



TODD STAPLES, COMMISSIONER

POLICY ALERT

Date: February 27, 2009

Reference: # SFSP 2009-02

To: Summer Food Service Program (SFSP) Sponsors

Subject: Sharing Income Eligibility Information between Child Nutrition Programs

Effective Date: Immediately

Purpose

REPLACES Item 4221, Confidentiality, in the SFSP Handbook.

Implementation

Immediately

Procedure

Replace Item 4221 with the following:

You must protect the confidentiality of any information that has been provided on an application for eligibility. You may only use the information to determine eligibility for program benefits and to verify income. Do not release any information that contains a program participant's name or other individual information. Summary information, such as the number of program participants eligible for benefits, can be released.

School food authorities (SFAs) operating the National School Lunch Program/School Breakfast Program (NSLP/SBP) and Special Milk Program (SMP) **may** disclose children's names and all eligibility information, including eligibility status (whether they are eligible for free or reduced price meals), to **persons directly connected** with the administration of other Federal child nutrition programs authorized under the National School Lunch Act (NSLA) and the Child Nutrition Act of 1966, which includes the Summer Food Service Program (SFSP).

Because SFAs are not required to give prior notice or receive consent from the household before sharing this information; the information is subject to the same confidentiality and disclosure requirements as information obtained directly from a household on an application for eligibility.

The term "**persons directly connected**" with the administration of another child nutrition program includes sponsors of the SFSP. Not all employees of a sponsoring organization are entitled access to eligibility information. "**Persons directly connected**" with the administration of the SFSP must legitimately "need to know" the eligibility information in order to carry out their program responsibilities.

Example: The individual responsible for documenting the eligibility of a site would have clear need to access eligibility information, while an individual serving meals or conducting recreation programs, would not.

continued

This Policy Remains in Effect Until Further Notice

Procedure
continued

Sponsors can use this eligibility information to determine area need as described in Item 2222.1, Site Eligibility Based on Area Need and Item 2224, Site Eligibility Based on Enrolled Participants in the SFSP Handbook.

There is specific information that sponsors must obtain and use as documentation to determine that a child is eligible for free or reduced price meals. The sponsor would need to obtain from the SFA, or provide to the SFA, to:

- Document that the eligibility information applies to the specific child in question; and
- Verify the source/validity of the information. For example, the name of the SFA and the person providing the information, the date the information was obtained and the person at the sponsoring organization who obtained the information.

The sponsor and SFA should share information that would minimally identify the child, however, it is understood that in some cases, it may be necessary to share more than the child's name to ensure that the eligibility determination applies to a specific child.

Example: A sponsor attempting to document the income eligibility of a child named "John Smith" may need to provide the child's date of birth the SFA so that the SFA can verify that the information being provided applies to the "John Smith" in question.

Eligibility information received from the SFA should be documented in writing by the SFA; however, verbal documentation is sufficient to verify the information. Documentation of verbal information must be written and maintained with Form H1531 as supporting documentation for the determination of eligibility for free and reduced price meals.

TDA has developed a template form titled, *Shared Income Eligibility Documentation* for sponsors to use to document eligibility information received from the SFA. Sponsors can either provide the template to the SFA for completion or may complete the template based on verbal information received from the SFA.

Sponsors may use the attached template or develop a form of their own to document the eligibility information. If sponsors choose to develop their own form, they must ensure it captures all the required elements to document eligibility.

The following are the required elements:

- Name of SFA;
- Telephone number of the SFA;
- Date information obtained from SFA
- Name of SFA representative providing the eligibility information;
- Name of student;

continued

Procedure
continued

- Student's eligibility category; and
- Printed name, title, signature and date of SFSP representative.

Eligibility information from the SFA should not be used in place of the completion of Form H1531, *Child Nutrition Program Application*. Parents/guardians of children who are eligible for free and reduced price meals due to information received from the SFA may:

- Complete Form H1531 in its entirety; or
- Sign and date Form H1531 with the written eligibility information received from the SFA attached to the Form H1531 (i.e., stapled). The parent must be able to view the eligibility information provided by the SFA when signing and dating Form H1531.

Note: The disclosure of information by the SFA is the SFA's option and not required by regulations.

The privacy and confidentiality of personal data must be protected and you must take the decision to obtain eligibility information seriously. It must be made clear that the person receiving eligibility information cannot share the information with any other entity*. You must also ensure that the information is securely stored and the number of individuals that have access to it is limited.

You must maintain control over the use of all eligibility information and guard against improper disclosure.

* Refer to SFSP Handbook Item 4520, Availability of Records, for additional information.

Authority

USDA Correspondence 2008-CN-03.

Contact

If you have any questions please contact your Food and Nutrition Field Operations Office.

ATTACHMENT