United States Department of Agriculture
Food and Nutrition Service
Mountain Plains Region
1244 Speer Boulevard
Denver, CO 80204-3585

Reply to Attn. of: SP 95-16

SEP 26 1995

Subject: Confidentiality of Free and Reduced Price Information In Public Law 103-448--Interim Guidance

To: STATE AGENCY DIRECTORS (Child Nutrition Programs) - Colorado ED, Iowa, Kansas, Missouri ED, Montana OPI, Nebraska ED, North Dakota, South Dakota, Utah, Wyoming ED

Section 108 of Public Law 103-448, the "Healthy Meals for Healthy Americans Act of 1994," permits the sharing of an individual student's name along with his or her confidential free and reduced price eligibility status, without direct signed consent of the student's parents, under certain limited circumstances. However, with the exception stated below, the sharing of this confidential information is not to take place under the provisions of the new law until our Agency has issued final rule making (i.e., regulations) to implement the law.

State Agencies may now authorize local school officials to release students' free and reduced price eligibility status information to officials administering the National Assessment of Educational Progress on behalf of the U.S. Department of Education's Office of Educational Research and Improvement. Our Agency has reviewed the process education officials will follow in collecting the free and reduced price date for the National Assessment and believes confidentiality of students and families is adequately protected. No other release of confidential free and reduced price information is currently permissible under Section 108 of P.L. 103-448.

Please note that while State Agency and local officials may cooperate with officials administering the National Assessment of Educational Progress, the National School Lunch Act (NSLA), as amended by P.L. 103-448 limits the information that may be disclosed to the eligibility status of the child, unless the consent of the child's parent or guardian is obtained. Additionally, the law mandates a fine of not more than $1,000 or imprisonment of not more than 1 year, or both to a person authorized to receive the information who divulges, discloses or uses the information in any manner or to any extent not authorized by the law. Further, although the NSLA authorizes release of free and reduced price school meal eligibility status, we have no authority to require school officials to do so.

If you have any questions please feel free to contact our office.

for Edward F. Campbell
ANN C. DEGROAT
Regional Director
Child Nutrition Programs