

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

**I. PURPOSE AND SCOPE**

**The Office of School Nutrition of the North Carolina Department of Public Instruction and the Office of Federal Programs** acknowledge and agree that children's free and reduced price meal 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 School Nutrition Programs in North Carolina to the Office of Federal Programs about children eligible for free and reduced price meals will be used only for purposes specified in this Agreement and for no other purpose(s). The Office of School Nutrition and the Office of Federal Programs recognize that 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 student's confidential free and reduced-price meal 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 student eligible for benefits under or enrolling student in the State Medicaid Program and the State Student's Health Insurance Program. Additionally, the statute specifies that for any disclosures not authorized by the statute, the consent of student's parent/guardians must be obtained prior to the disclosure. Federal or State mandated education programs may have access to student'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 **Office of School Nutrition** at 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 the Title I Program*

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 Student'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 student'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 to use the information for a specific purpose; and

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

The **Office of Federal Programs**, on behalf of the Title I Program will:

Ensure that only the persons (shown in the attachment) who are directly connected with the administration or enforcement of the **Title I Education Program** and whose job responsibilities require use of the eligibility information will have access to student's confidential meal eligibility status and other pertinent information:

**Title 1 Director**

**(See attached list of names of personnel authorized to receive the confidential information)**

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

**To calculate poverty percentages of each school in the district to determine Title I eligibility and within-district allocations.**

Inform all persons that have access to children's confidential free and reduced-price meal eligibility information of the following:

- (1) The information is confidential
- (2) A student's confidential eligibility information must only be used for purposes specified above
- (3) No mention of the terms of use 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; and
- (4) The penalties for unauthorized disclosures
- (5) None of the information obtained from the School Nutrition Program may be downloaded or entered into PowerSchool or any other data management system in the school or district.
- (6) None of the information obtained from the School 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.

Protect the confidentiality of children’s meal eligibility information status and/or socioeconomic status as follows:

- **Files with student names/identifiers will not be transmitted electronically;**
- **Files will be locked in the office of the Title I Director when not in use;**
- **Files will not be left unattended at any time for view by any other unauthorized person;**
- **A letter informing authorized recipients of the confidential nature of this data will be provided to all Title I Directors.**

Protect the confidentiality of student’s meal eligibility information and/or socioeconomic status during the transfer of information:

**Files will be hand delivered to the authorized recipients (Title 1 Director) and returned in the same manner to the School Nutrition Director or destroyed by shredding or other appropriate means. Updated lists should be made available upon request within 5 business days.**

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

The Office of Federal Programs will obtain an electronic report of students qualifying for free or reduced-price meals. The information will be distributed to authorized persons (attachment 1) via a secure website or through hard copy distribution at the PSU. Students will be identified only as economically disadvantaged and will not be identified by their free and reduced-price eligibility status. PSU personnel who have access to student’s confidential meal eligibility status (as reflected by their qualification for free and reduced-priced 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 confidential meal eligibility status and/or socioeconomic status during the transfer of information.

The information about economically disadvantaged students will be transferred electronically at the State level. The PSU and Title I Program 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, 2023 – June 30, 2024.

#### **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 student’s confidential eligibility for free or

reduced-price meals 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 and 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 student’s confidential free and reduced-price eligibility information may be used only for the specific purposes stated above; that unauthorized use of student’s confidential meal eligibility status or further disclosure to other persons or programs is prohibited and is a violation of federal law which may result in civil and criminal penalties.

**Federal Program Administrator: (Educational Program eligible to receive Student’s Confidential Eligibility Status)**

Printed Name: Alex Charles  
Title: Acting Senior Director, Office of Federal Programs  
Telephone: (984) 236-2796  
Signature: Alex Charles  
Date: 7/21/2023 9:45:41 AM EDT

**Determining Official: (School Nutrition Administrator)**

Printed Name: Dr. Lynn Harvey  
Title: Senior Director, Office of School Nutrition and District Operations  
Telephone: (984) 236-2901  
Signature: Lynn Harvey  
Date: 7/20/2023 2:54:38 PM EDT

\* Any attachments will become part of this agreement.

