

MEMORANDUM OF UNDERSTANDING

DISCLOSURE AGREEMENT FOR INFORMATION WITH OTHER PROGRAMS

1. Purpose and Scope

(Insert name of determining agency) and **(Insert name of receiving agency)** 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. This Memorandum of Understanding (MOU) is intended to ensure that any information disclosed by the **(Insert name of determining agency)** to the **(Insert name of receiving agency)** about children eligible for free and reduced price meals or free milk will be used only for purposes specified in this MOU and that the **(Insert name of determining agency)** and **(Insert name of receiving agency)** recognize that there are penalties for unauthorized disclosures of this eligibility information.

2. 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. Except that, the parent/guardian must be provided the opportunity to decline to share eligibility information prior to the disclosure for identifying children eligible for benefits under or enrolling children in the State Medicaid and Kidscare 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. For any unauthorized disclosure of children's eligibility information, the statute specifies a fine of not more than \$1,000 and imprisonment of not more than 1 year, or both.

3. Responsibilities

(Insert Name of Determining Agency) will:

Determine children's free and reduced price meal or free milk eligibility in accordance with the income eligibility criteria mandated by the Department of Agriculture;
Inform households that their children's free and reduced price meal or free milk eligibility information may be shared;

For State Medicaid and Kidscare notify parents/guardians of potential disclosures and provide opportunity for parents/guardians to elect not to have information disclosed;

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.

Include a Privacy Act statement when necessary and ensure the statement meets the Privacy Act requirements;

Secure parents/guardians consent prior to any disclosure not authorized by the National School Lunch Act or any regulations under that Act and disclose eligibility information only to those persons directly connected to programs for which prior consent was given.

(Insert Name of Receiving Agency) will:

Ensure that only persons who are directly connected with the administration or enforcement of the **(insert name of the Program)** and whose job responsibilities require use of the eligibility information will have access to children's eligibility information:

Specify by name(s) or title(s): _____

Use children's free and reduced price eligibility information for the following specific purpose(s):

(Describe) _____

Inform all persons that have access to children's free and reduced price meal or free milk eligibility information that the information is confidential and must be used only for purposes specified above;

Protect the confidentiality of children's free and reduced price meal or free milk eligibility information as follows:

(Specifically describe how the information will be protected from unauthorized uses and further disclosures.) _____

Description of Procedures to Transfer Meal Eligibility Information (May be completed by either the determining agency or receiving agency)

(Describe the procedures for transferring students' meal eligibility information from the determining agency to the requesting agency/program so as to limit the number of individuals who have access to the information.)

1. Effective Dates

This agreement shall be effective from _____ to _____

2. 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 and 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.

3. Signatures

The 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 is prohibited and a violation of Federal law which may result in civil and criminal penalties.

Receiving Agency Date

Determining Agency Date