

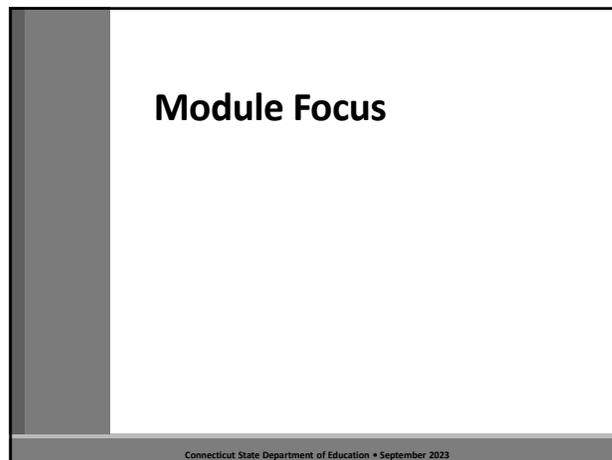
Determining Eligibility in the School Nutrition Programs and Summer Food Service Program

Module 5: Confidentiality and Disclosure

Connecticut State Department of Education
Bureau of Child Nutrition Programs
September 2023

CSDE
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DEPARTMENT OF EDUCATION

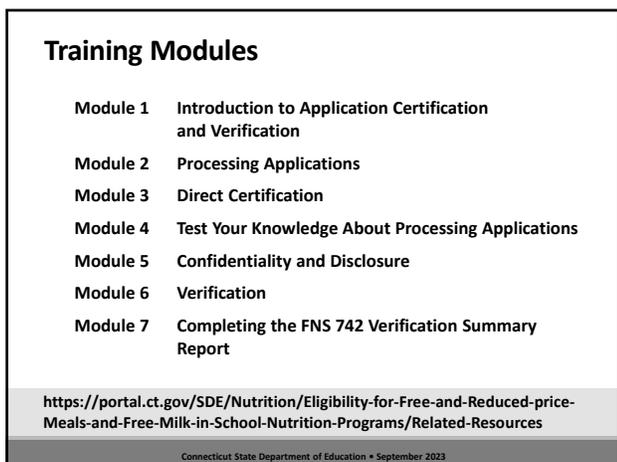
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Module Focus

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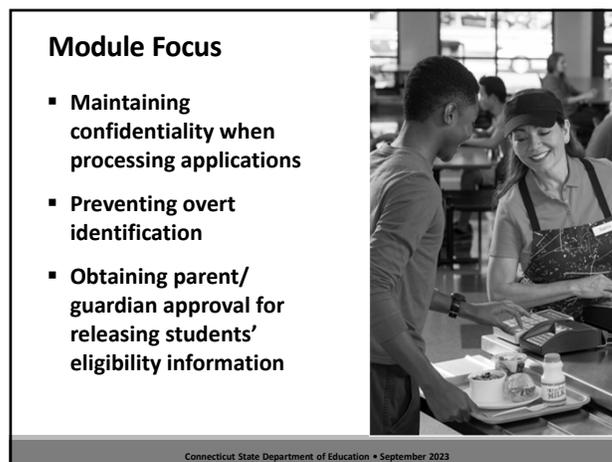
Training Modules

- Module 1 Introduction to Application Certification and Verification
- Module 2 Processing Applications
- Module 3 Direct Certification
- Module 4 Test Your Knowledge About Processing Applications
- Module 5 Confidentiality and Disclosure
- Module 6 Verification
- Module 7 Completing the FNS 742 Verification Summary Report

<https://portal.ct.gov/SDE/Nutrition/Eligibility-for-Free-and-Reduced-price-Meals-and-Free-Milk-in-School-Nutrition-Programs/Related-Resources>

