

**DISCLOSURE OF STUDENT'S ELIGIBILITY STATUS
FOR FREE AND REDUCED PRICE MEALS
MEMORANDUM OF AGREEMENT**

I. PURPOSE AND SCOPE

The School Nutrition Services Section of the North Carolina Department of Public Instruction and the Federal Program Monitoring and Support Division acknowledge and agree that children's free and reduced price meal and free milk eligibility information obtained under provisions of the National School Lunch Act (42 USC 1751 et. seq.) or Child Nutrition Act of 1966 (42 USC 1771 et. seq.) and the regulations implementing those Acts is confidential information and must be treated accordingly. This Agreement is intended to ensure that any information disclosed by the School Nutrition Programs in North Carolina to the **Federal Program Monitoring and Support Division** about children eligible for free and reduced price meals or free milk will be used only for purposes specified in this Agreement and for no other purpose(s). The School Nutrition Services section and the **Federal Program Monitoring and Support Division** recognize that there are penalties for unauthorized disclosures of this eligibility information that are enforceable under the law.

II. AUTHORITY

Section 9(b)(2)(C)(iii) of the National School Lunch Act (42 USC 1758(b)(2)(C)(iii)) authorizes the limited disclosure of children's free and reduced price meal or free milk eligibility information to specific programs or individuals, without prior parent/guardian consent. The parent/guardian must be provided the opportunity to decline to share eligibility information prior to the disclosure of this information for the purposes of identifying children eligible for benefits under or enrolling children in the State Medicaid Program and the State Children's Health Insurance Program. Additionally, the statute specifies that for any disclosures not authorized by the statute, the consent of children's parents/guardians must be obtained prior to the disclosure. Federal or State mandated education programs may have access to children's confidential meal eligibility status for reporting purposes only. Local education initiatives are ineligible to receive this confidential information without prior written consent of the parent/guardian.

III. RESPONSIBILITIES

The School Nutrition Services Section of the NC Department of Public Instruction will ensure the School Nutrition Programs in the local School Food Authorities will:

Ensure that the terms "free and reduced eligibility status" or any other terms related to the National School Lunch Act are not used in the disclosure of a student's economic status to the person(s) directly authorized to receive the information. Instead, any disclosure of a student's eligibility for meal benefits under the National School Lunch (and subsequent Acts and Regulations) shall be disclosed as follows:

The following students are Economically Disadvantaged and qualify for supplemental education services under the provisions of the Title I Program

Provide instructions to traditional public schools about the disclosure of student's individual confidential meal eligibility status, by school, to the Title 1 Directors named in the attachment;

Provide instructions to public schools that participate in the Community Eligibility Provision (CEP) about the provision of data regarding students that are Directly Certified for Free Meal Benefits to the Title 1 Directors named in the attachment;

When required, secure parental/guardian consent prior to any disclosure not authorized by the National School Lunch Act or any regulations under that Act, unless prior written consent is obtained from the parent/guardian;

Require School Nutrition Directors to disclose children's confidential meal eligibility status only to person(s) directly connected to the administration or enforcement of programs authorized access under the National School Lunch Act or regulations under the Act or to programs or services for which parents/guardians gave prior written consent; and

Ensure any misuse of the information concerning a student's socioeconomic status is reported immediately to the School Nutrition Services Section of the North Carolina Department of Public Instruction.

The Federal Program Monitoring and Support Division, on behalf of the Title I Program will:

Ensure that only the persons (shown in the attachment) who are directly connected with the administration or enforcement of the Title I Program, and whose job responsibilities require use of the eligibility information will have access to children's eligibility information:

Title 1 Director

(See attached list of names of personnel authorized to receive the confidential information)

Use children's free and reduced price eligibility information for the following specific purpose(s):

To calculate poverty percentages of each school in the district to determine Title I eligibility and within-district allocations.

