



State of Arizona
Department of Education

Tom Horne
Superintendent of
Public Instruction

January 31, 2003

CN # 15-03

MEMORANDUM

To: Administrators of National School Lunch Programs

From: Lynne Dulin, Director
Student Services

Holly Mohr, Team Leader
Child Nutrition Programs

Subject: Release of Free and Reduced Price Meal Eligibility Information

Recently, concerns have been raised regarding the disclosure of free and reduced eligibility status of students in reference to the No Child Left Behind (NCLB). NCLB amended the Title I provisions in the Elementary and Secondary Education Act. This memo serves to clarify these concerns, summarize the programs that free and reduced eligibility may be disclosed to, and the procedures to follow to do so.

States and local educational agencies (LEAs) receiving funding under Title I, Part A must assess and report the extent to which students in schools operating Title I programs are making progress toward meeting State academic proficiency standards in reading, language arts, and math. Title I now requires States and LEAs to measure and report publicly on the progress of all students, and of students in various population groups, including students who are economically disadvantaged.

For many LEAs, information from the NSLP is likely the best, and perhaps the only source of data available to hold schools accountable for the achievement of “economically disadvantaged” students.

The National School Lunch Act (NSLA) establishes requirements and limitations regarding the release of information about children certified for free and reduced price meals provided under the National School Lunch Program (NSLP). The NSLA allows School Food Authorities (SFA's) to disclose the names of individual children certified for free and reduced price school meals and the child's eligibility status to persons directly connected with the administration or enforcement of a Federal or State education program. This information may be disclosed without parental consent. **Title I is a Federal education program, therefore, determining officials may disclose a child's eligibility status to persons directly connected with, and *who have a need to know*, a child's free and reduced price meal eligibility status in order to administer and enforce the new Title I requirements.**

There are other “**approved programs**”, in addition to Title 1, that limited disclosure of meal eligibility may be shared. These programs include:

1. Federal Programs:
 - Job Training Partnership Act (JTPA)
 - National Assessment of Educational Progress (NAEP)
 - United States Department of Agriculture (USDA)
 - Title I
 - Johnson-O'Malley Program (JOM)
 - Indian Education (Title IX, Part A)
2. State health or State education programs: These would be programs funded at the state level, with the state agency or local education agency administering the program. Examples of these include:
 - Arizona School Based Dental Sealant Program
 - Alcohol and drug abuse education programs
 - Vision, immunization, and mental health services.

This would not include local education programs such as programs that wish to provide benefits or supplies to free and reduced eligible students. Parental consent must be provided for such local education programs.
3. Federal, State or Local means tested nutrition programs including:
 - WIC
 - Food Stamp Program

Please be advised of the following:

- Limited disclosure means **names and eligibility status only** (other application information such as actual income or social security numbers may not be shared).
- It is **always recommended** that households be notified when limited free and reduced price eligibility information is disclosed.
- USDA **does not require** State Agencies and program operators (SFA's) to share information, but provides authority for those who wish to do so.
- SFA's **may not require** that a household submit a free and reduced application for the reporting purposes for any of the program listed above.

If an SFA decides to disclose the information to an “approved program”, they should consider the following:

- ADE recommends that school officials, prior to their disclosing information on children’s free and reduced status to enter into a “memorandum of understanding” or other agreement to which all involved parties would adhere.
- This agreement should specify names of individuals who would have access to the information, how the information would be used in implementing Title I or another program’s requirements, and how the information would be protected from unauthorized uses and third-party disclosures.
- This agreement should include a statement of the penalties for misuse of the information. For a sample agreement please refer to the Free and Reduced Price Policy Handbook, appendix U. You may access this manual on the Arizona Department of Education NSLP website at www.ade.az.gov/health-safety/cnp/nslp/GuidanceManual/.

If an SFA wishes to provide benefits to economically disadvantaged children, such as free textbooks, art supplies, or reduced fees for summer school, it may utilize a multi-use application to do so. **The Child Nutrition Programs office of ADE must approve all multi-use applications.**

All previous memos regarding the collection of households’ free and reduced price meal eligibility are still enforced. Two of these memos, CN: 30-02 “Submission of Free and Reduced Price Applications by All Households”, dated December 5, 2001 and CN # 12-01 “School Meal Applications and Direct Certification During the Operation of Provision 2 and 3”, dated January 23, 2001 are enclosed for your review. These memos can also be accessed on our website at www.ade.az.gov/health-safety/cnp/nslp/Memos01-02/.

Thank you for safeguarding the use of the free and reduced price meal applications.

If you have any questions regarding this memo please contact an NSLP Specialist.

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