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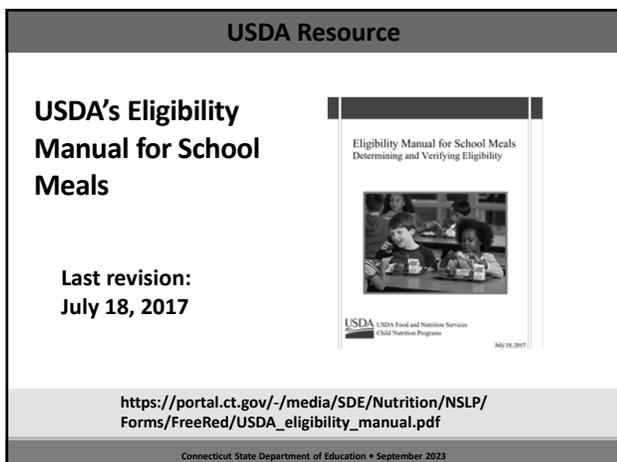
Module Focus

- Maintaining confidentiality when processing applications
- Preventing overt identification
- Obtaining parent/guardian approval for releasing students' eligibility information



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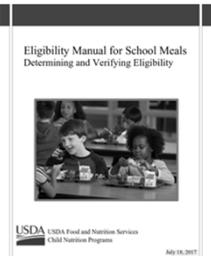
5



USDA Resource

USDA's Eligibility Manual for School Meals

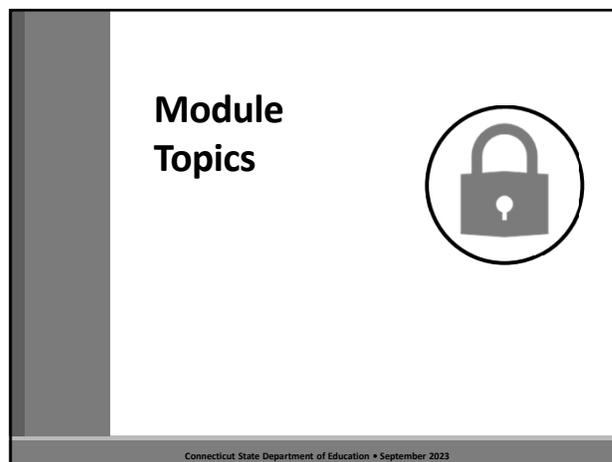
Last revision:
July 18, 2017



https://portal.ct.gov/-/media/SDE/Nutrition/NSLP/Forms/FreeRed/USDA_eligibility_manual.pdf

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Module Topics



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Module Topics

- Common acronyms and abbreviations
- Laws for confidentiality and disclosure
- Disclosure
- Need to know
- Preventing overt identification
- Storing data in the cloud



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CSDE Resource

Common Acronyms and Abbreviations for Determining Eligibility in the School Nutrition Programs and Summer Food Service Program



https://portal.ct.gov/-/media/SDE/Nutrition/NSLP/Acronyms_Abbreviations_Determining_Eligibility_SNP_SFSP.pdf

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Common Acronyms and Abbreviations



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Laws for Confidentiality and Disclosure



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Common Acronyms and Abbreviations

- DC = direct certification
- DO = determining official
- HH = household
- LEA = local educational agency
- SY = school year



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Laws for Confidentiality and Disclosure

- USDA regulations 7 CFR 245.6: Determining Eligibility for Free and Reduced Price Meals and Free Milk in Schools



<https://www.ecfr.gov/current/title-7/subtitle-B/chapter-II/subchapter-A/part-245#245.6>

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Laws for Confidentiality and Disclosure

- Section 9(b)(6) of the National School Lunch Act (NSLA), 42 U.S.C.1758(b)(6)



<https://fns-prod.azureedge.us/sites/default/files/cn/NSLA.pdf>

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Disclosure

Revealing or using individual children's Program eligibility information obtained through the eligibility process for a purpose other than the purpose for which the information was obtained

Terms to Know

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Laws for Confidentiality and Disclosure

- Apply to free and reduced-price applications and direct certification
- Address criminal penalties for improper release and disclosure



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Disclosure includes

- Access, release, or transfer of personal data about children
 - print
 - tape
 - microfilm
 - microfiche
 - electronic communication
 - any other means



Personal data includes eligibility information obtained through the application or direct certification

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Disclosure

- Who can access children's eligibility information
- Need to know



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NSLA Establishes Disclosure Limits

