimination statement and procedures for filing a complaint.
21. To inform households that a foster child is 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. Including children in foster care as household members can help other children in the household qualify for free and reduced-price meals. If the foster family is not eligible for free or reduced-price meal benefits, it does not prevent a foster child from receiving free meal benefits.
22. Households with children who are categorically eligible under Other Source Categorically Eligible Programs should contact the school for assistance in receiving benefits and mark the relevant box on the application to indicate their status.
23. To submit a public/press release containing both the free and reduced-price eligibility guidelines and all other information outlined in the parent letter, to the local news media, local unemployment offices and major employers contemplating or experiencing large layoffs.
24. To ensure that there are no barriers for participation in the Programs for Limited English Proficient (LEP) families and to communicate with parents and guardians in a language they can understand throughout the certification and verification processes.

**Policy Statement for Free and Reduced-Price Meals, Afterschool Snacks, and/or Free Milk  
School Nutrition Programs**

25. Agrees to avoid any policy or practice that has the effect of overtly identifying eligible children in the sale of competitive foods. If competitive foods are sold, the sale of competitive foods will not inadvertently result in eligible children being identified.

Ways to limit overt identification related to the sale of competitive foods include:

- a. Limit competitive foods to those also offered as part of reimbursable meals on the reimbursable lunch lines;
  - b. Offer competitive foods on the same lines as reimbursable meals are offered; or
  - c. Only allow competitive foods to be purchased with a pre-payment method.
26. To comply with the requirements of Provision 2, Provision 3, Community Eligibility Provision and their respective reimbursement alternatives per 7 CFR 245.9(g), when applicable. An LEA that elects to participate in the special assistance provisions or the community eligibility provision set forth in this section must:
- a. Amend its Free and Reduced-Price Policy Statement to include a list of all schools participating in each of the special assistance provisions specified in this section. The following information must also be included for each school:
    - i. The initial school year of implementing the special assistance provision;
    - ii. The school years the cycle is expected to remain in effect;
    - iii. The school year the special assistance provision must be reconsidered; and
    - iv. The available and approved data that will be used in reconsideration, as applicable.
  - b. Certify that the school(s) meet the criteria for participating in each of the special assistance provisions, as specified in 7 CFR 245.9 paragraphs (a), (b), (c), (d), (e) or (f), as appropriate.
27. Agrees to submit to CANS any alterations to the attachments of this policy before implementation. Such changes will be effective only upon approval from CANS.
28. The following iCAN Online System attachments are adopted with and considered part of this policy:
- a. Media Release
  - b. Parent Packet, to include:
    - i. Letter to Household
    - ii. Application for Free and Reduced-Price Meals
  - c. Notice to Households of Approval/Denial of Benefits
  - d. Direct Certification Notice
  - e. Notification of Selection for Verification of Eligibility
  - f. Letter of Verification Results and Adverse Action
  - g. Provision & CEP checklists/areas when applicable

**USDA Nondiscrimination Statement**

The program applicant hereby agrees that it will comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq.), Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681 et seq.), Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794), the Age Discrimination Act of 1975 (42 U.S.C. § 6101 et seq.); all provisions required by the implementing regulations of the Department of Agriculture; Department of Justice Enforcement Guidelines, 28 CFR Part SO.3 and 42; and FNS directives and guidelines, to the effect that, no person shall, on the grounds of race, color, national origin, sex, age, or disability, be excluded from participation in, be denied benefits of, or otherwise be subject to discrimination under any program or activity for which the program

State Prototype Document

SOUTH DAKOTA DEPARTMENT OF EDUCATION

Policy Statement for Free and Reduced-Price Meals, Afterschool Snacks, and/or Free Milk  
School Nutrition Programs

applicant receives Federal financial assistance from FNS; and hereby gives assurance that it will immediately take measures necessary to effectuate this agreement.

By accepting this assurance, the Program applicant agrees to compile data, maintain records, and submit reports as required, to permit effective enforcement of nondiscrimination laws and permit authorized USDA personnel during hours of program operation to review such records, books, and accounts as needed to ascertain compliance with the nondiscrimination laws. If there are any violations of this assurance, the Department of Agriculture, FNS, shall have the right to seek judicial enforcement of this assurance. This assurance is binding on the Program applicant, its successors, transferees, and assignees as long as it receives assistance or retains possession of any assistance from USDA. The person or persons whose signatures appear below are authorized to sign this assurance on the behalf of the Program applicant.

**CERTIFICATION STATEMENT**

I hereby certify that all the information provided on the application for participation and the above is true and correct. I understand that this information is being given in connection with the receipt of federal funds and/or USDA Foods; that USDA and State officials may, for cause, verify information; and that deliberate misrepresentation will subject me to prosecution under applicable state and federal criminal statutes. By signing this agreement, I certify that I am authorized to make this agreement on behalf of the Sub-Recipient for the operation of the US Department of Agriculture programs as administered by the South Dakota Department of Education.

In witness hereto, the party signify their agreement by affixing their signature hereto.

SIGNATURE ON BEHALF OF LOCAL EDUCATION AGENCY

BY:

\_\_\_\_\_  
Signature

NAME:

\_\_\_\_\_  
Print or Type

TITLE:

DATE:

Received and Approved by:

South Dakota Department of Education, Office of Child and Adult Nutrition Services  
800 Governors Drive, Pierre, SD 57501-2235  
Phone: 605-773-3413

BY:

\_\_\_\_\_  
Signature

NAME: Cheriee Watterson

TITLE: Office of Child and Adult Nutrition Services Administer

DATE:

State Prototype Document

SOUTH DAKOTA DEPARTMENT OF EDUCATION

**Policy Statement for Free and Reduced-Price Meals, Afterschool Snacks, and/or Free Milk  
School Nutrition Programs**