

OSPI School Meal Programs Information Sheet

Disclosure of Free and 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.

Frequently Asked Questions

1. When do I need a new Consent to Share form?

Parental consent expires at the end of each school year and does not carryover for 30 operating days into the new school year. A new Consent to Share form must be obtained annually. If an LEA plans to use a student's eligibility status from the previous school year for fall fee waivers, the household must be informed that their consent and eligibility information will be used for this purpose.

2. Can a household's eligibility information be shared for the purpose of Running Start without parental consent?

Running Start is a State Education Program that does not require parental consent prior to disclosure. A child's name and eligibility status could be shared. A Data Sharing Agreement should be established with the organization or department enrolling students in Running Start prior to disclosure.

3. Can McKinney Vento and Foster Care status be shared without parental consent?

Fees should already be waived due to a student's homelessness or foster care designation. There is no need to share the student's school meal eligibility determination to waive fees.

4. Can the LEA create their own Consent to Share form?

Yes. The Consent to Share form must contain the same components as the OSPI [Consent to Share template](#). Households must be able to limit their consent to specific programs.



5. Can LEAs have households consent to share their information with all programs?

No. A household must be able to identify the individual programs that they wish to have their eligibility information shared with. There cannot be an 'all or nothing' approach to consent for disclosure.

6. Can households share their eligibility information directly with a program to receive fee waivers?

Yes. The household could provide a copy of their Notice of Eligibility to the program directly to receive fee waivers. A Consent to Share form would not be required if the household provided this information directly to the program.

7. Can eligibility information be automatically shared with principals, school counselors, or other LEA staff for outreach and data collection purposes?

Eligibility information may only be shared with persons who "need to know". Even though an individual may be authorized under the NSLA to receive eligibility information, data may only be shared if the information will be used to provide a service or carry out an authorized activity. Within an LEA, access must be limited to those responsible for the administration of an authorized program. Teachers, guidance counselors, principals, or other school officials who are not providing such assistance under the appropriate statutory or regulatory requirements cannot have access. Aggregate data may be released without consent, and program operators are encouraged to communicate with requestors to understand exactly what data is needed.

8. Do disclosure requirements still apply if the LEA is offering meals at no cost through CEP or Provision 2?

Yes. The USDA confidentiality rules continue to protect student's eligibility information when operating CEP or Provision 2– this information continues to qualify the student for Child Nutrition Program benefits, like Summer-EBT or SUN Bucks. Additionally, 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.

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
- DC – Direct Certification
- DCM – Direct Certification Medicaid
- LEA – Local Education Agency
- NSLA – National School Lunch Act
- FERPA – Family Education Rights and Privacy Act
- OSPI – Office of Superintendent of Public Instruction