

# OSPI School Meal Programs Reference Sheet

## Disclosure of Free & Reduced-Price Eligibility

The United States Department of Agriculture (USDA) confidentiality rules protect student and household information collected for determining free and reduced-price meal eligibility for Child Nutrition Programs. Local Education Agencies (LEAs) may only disclose children's free and reduced-price eligibility information to programs, activities, and individuals that are authorized under the National School Lunch Act (NSLA). Disclosure of eligibility to programs not authorized by the NSLA requires parental consent.

Per [RCW 28A.325.010](#), school districts who charge a fee for attendance at, or participation in any optional, noncredit extracurricular events must adopt a policy for waiving fees for students who are eligible for free or reduced-price school meals.



Parental consent is still required to share free and reduced-price meal eligibility for fee waivers for local programs (such as ASB or sports) not authorized by the NSLA.

## Disclosure Requirements

LEAs must protect student eligibility status according to USDA rules of confidentiality.

**Step 1:** LEAs are required to obtain the following information prior to disclosure:

- ✓ The type of program
- ✓ What information is being requested
- ✓ Who is making the request
- ✓ Why the information is needed

Once this information is established, use the [Confidentiality Requirements of Common Programs Chart](#) to determine if parental consent is required for disclosure. LEAs may share name and eligibility status only for the purposes of federal and state education programs. LEAs **must obtain parental consent** to share information with local education programs.

**Step 2:** Obtain consent from the child's parent or guardian prior to disclosure, if required.

- Collect [Consent to Share forms](#) from households.
  - Consent to share forms should be gathered from students who are eligible via a Child Nutrition Eligibility and Education Benefit (CNEEB) application or students directly certified for free or reduced-price meals.
- Consent must be:
  - ✓ Obtained prior to disclosure.



- ✓ Obtained **annually**.
- ✓ Obtained for each individual program. Households must be able to limit consent only to individual programs for which they wish to share information.

Example:

You must check the box for each program you would like to participate in and sign the form to allow your eligibility status to be shared for other program benefits.		
Check to participate	Title of school program	How the shared information will be used
<input type="checkbox"/>	ASB Cards for Athletics	Consent provides waived ASB card fees
<input type="checkbox"/>	Club Dues	Consent provides waived club fees/dues
<input type="checkbox"/>	Club Activities	Consent provides waived fess for club activities that are optional and for non-credit.
<input type="checkbox"/>	Athletic Fees	Consent provides waived fees for any extra-curricular sports in the event that the District would waive the moratorium on athletic fees.

- If a child is directly certified, the LEA must have a system in place to obtain consent from these households before sharing their eligibility information.
  - ✓ For directly certified students, the notice of potential disclosure must be included in the document informing parents or guardians of their eligibility for free meals or free milk through direct certification.

**Step 3:** Establish a Data Share Agreement annually with the organization or department receiving eligibility information.

- Any release of information to departments or organizations outside of Food Service requires a data share agreement, regardless of the requirement for parental consent.
- Access to eligibility information must be limited to those responsible for administration of an authorized program or activity.
- Data Share Agreements should outline allowable uses for the eligibility information and how the information will be kept confidential.

**“Need to Know”**

Although a program or person may be authorized under the National School Lunch Act to receive free and reduced-price eligibility information, there must be a legitimate “need to know” to provide a service or carry out an authorized activity.

**Student Records & Child Nutrition Programs**

The Federal Department of Education has established that education records are under the scope of the Family Education Rights and Privacy Act (FERPA). If free and reduced-price information and eligibility status is maintained as part of a student’s education record, both FERPA and NSLA disclosure rules apply. Online data systems must have a masking or de-

identification capability to prevent unauthorized access to free and reduced-price eligibility status.

### Additional Reminders

- Designate a primary contact for disclosure requests at the LEA level, such as the food service director.
- Disclosure requirements apply to student information obtained through all processes, including the direct certification process.
- Disclosure of student eligibility information to a non-custodial parent is not allowed without written consent.
- Information on how a student became eligible may **NOT** be released.
- Aggregate data may be released without consent, and program operators are encouraged to communicate with requestors to understand exactly what data is needed.

### Reference

- [7 CFR 245.6](#)
- [Eligibility Manual for School Meals](#)
- [SP 16-2016, CACFP 06-2016, SFSP 10-2016](#)

### Resources

- [Child Nutrition Eligibility and Education \(CNEEB\) Application](#)
- [Disclosure Chart](#)
- [Confidentiality Requirements of Common Programs](#)
- [Consent to Share Form](#)
- [Sample Data Share Agreement](#)
- [Implementing HB 1660 for Nutrition Services](#)

### Acronym Reference

- CFR – Code of Federal Regulations
- CNEEB – Child Nutrition Eligibility & Education Benefit application
- CNS – Child Nutrition Services
- FERPA – Family Education Rights and Privacy Act
- LEA – Local Education Agency
- NSLA – National School Lunch Act
- OSPI – Office of Superintendent of Public Instruction
- RCW – Revised Code of Washington