

NEVADA APPEAL PROCEDURE National School Lunch Program
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The Nevada Department of Education established the following procedures to afford a sponsor/applicant the opportunity to contest the State agency decisions regarding sponsor termination or the denial of National School Lunch Program (NSLP) and Special Milk Program applications, program requirements, reimbursement, reviews, and claims. Sponsor/applicant appeal procedures are detailed in 7 CFR.220.13, 7 CFR. 215.11, 7 CFR. 210.18 and 7 CFR. 3016.43(b).

The State agency will notify the sponsor/applicant in writing by means of certified mail, return receipt requested, of the grounds for action taken. The following appeal procedures describe the rights and responsibilities of the sponsor/applicant.

The sponsor/applicant may refute the State agency's decision only if a designated official of the organization requests an appeal from:

Superintendent of Public Instruction
Nevada Department of Education
700 East Fifth Street
Carson City, NV 89701-5096

Upon receipt of the State agency's notice of action, the designated official of the sponsor/applicant shall have:

- 15 calendar days in which to file a written request for an appeal. The request must clearly specify the action being appealed and whether or not an in person hearing is requested.
- Acknowledge the receipt of the request for appeal within 10 calendar days.
- 30 days to submit any pertinent written documentation to the review official. This written documentation must clearly identify the State agency's action being appealed, and must include a copy of the State agency's notice of action.
- The option of retaining legal counsel or representation by another person. Failure of the sponsor/applicant or their representative to appear at a scheduled hearing may constitute a waiver of the right to a personal appearance, unless the review official agrees to reschedule the hearing.

Upon the State agency's receipt of a written request for a hearing, the sponsor/applicant shall have:

- The opportunity to review any information upon which the State agency's action was based.
- 10 calendar days advance written notice, sent by certified mail, return receipt requested of the time and place of the hearing.
- 60 calendar days from the state agency receipt of the request for review, the review official's determination sent by certified mail, return receipt requested based on the information provided by the State agency, the sponsor/applicant, and NSLP/SBP regulations.

During the appeal process, the State agency's decision indicated in the notice of action shall remain in effect. The review official will be designated by the Superintendent of Public Instruction and will be an independent and impartial official not accountable to any other person authorized to make decisions concerning the NSLP. The review official's decision is the final administrative determination afforded to NSLP sponsors/applicants.

In accordance with Federal law and U.S. Department of Agriculture policy, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, or disability. To file a complaint of discrimination, write to *USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW, Washington, D.C., 20250-9410* or call (800) 795-3272 or (202) 720-6382 (TTY). USDA is an equal opportunity provider and employer.