



Bullitt County Public Schools

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Shepherdsville, Kentucky 40165

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DATE: Sept. 15, 2021

TO: Jesse Bacon, Superintendent *JB*

FROM: Todd Crumbacker, Director of School Nutrition Services *TC*

RE: Disclosure of Free & Reduced Price Information Agreement

The Disclosure of Free and Reduced Price Information Agreement permits School Nutrition Services to share eligibility information of students to BCPS employees. This information is considered highly confidential and can only be made available to those identified in the agreement as having a "need to know" in order to perform their job. Prior to School providing any confidential information, BCPS employees identified in the agreement are required to sign an Employee Affidavit of Nondisclosure form which states that they agree to keep all student free and reduced price meal eligibility information confidential.

Included with the Agreement is the Employee Affidavit.

DISCLOSURE OF FREE AND REDUCED PRICE INFORMATION AGREEMENT

I. PURPOSE AND SCOPE

Bullitt County School Nutrition Service Program and **Bullitt County Board of Education** 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 **Bullitt County School Nutrition Service Program** to the **Bullitt County Board of Education** 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 Bullitt County School Nutrition Service and Bullitt County Board of Education 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/guardian 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

	<p><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.</i> Specify Program:</p>	All eligibility information, unless parents elect not to have information disclosed.
	<p><i>State health program other than Medicaid/KCHIP, administered by a State agency or local education agency.</i> Specify Program:</p>	Eligibility status only; consent not required
	<p><i>Federal health program other than Medicaid/KCHIP</i> Specify Program:</p>	NO eligibility information, unless parental consent is obtained.
	<p><i>Local health program</i> Specify Program:</p>	NO eligibility information, unless parental consent is obtained.
X	<p><i>Child Nutrition Program under the National School Lunch Act or Child Nutrition Act</i> Specify Program: ASSP, SFSP</p>	All eligibility information; consent not required.
	<p><i>Federal/State or local means tested nutrition program with eligibility standards comparable to the National School Lunch Program</i> Specify Program:</p>	Name and eligibility status only; consent not required.
X	<p><i>Federal education program</i> Specify Program: Fee Waiver Application, ACT/SAT, Title 1, NCLB, College AP, McKinney-Vento</p>	Name and eligibility status only; consent not required.
X	<p><i>State education program administered by a State agency or local education agency</i> Specify Program: Pre-School, FRYSC, Testing, SEEK</p>	Name and eligibility status only; consent not required.

Disclosure Chart by What May be Released

All Eligibility Information

Recipient of Information	Information that May be Disclosed to Recipient	Required Notification and Consent
<i>Child Nutrition Programs</i> under the National School Lunch Act or Child Nutrition Act (NSLP, SBP, 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</i> of the United States 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 their information disclosed

Eligibility Status Only

Recipient of Information	Information that May be Disclosed to Recipient	Required Notification and Consent
<i>Federal/State or local means tested nutrition programs with eligibility standards comparable to the NSLP</i>	Name and Eligibility status only	Prior notice and consent not required
<i>Federal education programs</i>	Name and Eligibility status only	Prior notice and consent not required
<i>State education programs administered by a State agency or local education agency</i>	Name and Eligibility status only	Prior notice and consent not required
<i>State health programs other than Medicaid/KCHIP, administered by a State agency or local education agency</i>	Eligibility status only	Prior notice and consent not required
No Eligibility Information, Unless Parental Consent Is Obtained		
<i>Local education programs</i>	NO eligibility information, unless parental consent is obtained	Must obtain parental consent
<i>Federal health programs other than Medicaid/SCHIP</i>	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

Bullitt County School Nutrition Services 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.

Bullitt County Board Of Education will:

Ensure that only persons who are directly connected with the administration or enforcement of the (*Fee Waiver Application, ACT, SAT, Title 1, College Board AP, NCLB, ESS, ESL, FRYSC, KCCT, and Pre-School*) and whose job responsibilities require use of the eligibility information will have access to children's eligibility information:

Counselors, Pre-school Coordinator, Pre-school Administrative Assistant, Pre-school Consultants, Pre-school Teachers, Student Information System Data Coordinator, District FRAM Coordinator, CEP School FRAM Coordinators, Superintendent, Administrative Assistant to Superintendent, Assistant Superintendents, Administrative Secretaries to Assistant Superintendents, Director of FRYSC, Coordinators of FRYSC, District McKinney-Vento Coordinator, Assistant to District McKinney-Vento Coordinator, Director of Assessment, Data, and Research, Secretary of Assessment, Data, and Research, Instructional Coaches, Data Managers-Middle and High Schools, and the BCPS Grant Writer. Principals, Assistant Principals, and Access 24 employees will be approved on an as needed basis.

