



# PUBLIC SCHOOLS OF NORTH CAROLINA

DEPARTMENT OF PUBLIC INSTRUCTION | June St. Clair Atkinson, Ed.D., *State Superintendent*

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September 4, 2015

To: Career and Technical Education Administrators

From: Jo Anne Honeycutt, Director  
Career and Technical Education Division

Lynn Harvey, Chief  
School Nutrition Services

## MEMORANDUM OF AGREEMENT BETWEEN CAREER AND TECHNICAL EDUCATION AND SCHOOL NUTRITION SERVICES

A copy of a new Memorandum of Agreement between N.C. Career and Technical Education and the School Nutrition Services Section of the N.C. Department of Public Instruction is attached. This Memorandum of Agreement specifically relates to how confidential Child Nutrition Program data will be used to identify students for supplemental services in CTE. This agreement allows the use of free and reduced price meal and free milk eligibility status information to identify students as economically disadvantaged as required by the Carl D. Perkins Career and Technical Education Act of 2006.

Section 9(b)(2)(C)(iii) of the National School Lunch Act (42 USC 1758(b)(2)(C)(iii)) authorized 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. This agreement prescribes very specifically how information can be disseminated to Career and Technical Education (CTE), how it can be used by teachers and support staff within CTE, and when it should be destroyed. It is essential that all persons involved in this effort follow the terms of the agreement closely.

As you may recall, the individual household application for meal benefits was used in the past to determine whether a student was economically disadvantaged. That is still the case for schools NOT participating in the Community Eligibility Program (CEP). However, CEP schools will not have application data. The School Nutrition Director in your LEA can advise you of the schools that participate in the CEP, if any. In the absence of the household application, NCDPI will provide data from other sources that will help you determine whether a student is Economically Disadvantaged and eligible for special services.

### CAREER AND TECHNICAL EDUCATION DIVISION

Jo Anne Honeycutt, *Director* | joanne.honeycutt@dpi.nc.gov

6361 Mail Service Center, Raleigh, North Carolina 27699-6361 | (919) 807-3764 | Fax (919) 807-3899

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

Data from NCDPI for schools participating in the CEP will be provided electronically via a secure site/shell (such as FILR). It is critical that all possible measures be taken to protect the privacy of students who are eligible for free or reduced price meals and/or Economically Disadvantaged. Electronic and paper files concerning student eligibility for free and reduced price meals or free milk must be kept secured. The law provides stiff penalties for disclosure of this information to any third party without prior written parental consent. You must work closely with teachers to ensure this confidential information remains secure at all times and is not released under any circumstances to anyone not duly authorized to receive it.

If you have questions about this agreement, contact Lynn Harvey (919-807-3506) or Rhonda Welfare (919-807-3876).

JAH:rw

**DISCLOSURE OF STUDENT'S ELIGIBILITY STATUS  
FOR FREE AND REDUCED PRICE MEALS  
MEMORANDUM OF AGREEMENT**

## **I. PURPOSE AND SCOPE**

**The School Nutrition Services Section of the NC Department of Public Instruction and N.C. Career and Technical Education** acknowledge and agree that children's free and reduced price meal eligibility status obtained under provisions of the National School Lunch Act (42 USC 1751 et. seq.) or Child Nutrition Act of 1966 (42 USC 1771 et. seq.) and the regulations implementing those Acts is confidential information and must be treated accordingly. This Agreement is intended to ensure that any information disclosed by the Child Nutrition Programs in North Carolina to **N.C. Career and Technical Education personnel** about children eligible for free and reduced price meal benefits will be used only for purposes specified in this Agreement and for no other purpose(s). The School Nutrition Services section and **N.C. Career and Technical Education** recognize there are penalties for unauthorized disclosures of this confidential student data that are enforceable under the law.

## **II. AUTHORITY**

Section 9(b)(2)(C)(iii) of the National School Lunch Act (42 USC 1758(b)(2)(C)(iii)) authorizes the limited disclosure of children's confidential free and reduced price meal eligibility status to specific programs or individuals without prior parent/guardian consent. The parent/guardian must be provided the opportunity to decline to share eligibility information prior to the disclosure of this information for any purposes not specifically prescribed by law. Additionally, the law specifies that for any disclosures not authorized by the statute, the consent of children's parents/guardians must be obtained prior to the disclosure. Federal or State mandated education programs may have access to children's confidential meal eligibility status for reporting purposes only. Local education programs and special initiatives are ineligible to receive this confidential information without prior written consent of the parent/guardian.