Inform all persons that have access to children's confidential free and reduced price meal eligibility information of the following:

- (1) The information is confidential
- (2) A student's confidential eligibility information must only be used for purposes specified above

- (3) No mention of the terms of use in conjunction with the National School Lunch Act (i.e. free and reduced) may be used when communicating (print, verbal, electronic or other media) this information; and
- (4) The penalties for unauthorized disclosures
- (5) None of the information obtained from the Child Nutrition Program may be downloaded or entered into PowerSchool or any other data management system in the school or district.
- (6) None of the information obtained from the Child Nutrition Program may be disclosed to a third party for any purpose; disclosure to a third party constitutes a breach of the MOA and may result in revocation of the district's authorization to receive the data in the future.

Protect the confidentiality of children's meal eligibility information status and/or socioeconomic status as follows:

- **Files with student names/identifiers will not be transmitted electronically**
- **Files will be locked in the office of the Title I Director when not in use**
- **Files will not be left unattended**
- **A letter informing authorized recipients of the confidential nature of this data will be provided to all Title I Directors**

Protect the confidentiality of student's meal eligibility information and/or socioeconomic status during the transfer of information:

Files will be hand delivered to the authorized recipients (Title 1 Director) and returned in the same manner to the School Nutrition Director or destroyed by shredding or other appropriate means. Updated lists should be made available upon request within 5 business days.

IV. EFFECTIVE DATES

This agreement shall be effective from July 1, 2019 – June 30, 2020.

V. PENALTIES

Any person who publishes, divulges, discloses, or makes known in any manner, or to any extent not authorized by Federal law (Section 9(b)(2)(C) of the National School Lunch Act; 42 USC 1758(B)(2)(C)) or a regulation, any information about a child's eligibility for free or reduced price meals or free milk shall be fined not more than a \$1,000 or imprisonment of not more than 1 year or both.

VI. SIGNATURES

All parties acknowledge that children's free and reduced price meal and free milk eligibility information may be used only for the specific purposes stated above; that unauthorized use of free and reduce price meal and free milk information or further disclosure to other persons or programs is prohibited and a violation of Federal law which may result in civil and criminal penalties.

Federal Program Administrator: (Educational Program eligible to receive Student's Confidential Eligibility Status)

Printed Name: Michael E. Wells Ph.D.
 Title: Director, Federal Program Monitoring & Support Telephone: (919) 807-3957
 Signature: Michael E. Wells
 Date: 8/8/2019

Determining Official: (School Nutrition Administrator)

Printed Name: Dr. Lynn Harvey
 Title: Director, School Nutrition Telephone: (919) 807-3507
 Signature: Lynn Harvey
 Date: 8.9.19
 * Any attachments will become part of this agreement.

For each person requesting a student's confidential eligibility status, the following table must be completed and attached to the Memorandum of Agreement.

The **Name of Program** certifies that it is currently authorized to administer the following program(s) and that information requested will only be used by the program(s) indicated:

| Check all that apply | Program | Information authorized |
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| | <i>Medicaid or the State children's health insurance program (SCHIP), administered by a State or local agency authorized under titles XIX or XXI of the Social Security Act. Specify Program:</i> | All eligibility information, unless parents elect not to have information disclosed. |
| | <i>State health program other than Medicaid/SCHIP, administered by a State agency or local education agency. Specify Program:</i> | Eligibility status only; consent not required. |
| | <i>Federal health program other than Medicaid/SCHIP Specify Program:</i> | NO eligibility information, unless parental consent is obtained. |
| | <i>Local health program Specify Program:</i> | NO eligibility information, unless parental consent is obtained. |
| | <i>Child Nutrition Program under the National School Lunch Act or Child Nutrition Act Specify Program:</i> | All eligibility information; consent not required. |
| X | <i>Federal/State or local means tested nutrition program with eligibility standards comparable to the National School Lunch Program. Specify Program: Title I Program, Part A</i> | Eligibility status only; consent not required. |

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| | <i>Federal education program</i> Specify Program: Title I, Part A | Eligibility status only; consent not required. |
| | <i>State education program</i> administered by a State agency or local education agency Specify Program: | Eligibility status only; consent not required. |
| | <i>Local education program</i> Specify Program: | NO eligibility information, unless parental consent is obtained. |

Note: Section 9(b)(2)(C)(iv) specifies that certain programs may receive children's eligibility status only, without parental consent. Parental consent must be obtained to disclose any additional eligibility information. Section 0(b)(2)(C)(iv) specifies that for State Medicaid or SCHIP, parents must be notified and given opportunity to elect not to have information disclosed. Social security numbers may only be disclosed if households are given notice of the disclosure and the uses to be made of their social security numbers as required by Sec. 7 of the Privacy Act.