**For each person requesting a student's confidential eligibility status, the following table must be completed and attached to the Memorandum of Agreement.**

The **Name of Program** certifies that it is currently authorized to administer the following program(s) and that information requested will only be used by the program(s) indicated:

Check all that apply	Program	Information authorized
	<i>Medicaid or the State children's health insurance program (SCHIP), administered by a State or local agency authorized under titles XIX or XXI of the Social Security Act.</i> Specify Program:	All eligibility information, unless parents elect not to have information disclosed.
	<i>State health program other than Medicaid/SCHIP, administered by a State agency or local education agency.</i> Specify Program:	Eligibility <b>status</b> only; consent not required.
	<i>Federal health program other than Medicaid/SCHIP</i> Specify Program:	NO eligibility information, unless parental consent is obtained.
	<i>Local health program</i> Specify Program:	NO eligibility information, unless parental consent is obtained.
	<i>Child Nutrition Program under the National School Lunch Act or Child Nutrition Act</i> Specify Program:	All eligibility information; consent not required.
X	<i>Federal/State or local means tested nutrition program with eligibility standards comparable to the National School Lunch Program.</i> Specify Program: <b>Title I Program, Part A</b>	Eligibility <b>status</b> only; consent not required.
	<i>Federal education program</i> Specify Program: Title I, Part A	Eligibility <b>status</b> only; consent not required.
	<i>State education program administered by a State agency or local education agency</i> Specify Program:	Eligibility <b>status</b> only; consent not required.
	<i>Local education program</i> Specify Program:	NO eligibility information, unless parental consent is obtained.

**Note:** Section 9(b)(2)(C)(iv) specifies that certain programs may receive children's eligibility status only, without parental consent. Parental consent must be obtained to disclose any additional eligibility information. Section 0(b)(2)(C)(iv) specifies that for State Medicaid or SCHIP, parents must be notified and given opportunity to elect not to have information disclosed. Social security numbers may only be disclosed if households are given notice of the disclosure and the uses to be made of their social security numbers as required by Sec. 7 of the Privacy Act.

Alamance-Burlington Schools	Dr. Ilana Dixon
Alexander County Schools	Andrea Robinette
Alleghany County Schools	Cindy Holder
Anson County Schools	Jennifer Collard
Ashe County Schools	Julie Taylor
Avery County Schools	Megan Pollard
Beaufort County Schools	Mr. Greg Singleton
Bertie County Schools	Tundra Woolard
Bladen County Schools	Dr. Anthony Hinson
Brunswick County Schools	Molly White
Buncombe County Schools	Ginny Barrett
Asheville City Schools	Sarah Cain
Burke County Schools	Karen D Auton
Cabarrus County Schools	Marybeth Roth
Kannapolis City Schools	Annie Parker
Caldwell County Schools	Jeni McNulty
Camden County Schools	Monique Hicks
Carteret County Public Schools	Dr. Anna Brooks
Caswell County Schools	Carol Boaz
Catawba County Schools	J. R. Sigmon
Hickory City Schools	Timothy W. Sims
Newton Conover City Schools	Tammy Brown
Chatham County Schools	Carol Little
Cherokee County Schools	Jennifer Cable
Edenton-Chowan Schools	Sheila P Evans
Clay County Schools	Angel Owens
Cleveland County Schools	Tamara Goforth
Columbus County Schools	Tom McLam
Whiteville City Schools	Beverly R. Turner
Craven County Schools	Jason Griffin
Cumberland County Schools	Maria Pierce Ford
Currituck County Schools	Christine Hodges
Dare County Schools	Steve Blackstock
Davidson County Schools	Dr. Deana Coley
Lexington City Schools	Emy Garrett