## **III. RESPONSIBILITIES**

**The School Nutrition Services Section of the NC Department of Public Instruction will:**

Ensure that the terms "free and reduced eligibility status" or any other terms related to the National School Lunch Act are not used in the disclosure of student's economic status to the person(s) directly authorized to receive the information. Instead, any disclosure of student's eligibility for meal benefits under the National School Lunch (and subsequent Acts and Regulations) shall be disclosed as follows:

*These students have been determined to be economically disadvantaged and qualify for supplemental education services under the provisions of Carl D. Perkins Career and Technical Education Act of 2006.*

When required, obtain prior written consent from the parent/guardian prior to any disclosure not authorized by the National School Lunch Act or any regulations under that Act;

Disclose children's confidential meal eligibility status 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 the Carl D. Perkins Act or regulations under the Act or to programs or services for which parents/guardians gave prior written consent; and

Ensure any misuse of the information concerning student's socioeconomic status is reported immediately to the Office of Civil Rights or the U.S. Department of Agriculture and the Office of Inspector General, for immediate investigation.

**N.C. Career and Technical Education will:**

Ensure that only the persons (shown in the attachment) who are directly connected with the administration or enforcement of **N.C. Career and Technical Education** and whose job responsibilities require use of the eligibility information will have access to children's eligibility information:

**(See attachment 1)**

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

**Identify economically disadvantaged students enrolled in Career and Technical Education courses in order to provide support services as required by the Carl D. Perkins Career and Technical Education Act of 2006 and to evaluate the performance of students qualifying for these services to see how well CTE meets their needs.**

Inform all persons that have access to children's free and reduced price meal eligibility information of the following:

- (1) The information is confidential;
- (2) Student's confidential eligibility information must be used only for purposes specified above;
- (3) No mention of the terms used in conjunction with the National School Lunch Act (i.e., free and reduced) may be used when communicating (print, verbal, electronic or other media) this information;
- (4) The penalties for unauthorized disclosures;
- (5) None of the information obtained from the Child Nutrition Program may be downloaded or entered into Power School or any other district-wide any other data management system in the school or district; and
- (6) None of the information obtained from the Child Nutrition Program may be disclosed to a third party for any purpose; disclosure to a third party constitutes a breach of the MOA and may result in revocation of the district's authorization to receive the data in the future and other penalties described in the annual agreement between the School Food Authority and the NCDPI/State Board of Education.

The recipient of this information agrees to protect the confidentiality of children's meal eligibility information status and/or socioeconomic status as follows:

Career and Technical Education will obtain an electronic report of students qualifying for free and reduced price meals; this information is confidential and will not be disclosed to an unauthorized third party for any purpose. The information will be distributed to authorized persons (attachment 1) via a secure web site or through hard copy distribution at the LEA. Students will be identified only as

economically disadvantaged and will not be identified by their confidential free and reduced price meal status. LEA personnel who have access to the list of students that qualify for free and reduced price meal benefits will not release the information in any manner to school staff except as specifically allowed in Part III of this agreement. Failure to comply with this provision may lead to serious penalties.

The recipient of this information agrees to protect the confidentiality of student's meal eligibility information and/or socioeconomic status during the transfer of information.

For schools that participate in the Community Eligibility Provision (CEP), information about economically disadvantaged students will be transferred electronically at the State level. Local education agency CTE personnel who have a demonstrated need to know the student's confidential meal eligibility status in order to provide the support services as required under Federal law may access the information. Electronic files will be stored securely and destroyed when they are no longer needed.

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

This agreement shall be effective from **September 4, 2015, to June 30, 2016.**

#### **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)(2)(C) of the National School Lunch Act; 42 USC 1758(B)(2)(C)) or a regulation, any information about a child's eligibility for free or 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. Further, in accordance with the annual agreement between the School Food Authority and the NCDPI/SBE, penalties for disclosure of this information to an unauthorized third party may result in personnel action up to and including dismissal.

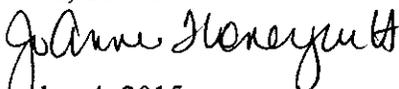
#### **VI. SIGNATURES**

All 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.

**Program Administrator: (Educational Program eligible to receive Student's Confidential Eligibility Status)**

Printed Name: Jo Anne Honeycutt

Title: Director, Division of Career and Technical Education Phone: 919-807-3879

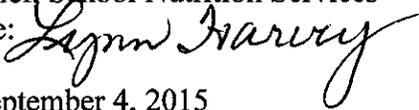
Signature: 

Date: September 4, 2015

**School Nutrition Program Administrator:**

Printed Name: Lynn Harvey, Ed.D, RDN, LDN, FAND, SNS

Title: Chief, School Nutrition Services Telephone: (919) 807-3506

Signature: 

Date: September 4, 2015

\* Any attachments will become part of this agreement.

