Child Nutrition Program Participant Confidentiality Disclosure Quick Reference

This Confidentiality Disclosure Quick Reference describes how an individual student’s eligibility status (Free/Reduced) and name may be released for purposes other than receiving National School Lunch/School Breakfast/Child and Adult Care Food/Summer Food Service Programs benefits. The Federal Education Records Protection Act does not cover the individual eligibility status of a student for Child Nutrition Programs. The USDA regulates the confidentiality requirements for Child Nutrition Programs. Access to aggregate data is permitted without confidentiality restrictions. See the Free or Reduced Lunch Reports on the Oregon Department of Education webpage: <https://www.oregon.gov/ode/reports-and-data/students/Pages/default.aspx>. The only information that should be provided is student’s name and eligibility status (Free/Reduced). Eligibility Data must not be viewable in electronic school records programs/database to any other district staff because the purpose of Free/Reduced benefits is to provide meals to eligible students.

# Pathways to Release

The release of this data may occur in the following ways (see also USDA Confidentiality Disclosure Reference Chart on page 2):

1. Child Nutrition Programs sponsors may share all eligibility information with another Child Nutrition Program. For example, NSLP shares with SFSP or CACFP sponsor.
2. In a school sponsor setting individual student’s name and eligibility status may be released without written parental/guardian consent only:
   1. To school officials who work directly with Federal and State Education Programs. School officials who work directly with Federal & State Education programs should sign the “[USDA Confidentiality Disclosure Agreement](https://www.oregon.gov/ode/students-and-family/childnutrition/SNP/Documents/confidentiality-disclosure-agreement.pdf)”. Eligibility Data should not be viewable in electronic school records programs/database for anyone other than those school officials administering the programs mentioned above.
      1. National Assessment of Educational Progress (NAEP)
      2. Every Student Succeeds Act
      3. Title 1
      4. Oregon Advanced Placement Test Fee Program
      5. Oregon Senate Bill 300
   2. A “USDA Confidentiality Disclosure Agreement” must be signed by the activity administrator placing the responsibility to keep this data secure for using for district activities.
   3. After a signed “USDA Confidentiality Disclosure Agreement” is in place, information is then disclosed to the activity administrator only from Nutrition/Food Service (not from eligibility software records).
3. The parent/guardian signs a written “confidentiality release” for district/school sponsor specific activities.
   1. The signed/written ‘Confidentiality Release’ is returned to Nutrition/Food Service (Food Service Director) Nutrition Services is responsible for controlling release of the Free/Reduced Data.

# USDA Confidentiality Disclosure Reference Chart

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| ***Recipient of Information*** | **What May Be Disclosed** | **Requirements** |
| *Program*s under the National School Lunch Act or Child Nutrition Act (SFSP, CACFP) | All eligibility information | Prior notice and consent not required |
| *Federal/State or local means tested nutrition programs* with eligibility  standards comparable to the NSLP | Eligibility **status** only | Prior notice and consent not required |
| *Federal education programs* | Eligibility **status** only | Prior notice and consent not  required |
| *State education programs* administered by a State agency or local education agency | Eligibility **status** only | Prior notice and consent not required |
| *Local education programs* | NO eligibility information,  unless parental consent is obtained | **Must obtain written parental/guardian consent** |
| *Medicaid* or the *State children’s health insurance programs (SCHIP),* 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 |
| *State health programs* other than Medicaid/SCHIP, administered by a State agency or local education agency | Eligibility **status** only | Prior consent not required |
| *Federal health programs* other than  Medicaid/SCHIP | NO eligibility information,  unless parental consent is obtained | **Must obtain written parental/guardian consent** |
| *Local health program* | NO eligibility information, unless parental consent is obtained | **Must obtain written parental/guardian consent** |
| *Comptroller General* of the United States for purposes of audit and examination | All eligibility information | Prior notice and consent not  required |
| *Federal, State or local law enforcement officials* investigating alleged violations of any of the programs under the NSLA and CNA or investigating violations of any of the programs that are authorized to have access to names and eligibility status | All eligibility information | Prior notice and consent not required |