

**Attachment N: Prototype Agreement for Disclosure of  
Free and Reduced Price Information**

This information is being collected by School food authorities and schools. This is a revision of a currently approved information collection. The Richard B. Russell National School Lunch Act (NSLA) 42 U.S.C. § 1758, as amended, authorizes the National School Lunch Program (NSLP). This information is required to administer and operate this program in accordance with the NSLA. Under the Privacy Act of 1974, any personally identifying information obtained will be kept private to the extent of the law. According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0584-0026. The time required to complete this information collection is estimated to average 30 minutes per response. The burden consists of the time it takes for School Food Authorities and Special Milk Program operators to read the manual and to have a written agreement with an agency to disclose children's free and reduced price meals and/or free milk eligibility information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to: U.S. Department of Agriculture, Food and Nutrition Services, Office of Policy Support, 1320 Braddock Place, 5th Floor, Alexandria, VA 22314, ATTN: PRA (0584-0026). Do not return the completed form to this address.

#### I. Purpose and Scope

[Insert Name of Determining Agency] and [Insert Name of Receiving Agency] acknowledge and agree that children's free and reduced price meal and free milk eligibility information obtained under provisions of the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) (NSLA) or Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) (CNA) and the regulations implementing these Acts is confidential information. This Agreement is intended to ensure that any information disclosed by the (insert name of determining agency) to the (insert name of receiving agency) 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 (insert name of determining agency) and (insert name of receiving agency) recognize that there are penalties for unauthorized disclosures of this eligibility information.

#### II. Authority

Section 9(b)(6)(A) of the NSLA (42 U.S.C. 1758(b)(6)(A)) 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 Children's Health Insurance Program (CHIP). 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.

<b>CHECK ALL THAT APPLY</b>		
<b>Program</b>	<b>Information Authorized</b>	
Medicaid or the State Children's Health Insurance Program (CHIP), administered by a State or local agency authorized under titles XIX or XXI of the <i>Social Security Act</i> . <b>Specify Program:</b>	All eligibility information unless parents elect not to have information disclosed.	<input type="checkbox"/>
State health program other than Medicaid/CHIP, administered by a State agency or local agency. <b>Specify Program:</b>	Eligibility status only; Prior consent not required.	<input type="checkbox"/>
Federal health program other than Medicaid/CHIP <b>Specify Program:</b>	No eligibility information unless prior parental or guardian consent is obtained.	<input type="checkbox"/>
Local health program <b>Specify Program:</b>	No eligibility information unless prior parental or guardian consent is obtained.	<input type="checkbox"/>
Child Nutrition Program under the National School Lunch Act or Child Nutrition Act <b>Specify Program:</b>	All eligibility information; consent not required.	<input type="checkbox"/>
Federal/State or local means tested nutrition program with eligibility standards comparable to the <i>National School Lunch Program</i> <b>Specify Program:</b>	Eligibility status only; consent not required.	<input type="checkbox"/>
Federal education program <b>Specify Program:</b>	Eligibility status only; consent not required.	<input type="checkbox"/>

### ***III. Responsibilities***

[Insert Name of Determining Agency] will:

When required, secure the consent of parents/guardians 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;

For State Medicaid and CHIP, notify parents/guardians of potential disclosures and provide opportunity for parents/guardians to elect not to have information disclosed;

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.

[Insert Name of Receiving Agency] will:

Ensure that only persons who are directly connected with the administration or enforcement of the (insert name of the Program) and whose job responsibilities require use of the eligibility information will have access to children's eligibility information:

Specify by name(s) or title(s) \_\_\_\_\_

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

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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 the 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:

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Specifically describe how the information will be protected from unauthorized uses and further disclosures.

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Description of Procedures to Transfer Meal Eligibility Information (may be completed by either the determining agency or receiving agency)

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Describe the procedures for transferring students' meal eligibility information from the determining agency to the requesting agency/program so as to limit the number of individuals who have access to the information.

(Describe)

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#### *IV. Effective Dates*

This agreement shall be effective from \_\_\_\_\_ to \_\_\_\_\_.

#### *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)(6)(C) of the National School Lunch Act; 42 U.S.C. 1758(b)(6)(C)) or a regulation, any information about a child's eligibility for free and 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*

The 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, and that unauthorized use of free and reduced 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.

Requesting Agency/Program Administrator:

Name: \_\_\_\_\_ Signature: \_\_\_\_\_

Title: \_\_\_\_\_ Date: \_\_\_\_\_

Phone: \_\_\_\_\_

Determining Agency Administrator:

Name: \_\_\_\_\_ Signature: \_\_\_\_\_

Title: \_\_\_\_\_ Date: \_\_\_\_\_

Phone: \_\_\_\_\_

*\*Any attachments will become part of this agreement.*