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| Alamance-Burlington Schools | Ms. | Deborah | Brogden |
| Alexander County Schools | Dr. | Robyn | Helton |
| Alleghany County Schools | Ms. | Missey | Weaver |
| Anson County Schools | Mr. | Howard | McLean |
| Ashe County Schools | Ms. | Sandra | Peterson |
| Avery County Schools | Ms. | Angela | Vitale |
| Beaufort County Schools | Mr. | Greg | Singleton |
| Bertie County Schools | Ms. | Tundra | Woolard |
| Bladen County Schools | Mr. | Jason | Atkinson |
| Brunswick County Schools | Ms. | Patricia | Rourk |
| Buncombe County Schools | Ms. | Ginny | Barrett |
| Asheville City Schools | | Shane | Cassida |
| Burke County Schools | Ms. | Karen | Auton |
| Cabarrus County Schools | Ms. | Angel | Oliphant |
| Kannapolis City Schools | Ms. | Annie | Parker |
| Caldwell County Schools | Dr. | Lesa | Widener |
| Camden County Schools | Ms. | Monique | Hicks |
| Carteret County Public Schools | Ms. | Lisa | Kittrell |
| Caswell County Schools | Ms. | Medina | Jones |
| Catawba County Schools | Ms. | Kelly | Nicholson |
| Hickory City Schools | Dr. | Tim | Sims |
| Newton-Conover City Schools | Ms. | Tammy | Brown |
| Chatham County Schools | Ms. | Carol | Little |
| Cherokee County Schools | Ms. | Julia | Higdon |
| Edenton/Chowan Schools | Ms. | Linda | White |
| Clay County Schools | Ms. | Angel | Owens |
| Cleveland County Schools | Ms. | Tamara | Goforth |
| Columbus County Schools | Mr. | Kenwood | Royal |

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| Whiteville City Schools | Dr. | Beverly | Turner |
| Craven County Schools | Mr. | Jason | Griffin |
| Cumberland County Schools | Ms. | Alana | Hix |
| Currituck County Schools | Mr. | Matt | Lutz |
| Dare County Schools | Ms. | Margie | Parker |
| Davidson County Schools | Ms. | Deana | Coley |
| Lexington City Schools | Ms. | Emy | Garrett |
| Thomasville City Schools | Mr. | Jesse | Pratt |
| Davie County Schools | Mr. | Anthony | Davis |
| Duplin County Schools | Dr. | Ben | Thigpen |
| Durham Public Schools | Mr. | Dietrich | Danner |
| Edgecombe County Schools | Ms. | Shawna | Andrews |
| Forsyth County Schools | Ms. | Kelly | Hales |
| Franklin County Schools | Mr. | Geoffrey | Hawthorne |
| Gaston County Schools | Ms. | Melissa | Buchanan |
| Gates County Schools | Ms. | Tammy | Boone |
| Graham County Schools | Ms. | Kristy | Cable |
| Granville County Schools | Ms. | Pauletta | Thompson |
| Greene County Schools | Mr. | Michael | Dixon |
| Guilford County Schools | Mr. | Marissa | Benton-Brown |
| Halifax County Schools | Ms. | Tyrana | Battle |
| Halifax County Schools | Ms. | Catherine | Brooks |
| Roanoke Rapids City Schools | Ms. | Juliana | Thompson |
| Harnett County Schools | Ms. | Dana | Stephens |
| Haywood County Schools | Ms. | Belinda | Trantham |
| Henderson County Schools | Mr. | Matt | Gruebmeier |
| Hertford County Schools | Ms. | Patty | Hardy |
| Hoke County Schools | Ms. | Erica | Fortenberry |
| Hyde County Schools | Ms. | Karen | Hutson |
| Iredell-Statesville Schools | Mr. | Jonathan | Ribbeck |
| Mooresville City Schools | Dr. | Scott | Smith |
| Jackson County Schools | Ms. | Laura | Dills |
| Johnston County Schools | Ms. | Ana Lucia | Milazzotto |
| Jones County Schools | Mr. | David | Moody |
| Lee County Schools | Dr. | Carol | Chappell |
| Lenoir County Public Schools | Ms. | Tina | Letchworth |
| Lincoln County Schools | Dr. | Tim | Beam |
| Macon County Schools | Ms. | Carol | Arnold |
| Madison County Schools | Ms. | Lisa | Gahagan |
| Martin County Schools | Mr. | Chris | Martin |
| McDowell County Schools | Ms. | Crystal | Hamby |
| Charlotte-Mecklenburg Schools | Mr. | Kelly | Price |
| Mitchell County Schools | Mr. | Mark | Hughes |

