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DATE: March 4, 2016

TO: Child and Adult Care Food Program (CACFP)
Center-based Organizations

FROM: Robin Holz, CACFP Lead Consultant - Centers
Bureau of Nutrition and Health Services

SUBJECT: Sharing Income Information among Child Nutrition Programs (CNP)

This memo clarifies requirements and limitations on the sharing of information collected through the Iowa Eligibility Application and supersedes Memo 2007-8 with the same name dated 5/10/2007.

The United States Department of Agriculture (USDA) Food and Nutrition Service (FNS) encourages and supports appropriate sharing of free and reduced-price information among Child Nutrition Programs (CNPs). These Programs include the *National School Lunch Program, the School Breakfast Program, Special Milk Program, Child and Adult Care Food Program, Summer Food Service Program, and the WIC program.* (The Food Assistance Program is not a CNP.)

CACFP center organizations may benefit by requesting free and reduced-price information from schools. However, sharing is not required.

CNP organizations that disclose information identifying a participant’s eligibility by name must follow these guidelines:

1. The sharing official must ensure the person(s) who receives and uses the information has a legitimate need for the information to determine a participant’s eligibility for free or reduced-price meals. Such persons must be “directly connected” with the administration of a CNP that uses the Iowa Eligibility Application to determine a participant’s rate of reimbursement. Not all persons in the center or school need to access free and reduced-price information (e.g., cooks, teachers, principals, or guidance counselors).
2. Specific guidance on disclosure of participant eligibility information from the Iowa Eligibility Application may be found in the 2015 School Eligibility Manual. This resource is located at <http://www.fns.usda.gov/cnd/guidance/default.htm>. The “Disclosure Chart” on page 83 outlines types of requestors and restrictions on receipt of

participant eligibility information. Examples of specific Federal programs authorized to receive eligibility status of individual children are No Child Left Behind and the National Assessment of Educational Progress. For those programs, only the name and eligibility status of a child may be disclosed without prior notice or consent.

3. All eligibility information may be shared without consent to the Comptroller General of the United States for audit and examination; and law enforcement officers investigating alleged violations of any of the CNP's or programs that may access names and eligibility status. Others who have a legitimate need to know include persons involved in the enforcement of a Federal education program, State education program, or State health program.

To Request Free and Reduced-price Information from a School

- Ask for the information to be provided on school letterhead
- Request the communication have a date
- The information provided must include the child's first and last name and effective date of free or reduced-price eligibility

Disclosure for Other Purposes

Disclosure of individual participant eligibility information for purposes other than establishing eligibility or to any other entity is not permitted without prior, informed written consent from the parent/guardian. The regulations on the CACFP disclosure provisions may be found at in the Federal Code of Regulations 7 CFR 226.23(e) and (i)-(n).

- The disclosure form must clearly state the purpose of the program or service requesting the data, what level of information will be disclosed, and to whom.
- A prototype disclosure of information form is found at (<http://www.fns.usda.gov/sites/default/files/E-SchoolMealApp.pdf>) on page 10. Consent forms must be completed annually. The sample form may be modified as needed.
- The section of the Iowa Eligibility Application to opt-out of release of information to the Iowa Children's Health Insurance Program (*hawk-i*) located on the back of the Iowa Eligibility Application may not be used for consent to release information for any other purpose or to any other program.
- CNPs may be asked to release eligibility information to a non-custodial parent or to a parent who has shared custody. Disclosure is not permitted under Federal law without written permission from the person who signed the application. If there is any question about disclosing this information for custody or divorce actions, local officials should contact an attorney for assistance.

Restrictions on the disclosure and use of information obtained from an Iowa Eligibility Application and the criminal penalties for improper release of information obtained through the direct certification process used by schools may be found at: <http://www.fns.usda.gov/7cfr-part-245-free-and-reduced-price-eligibility>.

If you have questions contact robin.holz@iowa.gov (515)281-3484.