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# Exceptions to Sharing Eligibility Data in the CNPs

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## Nutrition Services Division Management Bulletin

**Purpose:** Policy, Beneficial Information

**To:** Child Nutrition Program Sponsors

**Number:** CNP-03-2015

**Attention:** Food Program/Service Directors

**Date:** July 2015

**Reference:** U.S. Department of Agriculture Policy Memorandum SP 42-2014, SFSP 17-2014, and CACFP 11-2014: Sharing Aggregate Data to Expand Program Access and Services in Child Nutrition Programs; California *Education Code* sections 49557 and 49558

**Subject:** Exceptions to U.S. Department of Agriculture Policy Memorandum SP 42-2014, SFSP 17-2014, and CACFP 11-2014: Sharing Aggregate Data to Expand Program Access and Services in Child Nutrition Programs

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This Management Bulletin (MB) provides guidance on the U.S. Department of Agriculture (USDA) Policy Memorandum regarding the sharing of eligibility data in the School Nutrition Programs (SNP), the Summer Food Service Program (SFSP), and the Child and Adult Care Food Program (CACFP).

On April 24, 2014, the USDA issued Policy Memorandum SP 42-2014, SFSP 17-2014, and CACFP 11-2014: Sharing Aggregate Data to Expand Program Access and Services in Child Nutrition Programs. This policy memo is available on the USDA School Meals Policy Web page at <http://www.fns.usda.gov/school-meals/policy>.

SFSP and CACFP operators may disclose student-specific eligibility status to other Child Nutrition Program (CNP) operators to expedite children's eligibility certification for these programs. However, **California law prohibits SNP sponsors from sharing student-specific meal eligibility data with other sponsors for use in the SFSP or CACFP.**

**California's SNP sponsors must disregard the following statements from the USDA policy memo and its attached frequently asked questions:**

- "Child Nutrition Program (CNP) operators may disclose student-specific eligibility status to other CNP operators to expedite children's eligibility certification for these programs."
- Frequently asked question #3:

Question: "May I share the names of the children in my school who are eligible to receive free or reduced-priced meals with an organization operating the SFSP at a local camp?"

Answer: "Yes. Individual eligibility information may be shared among operators of all Federal Child Nutrition Programs to facilitate eligibility determinations."

While all other information in the Policy Memo regarding the sharing of **aggregate** data is applicable to all CNP operators, California *Education Code* (EC) sections 49557 and 49558 prohibit SNP sponsors from sharing individual student eligibility data. SNP sponsors must follow the confidentiality provisions set forth in California's EC, which are more restrictive than USDA confidentiality policies and regulations. Specifically:

1. EC Section 49557 prohibits the use of an individual student's eligibility status for any purpose other than the National School Lunch Program, and prohibits the posting of children's eligibility status to prevent overt identification.

2. EC Section 49558 states that a school food authority (SFA) cannot share a child's free or reduced-price (F/RP) meal eligibility except when the governing board of an SFA authorizes specific employees to disclose individual F/RP eligibility status information for the following purposes:

- Solely for the disaggregation of academic achievement data; in this case, food services can share a child's name and F/RP eligibility status with the SFA's testing coordinator
- To identify students in Program Improvement schools only who are low- performing and low-income and to whom the district may offer Supplemental Educational Services and/or School Choice; in this case, food services can share a child's name and F/RP eligibility status with the SFA's No Child Left Behind coordinator
- Under very specific circumstances, and with parental authorization, to share school meal applications with local CalFresh offices (please refer to MB SNP-31-2015: Sharing School Meal Applications with CalFresh Offices on the California Department of Education (CDE) School Nutrition Programs (SNP) Web page at <http://www.cde.ca.gov/ls/nu/sn/mb.asp>)
- Sharing individual F/RP eligibility status with the State Superintendent of Public Instruction, including designated CDE staff, for purposes of determining Local Control Funding Formula (LCFF) allocations (for more information on the LCFF, please visit the CDE LCFF Web page at <http://www.cde.ca.gov/fq/aa/lc/>)
- Sharing individual student F/RP eligibility information with other local educational agencies, that serve another student from the same household, for the purposes of LCFF calculations

When a student transfers from one SFA participating in the SNP to another, the SFA making the original eligibility determination may share eligibility status with the new SFA.

More information about confidentiality and sharing individual student eligibility information can be found in MB SNP-12-2015: Updated Guidance on Sharing of School Meal Applications, on the CDE School Nutrition Programs MB Web page at <http://www.cde.ca.gov/ls/nu/sn/mb.asp>.

The CDE supports and encourages the sharing of **aggregate**, and not individual, student data with community partners. This data may be used to assist all CNP operators in qualifying groups of children for certain CNPs. Aggregate data is available on the CDE Student Poverty FRPM Data Web page at <http://www.cde.ca.gov/ds/sd/sd/filesfp.asp>.

## Questions and Contact Information

If you have any questions regarding this subject, please contact the appropriate Nutrition Services Division Specialist for your agency's county and program(s):

**SNP:** A list of SNP county Specialists is available in the Download Forms section of the Child Nutrition Information and Payment System (CNIPS), Form ID Caseload. You can also contact an SNP Office Technician by phone at 916-322-3005, 916-322-1450, or 800-952-5609, Option 2.

**CACFP:** A list of CACFP county Specialists is available in the Download Forms section of the CNIPS, Form ID CACFP 01. You can also contact Nancy Charpentier, CACFP Unit OT, by phone at 916-322-299 or 800-952-5609, Option 3, or by e-mail at [ncharpentier@cde.ca.gov](mailto:ncharpentier@cde.ca.gov), to be directed to your CACFP Specialist.

**SFSP:** A list of SFSP Specialists is available in the Download Forms section of the CNIPS, Form ID SFSP 01. You can also contact Larry Frakes, SFSP Unit OT, by phone at 916-322-8323 or 800-952-5609, Option 3, or by e-mail at [lfrakes@cde.ca.gov](mailto:lfrakes@cde.ca.gov), to be directed to your SFSP Specialist.

**Questions: Nutrition Services Division | 800-952-5609**

Last Reviewed: Wednesday, July 12, 2017