## Attachment 1

<b>LEA No.</b>	<b>LEA Name</b>	<b>Director</b>
10	Alamance	Robin Bowers
20	Alexander County	Susan Gantt
30	Alleghany County	Paul Crouse
40	Anson County	Steve Dutton
50	Ashe County	Joallen Lowder
60	Avery	Kim Davis
80	Bertie County	Sandra Hardy
90	Bladen County	Willa Williams
100	Brunswick County	Darrell Cheers
110	Buncombe	Christy Cheek
111	Asheville	Lana Maxwell
120	Burke	Rexanna Lowman
130	Cabarrus County	Lisa Conger
132	Kannapolis City	Daryle Adams
140	Caldwell County	Kathy Jo Eckard
150	Camden County	Ina Lane
160	Carteret County	Allison Parker
170	Caswell County	Elizabeth Standafer
180	Catawba County	Mark Story
181	Hickory City	Jeanne Turner-Simms
181	Hickory City	Tim Sims
182	Newton-Conover	Julia Styers
190	Chatham County	Kelly Batten
200	Cherokee County	Pamela Pressley
210	Edenton/Chowan	Casey Atstupenas
220	Clay	Becky Stewart
230	Cleveland County	Tony Fogleman
240	Columbus County	Ken Buck
241	Whiteville City	Anthony Martin
250	Craven County	Chris Bailey
260	Cumberland County	Carson Phipps
260	Cumberland County	Chip Lucas
260	Cumberland County	Pam Gibson
270	Currituck County	Rhonda James-Davis
280	Dare County	Jean Taylor
290	Davidson County	LeeAnn Tuttle-Thomas
291	Lexington City	Nicole Piggott
292	Thomasville City	Gloria Smith
300	Davie County	Donna McNeil
310	Duplin County	Tarla Smith
320	Durham	Rick Sheldahl
330	Edgecombe County	Ed Chase

340	Forsyth County	Dr. Shirley Bynum
340	Forsyth County	Bruce Sherman
340	Forsyth County	Cheryl Cox
350	Franklin County	Laureen Jones
360	Gaston County	Brett Buchanan
370	Gates County	Tammi Ward
380	Graham	Rhonda Anderson
390	Granville County	Stan Winborne
400	Greene County	Peggy Rouse
401	Guilford County	Glenn Hajnos
401	Guilford County	Vernon McHam
401	Guilford County	Michael Woods
401	Guilford County	Weldon Hinshaw
410	Guilford County	Bob Gantt
420	Halifax County	Pamela Chamblee
421	Roanoke Rapids City	Terence Wyche
422	Weldon City	Geneva Squire
430	Harnett	Lynn Hartley
440	Haywood	Aleasa Glance
450	Henderson	Wendy Edney
460	Hertford County	Katrina Williams
470	Hoke County	Adell Baldwin
480	Hyde County	Todd Blumenreich
490	Iredell-Statesville	Todd Williams
491	Mooresville City	Julie Blocker
500	Jackson	Angela Dills
510	Johnston	Tim Harrell
520	Jones County	Barbara Lee
530	Lee	Gary Hart
540	Lenoir County	Kelly Jarman
550	Lincoln County	Cale Sain
560	Macon	Nancy Cantrell
570	Madison	Carolyn Franklin
580	Martin County	Stacey Leggett
590	McDowell	Mary Finley
600	Charlotte-Mecklenburg	Jimmy Chancey
600	Charlotte-Mecklenburg	Rusty Parker
610	Mitchell	Kim Hodshon
620	Montgomery County	Phillip Brown
630	Moore County	Melanie Hamblin
640	Nash-Rocky Mount	Pam Lewis
650	New Hanover County	LaVerne Pickett
660	Northampton County	Angie Jenkins
670	Onslow County	Jonn Shannon
680	Orange County	Patricia Harris
681	Chapel Hill-Carborro	Kathi Breweur

690	Pamlico County	Noland Hicks
700	Elizabeth City/ Pasquotank	Gwen Stevens
710	Pender County	Robbie Cauley
720	Perquimans County	Jill Cohen
730	Person County	Judy Bradsher
740	Pitt County	Beth Ann Trueblood
750	Polk	Robert Frost
760	Randolph County	Nancy Cross
761	Asheboro City	Julie Pack
770	Richmond County	Sharon Johnson
780	Robeson County	Herman Locklear
790	Rockingham County	Ken Scott
800	Rowan-Salisbury	Candace Salmon-Hosey
810	Rutherford	Charlie Freeman
820	Sampson County	Ginger Stone
821	Clinton City	Kristy Moore
830	Scotland County	Camille Goins
840	Stanly County	Georgia Harvey
850	Stokes County	Chad Beasley
860	Surry County	Dr. Jill Reinhardt
861	Elkin City	Barbara Long
862	Mount Airy City	Larry Davis
870	Swain	Anna Hair
880	Transylvania	Arleca Chapman
890	Tyrrell County	
900	Union County	Robert Filter
910	Vance County	Willa Clark
920	Wake County	David Wehbie
920	Wake County	Phil Vice
920	Wake County	Suzanne Lujan
920	Wake County	Tonya Long
930	Warren County	Ernie Conner
940	Washington County	Lee O'Neal
950	Watauga County	Marshall Gasperson
960	Wayne County	Erlene Brogden
970	Wilkes County	Wayne Shepherd
980	Wilson	David Lyndon
990	Yadkin County	Kathy Hughes
995	Yancey	Cynthia Deyton