This process and corresponding forms were created based on the requirements set forth by the United States Department of Agriculture Eligibility Manual for Child Nutrition Programs which can be accessed at <http://www.fns.usda.gov/cnd/guidance/EliMan.pdf> . Although a program or person may be authorized under the National School Lunch Act (NSLA) 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. Federal Department of Education has established that education records are under the purview of the Family Educational Rights and Privacy Act (FERPA). However, for the school meals programs and milk program, the restrictions imposed by the laws governing these programs apply, not FERPA. The issues of privacy and confidentiality of personal data are complicated as well as sensitive. The following process is intended for **[District/School/Organization]**administrators and faculty and must be followed to request student free and reduced meal status information.

**Penalties for Improper Disclosure**

***The National School Lunch Act establishes a fine of not more than $1000 or imprisonment of not more than one (1) year, or both, for publishing, divulging, disclosing, or making known in any manner or extent not authorized by Federal law, any eligibility information. This includes the disclosure of eligibility information by one entity authorized under the NSLA to receive the information to any other entity, even if that entity would otherwise be authorized to receive the information directly from the determining agency.***

**Aggregate Data**

Nutrition Services may disclose aggregate data to any program or individual when children cannot be identified through release of the aggregate data or by means of deduction. An example of aggregate data is the number of children eligible for free or reduced price meals in school district. As aggregate data does not identify individual children, parental notification and

parental consent are not needed. However, there is caution about release of aggregate

data when individual children’s eligibility may be deduced (e.g., release of data about a

specific classroom when the numbers of eligible children is very small). Aggregate Data requests do not need a form. Please call the Nutrition Services office at 307-771-2440 to request this information.

**Status for specific list of students requiring parental consent**

A disclosure of all eligibility information to any other Federal, State or local program or individual not included in the National School Lunch Act requires parental consent. Other programs that require parental consent are local health and local education programs and other local level activities. For example, the disclosure of children’s eligibility for free and reduced price meals to determine children’s eligibility for free text books or reduced fees for summer school requires consent when these are local initiatives rather than State or federal programs.

Complete the “Free & Reduced Meal Status Waiver Form”.

1. Complete the “Disclosure Agreement Release of Confidential Free and Reduced Meal Information with Parental Consent” form.
2. If your school has several programs and you would like one form to include all programs, contact Nutrition Services Program Administrator, **[Name** **of Administrator]** and we will create a specialized form for your school with a check off list of your programs. Once you receive the form, continue with step 4.
3. For a single program: Print a copy and complete the “Name of Organization” and “Name & Title of School Official responsible for use and confidentiality of status information.” Also complete the box, “Reason for request of information”.
4. To avoid overt identification, offer this form to all students participating in the activity.
5. Parents/Guardians must complete the remainder of the form. This includes student information at the top of the form and parent or guardian signature and date at the bottom of the form.
6. Original forms must be sent to the Nutrition Services office. At this point, the waiver information will be entered into the Free & Reduced database.
7. Submit to Nutrition Services your disclosure agreement (Step 1) & your list of students. Provide student’s first, middle, and last name, and grade. Call **[Phone Number]** for details on how to send the information by fax or email.
8. Once the information is entered and cross referenced to the Free & Reduced database, Nutrition Services will release information to the overseeing official responsible for the use and confidentiality of status information.
9. This school official will keep this information in a confidential manner, use the information for its intended purpose only, and take every measure to keep the information from being shared with other entities.

**Access to categorical disclosure of status without parental consent**

The National School Lunch Act specifies that persons directly connected with the administration or enforcement of certain programs or activities are permitted to have access to children’s eligibility information. The following programs do not require prior parental consent:

1. Federal Education programs (IE: No Child Left Behind Act)
2. State education programs administered by a State agency or local education agency

Use the “**[District/School/Organization]** Disclosure Agreement” form.

1. Principal must complete this form.
2. Submit form to Nutrition Services Program Administrator.
3. Nutrition Services Program Administrator will evaluate the request and approve or deny the request.
4. If request is approved, Nutrition Services will provide requested student meal status information as needed.
5. The Principal will keep this information in a confidential manner, use the information for its intended purpose only, and take every measure to keep the information from being shared with other entities.