



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12234

Office for Prekindergarten through Grade 12 Education
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To: Superintendents, School Business Officials, Executive Directors, School Food Service Directors/Managers

From: Paula Tyner-Doyle, Coordinator

Date: Thursday, September 22, 2016

Subject: Sharing Aggregate Data and Disclosure Requirements

The purpose of this memorandum is to remind school food authorities (SFAs), schools, and sponsoring organizations operating in the National School Lunch Program (NSLP), the School Breakfast Program (SBP), and the Summer Food Service Program (SFSP) about data sharing and disclosure requirements.

Data Sharing

Child Nutrition Program (CNP) operators may disclose student-specific eligibility status to other CNP operators to expedite children's eligibility certification for these programs. Additionally, CNP operators may disclose aggregate information about students eligible for free and reduced price meals to any party without parental notification provided that an individual or group of students' eligibility cannot be identified through release of the aggregate data or by means of deduction [7 CFR 245.6(f)]. For example, release of data relating to specific classrooms is a very small subset of school data and could lead to identification of individual children.

Generally, aggregate data on the percentage of students eligible for free and reduced-price meals is considered public information. Often the aggregate data also may be posted on the school or district website. Examples of aggregate data include: average daily participation, number of meals served, aggregate free and reduced-price eligibility percentages and aggregate enrollment data.

Disclosure

Disclosure is the act of revealing or using student program eligibility information obtained through the free and reduced price eligibility process for a purpose other than providing free or reduced meals. Disclosure includes, but is not limited to access, release, or transfer of personal data about children by any means.

Under the CNPs, data relating to individual children is strictly regulated. Section 9(b)(6) of the NSLA, 42 U.S.C.1758(b)(6) and regulations found at 7 CFR Part 245.6 outline the restrictions on the disclosure and use of information obtained from an application for free and reduced price meals. While the law discusses applications, these requirements also apply to any information obtained through direct certification and verification.

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
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.
3. Federal, State or local means-tested nutrition programs with eligibility standards comparable to the National School Lunch Program (NSLP), such as the Supplemental Nutrition Assistance Program (SNAP).

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.
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.

Parental Consent

In order to use and share eligibility information for other purposes, such providing benefits for free textbooks or school supplies, free band instruments, reduced fees for summer school or driver education, holiday baskets, or summer arts and playground programs, the student's parent or guardian must provide prior and informed consent. Consent forms must be obtained each school year and cannot be extended from one school year to the next. SED has provided three prototype letters that may be used to obtain parental consent if additional benefits will be provided using free and reduced price meal eligibility information.

For prototype consent forms and additional information on disclosure please review the [2016-17 Updated Policy Booklet](#), or contact your Child Nutrition Representative at (518) 473-8781.