

PUBLIC SCHOOLS OF NORTH CAROLINA

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

WWW.NCPUBLICSCHOOLS.ORG

February 2, 2015

To: Career and Technical Education Administrators

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

Lynn Harvey, Section 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 in Elements, the CTE Instructional Management System. 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.

Please note this MOA pertains only to schools that do not participate in the Community Eligibility Provision (CEP). Under the CEP, all students attending schools that participate in the CEP receive meals at no charge, therefore, there is no longer a need for an individual household application. As you may recall, the individual household application for meal benefits was used in the past to provide documentation to determine whether a student was economically disadvantaged. In the absence of the household application, there is no a mechanism to obtain a student's household size and income. In the absence of this information, there is no longer a means to determine an individual student's eligibility status for free or reduced price meals. The School Nutrition Administrator in your LEA can advise you of the schools that participate in the CEP, if any.

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

As you enter into the information exchange process for those schools that do not participate in the CEP, it also is critical to take all possible measures be taken to protect the privacy of students. Electronic and paper files concerning student eligibility for free and reduced price meals or free milk should be kept secured. The law provides stiff penalties for disclosure of this information. We hope to eventually modify the Thinkgate application so that teachers will be reminded each time they log on about these security issues, but for the time being, you will need to work with them as you are already doing to ensure that confidential information is not released.

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 and free milk eligibility information 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** about children eligible for free and reduced price meals or free milk 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 eligibility information 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 free and reduced price meal or free milk eligibility information 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 the purposes of 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/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 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 the Child Nutrition Programs in the local School Food Authorities 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:

The identified students are Economically Disadvantaged and qualify for supplemental education services under the provisions of Carl D. Perkins Career and Technical Education Act of 2006.

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 written consent is obtained from the parent/guardian;

For the State Medicaid Program and the State Children's Health Insurance Program, notify parents/guardians of potential disclosures and provide an opportunity for parents/guardians to elect not to have information disclosed;

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 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 School Nutrition Services Section of the NC Department of Public Instruction.

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 free and reduced price eligibility 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 only be used 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 and free milk. The information will be transmitted securely to Thinkgate, LLC, and loaded in a secure data base. Local education agency CTE personnel who need it to provide the support services required under federal law will access the information by logging into the application. Students will be identified only as economically disadvantaged and will not be identified by their free and reduced price meal or free milk eligibility status. LEA personnel who have access to the list of students that qualify for free and reduced price meal benefits and will not release the information in any manner to school staff except as specifically allowed in Part III of this agreement.

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:

The 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 will access the information by logging into the application. Electronic files will be stored securely and destroyed when they are no longer needed.

IV. EFFECTIVE DATES

This agreement shall be effective from **February 2, 2015 to June 30, 2015.**

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: 919-807-37644

Signature: 

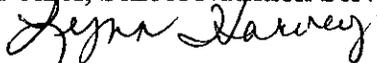
Date: February 2, 2015

School Nutrition Program Administrator:

Printed Name: Lynn Harvey, Ed.D, RD, LDN, FADA, SNS

Title: Section Chief, School Nutrition Services

Telephone: (919) 807-3506

Signature: 

Date: February 2, 2015

* Any attachments will become part of this agreement.

For each program or person requesting student's confidential eligibility status, the following table must be completed and attached to the Memorandum of Agreement.

The **Name of Program** 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	III. Program	Information authorized
	<i>Medicaid or the State children's health insurance program (SCHIP), administered by a State or local agency authorized under titles XIX or XXI of the Social Security Act. Specify Program:</i>	All eligibility information, unless parents elect not to have information disclosed.
	<i>State health program other than Medicaid/SCHIP, administered by a State agency or local education agency. Specify Program:</i>	Eligibility status only; consent not required.
	<i>Federal health program other than Medicaid/SCHIP Specify Program:</i>	NO eligibility information, unless parental consent is obtained.
	Local health program Specify Program:	NO eligibility information, unless parental consent is obtained.
	<i>Child Nutrition Program under the National School Lunch Act or Child Nutrition Act Specify Program:</i>	All eligibility information; consent not required.
	<i>Federal/State or local means tested nutrition program with eligibility standards comparable to the National School Lunch Program. Specify Program:</i>	Eligibility status only; consent not required.
✓	Federal education program Specify Program: Career and Technical Education (also known as Vocational Education)	Eligibility status only; consent not required.
	<i>State education program administered by a State agency or local education agency Specify Program:</i>	Eligibility status only; consent not required.
	Local education program Specify Program:	NO eligibility information, unless parental consent is obtained.

