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 statue, 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, 2016 – June 30, 2017.

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: Donna R. Brown
Title: Director, Federal Program Monitoring & Support Telephone: (919) 807-3959
Signature: Donna R Brown
Date: October 12, 2016

Determining Official: (School Nutrition Administrator)

Printed Name: Dr. Lynn Harvey
Title: Section Chief, School Nutrition Services Telephone: (919) 807-3507
Signature: Lynn Harvey
Date: October 20, 2016
* 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
	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:	All eligibility information, unless parents elect not to have information disclosed.
	State health program other than Medicaid/SCHIP, administered by a State agency or local education agency. Specify Program:	Eligibility **status** only; consent not required.
	Federal health program other than Medicaid/SCHIP Specify Program:	NO eligibility information, unless parental consent is obtained.
	Local health program Specify Program:	NO eligibility information, unless parental consent is obtained.
	Child Nutrition Program under the National School Lunch Act or Child Nutrition Act Specify Program:	All eligibility information; consent not required.
X	*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**	Eligibility **status** only; consent not required.

	Federal education program Specify Program: Title I, Part A	Eligibility **status** only; consent not required.
	State education program administered by a State agency or local education agency Specify Program:	Eligibility **status** only; consent not required.
	Local education program 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.

Alamance-Burlington Schools	Ms.	Kimberly		Scales
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	Ms.	Tanya		Head
Brunswick County Schools	Ms.	Patricia		Rourk
Buncombe County Schools	Ms.	Ginny		Barrett
Asheville City Schools	Ms.	Jeanne		Tyner
Burke County Schools	Ms.	Kim		Rudisill
Cabarrus County Schools	Ms.	Amy		Violette
Kannapolis City Schools	Ms.	Annie		Parker
Caldwell County Schools	Dr.	Lesa		Widener
Camden County Schools	Ms.	Jean		Gray-White
Carteret County Public Schools	Dr.	Heather		Dietzler
Caswell County Schools	Ms.	Carol		Boaz
Catawba County Schools	Ms.	Leslie		Barnette
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.	Amy		Cannon
Cleveland County Schools	Ms.	Tamara		Goforth
Columbus County Schools	Mr.	Kenwood		Royal
Whiteville City Schools	Dr.	Phyllis		Dunham

Craven County Schools	Ms.	Sandy		Carlaccini
Cumberland County Schools	Ms.	Alana		Hix
Currituck County Schools	Ms.	Sandy		Kinzel
Dare County Schools	Ms.	Margie		Parker
Davidson County Schools	Dr.	Sean		McWherter
Lexington City Schools	Ms.	Emy		Garrett
Thomasville City Schools	Ms.	Cate		Gentry
Davie County Schools	Ms.	Peggy		Nuckolls
Duplin County Schools	Dr.	Ben		Thigpen
Durham Public Schools	Mr.	Dietrich		Danner
Edgecombe County Schools	Ms.	Shawna		Andrews
Forsyth County Schools	Ms.	Patsy		Squire
Franklin County Schools	Dr.	Stacy		Stewart
Gaston County Schools	Dr.	Shelly		Bullard
Gates County Schools	Ms.	Tammy		Boone
Graham County Schools	Ms.	Kristy		Cable
Granville County Schools	Ms.	Lela		Baldwin
Greene County Schools	Mr.	Michael		Dixon
Guilford County Schools	Dr.	Melissa		Nixon
Halifax County Schools	Ms.	Tyrana		Battle
Halifax County Schools	Ms.	Catherine		Brooks
Roanoke Rapids City Schools	Ms.	Teri		Gantt
Harnett County Schools	Ms.	Dana		Stephens
Haywood County Schools	Ms.	Jill		Barker
Henderson County Schools	Mr.	Matt		Gruebmeyer
Hertford County Schools	Ms.	Patty		Hardy
Hoke County Schools	Ms.	Erica		Fortenberry
Hyde County Schools	Mr.	Don		Barrett
Iredell-Statesville Schools	Ms.	Dian		Morgan
Mooresville City Schools	Dr.	Scott		Smith
Jackson County Schools	Ms.	Laura		Dills
Johnston County Schools	Mr.	Rodney		Peterson
Jones County Schools	Ms.	Jeannie		Smith
Lee County Schools	Dr.	Carol		Chappell
Lenoir County Public Schools	Ms.	Tina		Letchworth
Lincoln County Schools	Mrs.	DeAnna		Finger
Macon County Schools	Ms.	Carol		Arnold
Madison County Schools	Ms.	Christian		Ramsey
Martin County Schools	Ms.	Susan		Peele
McDowell County Schools	Mr.	Mark		Garrett
Charlotte-Mecklenburg Schools	Ms.	Kathy		Meads
Mitchell County Schools	Mr.	Mark		Hughes
Montgomery County Schools	Dr.	Jeff		James
Moore County Schools	Ms.	Amanda		Dixon
Nash-Rocky Mount Schools	Ms.	Shelia		Wallace

New Hanover County Schools	Ms.	Emma	H.	Jackson
Northampton County Schools	Ms.	Catina		Hoggard
Onslow County Schools	Dr.	Mark		Bulris
Orange County Schools	Dr.	Lisa		Napp
Chapel Hill-Carrboro Schools	Ms.	Roslyn		Moffitt
Pamlico County Schools	Ms.	Sherry		Meador
Pasquotank County Schools	Ms.	Tracy		Davenport
Pender County Schools	Dr.	Elizabeth		Metcalf
Perquimans County Schools	Ms.	Brenda		Dail
Person County Schools	Ms.	Paula		Chandler
Pitt County Schools	Ms.	Sandra		Morris
Polk County Schools	Mr.	Aaron		Greene
Randolph County Schools	Dr.	Lynette		Graves
Asheboro City Schools	Ms.	Robin		Harris
Richmond County Schools	Ms.	Marsha		Porter
Robeson County Schools	Mr.	Tommy		Lowry
Rockingham County Schools	Ms.	June		Nealy
Rowan-Salisbury Schools	Ms.	Jerri		Hunt
Rutherford County Schools	Ms.	Cindy		Hogston
Sampson County Schools	Ms.	Lisa		Reynolds
Clinton City Schools	Ms.	Terrace		Miller
Scotland County Schools	Mr.	Lyle		Shaw
Stanly County Schools	Ms.	Susan		Brooks
Stokes County Schools	Ms.	Marsha		Erskine
Surry County Schools	Ms.	Brenda		Whitaker
Elkin City Schools	Ms.	Cynthia		Altemueller
Elkin City Schools	Ms.	Shannon		Swaim
Mount Airy City Schools	Mr.	Jesse		Hiatt
Swain County Schools	Ms.	Jacqueline		Smith
Transylvania County Schools	Ms.	Audrey		Reneau
Tyrrell County Schools	Ms.	Susan		Smith
Union County Public Schools	Ms.	Lisa		Gibson
Vance County Schools	Ms.	Cassandra		Evans
Wake County Schools	Ms.	Michele		Woodson
Wake County Schools	Ms.	Melanie		Rhodes
Warren County Schools	Ms.	Chelsa		Jennings
Washington County Schools	Ms.	Victoria		Mallison
Watauga County Schools	Dr.	Wayne		Eberle
Wayne County Public Schools	Ms.	Antonia		Johnson
Wilkes County Schools	Dr.	Joe		Bullis
Wilson County Schools	Mr.	Thomas		Evans
Wilson County Schools	Ms.	Susan		Bullock
Yadkin County Schools	Ms.	Myra		Cox
Yancey County Schools	Mr.	Shane		Cassida
Weldon City Schools	Ms.	Terry		Alston