



COLORADO DEPARTMENT OF EDUCATION

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Commissioner of Education

Robert K. Hammond
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TO: Superintendents, Principals, Food Service Directors, Free and Reduced Meal Application Coordinators, and Public School Finance

FROM: Herminia J. Vigil, Director – Nutrition and Transportation Unit

DATE: February 23, 2009

SUBJECT: Updated Guidance for Release of Disclosure of Children’s Eligibility Information to Education Officials

The enclosed guidance will help with providing disclosure of free and reduced price eligibility information to education officials.

As you are aware, the disclosure of meal eligibility information must be limited to “as few individuals as possible to protect the confidential nature of the information.” Only those who “need to know” for proper administration and enforcement of federal and state education programs should have access to the information. School principals *may* be allowed to receive the name of pupils who qualified for free or reduced price meals, but under very limited circumstances.

To receive eligibility information education officials and school food authority must enter into a disclosure agreement.

Please contact the Nutrition Unit at 303.866.6661 if you have questions.



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Updated Guidance for Release of Disclosure of Children's Eligibility Information (Free and Reduced-Price Information) to Education Officials

- ❖ Principals and certain other identified district officials may receive information without parental consent if they are directly connected with the administration or enforcement of state education programs.
- ❖ Principals may use Free and Reduced Price Meal Eligibility Information to accomplish the result of improvement of student achievement. In using this information, principals must recognize and address confidentiality/disclosure issues. The information may not be shared except in the context and for the purpose for which the principals have been given the information.

Examples of programs:

(The term "persons directly connected" in this section includes Federal, State and local program operators responsible for program administration or compliance.)

Disclosing names and eligibility status in accordance with the NSLA. CN administrators *may* disclose, without consent, participants' **names and eligibility status only** (whether they are eligible for free meals or reduced price meals) to persons *directly* connected with the administration or enforcement of Federal, State and local programs:

1. Federal education programs, includes but is not limited to:
 - Title I, Part A
 - National Assessment of Educational Progress (NAEP), and assessments under Reading First or Reading Excellence
2. State health or **State** education programs provided the programs are administered by a State agency or a local education agency, includes but is not limited to:
 - October 1 Pupil Count
 - Gear Up Program
 - Colorado Student Assessment Program (CSAP), including COACT
 - Colorado Student Assessment Program – Alternate (CSAP-A)
 - Colorado English Language Assessment (CELA)
 - Colorado Community College System – Colorado Performance Management Information System (VE-135)

A school district that does not participate in the U.S. Department of Agriculture Child Nutrition Programs should use an alternative means to determine the economic status of children.

(1/09)

Disclosure Agreement
Release of Confidential Free and Reduced-Price Information between Local
Education Agencies and State Education Programs

School Year 20__-__

As allowed by Section 9(b)(2)(C)(iv) of Public Law 103-448 the Child Nutrition Program administrator for the _____ School District, _____ (name, title) may disclose, without consent, children's names and eligibility status for free or reduced-price meals to persons directly connected with the administration or enforcement of state education programs provided the programs are administered by a state agency or local education agency. A child's name, grade, and free and reduced-price eligibility information may be released to authorized school officials for purpose required by the No Child Left Behind Act, including reporting disaggregated enrollment information, as authorized by the National School Lunch Act (NSLA). This disclosure is for the _____ school year, and is limited as noted below.

The recipient entity/agency, _____ (entity/agency name), represented by _____ (name, title), by receiving this data agrees that:

The information will only be used for the following purpose; also please state the reason for the "need to know" of the information:

(describe program/purpose)

The information will be protected from unauthorized uses and further disclosures as follows:

(describe)

Further disclosure or unauthorized use is prohibited. A person, who publishes, divulges, discloses, or makes known in any manner, or to any extent not authorized by federal law any information obtained under this provision may result in a fine of not more than \$1,000 or imprisonment of not more than one year, or both, as stipulated in the NSLA.

This agreement will expire on June 30, _____, and is understood and accepted by both parties.

We, the below signed, understand and agree to abide by all the above statements.

Signature: _____ Date: _____
Child Nutrition Program Administrator / Determining Official

Signature: _____ Date: _____
Education Program Official / Coordinator