



OFFICE OF NUTRITION – NATIONAL SCHOOL LUNCH PROGRAM, SCHOOL BREAKFAST PROGRAM AND SEAMLESS SUMMER OPTION APPEAL PROCEDURES

The Ohio Department of Education and Workforce (“the Department”), Office of Nutrition is the state agency charged with administering the National School Lunch Program (“NSLP”), the School Breakfast Program (“SBP”), and the Seamless Summer Option (“SSO”).

1. ACTIONS WHICH CAN BE APPEALED TO OHIO DEPARTMENT OF EDUCATION AND WORKFORCE, OFFICE OF NUTRITION

A sponsor in the NSLP, SBP or SSO Program may appeal adverse program administrative actions through a formal review process. 7 CFR 210 and 220 describe the procedures for a sponsor to appeal adverse actions which may be taken against a sponsor by the state agency. Such actions are listed below:

- a. Denial of all or a part of the claim for reimbursement;
- b. Withholding payment arising from an administrative review;
- c. Withholding payment arising from a follow-up to an administrative review;
- d. Fines for failure to correct severe mismanagement under 7 CFR 225 or 7 CFR 226;
- e. Fines for disregarding a program requirement of which the school food authority has been informed; and
- f. Fines for failure to correct repeated violations of program requirements under 7 CFR 225 or 7 CFR 226;

The Department action shall remain in effect during the appeal process. Participating sponsors and sites may continue to operate under the program during an appeal. If the appeal results in overturning the Department’s decision, reimbursement shall be paid for meals served during the appeal period.

2. PROCEDURE FOR FILING AN APPEAL

All requests for appeal by a sponsor (“Appellant”) must be made in writing and must specifically state whether the Appellant is requesting an in-person hearing, or whether the Appellant plans to submit written documentation only. The appeal must be postmarked by the U.S. Postal Service, delivered or emailed no later than fifteen (15) calendar days following receipt of written notification of action. If the fifteenth day falls on a Saturday, Sunday or federal legal holiday, the request may be postmarked, delivered or emailed on the next day that is not Saturday, Sunday or a federal legal holiday. All appeal requests should be sent to: **Office of Legal Counsel, Ohio Department of Education and Workforce, 25 South Front Street, Mail Stop 607, Columbus, Ohio 43215-4183.** Email submissions: Jessica.Oldham@education.ohio.gov.

The Department will acknowledge receipt of the appeal request in writing no later than ten (10) calendar days after its receipt. If the tenth day falls on a Saturday, Sunday or federal legal holiday, the acknowledgment of receipt of the appeal request will be emailed on the next day that is not Saturday, Sunday or a federal legal holiday. The Department's acknowledgment of receipt must indicate the date upon which the appeal request was received.

Upon receipt of the appeal request, the Department will assign an independent and impartial administrative review official to conduct an administrative review pursuant to 7CFR 210.18(p). The Appellant may retain legal counsel or be represented by another person.

3. REQUESTING A HEARING

The Appellant may request a hearing in lieu of, or in addition to, a submission of written information. If a hearing is not requested, the appellant may refute the action specified in the notice in person and by written documentation to the review official. Written documentation must be filed with the review official not later than 30 calendar days after the Appellant received the notice. If a hearing is requested, the Appellant and the Department shall be given at least 10 calendar days advance written notice of the hearing time and place by email, read receipt requested. If the Appellant's representative(s) fail to appear at a scheduled hearing, the Appellant thereby waives its right to a personal appearance before the administrative review official. Scheduled hearings may be rescheduled if the Appellant institution notifies the administrative review official prior to the hearing date, and the review official agrees to reschedule.

4. DETERMINATION

The administrative review official shall inform both the Department and the Appellant of their final decision within 60 calendar days after the Department's receipt of the Appellant's request for a review or hearing. This timeframe is an administrative requirement for the department and does not constitute a basis for overturning the State agency's action if a decision is not made within the specified timeframe.

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.

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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, 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:

MAIL:

U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410

FAX:

(202) 690-7442

EMAIL:

program.intake@usda.gov

This institution is an equal opportunity provider.

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