



Office for Prekindergarten through Grade 12 Education  
School Operations and Management  
Child Nutrition Program Administration  
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[www.nysed.gov/cn/cnms.htm](http://www.nysed.gov/cn/cnms.htm)

To: School Food Service Directors/Managers

From: Paula Tyner-Doyle, Coordinator

Date: October 17, 2013

Subject: Disclosure Information

The Healthy Meals for Healthy Americans Act of 1994, P.L. 103-448 amended Section 9(b)(2)(c) of the National School Lunch Act (NSLA) to allow limited disclosure of information about free and reduced price meals and/or free milk eligibility without parent/guardian consent. SFAs are not required to disclose eligibility information. Providing aggregate information that does not identify individuals continues to be permitted without parental consent.

### **Disclosure of Eligibility Information Without Parent/Guardian Consent**

You may disclose, without parent/guardian consent, participants' names and eligibility status (whether they are eligible for free or reduced price meals or free milk) to persons directly connected with the administration or enforcement of the following programs:

1. Federal education programs such as Title I and National Assessment of Education Progress (NAEP). 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. We recommend that SFAs inform households if they plan to disclose or use eligibility information outside the originating program. We also recommend that the SFA enter into a written agreement with NAEP officials, as appropriate, that the agreement identify the entity receiving the information, describe the information to be disclosed and how it will be used, describe how the information will be protected from unauthorized uses and disclosures, and describe penalties for unauthorized disclosure.
2. Certain State health or State education programs provided the State agency or local education agency administers the program. Representatives of State or local education agencies evaluating the results and compliance with student assessment programs would be covered only to the extent that the assessment program was established at the State, not local level. This includes the System for Tracking Education Performance (STEP) and the Statewide Student Data Repository (Data you Warehousing) which are State electronic reporting systems. This information is needed to meet the requirements of No Child Left Behind (NCLB), which involves the tracking of educational progress of economically disadvantaged children.
3. Federal, State or local means-tested nutrition programs with eligibility standards comparable to the National School Lunch Program (NSLP), such as the Food Stamp Program.

In addition to names and eligibility status, you may disclose, without parent/guardian consent, all eligibility information obtained through the free and reduced price meal or free milk eligibility process, including all information on the application or obtained through direct certification or verification, to the following:

1. Persons directly connected with the administration or enforcement of the programs authorized under the NSLA or Child Nutrition Act (CNA) of 1966. This includes the NSLP, the School Breakfast Program, Special Milk Program, Child and Adult Care Food Program, Summer Food Service Program and the Special Supplemental Nutrition Program for Women, Infants and Children (WIC). Program eligibility information collected for any one of the Child Nutrition Programs (CNPs) may be shared with another CNP, even if the programs are sponsored by different entities. For example, a school may disclose eligibility information from applications without parental consent to a Summer Food Service Program administered by Parks and Recreation.

2. The Comptroller General of the United States.

3. Federal, State or local law enforcement officials investigating alleged violations of any of the programs under the NSLA or CNA or investigating violations of programs authorized to have access to names and eligibility status of participants.

**\*For specific programs authorized to receive free and reduced information, please see the Eligibility Manual for School Meals.**

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Individuals who are deaf, hard of hearing or have speech disabilities, may contact USDA through the Federal Relay Service at (800) 877-8339; or (800) 845-6136 (Spanish).

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