

Office of Superintendent of Public Instruction School Meal Programs Appeal Procedure

The Office of Superintendent Public Instruction – Child Nutrition Services will observe the following appeal procedures as referenced in 7 CFR 210.18 (p). Appeals will be handled by the Office of Administrative Hearing in accordance with WAC 392-101-010. Should you wish to appeal, please carefully read and follow the procedures outlines below. The original and one copy of the appeal request must be sent via *certified mail* to Legal Services – Child Nutrition Services Office of Superintendent Public Instruction PO Box 47200; Olympia, WA 98504-7200.

Administrative Actions Which May Be Appealed

1. Denial of all or part of the Claim for Reimbursement or withholding payment arising from administrative review activity conducted by the State agency under [§ 210.18](#).

Procedure

Notification, request, and procedure for hearing:

1. OSPI will inform the sponsor in writing of the grounds on which the action was based and the right to appeal the action. It will be sent via certified mail return receipt requested.
2. The written request for a review shall be postmarked within 15 calendar days of the date the appellant received the notice of the denial of all or a part of the Claim for Reimbursement or withholding of payment, and the State agency shall acknowledge the receipt of the request for appeal within 10 calendar days;
3. The appellant may refute the action specified in the notice in person and by written documentation to the review official. In order to be considered, written documentation must be filed with the review official not later than 30 calendar days after the appellant received the notice. The appellant may retain legal counsel, or may be represented by another person. A hearing shall be held by the review official in addition to, or in lieu of, a review of written information submitted by the appellant only if the appellant so specifies in the letter of request for review. Failure of the appellant school food authority's representative to appear at a scheduled hearing shall constitute the appellant school food authority's waiver of the right to a personal appearance before the review official, unless the review official agrees to reschedule the hearing. A representative of the State agency shall be allowed to attend the hearing to respond to the appellant's testimony and to answer questions posed by the review official;



4. If the appellant has requested a hearing, the appellant and the State agency shall be provided with at least 10 calendar days advance written notice, sent by certified mail, return receipt requested, of the time, date and place of the hearing;
5. Any information on which the State agency's action was based shall be available to the appellant for inspection from the date of receipt of the request for review;
6. The review official shall be an independent and impartial official other than, and not accountable to, any person authorized to make decisions that are subject to appeal under the provisions of this section;
7. The review official shall make a determination based on information provided by the State agency and the appellant, and on Program regulations;
8. Within 60 calendar days of the State agency's receipt of the request for review, by written notice, sent by certified mail, return receipt requested, the review official shall inform the State agency and the appellant of the determination of the review official. The final determination shall take effect upon receipt of the written notice of the final decision by the school food authority;
9. The State agency's action shall remain in effect during the appeal process;
10. The determination by the State review official is the final administrative determination to be afforded to the appellant.

Procedure for the conduct of administrative hearings before OSPI are found in chapter 392-101 Washington Administrative Code (WAC) and are incorporated by this reference.

If you have questions regarding these procedures, please contact the National School Lunch Program Supervisor at 360-725-6200. The agency TTY is 360-664-3631.

In accordance with federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, this institution is prohibited from discriminating on the basis of race, color, national origin, sex (including gender identity and sexual orientation), disability, age, or reprisal or retaliation for prior civil rights activity.

Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication to obtain program information (e.g., Braille, large print, audiotape, American Sign Language), should contact the responsible state or local agency that administers the program or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339.

To file a program discrimination complaint, a Complainant should complete a Form AD-3027, USDA Program Discrimination Complaint Form which can be obtained online at: <https://www.usda.gov/sites/default/files/documents/USDA-OASCR%20P-Complaint-Form-0508-0002-508-11-28-17Fax2Mail.pdf>, from any USDA office, by calling (866) 632-9992, or by writing a letter addressed to USDA. The letter must contain the complainant's name, address, telephone number, and a written description of the alleged discriminatory action in sufficient detail to inform the Assistant Secretary for Civil Rights (ASCR) about the nature and date of an alleged civil rights violation. The completed AD-3027 form or letter must be submitted 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; or
2. **fax:**
(833) 256-1665 or (202) 690-7442; or
3. **email:**
program.intake@usda.gov

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