

TOPEKA PUBLIC SCHOOLS	REGULATION NUMBER: 8250-02
SUBJECT: ELIGIBILITY FOR FREE OR REDUCED LUNCH BENEFITS	DATE OF ISSUE: 08/17/15 <hr/> REVISIONS: <hr/> PREPARING OFFICE:

I. PURPOSE

To establish procedures for collecting, maintaining, and releasing of information contained in the confidential school lunch records of students, in order to determine eligibility for free or reduced lunch prices, Title I services, and other education programs or benefits.

II. DEFINITIONS

As used in this regulation, “school lunch records” means application forms or any other records used to establish eligibility for reduced price and free Child Nutrition Program benefits under the National School Lunch Act.

III. PROCEDURES

- A. Aggregate information, which does not identify individual children, about the number of children eligible for reduced price or free benefits may be disclosed to any program or individual without parental notification or consent.**
- B. All eligibility information may be released to the following program or individuals without prior notice and consent:**
 - 1. Child Nutrition Programs under the National School Lunch Act or Child Nutrition Act;**
 - 2. The Comptroller General of the United States for purposes of audit and examination; and**
 - 3. Federal, state or local law enforcement officials investigating alleged violations of the programs under the National School Lunch Act and Child Nutrition Act or investigating violations of any of the programs that are authorized to have access to names and eligibility status.**
 - a. There must be a legitimate reason the information is needed for the approved program.**
 - b. These persons should not have routine access to participants’ eligibility status.**
- C. All eligibility information may be provided to Medicaid or HealthWave administered by a state or local agency authorized under the Titles XIX or XXI of the Social Security Act to identify and enroll eligible children, provided that the school gives prior notice to**

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the parent and the parent is provided an opportunity to decline to have the household's information disclosed.

- D. Eligibility status only may be disclosed to federal education programs, state education or health programs administered by KSDE or a local school district, and federal, state or local means-tested nutrition programs with eligibility standards comparable to Child Nutrition Programs. Parents must have prior notice that such disclosure may occur, but prior parental consent is not required.**
- E. Eligibility information shall not be released to any other federal, state or local program without parental consent to the disclosure.**
- 1. When disclosure occurs under this section, the school district food service department must enter into a written agreement with other entities requesting the information prior to disclosing the eligibility information.**
 - a. The receiving entity must be informed in writing that:**
 - Eligibility information may only be used for the purpose for which the disclosure was made.
 - Further use or disclosure to other parties is prohibited.
 - A violation of this provision may result in a fine of not more than \$1000 or imprisonment for not more than one year, or both.
 - b. Any agreement for disclosure of eligibility information must:**
 - Be signed by the school district food service department and the receiving entity;
 - Identify the entity receiving the information
 - Specify that the information must be used only for the purpose for which it was requested;
 - Describe the information to be disclosed and how it will be used;
 - Describe how the information will be protected from unauthorized uses and disclosures;
 - Describe the penalties for unauthorized disclosure.
 - 2. Parental consent or waiver of confidentiality is required prior to disclosing Child Nutrition Program eligibility information to other programs, even if the same person is responsible for approving eligibility and awarding benefits. This includes local programs allowing for free textbooks, reduced school fees or participation in local charitable programs.**

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- a. **The request for parents to waive their confidentiality must be in writing and should be obtained on the school district's Waiver of Confidentiality form.**
- b. **Parent must mark each checkbox on the form to confirm they waive confidentiality in order to qualify for the specified benefits listed on the form.**
- c. **The Waiver of Confidentiality form must:**
 - **Identify the information that will be shared and how it will be used;**
 - **Be signed and dated by the parent or guardian of the applicant household;**
 - **State that failing to sign the Waiver of Confidentiality will not affect eligibility or participation in the program and that the information will not be shared by the receiving program with any other entity or program; and**
 - **Enable the parent to waive confidentiality for only those programs with which he or she wishes to share information.**