

# PUBLIC SCHOOLS OF NORTH CAROLINA

DEPARTMENT OF PUBLIC INSTRUCTION | Catherine Truitt, *Superintendent of Public Instruction*

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**TO:** Career and Technical Education Administrators

**FROM:** Trey Michael, Director   
Career and Technical Education Division

Lynn Harvey, Director   
School Nutrition and District Operations Divisions

**DATE:** August 27, 2021

## MEMORANDUM OF AGREEMENT BETWEEN CAREER AND TECHNICAL EDUCATION AND SCHOOL NUTRITION SERVICES

A copy of a new Memorandum of Agreement between NC Career and Technical Education and the School Nutrition Services Section of the NC Department of Public Instruction is attached. This Memorandum of Agreement specifically relates to how confidential Child Nutrition Program data will be used to identify students for supplemental services in CTE. This agreement allows the use of free and reduced-price meal and free milk eligibility status information to identify students as economically disadvantaged as required by the Strengthening Career and Technical Education for the 21<sup>st</sup> Century Act (Perkins V).

Section 9(b)(2)(C)(iii) of the National School Lunch Act (42 USC 1758(b)(2)(C)(iii) authorized 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. This agreement prescribes very specifically how information can be disseminated to Career and Technical Education (CTE), how it can be used by teachers and support staff within CTE, and when it should be destroyed. It is essential that all persons involved in this effort follow the terms of the agreement closely.

As you may recall, the individual household application for meal benefits was used in the past to determine whether a student was economically disadvantaged. That is still the case for schools NOT participating in the Community Eligibility Program (CEP). However, CEP schools will not have application data. The School Nutrition Director in your LEA can advise you of the schools that participate in the CEP, if any. In the absence of the household application, NCDPI will provide data from other sources that will help you determine whether a student is economically disadvantaged and eligible for special services.

### CAREER AND TECHNICAL EDUCATION

Trey Michael, *Director* | [trey.michael@dpi.nc.gov](mailto:trey.michael@dpi.nc.gov)

6307 Mail Service Center, Raleigh, North Carolina 27699-6307 | (984) 236-2758

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

Data from NCDPI will be provided electronically via a secure site/shell. In addition, schools NOT participating in CEP can access student information from other sources such as the Child Nutrition Director. It is critical that all possible measures be taken to protect the privacy of students who are eligible for free or reduced-price meals and/or Economically Disadvantaged. Electronic and paper files concerning student eligibility for free and reduced-price meals or free milk should be kept secured. The law provides stiff penalties for disclosure of this information and you will need to work closely with teachers to ensure that confidential information is not released.

If you have questions about this agreement, contact Lynn Harvey (984) 236-2901 or Trey Michael (984) 236-2758.

TM:hb

AGREEMENT DISCLOSURE OF STUDENT'S  
ELIGIBILITY STATUD FOR FREE AND REDUCED-PRICE  
MEALS MEMORANDUM

## **I. PURPOSE AND SCOPE**

The School Nutrition Services Section of the NC Department of Public Instruction and NC 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 and must be treated accordingly. This agreement is intended to ensure that any information disclosed by the Child Nutrition Programs in North Carolina to NC 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 for no other purpose(s). The School Nutrition Services Section and NC Career and Technical Education recognize there are penalties for unauthorized disclosures of this eligibility information that are enforceable under the law.

## **II. AUTHORITY**

Section 9(b)(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. The parent/guardian must be provided the opportunity to decline to share eligibility information prior to the disclosure of this information for the purposes of identifying children eligible for benefits under or enrolling children in the State Medicaid Program and the State Children's Health Insurance Program. Additionally, the statue specifies that for any disclosures not authorized by the statute, the consent of children's parent/guardians must be obtained prior to the disclosure. Federal or State mandated education programs may have access to children's confidential meal eligibility status for reporting purposes only. Local education initiatives are ineligible to receive this confidential information without prior written consent of the parent/guardian.

## **III. RESPONSIBILITIES**

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

Ensure that the terms "free and reduced eligibility status" or any other terms related to the National School Lunch Act are not used in the disclosure of student's economic status to the person(s) directly authorized to receive the information. Instead, any disclosure of student's eligibility for meal benefits under the National School Lunch (and subsequent Acts and Regulations) shall be disclosed as follows:

*The identified students are Economically Disadvantaged and qualify for supplemental education services under the provisions of Strengthening Career and Technical Education for the 21<sup>st</sup> Century Act (Perkins V)*

When required, obtain prior written consent from the parent/guardian prior to any disclosure not authorized by the National School Lunch Act or any regulations under that Act;

For the State Medicaid Program and the State Children's Health Insurance Program, notify parents/guardians of potential disclosures and provide an opportunity for parents/guardians to elect not to have information disclosed;

Disclose children's confidential meal eligibility status 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 prior written consent; and

Ensure any misuse of the information concerning student's socioeconomic status is reported immediately to the School Nutrition Services Section of the NC Department of Public Instruction.

