

**DISCLOSURE OF STUDENT'S ELIGIBILITY STATUS
FOR FREE AND REDUCED PRICE MEALS
MEMORANDUM OF AGREEMENT**

I. PURPOSE AND SCOPE

The Child Nutrition Services Section of the NC Department of Public Instruction and N.C. Career and Technical Education 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. This Agreement is intended to ensure that any information disclosed by the Child Nutrition Program identified in the addendum to this agreement to **N.C. Career and Technical Education** about children eligible for free and reduced price meals or free milk will be used only for purposes specified in this Agreement and that the Child Nutrition Program and **N.C. Career and Technical Education** recognize that there are penalties for unauthorized disclosures of this eligibility information.

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. Except that, the parent/guardian must be provided the opportunity to decline to share eligibility information prior to the disclosure for 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 statute, the consent of children's parents/guardians must be obtained prior to the disclosure.

III. RESPONSIBILITIES

The Child Nutrition Services Section of the NC Department of Public Instruction will:

Require the LEA to secure parents/guardians consent prior to any disclosure not authorized by the National School Lunch Act or any regulations under that Act, unless prior consent is secured by the receiving agency and made available to the determining agency;

Disclose eligibility information only to persons 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 consent.

N.C. Career and Technical Education will:

Ensure that only the following persons who are directly connected with the administration or enforcement of **N.C. Career and Technical Education** and whose job responsibilities require use of the eligibility information will have access to children's eligibility information:

(See Attachment 1)

Use children's free and reduced price eligibility information for the following specific purpose(s):

Identify economically disadvantaged students enrolled in Career and Technical Education courses in order to provide support services as required by the Carl D. Perkins Vocational and Technical Education Act of 1998 and to evaluate the performance of students qualifying for these services to see how well CTE meets their needs.

Inform all persons that have access to children's free and reduced price meal eligibility information that the information is confidential, that children's eligibility information must only be used for purposes specified above, and the penalties for unauthorized disclosures.

Protect the confidentiality of children's free and reduced price meal or free milk eligibility information as follows:

Local education agency CTE personnel will furnish information about students who qualify as economically disadvantaged only to those teachers and support staff members who need it to provide the support services required under federal law. Students will be identified only as economically disadvantaged and will not be identified by their free and reduced price meal or free milk eligibility status. Reports that use this information will be released only in the aggregate at the school, LEA, regional, and state levels. Individual students will not be identified in these reports. LEA personnel who have access to the list of free and reduced price eligibility status will not release the information in any manner to school staff except as specifically allowed in Part III of this agreement.

Description of Procedures to Transfer Student's Confidential Eligibility Status:

The information about eligible students will be transferred electronically at the state level. Electronic files will be stored securely. At the local level, a list of students qualifying for free and reduced price meal or free milk will be provided. This list will be stored securely and destroyed when it is no longer needed.

IV. EFFECTIVE DATES

This agreement shall be effective from **October 9, 2006 through June 30, 2007.**

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.

Program Administrator: (Educational Program eligible to receive Student's Confidential Eligibility Status)

Printed Name: Rebecca Payne
Title: Assistant Director, Secondary Education Division Phone: 919-807-3979
Signature: *Rebecca B. Payne*
Date: 10/5/06

Determining Official:

Printed Name: Lynn Hoggard, Ed.D., RD, LDN, FADA
Title: Section Chief, Child Nutrition Services Telephone: 807-3506
Signature: *Lynn Hoggard*
Date: 10/5/06

* Any attachments will become part of this agreement.

For each person requesting student’s confidential eligibility status, the following table must be completed and attached to the Memorandum of Agreement.

N.C. Career and Technical Education 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	III. Program	Information authorized
	<i>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.</i> Specify Program:	All eligibility information, unless parents elect not to have information disclosed.
	<i>State health program other than Medicaid/SCHIP, administered by a State agency or local education agency.</i> Specify Program:	Eligibility status only; consent not required.
	<i>Federal health program other than Medicaid/SCHIP</i> Specify Program:	NO eligibility information, unless parental consent is obtained.
	<i>Local health program</i> Specify Program:	NO eligibility information, unless parental consent is obtained.
	<i>Child Nutrition Program under the National School Lunch Act or Child Nutrition Act</i> Specify Program:	All eligibility information; consent not required.
	<i>Federal/State or local means tested nutrition program with eligibility standards comparable to the National School Lunch Program.</i> Specify Program:	Eligibility status only; consent not required.
√	<i>Federal education program</i> Specify Program: Career and Technical Education (also known as Vocational Education)	Eligibility status only; consent not required.
	<i>State education program administered by a State agency or local education agency</i> Specify Program:	Eligibility status only; consent not required.
	<i>Local education program</i> 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.

Attachment 1. Persons who will have access to eligibility status for free and reduced price meals and free milk.

