

Determining Eligibility in the School Nutrition Programs, Summer Food Service Program, and S-EBT


Module 5: Confidentiality and Disclosure

CONNECTICUT Education

Connecticut State Department of Education
Bureau of Child Nutrition Programs

Revised March 2026

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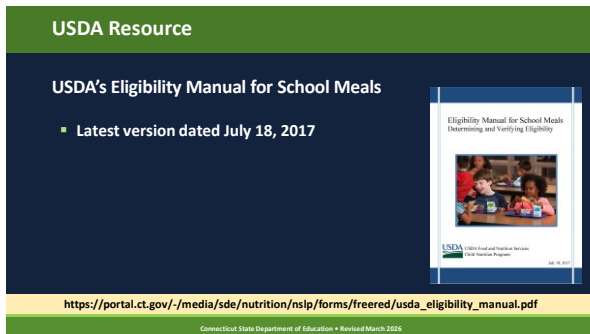
Determining Eligibility Training Modules

- Module 1: Introduction to Application Certification and Verification
- Module 2: Processing Applications
 - Part 1 – Starting the Application Process
 - Part 2 – Receiving and Processing Applications
 - Part 3 – Reviewing Applications and Special Considerations
 - Part 4 – Notification, Documentation, and Final Steps
- Module 3: Direct Certification
- Module 4: Test Your Knowledge About Processing Applications
- Module 5: Confidentiality and Disclosure

<https://portal.ct.gov/sde/nutrition/eligibility-for-free-and-reduced-price-meals-and-free-milk-in-school-nutrition-programs/determining-eligibility-training>

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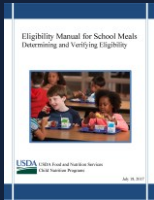
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USDA Resource

USDA's Eligibility Manual for School Meals

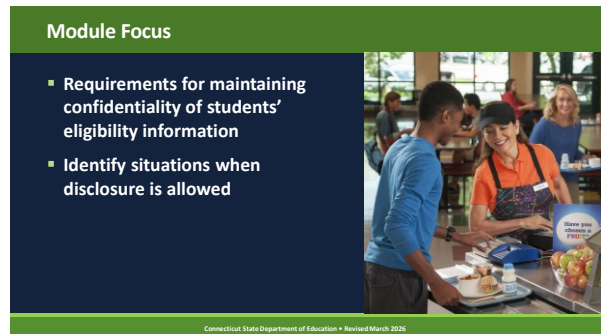
- Latest version dated July 18, 2017



https://portal.ct.gov/-/media/sde/nutrition/nsip/forms/freered/usda_eligibility_manual.pdf


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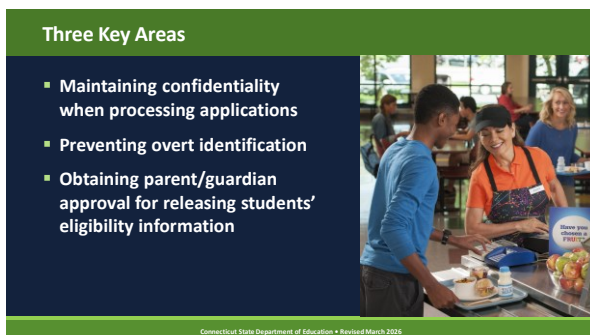
Module Focus

- Requirements for maintaining confidentiality of students' eligibility information
- Identify situations when disclosure is allowed




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Three Key Areas

- Maintaining confidentiality when processing applications
- Preventing overt identification
- Obtaining parent/guardian approval for releasing students' eligibility information



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Topics

- Laws for confidentiality and disclosure
- When disclosure is allowed
- Need to know
- Preventing overt identification
- Storing data in the cloud



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Overview of Laws for Confidentiality and Disclosure

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Laws for Confidentiality and Disclosure

- USDA regulations 7 CFR 245.6: Determining Eligibility for Free and Reduced Price Meals and Free Milk in Schools
- Section 9(b)(6) of the National School Lunch Act (NSLA), 42 U.S.C.1758(b)(6)



<https://fns-prod.azureedge.us/sites/default/files/cn/NSLA.pdf>

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Where the Laws Apply

- Free and reduced-price applications and direct certification
- Address criminal penalties for improper release and disclosure



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Disclosure Requirements

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USDA Regulations Restrict

- Who can access children's eligibility information
- Need to know



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Disclosure

Revealing or using individual children's Program eligibility information obtained through the eligibility process for a purpose other than the purpose for which the information was obtained