**NC Career and Technical Education will:**

Ensure that only the persons (shown in the attachment) who are directly connected with the administration or enforcement of **NC 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 provide support services as required by the Strengthening Career and Technical Education for the 21<sup>st</sup> Century Act (Perkins V) and to elevate 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 of the following:

- 1) The information is confidential;
- 2) Student's confidential eligibility information must be used only for purposes specified above;
- 3) No mention of the terms used in conjunction with the National School Lunch Act (i.e., free and reduced) may be used when communicating (print, verbal, electronic or other media) this information;
- 4) The penalties for unauthorized disclosures;
- 5) None of the information obtained from the Child Nutrition Program may be downloaded or entered into PowerSchool or any other district-wide any other data management system in the school or district; and
- 6) None of the information obtained from the Child Nutrition Program may be disclosed to a third party for any purpose; disclosure to a third party constitutes a breach of the MOA and may result in revocation of the district's authorization to receive the data in the future and other penalties described in the annual agreement between the School Food Authority and the NCDPI/State Board of Education.

The recipient of this information agrees to protect the confidentiality of children's meal eligibility information status and/or socioeconomic status as follows:

Career and Technical Education will obtain an electronic report of students qualifying for free and reduced-price meals and free milk. The information will be distributed to authorized persons (attachment 1) via a secure website or through hard copy distribution at the LEA. 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. LEA personnel who have access to the list of students that qualify for free and reduced-price meal benefits will not release the information in any manner to school staff except as specifically allowed in Part III of this agreement.

The recipient of this information agrees to protect the confidentiality of student's meal eligibility information and/or socioeconomic status during the transfer of information.

The information about economically disadvantaged students will be transferred electronically at the State level. Local education agency CTE personnel who have a demonstrated need to know the student's confidential meal eligibility status in order to provide the support services as required under Federal law may access the information. Electronic files will be stored securely and destroyed when they are no longer needed.

#### **IV. EFFECTIVE DATES**

This agreement shall be effective from **July 1, 2021 to June 30, 2022**

#### **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. Further, in accordance with the annual agreement between the School Food Authority and the NCDPI SBE, penalties for disclosure of this information to an unauthorized third party may result in personnel action up to and including dismissal.

#### **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 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.

## Career and Technical Education Program Administrator:

**Printed Name:** Trey Michael  
**Title:** Director, Division of Career and Technical Education  
**Telephone:** (984) 236-2758  
**Date:** August 27, 2020

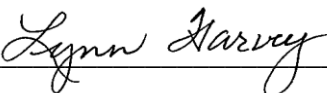
**Signature:**

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## School Nutrition Program Administrator:

**Printed Name:** Dr. Lynn Harvey, RDN, LDN, FAND, SNS  
**Title:** Director, School Nutrition and District Operations Divisions  
**Telephone:** (984) 236-2901  
**Date:** August 27, 2020

**Signature:**



- ❖ Any attachments will become part of this agreement.

<b>LEA No.</b>	<b>LEA Name</b>	<b>CTE Authorized User of Student Data</b>
10	Alamance	Robin Bowers
20	Alexander County	Crystal Hoke
30	Alleghany County	Heath Vogler
40	Anson County	Denise Stevens
50	Ashe County	Earl Pennington
761	Asheboro City	Sarah Beth Robbins
111	Asheville	Dr. Ivry S. Cheeks
60	Avery	Ellis Ayers
70	Beaufort County	Victoria Hamill
80	Bertie County	Wanda Cofield
90	Bladen County	Dana Melvin-Mills
100	Brunswick County	Darrell Cheers
110	Buncombe	Taylor Baldwin
120	Burke	Debbie Jennings
130	Cabarrus County	Russell Parker
140	Caldwell County	Libby Huff
150	Camden County	Carol Overton
160	Carteret County	Allison Dees
170	Caswell County	Medina Jones
180	Catawba County	Dr. Jeff Isenhour
681	Chapel Hill-Carrboro	Kathi Breweur
600	Charlotte-Mecklenburg	Susan Gann
190	Chatham County	Kelly Batten
200	Cherokee County	Jennifer Cable
220	Clay	Revonda Palmer
230	Cleveland County	Tony Fogleman
821	Clinton City	Kristy Moore
240	Columbus County	Tom McLam
250	Craven County	Holly Tolston
260	Cumberland County	Carson Phipps
260	Cumberland County	Chip Lucas
260	Cumberland County	Taneka Williams
270	Currituck County	Jennifer Woods
280	Dare County	Shannon Castillo
290	Davidson County	Kim Sexton
300	Davie County	Anthony Davis
310	Duplin County	Erica Jones
320	Durham Public	Dr. Julie Pack
210	Edenton/Chowan	Josh Davenport
330	Edgecombe County	Tandra Hedgepeth
700	Elizabeth City/Pasquotank	Shelia Hughes
861	Elkin City	Danna Lyon-Carpenter

