

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

I. PURPOSE AND SCOPE

The School Nutrition Division 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 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 will be used only for purposes specified in this Agreement and for no other purpose(s). The School Nutrition Division 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)(C)(iii) of the National School Lunch Act (42 USC 1758(b)(2)(C)(iii) authorizes the limited disclosure of student's confidential free and reduced-price meal 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 student eligible for benefits under or enrolling student in the State Medicaid Program and the State Student's Health Insurance Program. Additionally, the statute specifies that for any disclosures not authorized by the statute, the consent of student's parent/guardians must be obtained prior to the disclosure. Federal or State mandated education programs may have access to student'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 Division of the NC Department of Public Instruction 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 student's economic status to the person(s) directly authorized to receive the information. Instead, any disclosure of student's eligibility for meal benefits under the National School Lunch (and subsequent Acts and Regulations) shall be disclosed as follows:

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

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

For the State Medicaid Program and the State Student's Health Insurance Program, notify parents/guardians of potential disclosures and provide an opportunity for parents/guardians to elect not to have information disclosed;

Disclose student's confidential meal eligibility status only to persons 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 to use the information for a specific purpose; and

Ensure any misuse of the information concerning student's socioeconomic status is reported immediately to the School Nutrition Division of the NC 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 Education Program** and whose job responsibilities require use of the eligibility information will have access to student's confidential meal eligibility status and other pertinent information:

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 meal 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 School 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 School 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 at any time for view by any other unauthorized person**
- **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.

The recipient of this information agrees to protect the confidentiality of student's meal eligibility status and/or socioeconomic status as follows:

The Federal Program Monitoring and Support Division will obtain an electronic report of students qualifying for free or reduced-price meals. The information will be distributed to authorized persons (attachment 1) via a secure website or through hard copy distribution at the PSU. Students will be identified only as economically disadvantaged and will not be identified by their free and reduced-price eligibility status. PSU personnel who have access to student's confidential meal eligibility status (as reflected by their qualification for free and reduced-priced meal benefits) will not release the information in any manner to school staff except as specifically allowed in Part III of this agreement.

The recipient of this information agrees to protect the confidentiality of student's confidential meal eligibility status and/or socioeconomic status during the transfer of information.

The information about economically disadvantaged students will be transferred electronically at the State level. The PSU and Title I Program personnel who have a demonstrated need to know the student's confidential meal eligibility status in order to provide the support services as required under Federal law may access the information. Electronic files will be stored securely and destroyed when they are no longer needed.

IV. EFFECTIVE DATES

This agreement shall be effective from July 1, 2020 – June 30, 2021.


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 student’s confidential eligibility for free or reduced-price meals shall be fined not more than a \$1,000 or imprisonment of not more than 1 year or both. Further, in accordance with the annual agreement between the School Food Authority and the NCDPI and SBE, penalties for disclosure of this information to an unauthorized third party may result in personnel action up to and including dismissal.

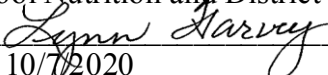
VI. SIGNATURES

All parties acknowledge that student’s confidential free and reduced-price eligibility information may be used only for the specific purposes stated above; that unauthorized use of student’s confidential meal eligibility status or further disclosure to other persons or programs is prohibited and is 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: Dr. LaTricia Townsend
Title: Director, Federal Program Monitoring & Support Telephone: (984) 236-2786
Signature: 
Date: 10/7/2020

Determining Official: (School Nutrition Administrator)

Printed Name: Dr. Lynn Harvey
Title: Director, School Nutrition and District Operations Telephone: (984) 236-2900
Signature: 
Date: 10/7/2020

* 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
	<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.</i> Specify Program:	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.</i> Specify Program:	Eligibility status only; consent not required.
	<i>Federal health program other than Medicaid/SCHIP</i> Specify Program:	NO eligibility information, unless parental consent is obtained.
	<i>Local health program</i> Specify Program:	NO eligibility information, unless parental consent is obtained.
	<i>Child Nutrition Program under the National School Lunch Act or Child Nutrition Act</i> Specify Program:	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.</i> Specify Program: Title I Program, Part A	Eligibility status only; consent not required.
	<i>Federal education program</i> Specify Program: Title I, Part A	Eligibility status only; consent not required.
	<i>State education program administered by a State agency or local education agency</i> 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 10(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.

Alamance-Burlington Schools	Dr.	Ilana		Dixon
Alexander County Schools	Dr.	Robyn		Helton

Alleghany County Schools	Ms.	Missey	Weaver
Anson County Schools	Mr.	Howard	McLean
Ashe County Schools	Ms.	Julie	Taylor
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	Ms.	Sarah	Cain
Burke County Schools	Ms.	Karen	Auton
Cabarrus County Schools	Ms.	Sarah	Reeves
Kannapolis City Schools	Ms.	Annie	Parker
Caldwell County Schools	Dr.	Lesia	Widener
Camden County Schools	Ms.	Yolanda	Anderson
Carteret County Public Schools	Ms.	Lisa	Kittrell
Caswell County Schools	Ms.	Medina	Jones
Catawba County Schools	Mr.	JR	Sigmon
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			
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	Dr.	Stacy	Stewart
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	Dr.	Jocelyn		Becoats
Halifax County Schools	Dr.	Tyrana		Battle
Roanoke Rapids City Schools	Ms.	Juliana		Thompson
Harnett County Schools	Ms.	Dana		Stephens
Haywood County Schools	Ms.	Belinda		Trantham
Henderson County Schools	Ms.	Shannon		Marlowe
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.	Beverly		Kee
Lincoln County Schools	Dr.	Tim		Beam
Macon County Schools	Ms.	Carol		Arnold
Madison County Schools	Ms.	Lisa		Gahagan
Martin County Schools	Ms.	Jan		Wagner
McDowell County Schools	Ms.	Crystal		Hamby
Charlotte-Mecklenburg Schools	Mr.	Kelly		Price
Mitchell County Schools	Mr.	Mark		Hughes
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.	Felisha	A	Whitaker
Onslow County Schools	Mr.	Dwayne		Snowden
Orange County Schools	Dr.	Chris		Gannon
Chapel Hill-Carrboro Schools	Ms.	Roslyn		Moffitt
Pamlico County Schools	Ms.	Shirley		Holt
Pasquotank County Schools	Mr.	Bert		Lane
Pender County Schools	Dr.	Elizabeth		Metcalf
Perquimans County Schools	Ms.	Cynthia		Perry
Person County Schools	Ms.			
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.	Sandra		Spivey
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	Ms.	Missy	Ellenberger
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.	Carol	Artis
Wilkes County Schools	Dr.	Joe	Bullis
Wilson County Schools	Ms.	Robin	May
Yadkin County Schools	Mr.	Wayne	Duggins
Yancey County Schools	Ms.	Heather	Cox
Weldon City Schools	Ms.	Terry	Alston
Dillard Academy	Ms.	Hilda	Hicks