

OSPI School Nutrition Programs Reference Sheet

Disclosure of Free and Reduced-Price Meal Eligibility Information

The U.S. Department of Agriculture (USDA) confidentiality rules protect student and household information collected for determining free and reduced-price meal eligibility for Child Nutrition Programs. Local Education Agencies (LEAs) may disclose children's free and reduced-price eligibility information to programs, activities, and individuals that are specifically authorized access under the National School Lunch Act (NSLA).

Requirements:

- ✓ LEAs must protect student eligibility status according to USDA rules of confidentiality.
- ✓ LEAs are required to obtain the following information prior to disclosure:
 - The type of program.
 - What information is being requested.
 - Who is making the request.
 - Why the information is needed.
- ✓ Once this information is established, use the [Confidentiality Requirements of Common Programs Chart](#) to determine if disclosure is allowed and if parent consent is required.
- ✓ LEAs may share name and eligibility status only for the purposes of **federal** and **state** education programs.
- ✓ LEAs **must obtain parental consent** to share information with local education programs.
 - Obtain consent from the child's parent or guardian who is a member of the child's household. This must be:
 - Obtained prior to disclosure.
 - Obtained for each individual program. Parents must be able to limit consent only to programs for which they wish to share information.
- ✓ Households must be informed that the information they provide on the meal or milk application may be disclosed to other programs.
- ✓ For directly certified students, the notice of potential disclosure must be included in the document informing parents or guardians of their eligibility for free meals or free milk through direct certification.
- ✓ Any release of information requires a data share agreement.

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Aggregate Data:

Aggregate data may be released and program operators are encouraged to communicate with requestors to understand exactly what data is needed. Nutrition services staff can calculate and release aggregate data.

Need to Know:

Although a program or person may be authorized under the National School Lunch Act to receive free and reduced-price eligibility information, there must be a legitimate “need to know”.

Student Records in Child Nutrition Programs

The Federal Department of Education has established that education records are under the scope of the [Family Education Rights and Privacy Act \(FERPA\)](#). If free and reduced-price information and eligibility status is maintained as part of a student’s education record, both FERPA and NSLA disclosure rules apply.

Penalties for Unauthorized Disclosure

The NSLA establishes a fine of not more than \$1,000 or imprisonment of not more than one year, or both, for publishing, divulging, disclosing, or making known in any manner or extent not authorized by Federal law, any eligibility information. Entities authorized to receive data under a data sharing agreement, may not share that data with another entity or for any other purpose. For example, food services shares information via a data share agreement with a principal, the principal may not share that information with the school counselor.

Additional Reminders:

- Disclosure requirements apply to student information obtained through all processes, including the direct certification process.
- If a child is directly certified, the LEA must have a system in place to obtain consent from these households before sharing their information.
- Obtain consent annually.
- Disclosure of student eligibility information to a non-custodial parent is not allowed without written consent.
- In all cases, **do not** release how the student is eligible.

There are frequently unique situations. Please contact your program specialist with questions.

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Reference:

- ✓ [Eligibility Manual for School Meals](#)
- ✓ [7 CFR 245.6](#)

Resources:

- ✓ [Free and Reduced Price Meal Application](#)
- ✓ [Disclosure Chart](#)
- ✓ [Confidentiality Requirements of Common Programs](#)
- ✓ [Sample Parent Release Form](#)
- ✓ [Sample Data Share Agreement](#)

Acronym Reference

-CFR	Code Of Federal Regulations
-CNS	Child Nutrition Services
-FERPA	Family Education Rights and Privacy Act
-NSLA	National School Lunch Act
-OSPI	Office of Superintendent of Public Instruction
-USDA	United States Department of Agriculture