- Disclosure allowed only for
 - specific situations
 - individuals directly connected with administration or enforcement of certain programs or activities



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NSLA Establishes Disclosure Limits

- Disclosure is optional



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CSDE Disclosure Release Form



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Allowed Disclosure

Recipient of Information	What may be disclosed	Requirements
Programs under NSLA or Child Nutrition Act	All eligibility information	Prior notice and consent not required
Federal, state, or local means-tested nutrition programs with eligibility standards comparable to NSLP	Eligibility status only	Prior notice and consent not required
Federal education programs	Eligibility status only	Prior notice and consent not required
State education programs administered by state agency or LEA	Eligibility status only	Prior notice and consent not required
Local education programs	No eligibility information, unless obtain parent/guardian consent	Parent/guardian consent

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CSDE Resource

Disclosure Release Request for Free or Reduced Eligibility Status of Students in the School Nutrition Program



https://portal.ct.gov/-/media/SDE/Nutrition/NSLP/Forms/FreeRed/Disclosure_Release_Request_Free_Reduced_Eligibility_Status_SNP.pdf

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Disclosure to Noncustodial Parent

- Must have consent from parent HH member who signs application

https://portal.ct.gov/-/media/SDE/Nutrition/NSLP/Forms/FreeRed/USDA_eligibility_manual.pdf

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CSDE's Disclosure Release Form

- Why is this information being requested?
- What will the names be used for? Please be specific.
- List all persons, with job titles, who will have access to this information and why they have a "need to know."

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CSDE's Disclosure Release Form

➔ **Penalty for misuse of meal eligibility status**
The NSLA establishes a fine of not more than \$1,000 or imprisonment of not more than one (1) year, or both, for publishing, divulging, disclosing or making known in any manner or extent not authorized by federal law, any eligibility information. This includes the disclosure of eligibility information by one entity authorized under the NSLA to receive the information to any other entity, even if that entity would otherwise be authorized to receive the information directly from the determining agency.

I understand the restrictions on the use of this eligibility information as outlined above, and agree to use this information only for the purpose specified on this form. I will keep all names and information confidential as required by USDA regulation, and understand there are penalties for the misuse of this information.

Name (print): _____
Signature: _____ Date: _____

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Need to Know



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CSDE's Disclosure Release Form

➔ **Approved by Determining Official**
 No Yes: If approved, provide copy of this request form with the list of students.

Name of determining official (print): _____
Signature: _____ Date: _____

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Need to Know

- **Must ensure access to students' eligibility status is limited to officials directly connected with administration or enforcement of a federal or state program or activity**



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CSDE Resource

Addendum A: Sharing Information with Other Programs

Addendum A: Sharing Information with Other Programs

From the time you fill out the information you provide on your Free and Reduced Cost Application Form, you are asked to provide information about other programs you are involved in. This information is used to determine if you are eligible for other programs. Please sign this form to allow the program to share your information with other programs. This information will be used to determine if you are eligible for other programs. This information will be used to determine if you are eligible for other programs.

Yes, I am involved in other programs. No, I am not involved in other programs.

If you are involved in other programs, please provide the following information:

Name of program: _____
Address: _____
Phone: _____
Fax: _____
Email: _____

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<https://portal.ct.gov/-/media/SDE/Nutrition/NSLP/Forms/FreeRed/AddendumA.docx>

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Need to Know

- **Cannot make eligibility information available to all school officials as a general practice**



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Need to Know

- Allowed only for a student's teachers who are
 - directly responsible for administration of a federal education program OR
 - providing tutorial or other assistance under the educational program



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Preventing Overt Identification



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Need to Know

- Online data systems must prevent unauthorized access



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Overt Identification

Any action that may result in a child being recognized as certified for (or potentially eligible to receive) free or reduced-price meals or free milk



Terms to Know

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Need to Know

Directly connected to school eligibility data

- Federal or state education programs
- National Assessment of Educational Progress (NAEP)
- Every Student Succeeds Act (ESSA)
- Family Educational Rights and Privacy Act (FERPA)
- Other federal Child Nutrition Programs
- Other federal or state means-tested programs



