



**United States  
Department of  
Agriculture**

Date: February 18, 2010

Food and  
Nutrition  
Service

Subject: Use of Free and Reduced Price Student Meal Eligibility Status

Northeast Region

To: All State Child Nutrition Program Directors

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Limiting the disclosure of free and reduced price meal information has historically been of paramount importance in school food programs. The National School Lunch Act (NSLA) sets forth the disclosure limits for Child Nutrition Programs. Although a person or program may be authorized under the NSLA to receive free and reduced price eligibility information, there must be a legitimate need to know to provide a service or carry-out an authorized activity. Disclosure is always an option, never a requirement.

The FNS “*Eligibility Manual for School Meals*” addresses the privacy and disclosure concerns relating to this information. This manual also includes a disclosure chart based on the NSLA that shows the circumstances for disclosing this information and addresses the No Child Left Behind (NCLB) Act. Because NCLB is a federal education program, it is eligible to receive a child’s free and reduced price meal eligibility status in order to administer the program. However, the intent of the confidentiality provisions in the NSLA is to limit the disclosure of individual eligibility status to those with a “need to know”.

Several States are looking at using a child’s free or reduced price meal eligibility status as part of the process used by teachers or others at the local level to develop learning plans and make improvements to curriculum. Our National Office is currently reviewing this usage to determine if it should be an authorized activity. Until this determination has been made, FNS does not feel there is a valid “need to know” and State agencies should not allow disclosure of individual free and reduced price meal eligibility status to any local level staff.

*/s/ John J. Magnarelli*

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