



PUBLIC SCHOOLS OF NORTH CAROLINA

DEPARTMENT OF PUBLIC INSTRUCTION | Mark Johnson, *State Superintendent*

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August 13, 2018

TO: Career and Technical Education Administrators

FROM: Trey Michael, Director
Career and Technical Education Division

Lynn Harvey, Chief
School Nutrition Services *LH*

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

Trey Michael, Director | Trey.michael@dpi.nc.gov

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AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

Data from NCDPI will be provided electronically via a secure site/shell. In addition, schools NOT participating in CEP can access student information from other sources such as the Child Nutrition Director. 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 should be kept secured. The law provides stiff penalties for disclosure of this information and you will need to work closely with teachers to ensure that confidential information is not released.

If you have questions about this agreement, contact Lynn Harvey (919) 807-3506 or Trey Michael (919) 807-3764.

TM:km

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

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 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, 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;

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 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 and free milk. 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 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 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 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 **August 14, 2018 to June 30, 2019.**

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: Trey Michael
Title: Director, Division of Career and Technical Education
Telephone: (919) 807-3764
Date: August 13, 2018

Signature: 

School Nutrition Program Administrator:

Printed Name: Lynn Harvey, Ed.D, RD, LDN, FADA, SNS
Title: Chief, School Nutrition Services
Telephone: (919) 807-3506
Date: August 13, 2018

Signature: 

* Any attachments will become part of this agreement.

LEA No.	LEA Name	CTE Authorized User of student data
10	Alamance	Robin Bowers
20	Alexander County	Susan Gantt
30	Alleghany County	Heath Vogler
40	Anson County	Steve Dutton
50	Ashe County	Joallen Lowder
761	Asheboro City	Julie Pack
111	Asheville	Taylor Baldwin
60	Avery	Ellis Ayers
70	Beaufort County	Wendy Petteway
80	Bertie County	Eva White
90	Bladen County	Willa Williams
100	Brunswick County	Darrell Cheers
110	Buncombe	Christy Cheek
120	Burke	Debbie Jennings
130	Cabarrus County	Russell Parker
140	Caldwell County	Libby Huff
150	Camden County	Carol Overton
160	Carteret County	Allison Dees
170	Caswell County	Emily Buchanan
180	Catawba County	Jeff Isenhour
681	Chapel Hill-Carborro	Kathi Breweur
600	Charlotte-Mecklenburg	Susan Gann
190	Chatham County	Kelly Batten
200	Cherokee County	Jennifer Cable
220	Clay County	Rebecca Stewart
230	Cleveland County	Tony Fogleman
821	Clinton City	Kristy Moore
240	Columbus County	Ken Buck
250	Craven County	Chris Bailey
260	Cumberland County	Carson Phipps
260	Cumberland County	Chip Lucas
260	Cumberland County	Taneka Williams
270	Currituck County	Don Monroe
280	Dare County	Jean Taylor
290	Davidson County	LeeAnn Tuttle-Thomas
292	Thomasville City	Diane Roberts
300	Davie County	Anthony Davis
310	Duplin County	Tarla Smith
320	Durham County	Rick Sheldahl
210	Edenton/Chowan	Casey Bass
330	Edgecombe County	Sheila Porcher
700	Elizabeth City/ Pasquotank	Rhonda James-Davis

861	Elkin City	Beth Felts
340	Forsyth County	Dr. Shirley Bynum
340	Forsyth County	Bruce Sherman
340	Forsyth County	Vicky Wheeler
340	Forsyth County	Danyelle Parker
350	Franklin County	Laureen Jones
360	Gaston County	Brett Buchanan
370	Gates County	Ann Harrell
380	Graham	Rhonda Anderson
390	Granville County	Vanessa Wrenn
400	Greene County	Julie Batchelor
410	Guilford County	Tresha Layne
410	Guilford County	Starr King
410	Guilford County	Kimberly Forbes
410	Guilford County	Michael Woods
410	Guilford County	Vacant
420	Halifax County	Dr. Alfreda Smith
422	Weldon City	Vacant
430	Harnett County	Lynn Hartley
440	Haywood	Aleasa Glance
450	Henderson	Wendy Frye
460	Hertford County	Katrina Williams
181	Hickory City	Karen Boyles
181	Hickory City	Tim Sims
470	Hoke County	Dana Chavis
480	Hyde County	Vacant
490	Iredell-Statesville	Todd Williams
500	Jackson	Angela Dills
510	Johnston	Suzanne Lujan
510	Johnston	Clint Eaves
520	Jones County	Barbara Lee
132	Kannapolis City	Daryle Adams
530	Lee County	Gary Hart
540	Lenoir County	Amy Jones
291	Lexington City	Nicole Piggott
550	Lincoln County	Dr. Cale Sain
560	Macon	Todd Gibbs
570	Madison	Jimmy Huey
580	Martin County	David Jenkins
590	McDowell	Mary Finley
610	Mitchell	Kim Hodshon
620	Montgomery County	Wade Brown
630	Moore County	Amanda Dixon
491	Mooreville City	Julie Blocker

862	Mount Airy City	Larry Davis
640	Nash-Rocky Mount	Pam Lewis
650	New Hanover County	Shemeka Shufford
182	Newton-Conover	Dr. Aron Gabriel
660	Northampton County	Angie Jenkins
670	Onslow County	John Shannon
680	Orange County	Patricia Harris
690	Pamlico County	Shirley Holt
710	Pender County	Robbie Cauley
720	Perquimans County	Jill Cohen
730	Person County	Judy Bradsher
740	Pitt County	Beth Ann Trueblood
750	Polk County	Della Frye
760	Randolph County	Nancy Cross
770	Richmond County	Sharon Johnson
421	Roanoke Rapids City	Tom Davis
780	Robeson County	Herman Locklear
790	Rockingham County	Ken Scott
800	Rowan-Salisbury	Mandy Mills
810	Rutherford County	Charlie Freeman
820	Sampson County	Ginger Stone
830	Scotland County	Dr. Jonathan McRae
840	Stanly County	Georgia Harvey
850	Stokes County	Doug Rose
860	Surry County	Dr. Jill Reinhardt
860	Surry Countyy	Neil Atkins
870	Swain County	Teresa Hayes
292	Thomasville City	Diane Roberts
880	Transylvania County	Aleca Chapman
890	Tyrrell County	Sheila Cumiskey
900	Union County	Robert Filter
910	Vance County	Willa Clark
920	Wake County	Jo Anne Honeycutt
920	Wake County	Phil Vice
920	Wake County	Tonya Long
920	Wake County	Vacant
930	Warren County	Ernie Conner
930	Warren County	Derrick L. Fogg
940	Washington County	Kristy Christenberry
950	Watauga County	Tierra Stark
960	Wayne County	Beverly Boltinhouse
422	Weldon City	Vacant
241	Whiteville City	Susan Watson
970	Wilkes County	Wayne Shepherd

980	Wilson County	David Lyndon
990	Yadkin County	Kathy Hughes
995	Yancey County	Cynthia Deyton