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<b>LEA No.</b>	<b>LEA Name</b>	<b>CTE Authorized User of Student Data</b>
340	Forsyth County	Bruce Sherman
340	Forsyth County	Vicky Wheeler
350	Franklin County	Danyelle Parker
360	Gaston County	Brett Buchanan
370	Gates County	Ann Harrell
380	Graham	David Matheson
390	Granville County	Angela B. Salisbury
400	Greene County	Julie Batchelor
410	Guilford County	Dr. Eboni Chillis
410	Guilford County	Starr King
410	Guilford County	Vernon McHam
410	Guilford County	Nancy Cross
420	Halifax County	Dr. LaVonne McClain
430	Harnett County	Justin Wilkinson
440	Haywood	Aleasa Glance
450	Henderson	Scott Moore
460	Hertford County	Ernest Cooley
181	Hickory City	Karen Ingram
181	Hickory City	Tim Sims
470	Hoke County	Dr. Dana Chavis
480	Hyde County	Steve Blackstock
490	Iredell-Statesville	Tim Woody
500	Jackson	Angela Dills
510	Johnston County	Suzanne Lujan
510	Johnston County	Reno Palombit
520	Jones County	Barbara Lee
132	Kannapolis City	Daryle Adams
530	Lee County	Gary Hart
540	Lenoir County	Amy Jones
291	Lexington City	Nicole Piggott
550	Lincoln County	Dr. Cale Sain
560	Macon	Colleen Strickland
570	Madison	Jimmy Huey
580	Martin County	James Guard
590	McDowell	Mary Finley
610	Mitchell	Kim Hodshon
620	Montgomery County	Emily Shaw
630	Moore County	Amanda Dixon
491	Mooresville City	Julie Blocker
862	Mount Airy City	Olivia Sikes
640	Nash County	Chad Thompson
298	NCDPI Educational Services for the Deaf and Blind	Sarah McManus

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<b>LEA No.</b>	<b>LEA Name</b>	<b>CTE Authorized User of Student Data</b>
650	New Hanover County	Katrina Futrell
182	Newton-Conover	Karen Boyles
660	Northampton County	Dr. Amy Draper
670	Onslow County	Chris Bailey
680	Orange County	Shannon Braxton
690	Pamlico County	Joseph Spruill
710	Pender County	Flonnie Wullenwaber
720	Perquimans County	Jill Cohen
730	Person County	Judy Bradsher
740	Pitt County	Beth Ann Trueblood
750	Polk	Josh Hill
760	Randolph County	Dr. David Cross
770	Richmond County	Greg Norton
421	Roanoke Rapids City	Tom Davis
780	Robeson County	Herman Locklear
790	Rockingham County	Erselle Young
800	Rowan-Salisbury	Holly Pore
810	Rutherford	Charlie Freeman
820	Sampson County	Ginger Stone
830	Scotland County	Dr. Jonathan McRae
840	Stanly County	Mandy Melton
850	Stokes County	Doug Rose
860	Surry County	Neil Atkins
870	Swain	Barbara Sneed
292	Thomasville City	Diane Roberts
880	Transylvania	Missy Ellenberger
890	Tyrrell County	Sheila Cumiskey
900	Union County	Brian Davis
910	Vance County	Gail Powers
920	Wake County	Jo Anne Honeycutt
920	Wake County	Phil Vice
920	Wake County	Tonya Jarrett
930	Warren County	Derrick L. Fogg
930	Warren County	Chelsa Jennings
940	Washington County	Tamara Wrighton
950	Watauga County	Tierra Stark
960	Wayne County	Beverly Boltinhouse
422	Weldon City	Robin David (interim)
241	Whiteville City	Susan Watson
970	Wilkes County	Dr. Joe Bullis
980	Wilson	David Lyndon
990	Yadkin County	Dr. Robert "Boomer" Kennedy
995	Yancey	Cynthia Deyton

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