Note: Section 9(b)(2)(C)(iv) 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 0(b)(2)(C)(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.

Attachment 1. Persons who will have access to eligibility information for free and reduced price meals and free milk.

Jo Anne,

You may copy and paste the list of CTE Directors or attach the list separately...whichever is easier for you. Thanks,

Lynn

CTE Director by Local Education Agency

LEA No.	Region	LEA Name	Director
10	Central	Alamance	Dennis Frye
	Central	Alamance	Robin Bowers
20	Northwest	Alexander County	Susan Gantt
30	Northwest	Alleghany County	Paul Crouse
40	Southwest	Anson County	Steve Dutton
50	Northwest	Ashe County	Joallen Lowder
761	Central	Asheboro City	Julie Pack
111	Western	Asheville	Lana Maxwell
60	Western	Avery	Kim Davis
70	Northeast	Beaufort County	
80	Northeast	Bertie County	Sandra Hardy
90	Southeast	Bladen County	Willa Williams
100	Southeast	Brunswick County	Darrell Cheers
110	Western	Buncombe	Christy Cheek
120	Western	Burke	Rexanna Lowman
130	Southwest	Cabarrus County	Lisa Conger
140	Northwest	Caldwell County	Kathy Jo Eckard
150	Northeast	Camden County	Ina Lane
160	Southeast	Carteret County	Allison Parker
170	Central	Caswell County	Elizabeth Standafer
180	Northwest	Catawba County	Mark Story
681	Central	Chapel Hill-Carborro	Kathi Breweur
600	Southwest	Charlotte-Mecklenburg	Jimmy Chancey
600	Southwest	Charlotte-Mecklenburg	Rusty Parker
190	Central	Chatham County	Kelly Batten
200	Western	Cherokee County	Pamela Pressley
220	Western	Clay	Becky Stewart
230	Southwest	Cleveland County	Tony Fogleman
821	Southeast	Clinton City	Kim Fann
240	Southeast	Columbus County	Ken Buck
250	Southeast	Craven County	Chris Bailey
260	Southeast	Cumberland County	Carson Phipps
260	Southeast	Cumberland County	Chip Lucas
260	Southeast	Cumberland County	Pam Gibson
270	Northeast	Currituck County	Rhonda James-Davis
280	Northeast	Dare County	Jean Taylor
290	Northwest	Davidson County	LeeAnn Tuttle-Thomas
300	Northwest	Davie County	Donna McNeil
310	Southeast	Duplin County	Tarla Smith
320	Central	Durham	Rick Sheldahl
210	Northeast	Edenton/Chowan	Casey Atstupenas
330	Northeast	Edgecombe County	Sherita Cobb
700	Northeast	Elizabeth City/ Pasquotank	Gwen Stevens
861	Northwest	Elkin City	Barbara Long
340	Northwest	Forsyth County	Dr. Shirley Bynum
340	Northwest	Forsyth County	Bruce Sherman
340	Northwest	Forsyth County	Cheryl Cox
350	Central	Franklin County	Laureen Jones
360	Southwest	Gaston County	Brett Buchanan
370	Northeast	Gates County	Tammi Ward
380	Western	Graham	Rhonda Anderson

