NAEP
NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS

This memo replaces the United States Department of Agriculture (USDA) Letter

Date: January 2015

To: School Nutrition Program Personnel

From: National Assessment of Educational Progress (NAEP)

Subject: Policy on Limited Disclosure of Children's Eligibility Information to NAEP

As stated in the *Eligibility Manual for School Meals* (Part 8, Section E), school food authorities may disclose, without parent/guardian consent, children's names and eligibility status (whether they are eligible for free meals or free milk or reduced price meals) to persons *directly* connected with the administration or enforcement of a Federal or State education program, such as NAEP, as permitted by section 9(b)(6)(A)(ii)(I) of the Richard B. Russell National School Lunch Act.

The relevant section from pages 74-75 of the *Eligibility Manual for School Meals* is shown below:

E. National Assessment of Educational Progress (NAEP)

LEAs may disclose without parent/guardian consent, children's names and eligibility status to persons who are directly connected to the administration or enforcement of NAEP because NAEP is a Federal education program. Additionally, LEAs may disclose children's names and eligibility status to persons directly connected with the administration or enforcement of State educational assessment programs to the extent that the State assessment is part of the NAEP or the assessment program is established at the State, not local level. Other State education programs also are eligible to have access to participants' names and eligibility status, without parent/guardian consent, but the program must be established at the State, not local level.

The term "persons' directly connected" for the purpose of disclosure to NAEP includes Federal, State and local program operators responsible for NAEP program administration or program compliance and their contractors. This does not imply that these persons have routine access to participants' eligibility status. There must be a "need to know" for legitimate NAEP purposes.

LEAs are encouraged to inform households when they plan to disclose or use eligibility information outside of the originating program and to have written agreement with NAEP officials (See I. Agreements/Memoranda of Understanding in this part).

The above information has been incorporated into the 2014 update of the *Eligibility Manual for School Meals* (Part 8, E) which is available on the FNS website at http://www.fns.usda.gov/cnd/Guidance/eligibility_guidance.pdf