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| Montgomery County Schools | Mr. | Tracy | Grit |
| Moore County Schools | Ms. | Amanda | Dixon |
| Nash-Rocky Mount Schools | Dr. | Eddie | Hicks |
| New Hanover County Schools | Ms. | Jakki | Jethro |
| Northampton County Schools | Ms. | Catina | Hoggard |
| Onslow County Schools | Mr. | Dwayne | Snowden |
| Orange County Schools | Ms. | Michele | Woodson |
| Chapel Hill-Carrboro Schools | Ms. | Roslyn | Moffitt |
| Pamlico County Schools | Ms. | Shirley | Holt |
| Pasquotank County Schools | Mr. | Michael | Drew |
| Pender County Schools | Dr. | Elizabeth | Metcalf |
| Perquimans County Schools | Ms. | Cynthia | Perry |
| Person County Schools | Ms. | Nell | Sydnor-Waugh |
| Pitt County Schools | Ms. | LaVette | Ford |
| Polk County Schools | Mrs. | Ronette | Dill |
| Randolph County Schools | Dr. | Lynette | Graves |
| Randolph County Schools | Ms. | Cat | Berry |
| Asheboro City Schools | Ms. | Robin | Harris |
| Richmond County Schools | Ms. | Pamela | Patterson |
| Robeson County Schools | Ms. | Jennifer | Freeman |
| Rockingham County Schools | Ms. | June | Nealy |
| Rowan-Salisbury Schools | Ms. | Jerri | Hunt |
| Rutherford County Schools | Dr. | Keith | Silver |
| Sampson County Schools | Dr. | Linda | Carr |
| Clinton City Schools | Dr. | Kelly | Batts |
| Scotland County Schools | Ms. | Barbara | Adams |
| Stanly County Schools | Ms. | Susan | Brooks |
| Stokes County Schools | Mr. | Michael | Sands |
| Surry County Schools | Ms. | Luanne | Llewellyn |
| Elkin City Schools | Ms. | Cynthia | Altemueller |
| Mount Airy City Schools | Mr. | Jesse | Hiatt |
| Swain County Schools | Ms. | Regina | Gilchrist Ash |
| Transylvania County Schools | Dr. | Jeff | McDaris |
| Tyrrell County Schools | Ms. | Susan | Smith |
| Union County Public Schools | Ms. | Lisa | Gibson |
| Vance County Schools | Ms. | Laura | Rigsbee |
| Wake County Schools | Ms. | Burton | Kimberly |
| Warren County Schools | Ms. | Joyce | Mahomes |
| Washington County Schools | Ms. | Felicia | Daniels |
| Watauga County Schools | Dr. | Wayne | Eberle |
| Wayne County Public Schools | Ms. | Beverly | Kee |
| Wilkes County Schools | Dr. | Joe | Bullis |

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| Wilson County Schools | Ms. | Ginger | Kelly- Bissette |
| Yadkin County Schools | Mr. | Wayne | Duggins |
| Yancey County Schools | Ms. | Heather | Cox |
| Weldon City Schools | Ms. | Terry | Alston |
| Dillard Academy | Ms. | Hilda | Hicks |