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NSLA Prohibits Overt Identification

Cannot disclose child's status at any point in the process of providing free and reduced-price meals or free milk



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NSLA Prohibits Overt Identification

- Notification of availability of benefits
- Certification and notification of eligibility
- Provision of meals
- Point of service



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Preventing Overt Identification

- Providing additional services to low-income children based on their eligibility for free and reduced-price meals



USDA Memo SP 45-2012: Preventing Overt Identification of Children Certified for Free or Reduced Price School Meals: <https://fns-prod.azureedge.us/sites/default/files/cn/SP45-2012os.pdf>

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Preventing Overt Identification

- Method of payment



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Preventing Overt Identification: Direct Certification

- Method for distributing applications cannot overtly identify directly certified students
 - Mail applications to households that are not directly certified
 - Provide applications to all households



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Preventing Overt Identification

- Sales of non-program foods, e.g., a la carte sales



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Preventing Overt Identification

- May disclose aggregate data to any program or requestor when individual children cannot be identified



[https://www.ecfr.gov/current/title-7/subtitle-B/chapter-II/subchapter-A/part-245#p-245.6\(f\)](https://www.ecfr.gov/current/title-7/subtitle-B/chapter-II/subchapter-A/part-245#p-245.6(f))

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Storing Data in the Cloud



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CSDE Webpage

Data Privacy and Security

https://portal.ct.gov/SDE/Performance/Data-Privacy-and-Security

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Connecticut's Student Data Privacy Law

Connecticut General Statutes Sections 10-234aa through 10-234dd

- Requires districts to have signed agreements with any entity in possession of student information, student records, or student generated content, including students' free and reduced eligibility data



https://www.cga.ct.gov/current/pub/chap_170.htm#sec_10-234aa

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Questions?

School Nutrition Programs Staff	
County	Consultant
Fairfield County (includes Region 9)	Fionnuala Brown 860-807-2129 fionnuala.brown@ct.gov
Litchfield County (includes Regions 1, 6, 7, 12, and 14)	
New Haven County (includes Regions 5, 15, and 16)	Greg King 860-713-6804 greg.king@ct.gov
Hartford County (includes Region 10)	Teri Dandeneau 860-807-2079 teri.dandeneau@ct.gov
Middlesex County (includes Regions 4, 13, and 17)	
New Haven County (includes Regions 5, 15, and 16)	Susan Alston 860-807-2081 susan.alston@ct.gov
New London County	
Tolland County (includes Regions 8 and 19)	
Windham County (includes Region 11)	

https://portal.ct.gov/-/media/SDE/Nutrition/CNstaff/countyassign.pdf

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Connecticut's Student Data Privacy Law

Connecticut General Statutes Sections 10-234aa through 10-234dd

- Discuss with school administrators to ensure compliance



https://www.cga.ct.gov/current/pub/chap_170.htm#sec_10-234aa

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Thank you for participating in module 5!



https://portal.ct.gov/SDE/Nutrition/Eligibility-for-Free-and-Reduced-price-Meals-and-Free-Milk-in-School-Nutrition-Programs/Related-Resources

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Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication to obtain program information (e.g., Braille, large print, audiotape, American Sign Language), should contact the responsible state or local agency that administers the program or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339.

To file a program discrimination complaint, a Complainant should complete a Form AD-3027, USDA Program Discrimination Complaint Form which can be obtained online at: <https://www.usda.gov/sites/default/files/documents/USDA-OASCR%20P-Complaint-Form-0508-0002-508-11-28-17Fax2Mail.pdf>, from any USDA office, by calling (866) 632-9992, or by writing a letter addressed to USDA. The letter must contain the complainant's name, address, telephone number, and a written description of the alleged discriminatory action in sufficient detail to inform the Assistant Secretary for Civil Rights (ASCR) about the nature and date of an alleged civil rights violation. The completed AD-3027 form or letter must be submitted to USDA by:

1. mail: U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410; or
2. fax: (833) 256-1665 or (202) 690-7442; or
3. email: program.intake@usda.gov

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