

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

**I. PURPOSE AND SCOPE**

The NCDPI School Nutrition Services Section and the NCDPI Accountability Services Division and National Assessment of Educational Progress (NAEP) acknowledge and agree that student'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. This Agreement is intended to ensure that any information disclosed by the School Nutrition Program identified in the addendum to this agreement to **the NCDPI Accountability Services Division and schools selected for NAEP 2015-2016** about students eligible for free and reduced price meals or free milk will be used only for purposes specified in this Agreement and that the School Nutrition Program, and the **NCDPI Accountability Services Division and schools selected for NAEP 2015-2016** recognize that there are penalties for unauthorized disclosures of this eligibility information.

**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 student's free and reduced price meal or free milk eligibility information to specific programs or individuals, without prior parent/guardian consent. Except that, the parent/guardian must be provided the opportunity to decline to share eligibility information prior to the disclosure for identifying students eligible for benefits under or enrolling students in the State Medicaid Program and the State student's health insurance program. Additionally, the statute specifies that for any disclosures not authorized by the statute, the consent of student's parents/guardians must be obtained prior to the disclosure.

**III. RESPONSIBILITIES**

**The NCDPI School Nutrition Services Section will:**

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 consent is secured by the receiving agency and made available to the determining agency;

Disclose eligibility information 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 consent.

Provide instructions to School Nutrition Administrators about their obligation to participate in the NAEP assessment by verifying students' confidential meal eligibility status for all students in the schools included in the NAEP assessment. Please note that the status of students who are matriculating at the schools electing participation in the Community Eligibility Provision should be marked as "yes," which is the indicator that the student receives free meals.

**The NCDPI Accountability Services Division and schools selected for NAEP 2015 – 2016 will:**

Ensure that only the persons who are directly connected with the administration or enforcement of the agreement to the NCDPI Accountability Services Division and schools selected for NAEP 2015 – 2016, as stipulated in the attached document, and whose job responsibilities require use of the eligibility information will have access to student's eligibility information:

Use student's individual confidential meal eligibility status for the following specific purpose(s):

**To report the results of the nationally representative sample of student performance on NAEP 2015 -2016 for the population of students classified as eligible for free or reduced priced meals.**

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

1. The information is confidential;
2. Student's 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 School Nutrition Program may be downloaded or entered into Power School or any other district-wide data management system in the school or district and
6. None of the information obtained from the School 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 individual's or group'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.
7. No student identifiable information leaves the school (see attached list of schools for the 2015-2016 NAEP).

It is important to note that NAEP does not report results for individual students, schools, or LEAs. NAEP only reports data for populations of students at the state and national level. Most of the information for student eligibility for free or reduced priced lunch has been provided by NCDPI Accountability Division. The NAEP Regional Supervisor will ask the designated NAEP contact at each school to verify the free or reduced priced meal status of the selected students for which no data was available at the time the NCDPI provided the initial information.

**IV. EFFECTIVE DATES**

This agreement shall be effective from November 2, 2015 to June 30, 2016. The NAEP assessment window for 2015-2016 is November 2, 2015 to May 31, 2016. The designated school contact person is asked to retain the list of students that participated in the 2015- 2016 NAEP assessment until the end of June, 2016. At that time the designated school contact person is asked to securely destroy all information that contains student lists.

**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 student'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.

**VI. SIGNATURES**

All parties acknowledge that student'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 reduce 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:**

Printed Name: Andrea Falkner

Title: State Coordinator NAEP

Telephone: (919) 807-3768

Signature:



Date: November 2, 2015

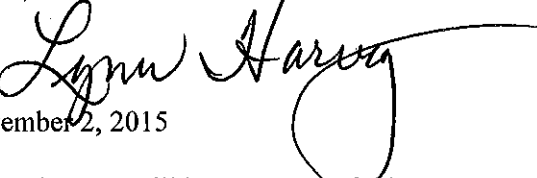
**Determining Official:**

Printed Name: Dr. Lynn Harvey

Title: Chief, School Nutrition Services

Telephone: (919) 807-3506

Signature:



Date: November 2, 2015

\* Any attachments will become part of this agreement.

The NCDPI Accountability Services Division and selected schools for NAEP 2015-16 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**

	<i>Medicaid or the State student's health insurance program (SCHIP), administered by a State or local agency authorized under titles XIX or XX 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.
	<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.
x	<i>Federal education program Specify Program: 2015-16 National Assessment of Educational Progress</i>	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.
	<i>Local education program Specify Program:</i>	NO eligibility information, unless parental consent is obtained.

*Note:* Section 9(b)(2)(C)(iv) specifies that certain programs may receive student's eligibility status only; without parental consent. Parental consent must be obtained to disclose any additional eligibility information. Section O(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.

<b>District Name</b>	<b>School Name</b>
Charlotte-Mecklenburg Schools	Alexander Graham Middle
Charlotte-Mecklenburg Schools	Kennedy Middle
Clinton City Schools	Sampson Middle
Franklin County Schools	Bunn Middle
Johnston County Schools	Archer Lodge Middle
Johnston County Schools	Princeton High
New Hanover County Schools	Emma B Trask Middle
New Hanover County Schools	M C S Noble Middle
Pender County Schools	Cape Fear Middle
Rowan-Salisbury Schools	China Grove Middle
Rowan-Salisbury Schools	Erwin Middle
Rowan-Salisbury Schools	Knox Middle
Rowan-Salisbury Schools	Southeast Middle
Rowan-Salisbury Schools	West Rowan Middle
Sampson County Schools	Hobbton Middle
Sampson County Schools	Midway Middle
Sampson County Schools	Roseboro-Salemburg Middle
Sampson County Schools	Union Middle
Union County Public Schools	Sun Valley Middle
Wake County Public Schools	Alston Ridge Elementary
Wake County Public Schools	Brentwood Elementary
Wake County Public Schools	Carroll Middle
Wake County Public Schools	Daniels Magnet Middle School
Wake County Public Schools	East Garner Elementary
Wake County Public Schools	East Garner Middle
Wake County Public Schools	Green Hope Elementary
Wake County Public Schools	Herbert Akins Rd Elementary
Wake County Public Schools	Heritage Middle
Wake County Public Schools	Holly Ridge Middle
Wake County Public Schools	Ligon Middle
Wake County Public Schools	Mills Park Middle
Wake County Public Schools	Northwoods Elementary
Wake County Public Schools	Wake Forest Middle School
Wake County Public Schools	Wakefield Elementary