

**GALLATIN COUNTY SCHOOLS  
FOOD AND NUTRITION DEPARTMENT  
DISCLOSURE OF FREE AND REDUCED PRICE INFORMATION  
AGREEMENT**

**I. PURPOSE AND SCOPE**

Gallatin County Nutrition Department and Gallatin County Schools 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 the Gallatin County Nutrition Department to the Gallatin County Schools 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 Gallatin County Nutrition Department and Gallatin County Schools recognize that there are penalties for unauthorized disclosures of this eligibility information.

**II. AUTHORITY**

Section 9(b)(6)(A) of the NSLA (42 USC 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 State children's health insurance program. 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.

The requesting agency 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

I  
Information authorized

	<i>Medicaid or the State children's health insurance program (KCHIP), administered by a State or local agency authorized under titles XIX or XXI of the Social Security Act. Specify Program:</i>	All eligibility information, unless parents elect not to have information disclosed.
	<i>State health program other than Medicaid/KCHIP, administered by a State agency or local education agency. Specify Program:</i>	Eligibility <b>status</b> only; consent not required.
	<i>Federal health program other than Medicaid/KCHIP Specify Program:</i>	NO eligibility information, unless parental consent is obtained.
	<i>Local health program Specify Program:</i>	NO eligibility information, unless parental consent is obtained.
	<i>Child Nutrition Program under the National School Lunch Act or Child Nutrition Act Specify Program:</i>	All eligibility information; consent not required.
	<i>Federal/State or local means tested nutrition program with eligibility standards comparable to the National School Lunch Program Specify Program:</i>	Name and eligibility <b>status</b> only; consent not required.
X	<i>Federal education program Specify Program:</i> <b>Title I, Title II, Title IV, Title V IDEA Basic, IDEA Preschool, NCLB</b>	Name and eligibility <b>status</b> only; consent not required.
X	<i>State education program administered by a State agency or local education agency Specify Program (i.e. SEEK):</i> <b>ESS, Gifted &amp; Talented, Migrant, &amp; Preschool</b>	Name and eligibility <b>status</b> only; consent not required.

## Disclosure Chart by What May be Released

<b>All Eligibility Information</b>		
<b>Recipient of Information</b>	<b>Information that May be Disclosed to Recipient</b>	<b>Required Notification and Consent</b>
<i>Child Nutrition Programs</i> under the National School Lunch Act or Child Nutrition Act (NSLP, SBP, SMP, CACFP, SFSP, and WIC)	All eligibility information	Prior notice and consent not required
<i>Federal, State or local law enforcement officials</i> investigating alleged violations of any of the programs under the NSLA and CNA or investigating violations of any of the programs authorized to have access to names and eligibility status	All eligibility information	Prior notice and consent not required
<i>Comptroller General of the United States</i> for purposes of audit and examination	All eligibility information	Prior notice and consent not required
<i>Medicaid or the State children's health insurance programs (KCHIP)</i> , administered by a State or local agency authorized under titles XIX or XXI of the Social Security Act to identify and enroll eligible children	All eligibility information, unless parents elect not to have information disclosed	Must give prior notice to parents and opportunity for parents to decline to have information disclosed
<b>Eligibility Status Only</b>		
<b>Recipient of Information</b>	<b>Information that May be Disclosed to Recipient</b>	<b>Required Notification and Consent</b>
<i>Federal/State or local means tested nutrition programs</i> with eligibility standards comparable to the NSLP	Name and Eligibility <b>status</b> only	Prior notice and consent not required
<i>Federal education programs</i>	Name and Eligibility <b>status</b> only	Prior notice and consent not required
<i>State education programs</i> administered by a State agency or local education agency	Name and Eligibility <b>status</b> only	Prior notice and consent not required
<i>State health programs</i> other than Medicaid/KCHIP, administered by a State agency or local education agency	Eligibility <b>status</b> only	Prior notice and consent not required
<b>No Eligibility Information, Unless Parental Consent Is Obtained</b>		
<i>Local education programs</i>	NO eligibility information, unless parental consent is obtained	Must obtain parental consent
<i>Federal health programs</i> other than Medicaid/SCHIP	NO eligibility information, unless parental consent is obtained	Must obtain parental consent
<i>Local health program</i>	NO eligibility information, unless parental consent is obtained	Must obtain parental consent

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

### **III. RESPONSIBILITIES**

#### **Gallatin County Nutrition Department will:**

When required, secure parents/guardians consent 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 KCHIP 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.

#### **Gallatin County Schools will:**

Ensure that only persons who are directly connected with the administration or enforcement of the **Title I, Title II, Title IV, Title V, IDEA Basic, IDEA Preschool, Migrant, ESS, Gifted & Talented,** 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))

**Dorothy Perkins, Superintendent**

**Ray Spahn, Assistant Superintendent**

**Leonard Whalen, Deputy Superintendent & Director of Pupil Personnel**

**Renee Cameron, Director of Special Education Programs**

**Debra Foltz, Director of Assessment & District Wide Programs, Gifted & Talented Principals, Assistant Principals & Counselors**

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

**(Describe) To meet the "No Child Left Behind" Requirements**

\_\_\_\_\_

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 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:

Specifically describe how the information will be protected from unauthorized uses and further disclosures.) The person who receives the information from the Nutrition Department will destroy, by shredding, the information as soon as they finish with it for the purpose of determining the meeting of the requirements of "No child left behind."

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

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) School Nutrition Director will run a copy of the free/reduced information and hand deliver it to the person/department head requesting the information. At that time all forms will be signed and a copy will be kept in the School Nutrition Director's office.

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

This agreement shall be effective from July 1, 2012 to June 30, 2013

#### **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 USC 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; 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**

Printed Name: David Morris  
Title: Board Chair Phone: 859-567-2417  
Signature: \_\_\_\_\_  
Date: \_\_\_\_\_

**Determining Agency Administrator**

Printed Name: Martha M. Sebring  
Title: School Nutrition Director Phone: 859-567-5862  
Signature: \_\_\_\_\_  
Date: \_\_\_\_\_

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