CTE Director by Local Education Agency

390	Central	Granville County	Stan Winborne
400	Southeast	Greene County	Peggy Rouse
410	Central	Guilford County	Bob Gantt
401	Central	Guilford County	Glenn Hajnos
401	Central	Guilford County	Vernon McHam
401	Central	Guilford County	Michael Woods
401	Central	Guilford County	Weldon Hinshaw
420	Northeast	Halifax County	Pamela Chamblee
430	Southeast	Harnett County	Lynn Hartley
440	Western	Haywood	Aleasa Glance
450	Western	Henderson	Helen Owen
460	Northeast	Hertford County	Katrina Williams
181	Northwest	Hickory City	Trina Williams
181	Northwest	Hickory City	Tim Sims
470	Southwest	Hoke County	Andrena Scott
470	Southwest	Hoke County	Ruby McLean
480	Northeast	Hyde County	Todd Blumenreich
490	Northwest	Iredell-Statesville	Todd Williams
500	Western	Jackson	Angela Dills
510	Central	Johnston	William Weaver
520	Southeast	Jones County	Barbara Lee
132	Southwest	Kannapolis City	Rob Knuschke
530	Southwest	Lee County	Aaron Fleming
540	Southeast	Lenoir County	Kelly Jarman
291	Northwest	Lexington City	Nicole Piggott
550	Southwest	Lincoln County	Cale Sain
560	Western	Macon	Nancy Cantrell
570	Western	Madison	Carolyn Franklin
580	Northeast	Martin County	Stacey Leggett
590	Western	McDowell	Mary Finley
610	Western	Mitchell	Kim Hodshon
620	Southwest	Montgomery County	Phillip Brown
630	Southwest	Moore County	Melanie Hamblin
630	Southwest	Moore County	Amy Garner
491	Northwest	Mooresville City	Julie Blocker
862	Northwest	Mount Airy City	Larry Davis
640	Central	Nash-Rocky Mount	Pam Lewis
650	Southeast	New Hanover County	LaVerne Pickett
182	Northwest	Newton-Conover	Bill Long
660	Northeast	Northampton County	Angie Jenkins
670	Southeast	Onslow County	Jonn Shannon
680	Central	Orange County	Patricia Harris
690	Southeast	Pamlico County	Noland Hicks
710	Southeast	Pender County	Robbie Cauley
720	Northeast	Perquimans County	Sandra Meads
730	Central	Person County	Judy Bradsher
740	Northeast	Pitt County	Beth Ann Trueblood
750	Western	Polk	Robert Frost
760	Central	Randolph County	Nancy Cross
770	Southwest	Richmond County	Sharon Johnson
421	Northeast	Roanoke Rapids City	Dennis Sawyer
780	Southwest	Robeson County	Herman Locklear

CTE Director by Local Education Agency

790	Central	Rockingham County	Ken Scott
800	Southwest	Rowan-Salisbury	Candace Salmon-Hosey
810	Western	Rutherford	Charlie Freeman
820	Southeast	Sampson County	Ginger Stone
830	Southwest	Scotland County	Camille Goins
840	Southwest	Stanly County	Georgia Harvey
850	Northwest	Stokes County	Chad Beasley
860	Northwest	Surry County	Dr. Jill Reinhardt
870	Western	Swain	Anna Hair
292	Northwest	Thomasville City	Gloria Smith
880	Western	Transylvania	Arleca Chapman
890	Northeast	Tyrrell County	Pearl Sutton
900	Southwest	Union County	Robert Filter
910	Central	Vance County	Willa Clark
920	Central	Wake County	David Wehbie
920	Central	Wake County	Phil Vice
920	Central	Wake County	Suzanne Lujan
920	Central	Wake County	Tonya Long
930	Central	Warren County	Ernie Conner
940	Northeast	Washington County	Lee O'Neal
950	Northwest	Watauga County	Marshall Gasperson
960	Southeast	Wayne County	Erlene Brogden
422	Northeast	Weldon City	Geneva Squire
241	Southeast	Whiteville City	Anthony Martin
970	Northwest	Wilkes County	Dr. Donna Cotton
980	Central	Wilson	David Lyndon
990	Northwest	Yadkin County	Kathy Hughes
995	Western	Yancey	Cynthia Deyton