Attachment A, Memo No. 146-18

June 8, 2018

**Memorandum of Understanding (MOU) Agreement of**

# Disclosure of Confidentiality Free and Reduced-Price Meal Eligibility Purpose and Scope

Loudoun County Public Schools School Nutrition Services and LCPS School Principal/Administrator 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 USC 1751 et seq.) (NSLA) or Child Nutrition Act of 1966 (42 USC 1771 et seq.) (CNA) and the regulations implementing these Acts is confidential information. This Agreement is intended to ensure that any information disclosed by LCPS School Nutrition Services to the LCPS School Principal/Administrator about children eligibility for free and reduced-price meals or free milk will be used for purposes specified in this Agreement and that the LCPS School Nutrition Services and LCPS School Principal/Administrator recognize that there are penalties for unauthorized disclosures of this eligibility information.

# 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 State Medicaid Program and the state children’s health insurance program, Family Access to Medical Insurance Security Plan (FAMIS). Additionally, the statute specifies that for any disclosure not authorized by the statute, the consent of children’s parents/guardians must be obtained prior to the disclosure.

The requesting agency certifies that it is currently authorizes to administer the following program(s) and that information requested will only be used by the program(s) indicated.

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| **Program** | **Information Authorized** | **Check box** |
| Medicaid or FAMIS, Virginia’s program to provide insurance to children, administered by a State or Local agency authorized under titles XIX or XXI of the Social Security Act. | All eligibility information unless parents elect not to have information disclosed. | ☒ |
| State health program other that Medicaid/CHIP, administered by a State agency or local agency. | Eligibility state only.  Prior consent not required. | ☒ |

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| Federal health program than Medicaid/CHIP | No eligibility information unless prior parental or guardian consent is obtained. | ☒ |
| Local health program | No eligibility information unless prior parental or guardian consent is obtained. | ☒ |
| Child Nutrition Program under the National School  Lunch Act or Child Nutrition Act | All eligibility information:  consent not required. | ☒ |
| **Program** | **Information Authorized** | **Check box** |
| Federal/State or local means tested nutrition  program with eligibility standards comparable to the  National School Lunch Program | Eligibility status only; consent not required. | ☒ |
| Federal education program | Eligibility status only; consent not required. | ☒ |

*Note: Section 9(b)(6) 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.*

**Responsibilities:**

LCPS School Nutrition Services will:

When required, secure the consent of parent/guardians prior to any disclosure not authorized by the National School Lunch Act or any regulations under the Act, unless prior consent is secured by the receiving agency and made available to the determining agency.

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 parent/guardians gave consent.

LCPS School Principal/Administrator will:

Ensure that only persons who are directly connected with the administration or enforcement of the programs listed below 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):**

School Principal/Administrator

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| **Use children’s free and reduced-price eligibility information for the following specific purpose(s):** |
| The administration of Federal and State education programs, SOL Assessments, Standardized testing. |

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 purpose specified above, and the penalties for unauthorized disclosures.

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| **Protect the confidentiality of children’s free and reduced-price meal or free milk eligibility information as follows:** |
| Access to student information in Phoenix is password protected. Disadvantaged field (eligibility) is coded.  Information will be “need to know” basis for the purposes listed above.  No third-party disclosures will occur. |

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| **Specifically describe how the information will be protected from unauthorized uses and further disclosures.** |
| All printouts, files obtained will be destroyed upon completion. |

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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 student’s meal eligibility information for the determining agency to the requesting agency/program so as to limit the number of individuals who have access to the information. Please describe.** |
| Access to coded information in Phoenix. |

**Effective Dates**

This agreement shall be effective from [7/1/2023] to [7/31/2024].

# 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) of the National School Lunch Act; 42USC 1758(b)(6) 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 one year or both.

# 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** Click or tap here to enter text.

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|  |  | **Signature:** | |
| **Title:** Click or tap here to enter text.      **Phone**: Click or tap here to enter text.        **Determining Agency Administrator:** |  |  | **Date**: Click or tap to enter a date. |
| **Name** Elizabeth B. Mills, RD SNS |  | **Signature:** | |

**Title:** Director of School Nutrition **Date**: 7/12/2023

**Phone**: 540-751-2690