



# MEMORANDUM OF UNDERSTANDING

## DISCLOSURE AGREEMENT FOR INFORMATION WITH OTHER PROGRAMS

### Purpose and Scope

\_\_\_\_\_ and \_\_\_\_\_ 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 U.S.C. 1751 et seq.) or Child Nutrition Act of 1966 (42 U.S.C. 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 \_\_\_\_\_ to the \_\_\_\_\_ about children eligible for free and reduced-price meals or free milk will be used only for purposes specified in this MOU and that \_\_\_\_\_ and \_\_\_\_\_ recognize that there are penalties for unauthorized disclosures of this eligibility information.

### Authority

Section 9(b)(2)(C)(iii) of the National School Lunch Act (42 U.S.C. 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 Kids care 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 or imprisonment of not more than 1 year or both.

### Responsibilities

\_\_\_\_\_ will:

determine children's free and reduced price meal or free milk eligibility in accordance with the 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; notify parent/guardian of potential disclosures and provide opportunity for parents/guardians to elect not to have information disclosed to State Medicaid and Kids care; 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 parent/guardian 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.

\_\_\_\_\_ will:

Ensure that only persons who are directly connected with the administration or enforcement of the \_\_\_\_\_ and whose job responsibilities require use of the eligibility information will have access to children's eligibility information.

**Specify name(s) and/or title(s).**

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

**Describe**

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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.**

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Implement the following procedures for transferring 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.**

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**Effective Dates**

This agreement shall be effective from \_\_\_\_\_ to \_\_\_\_\_.

## 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 U.S.C. 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.

## 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 and 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.

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Receiving Agency Representative

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Date

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Determining Agency Representative

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Date

Sincerely,

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Signature

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Name

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Phone number

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Email

In accordance with federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, this institution is prohibited from discriminating on the basis of race, color, national origin, sex (including gender identity and sexual orientation), disability, age, or reprisal or retaliation for prior civil rights activity.

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, audiotope, 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/ad-3027.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](mailto:Program.Intake@usda.gov)

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