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

Program	Access	The following needs the free/reduced status Information for the following reasons:
FEDERAL		
Fee Waiver Application	Counselor	Students and families ask for proof that they receive free/reduced (F/R) meals so their college application fee can be waived.
ACT/SAT	Counselor	ACT/SAT waives exam fee up to two times for students that qualify for F/R meals. Counselors must complete to verify student is on F/R meals.
College Board AP	Counselor	During AP Exam testing window, counselor is expected to note students on F/R meals. If a student is, counselor must bubble in student's exam form.
Title 1	Superintendent Assistant Superintendents	Supplemental Educational Services can only be provided to students on F/R meals.
NCLB	Superintendent Assistant Superintendents Admin. Sec. to Superintendent Admin. Sec. to Assistant Superintendents	NCLB regulations guide the Title 1 Program. F/R students must be documented during any state testing window and at time of result release in fall.
	Director of Assessment, Data, And Research	Track benchmarks for NCLB
	Secretary of Assessment, Data, And Research	Pull data to create reports for Director of Assessment, Data, and Research to track NCLB
McKinney-Vento	Instructional Coaches Data Managers	If students are not meeting NCLB Guidelines, Instructional Coaches and Data Managers pull individual student information to start an intervention program. Target F/R lunch.
	McKinney-Vento Coordinator Assistant to McKinney-Vento Coordinator	Works with homeless students.

STATE

FRYSC	Director Coordinators	Director needs access to F/R count as of December 1, to determine FRYSC grant for next school year. Bullitt County FRYSC Coordinators use data to refer students and families to community and school services that help reduce barriers to learning and help promote academic success and student support.
Pre-School	Coordinator Admin. Asst. Consultants Teachers	Information is needed for determination of pre-school eligibility and data collection for state reports.
CEP Schools	FRAM Coordinators	Input DATA from Household Information Forms
OTHER	Superintendent	Must have access to, and responsibility for, everything that happens within the school district.
	Student Information Systems Data Coordinator District FRAM Coordinator	Opening FRAM tab to individuals on this list once approved affidavit is received in School Nutrition Service Office
	Principals Assistant Principals	On an "as needed basis"
	Grant Writer	Depending upon the grant, many grants require meal status information for certain groups or student populations.

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:

The Student Information System Data Coordinator (Tammy Tomes) and the District FRAM Coordinator (Jim Jackson) have restricted user rights. Only individuals identified above will have access to these rights. The School Nutrition Service Office will notify the Student Information System Data Coordinator or District FRAM Coordinator upon receiving a completed and approved non-disclosure affidavit. will only give rights to these individuals upon receiving a signed copy of this agreement.

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.

Federal and State programs were identified that would need access to the student's meal eligibility information. Once these programs were identified, then it was determined "who" within these programs would be working with the data. The Student Information System Data Coordinator will only give rights to these individuals upon receiving a signed copy of this agreement.

IV. EFFECTIVE DATES

This agreement shall be effective from October 1, 2020 through September 30, 2021.

V. PENALTIES

Any person who publishes, divulges, discloses, or makes known in any manner, or to any extent nor authorized by Federal law (Section 9(b)(6)(C) of the National School Lunch Act; 42 USC 1758(b)(6)(C)) in a regulation, any information about a child's eligibility for free and reduced price meals or free milk shall be fined not more than \$1000 or imprisonment of not more than 1 year or both.

VI. SIGNATURES (see Signature page below)

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.

Signature page

Requesting Agency/Program Administrator

Printed Name: _____

Title: _____ Phone: _____

Signature: _____

Date: _____

Determining Agency Administrator

Printed Name: _____

Title: _____ Phone: _____

Signature: _____

Date: _____

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

**KENTUCKY DEPARTMENT OF EDUCATION
EMPLOYEE AFFIDAVIT OF NONDISCLOSURE
OCTOBER 1, 2021 – SEPTEMBER 30, 2022**

Employee Name _____ Title _____
Office _____ Date of Request _____
Address _____
Telephone _____

I am requesting access to confidential information for the following:

Access to Confidential Free and Reduced Price Lunch Information

By signing this document I agree to the following:

- I will not permit access to confidential free and reduced price lunch information to persons not authorized by the KDE.
- I will maintain the confidentiality of the data.
- I will not reveal any individually identifiable information furnished, acquired, retrieved or assembled by me or others for any purpose other than statistical purposes specified in the KDE survey, project, or proposed research.
- I will report any known instances of missing data, data that has been inappropriately shared, or data taken off site to the Division of Human Resources and the Division of Child Nutrition Programs.

I understand that procedures must be in place for monitoring and protecting confidential information.

- I understand and acknowledge 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 U.S.C. 1751 et seq)(NSLA) or Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.)(CNA) and the regulations implementing these Acts is confidential information.
- I understand that any unauthorized disclosure of confidential free and reduced price lunch information is illegal as provided in the NSLA and CNA and in the implementing of federal regulation 7 C.F.R 245.6. The penalty for unlawful disclosure is a fine of not more than \$1,000.00 (under 7 C.F.R. 245.6) or imprisonment for up to one year (under 7 C.F.R. 245.6), or both.
- I understand that any personal characteristics, that could make the student or his/her family's identity traceable, are protected.
- In addition, I understand that any data sets or output reports that I may generate using confidential data are to be protected. I will not distribute to any unauthorized person any data sets or reports that I have access to or may generate using confidential data. I understand that I am responsible for any computer transactions performed as a result of access authorized by use of signon/password(s).

Employee Signature

Date

Division of Child Nutrition Programs Signature

Date