LEA Name	LEA No.	Director/Admin
Alamance	10	Kent Byrd
Alexander	20	Sharon Turner
Alleghany	30	Barbara Lyon
Anson County	40	Ray Clayton
Ashe County	50	Joallen Lowder
Avery County	60	John Grice
Beaufort County	70	Judy Tunstall
Bertie County	80	Carol Atkins
Bladen County	90	E. Don Smith
Brunswick County	100	Les Tubb
Buncombe County	110	Leland Blankenship
Asheville City	111	Ann Leonard
Burke County	120	Chet Pack
Cabarrus County	130	Emily Behm
Kannapolis City	132	Patricia Woods
Caldwell	140	Roxy Poovey
Camden County	150	Melvin Hawkins
Carteret County	160	Crystal Bailey
Caswell County	170	Donna Hudson
Catawba County	180	Karen Cale
Hickory City	181	Tim Sims
Newton-Conover	182	Shawn Fountain
Chatham County	190	Paul Joyce
Cherokee County	200	Jodi Alverson
Cherokee Central	209	Jason Ormsby
Chowan County	210	Rob Boyce
Clay County	220	Mark Leak
Cleveland County	230	Sandra Kistler
Columbus County	240	Keith Jefferys
Whiteville City	241	Anthony Martin
Craven County	250	Billie Landen
Cumberland County	260	Suzannah Tucker
Currituck County	270	Bo Callison
Dare County	280	Kathey Lamm
Davidson County	290	Marty Tobey
Lexington City	291	Gloria Smith
Thomasville City	292	Rick Jones
Davie County	300	Donna McNeil
Duplin County	310	Tarla Smith
Durham	320	Jane Poe Eure
Edgecombe County	330	Margaret Harris

LEA Name	LEA No.	Director/Admin
Forsyth County	340	Kay Rogers
Franklin County	350	Laureen Jones
Gaston County	360	Karen Gilbert
Gates County	370	Connie Burgess
Graham County	380	Gary Davis
Granville County	390	Dorwin Howard
Greene County	400	Raymond Smith
Guilford County	410	Sylvia Anderson
Halifax County	420	Charles Chambliss
Roanoke Rapids City	421	Peggy Howard
Weldon City	422	Terence Wyche
Harnett County	430	Brenda Moody
Haywood County	440	Aleasa Glance
Henderson County	450	Wendy Edney
Hertford County	460	Brenda Tinkham
Hoke County	470	Andrena Scott
Hyde County	480	Karen R Carawan
Iredell-Statesville	490	Steve Hill
Mooresville City	491	Lisa Conger
Jackson County	500	Susan Allen
Johnston County	510	Jo Anne Honeycutt
Jones County	520	Joletha White
Lee County	530	John Kirkman
Lenoir	540	Kelly Jarman
Lincoln County	550	Millie Costner
Macon County	560	Nancy Cantrell
Madison County	570	Norris Gentry
Martin County	580	Jim Lammert
McDowell County	590	Doug Gouge
Charlotte-Mecklenburg	600	Jimmy Chancey
Mitchell County	610	Rick Spurling
Montgomery County	620	Teresa Reynolds
Moore County	630	Ted Mataxis
Nash-Rocky Mount	640	Jane Brooks
New Hanover County	650	LaVerne Pickett
Northampton County	660	Geneva Squire
Onslow County	670	Joan McGinnis
Orange County	680	Patricia Harris
Chapel Hill-Carborro	681	Rodney Trice
Pamlico County	690	Cathy Dunbar
Pasquotank County	700	J. Craig Laughton
Pender County	710	Sandra Taylor
Perquimans County	720	Sandy Meads
Person County	730	Debbie Smith
Pitt County	740	Nancy Spainhour

LEA Name	LEA No.	Director/Admin
Polk County	750	Mary Feagan
Randolph County	760	Ann Callicutt
Asheboro City	761	Curt Lorimer
Richmond County	770	Martha Webb
Robeson County	780	Merle Summers
Rockingham County	790	Kenny Scott
Rowan-Salisbury	800	Eric Leazer
Rutherford County	810	Robin Davis
Sampson County	820	Charlotte Murphy
Clinton City	821	Linda Brunson
Scotland County	830	Terry Franklin
Stanly County	840	Linda Bell
Stokes County	850	Alice Connolly
Surry County	860	Kathy White
Elkin City	861	Barbara Long
Mount Airy City	862	Larry Davis
Swain County	870	Anna Hair
Transylvania County	880	Jeff McDaris
Tyrell County	890	Nelson W Smith
Union County	900	Charles Perry
Vance County	910	Pam Bello
Wake County	920	David Rockefeller
Warren County	930	John Hudgins
Washington County	940	Jerry Byrum
Watauga County	950	Marshall Gasperson
Wayne County	960	Denny Tart
Wilkes County	970	Todd Williams
Wilson County	980	Pam Walthall
Yadkin County	990	Kathy Hughes
Yancey County	995	Tim Hensley
NC Department of Public Instruction	NA	Rebecca Payne
NC Department of Public Instruction	NA	Ted Summey
NC Department of Public Instruction	NA	Rhonda Welfare
NC Department of Public Instruction	NA	William Hatch