

# POLICY

2010

5660.1

1 of 1

NON-INSTRUCTIONAL/BUSINESS  
OPERATIONS

---

---

**SUBJECT: CONFIDENTIALITY OF ELIGIBILITY INFORMATION FOR CHILD NUTRITION PROGRAM (CNP) BENEFITS**

The National School Lunch Act protects the confidentiality rights of participants. Disclosure of eligibility information about participants beyond that authorized by Public Laws 103-448 and P.L. 105-336 is a criminal act punishable by a fine of not more than \$1000 or imprisonment of not more than 1 year, or both.

Section 108 of P.L. 105-336 authorizes limited disclosure of student reduced price and free CNP meal eligibility status to persons who are directly responsible for the administration or enforcement of the following programs:

1. Federal education programs such as Title I and National Assessment of Education Progress.
2. State health or State education programs such as Quality Performance Accreditation (QPA) and "At Risk" State funding. The programs must be established by a State agency and administered by a State agency or local agency.
3. Federal, State or local means-tested nutrition programs with eligibility standards comparable to the National School Lunch Program (i.e. assistance to households with income at or below 185 percent of the Federal poverty level such as the Food Stamp Program or State or local nutrition program).

Applications for Child Nutrition Program Benefits ARE NOT part of a student's educational records under the Family Education Rights and Privacy Act (FERPA), because FERPA does not govern the administration of the Child Nutrition Programs. Therefore, reduced price and free CNP eligibility information cannot be released with other educational records.

The limitations apply to all Child Nutrition Programs and apply to all eligibility information regardless of the manner in which the information is maintained including, but not limited to, print, tape, microfilm, microfiche and electronic communication.

Reduced price and free meal benefit applications and rosters of eligible students should NEVER be faxed. Faxing does not protect the confidentiality of the information.

To request the reduced price or free meal eligibility status, complete the [Request for Information on Eligibility for Child Nutrition Program Benefits](#). No information will be provided without this completed form. The determining official for the Child Nutrition Programs is the only person authorized to grant the release of this information.

Adopted: 2/25/10