

*Must be submitted for publication when selecting the Pricing Policy with the Free Milk Option if applying after Statewide Media Release has been issued.*

### **Public Announcement of Eligibility Criteria.**

Each child care institution which elects to make free milk available under the Program shall annually make a public announcement of the availability of free milk to children who meet the approved eligibility criteria to the information media serving the area from which its attendance is drawn. The public announcement must also state that milk is available to all children in attendance without regard to race, color, or national origin.

Appropriate notification to patrons and public media release will be issued and copies of such notification will be on file. The media release will state:

- (1) The specific criteria to be used in determining eligibility for free milk which will not exceed the State's family-size income standards for determining eligibility for free meals under the National School Lunch and School Breakfast Programs.
- (2) The method by which the child-care institution will collect information from families in order to determine a child's eligibility for free milk.
- (3) The method by which the child-care institution will collect milk payments so as to prevent the overt identification of children receiving free milk.
- (4) A hearing procedure under which a family may appeal denial of free benefits.\*
- (5) An assurance that there will be no discrimination against free milk recipients and no discrimination against any child on the basis of race, color, or national origin sex, age or disability.

\*Procedure for appeal of denial of free milk benefits.

The hearing procedure shall provide for both the family and the Sponsor:

- (i) A simple, publicly announced method to make an oral or written request for a hearing;
- (ii) An opportunity to be assisted or represented by an attorney or other person;
- (iii) An opportunity to examine, prior to and during the hearing, any documents and records presented to support the decision under appeal;
- (iv) That the hearing shall be held with reasonable promptness and convenience, and that adequate notice shall be given as to the time and place of the hearing;
- (v) An opportunity to present oral or documentary evidence and arguments supporting a position without undue interference;
- (vi) An opportunity to question or refute any testimony or other evidence and to confront and cross-examine any adverse witnesses;
- (vii) That the hearing shall 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;
- (viii) That 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;
- (ix) That the parties concerned and any designated representative shall be notified in writing of the decision of the hearing official;
- (x) That 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

(xi) That the written record of each hearing shall be preserved for a period of 3 years and shall be available for examination by the parties concerned or their representatives at any reasonable time and place during that period.

When a household disagrees with an adverse action which affects its benefits and requests a fair hearing, benefits shall be continued as follows while the household awaits the hearing and decision:

(1) Households that have been approved for benefits and that are subject to a reduction or termination of benefits later in the same school year shall receive continued benefits if they appeal the adverse action within the 10 day advance notice period; and

(2) Households that are denied benefits upon application shall not receive benefits.