Thomasville City Schools	Chris Kennedy
Deaf and Blind Schools	Melvin Diggs
Davie County Schools	Clay Harris
Duplin County Schools	Janice Goldsby
Durham Public Schools	Dietrich Morrison-Danner, Ph.D.
Edgecombe County Public Schools	Amy Pearce
Winston Salem / Forsyth County Schools	Kelly Hales
Franklin County Schools	Geoffrey Hawthorne
Gaston County Schools	Cynthia Denise Reynolds
Gates County Schools	Dr. Tammy R Boone
Graham County Schools	Kristy Cable
Granville County Schools	Shelby Hunt
Greene County Schools	Dr. Michael Dixon
Guilford County Schools	Dr. Melissa Nixon
Halifax County Schools	Dr. Tyrana B. Battle
Roanoke Rapids City Schools	Juliana Thompson
Weldon City Schools	Dr. Wendy Carpenter
Harnett County Schools	Dana Stephens
Haywood County Schools	Lisa Thompson
Henderson County Schools	Shannon Marlowe
Hertford County Schools	Natasha Norman, Federal Programs Director
Hoke County Schools	Erica Fortenberry
Hyde County Schools	Karen I Hutson
Iredell-Statesville Schools	Jonathan Ribbeck
Mooresville Graded School District	Angie Davis
Jackson County Public Schools	Laura Dills
Johnston County Public Schools	Dr. Nicholas King
Jones County Schools	Janelle Ehnstrom
Lee County Schools	Carol Chappell
Lenoir County Public Schools	Beverly Kee
Lincoln County Schools	Timothy Beam
Macon County Schools	Josh Lynch
Madison County Schools	Lisa Gahagan
Martin County Schools	Jan Wagner

McDowell County Schools	Crystal Hamby
Charlotte-Mecklenburg Schools	Katie Sunseri
Mitchell County Schools	Paula Holder
Montgomery County Schools	Wade Auman
Moore County Schools	Dr. Lisa Scott
Nash County Public Schools	Janet Morris
New Hanover County Schools	Jamie Malinak
Northampton County Schools	Geneva Riddick-Faulkner
Onslow County Schools	Mark Bulris
Orange County Schools	Rhonda Rath
Chapel Hill-Carrboro City Schools	Arrica DuBose
Pamlico County Schools	Jeremy B. Johnson
Elizabeth City-Pasquotank Public Schools	Bert Lane
Pender County Schools	Dr. William J. Lancaster III
Perquimans County Schools	James R. Bunch
Person County Schools	Joseph G. Warren
Pitt County Schools	LaVette L Ford
Polk County Schools	Jan Crump
Randolph County School System	Dr. Lynette Graves
Asheboro City Schools	Wendy Rich
Richmond County Schools	Pam Patterson
Public Schools of Robeson County	Jennifer Freeman
Rockingham County Schools	Charles Perkins
Rowan-Salisbury Schools	Jerri Hunt
Rutherford County Schools	Keith Silver
Sampson County Schools	Melinda Vickers
Clinton City Schools	Dr. William T. Vann, III
Scotland County Schools	Barbara Adams
Stanly County Schools	Nancy Hatley
Stokes County Schools	Lanette Moore
Surry County Schools	LuAnne Llewellyn
Elkin City Schools	Dr. Cynthia Altemueller
Mount Airy City Schools	Penny Willard
Swain County Schools	Evan Clapsaddle
Transylvania County Schools	Audrey L Reneau



Tyrrell County Schools	Audrey Curles
Union County Public Schools	Dr. Elenia Daniels
Vance County Schools	Jacqueline Batchelor-Crosson
Wake County Schools	Shaneeeka Moore-Lawrence
Warren County Schools	Kimberly Scott
Washington County Schools	Julie Simpson
Watauga County Schools	Wayne M. Eberle II
Wayne County Public Schools	Youlonda Wynn
Wilkes County Schools	Joe Bullis
Wilson County Schools	Robin May
Yadkin County Schools	Lisa Pendry
Yancey County Schools	Heather Cox
Dillard Academy	Hilda G. Hicks