Terms to Know

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Disclosure Includes Access, Release, or Transfer of Personal Data About Children

- Print
- Tape
- Microfilm
- Microfiche
- Electronic
- Communication
- Any other means




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Personal Data Includes

- Eligibility information obtained through the application or direct certification



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NSLA Establishes Disclosure Limits


- Disclosure allowed only for
 - specific situations
 - individuals directly connected with administration or enforcement of certain programs or activities
- Disclosure is optional



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When Disclosure is Allowed



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Allowed Disclosure


Recipient of Information	What may be disclosed	Requirements
Programs under NSLA or Child Nutrition Act	All eligibility information	Prior notice and consent not required
Federal, state, or local means-tested nutrition programs with eligibility standards comparable to NSLP	Eligibility status only	Prior notice and consent not required
Federal education programs	Eligibility status only	Prior notice and consent not required
State education programs administered by state agency or LEA	Eligibility status only	Prior notice and consent not required
Local education programs	No eligibility information, unless obtain parent/guardian consent	Parent/guardian consent

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Disclosure to Noncustodial Parent

- Must have consent from parent HH member who signs application
- Attorney's request is not sufficient justification for release of application data except court order or subpoena
- More information in section 5 of USDA's Eligibility Manual for School Meals



https://portal.ct.gov/-/media/sde/nutrition/nslp/forms/freered/usda_eligibility_manual.pdf

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CSDE Disclosure Release Form

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Disclosure Release Form Required

- Determining officials must obtain and approve prior to determining if student's eligibility information can be released




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CSDE Resource

Disclosure Release Request for Free or Reduced Eligibility Status of Students in the School Nutrition Program




https://portal.ct.gov/-/media/sde/nutrition/nsip/forms/freered/disclosure_release_request_free_reduced_eligibility_status_snp.pdf

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Requests Specific Information

- Why information is being requested
- What student names will be used for
- Who will have access to information

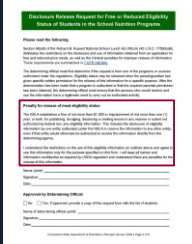


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Explains Penalty for Misuse of Meal Eligibility Status

- Contact CSDE school nutrition team member for assistance

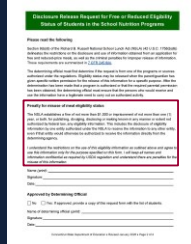


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Reviewed and Approved/Denied by Determining Official

- Contact CSDE school nutrition team member for assistance




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CSDE Resource

**Addendum A:
Sharing Information
with Other Programs**



<https://portal.ct.gov/sde/nutrition/eligibility-for-free-and-reduced-price-meals-and-free-milk-in-school-nutrition-programs/application-forms#Addenda>

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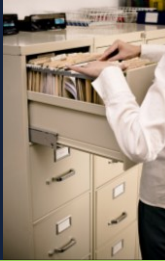
Need to Know

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About Need to Know

- A program or person may be authorized to receive student eligibility information under National School Lunch Act
- But to receive this information, **must be a legitimate “need to know”** to
 - provide a service or
 - carry out an authorized activity




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Must Ensure Access to Students' Eligibility Status is Limited

- Officials directly connected with administration or enforcement of a federal or state program or activity
 - Data systems
 - Records
 - Other means
- Cannot make eligibility information available to all school officials as general practice

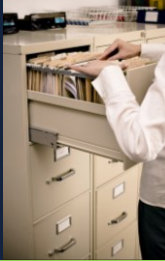


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Allowed Only for Student's Teachers Who Are

- Directly responsible for administration of a federal education program **OR**
- Providing tutorial or other assistance under the educational program

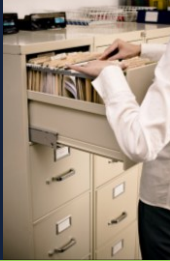


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Need to Know for Online Data Systems

- Online data systems must prevent unauthorized access
 - Masking or de-identification capability to prevent unauthorized access




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Programs Directly Connected to School Eligibility Data

- Federal or state education programs
- National Assessment of Educational Progress (NAEP)
- Every Student Succeeds Act (ESSA)
- Family Educational Rights and Privacy Act (FERPA)
- Other federal Child Nutrition Programs
- Other federal or state means-tested programs



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Preventing Overt Identification

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Overt Identification

Any action that may result in a child being recognized as certified for (or potentially eligible to receive) free or reduced-price meals or free milk


