

(5)⁹⁻¹⁹ DISCRETIONARY CERTIFICATION.—

(A) ~~IN GENERAL.~~⁹⁻²⁰ Subject to paragraph (6), any local educational agency may certify any child as eligible for free lunches or breakfasts, without further application, by directly communicating with the appropriate State or local agency to obtain documentation of the status of the child as—

(i) (A)⁹⁻²¹ a member of a family that is receiving assistance under the temporary assistance for needy families program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) that the Secretary determines complies with standards established by the Secretary that ensure that the standards under the State program are comparable to or more restrictive than those in effect on June 1, 1995;

(ii) (B) a homeless child or youth (defined as 1 of the individuals described in section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2)));

(iii) (C) served by the runaway and homeless youth grant program established under the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.); or

(iv) (D) a migratory child (as defined in section 1309 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6399)).

(B)⁹⁻²² CHILDREN OF HOUSEHOLDS RECEIVING FOOD STAMPS.—Subject to paragraph (6), any local educational agency may certify any child as eligible for free lunches or breakfasts, without further application, by directly communicating with the appropriate State or local agency to obtain documentation of the status of the child as a member of a household that is receiving food stamps under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.).

(6) USE OR DISCLOSURE OF INFORMATION.—

(A) IN GENERAL.—The use or disclosure of any information obtained from an application for free or reduced price meals, or from a State or local agency referred to in paragraph (3)(F), (4), or (5), shall be limited to—

(i) a person directly connected with the administration or enforcement of this Act or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) (including a regulation promulgated under either Act);

(ii) a person directly connected with the administration or enforcement of—

(I) a Federal education program;

(II) a State health or education program administered by the State or local educational agency

⁹⁻¹⁹ Effective July 1, 2005, paragraphs (5) through (8) added by section 104(b)(1) of P.L. 108-265, 118 Stat. 734, June 30, 2004. For implementation assistance, see note 9-15. For guidance requirement, see note 1-1. End quotation marks and the following period at the end of paragraph (5)(A) were struck to effectuate the probable intent of Congress.

⁹⁻²⁰ Effective July 1, 2008, section 104(d)(1)(B) of P.L. 108-265, 118 Stat. 737, June 30, 2004, amends this paragraph by striking by striking "CERTIFICATION.—" and all that follows through "IN GENERAL.—" and inserting "CERTIFICATION.—".

⁹⁻²¹ Effective July 1, 2008, section 104(d)(1)(C) of P.L. 108-265, 118 Stat. 737, June 30, 2004, amends this paragraph by redesignating clauses (i) through (iv) as subparagraphs (A) through (D), respectively, and indenting appropriately.

⁹⁻²² Effective July 1, 2008, section 104(d)(1)(A) of P.L. 108-265, 118 Stat. 737, June 30, 2004, strikes subparagraph (B). For guidance requirement, see note 1-1.