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NSLA Prohibits Overt Identification

Cannot disclose child's status at any point in the process of providing free and reduced-price meals or free milk




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Preventing Overt Identification Includes

- Notification of availability of benefits
- Certification and notification of eligibility
- Provision of meals
- Point of service




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Method of Payment

- LEAs that accept payments for meals in cash and electronically must ensure that the method of payment does not overtly identify children




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Non-program Foods, e.g., A La Carte Sales

- Must ensure that these sales and the method of payment do not inadvertently result in children being identified by their peers as receiving free or reduced-price benefits



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Nonprogram Foods

Any nonreimbursable foods and beverages purchased by the school food authority using funds from the nonprofit school food service account



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Programs/Activities Providing Additional Services for Low-income Children Based on Free/Reduced Eligibility

- Must ensure children who receive free or reduced-price benefits are not overtly identified when these additional services are provided



<https://fns-prod.azureedge.us/sites/default/files/cn/SP45-2012os.pdf>

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Example of Preventing Overt Identification

A school participates in the Backpack program and provides a backpack filled with food for children to take home for the weekend

- Cannot share list of free and reduced-price eligible students unless LEA has written permission from parent/guardian
- LEA must ensure students are not overtly identified when backpacks distributed


<https://fns-prod.azureedge.us/sites/default/files/cn/SP45-2012os.pdf>

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USDA Resource

USDA Policy Memo SP 45-2012: Preventing Overt Identification of Children Certified for Free or Reduced-Price School Meals



<https://fns-prod.azureedge.us/sites/default/files/cn/SP45-2012os.pdf>

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Preventing Overt Identification with Direct Certification

- Method for distributing applications cannot overtly identify directly certified students
 - Mail applications to households that are not directly certified
 - Provide applications to all households



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Module 5: Confidentiality and Disclosure

Aggregate Data

- May disclose to any program or requestor when individual children cannot be identified
 - Example**
Total number of children eligible for free and reduced-price meals in district

[https://www.ecfr.gov/current/title-7/subtitle-B/chapter-II/subchapter-A/part-245#p-245.6\(f\)](https://www.ecfr.gov/current/title-7/subtitle-B/chapter-II/subchapter-A/part-245#p-245.6(f))

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Aggregate Data Does Not Identify Individual Children

- Not required to notify parents/guardians or obtain their consent
- Be careful about release of aggregate data when individual children's eligibility may be deduced

[https://www.ecfr.gov/current/title-7/subtitle-B/chapter-II/subchapter-A/part-245#p-245.6\(f\)](https://www.ecfr.gov/current/title-7/subtitle-B/chapter-II/subchapter-A/part-245#p-245.6(f))

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Storing Data in the Cloud

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Connecticut's Student Data Privacy Law

- Connecticut General Statutes Sections 10-234aa through 10-234dd

https://www.cga.ct.gov/current/pub/chap_170.htm#sec_10-234aa

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Connecticut's Student Data Privacy Law Requires Districts to Have Signed Agreements with

- Any entity in possession of student information, student records, or student generated content, including students' free and reduced eligibility data

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Discuss with School Administrators to Ensure Compliance

- District may have policies and procedures in place
- If storing student eligibility data in the Cloud, must comply with district's policies

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CSDE Webpage

Data Privacy and Security

<https://portal.ct.gov/sde/performance/data-privacy-and-security>

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Questions? Contact School Nutrition Programs Staff

County	Staff
Middlesex County (includes Regions 4, 13, and 17) Tolland County (includes Regions 8 and 19)	Jennifer Bove 860-807-2044 • jennifer.bove@ct.gov
Fairfield County (includes Region 9) Litchfield County (includes Regions 1, 7, 12, 14, and 20)	Fionnuala Brown 860-807-2129 • fionnuala.brown@ct.gov
Hartford County (includes Region 10)	Teri Dandeneau 860-807-2079 • teri.dandeneau@ct.gov
New Haven County (includes Regions 5, 15, and 16)	Greg King 860-713-6804 • greg.king@ct.gov
New London County Windham County (includes Region 11)	Susan Alston 860-807-2081 • susan.alston@ct.gov

<https://portal.ct.gov/-/media/sde/nutrition/cnstaff/countyassign.pdf>

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Thanks for participating!

<https://portal.ct.gov/sde/nutrition/eligibility-for-free-and-reduced-price-meals-and-free-milk-in-school-nutrition-programs/determining-eligibility-training>

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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

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