



STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION



**TO:** Sponsors of the National School Lunch, School Breakfast and Special Milk Programs

**FROM:** Charlene Russell-Tucker, Chief  
Bureau of Health and Nutrition Services and Child/Family/School Partnerships

**DATE:** May 11, 2007

**SUBJECT:** Operational Memorandum #20-07  
I. Final Rule – Disclosure of Children’s Free and Reduced Price Meals and Free Milk Eligibility Information in the Child Nutrition Programs  
II. Legislative Changes in the Nutrition Services Incentive Program

I. Enclosed is the final rule titled *Disclosure of Children’s Free and Reduced Price Meals and Free Milk Eligibility Information in the Child Nutrition Programs*, which became effective April 11, 2007.

This final rule establishes requirements for the disclosure of children’s free and reduced price meals or free milk eligibility information under the Child Nutrition Programs. The Child Nutrition Programs include the National School Lunch Program (NSLP), School Breakfast Program (SBP), Special Milk Program (SMP), Summer Food Service Program (SFSP) and Child and Adult Care Food Program (CACFP). Within certain limitations, children’s free and reduced price meal or free milk eligibility information may be disclosed, without parental/guardian consent, to persons directly connected to certain education programs, health programs, means-tested nutrition programs, the Comptroller General of the United States and some law enforcement officials. Additionally, officials also may disclose children’s free and reduced price meal or free milk eligibility information to persons directly connected with State Medicaid and the State Children’s Health Insurance Program (SCHIP) [HUSKY in Connecticut] when parents/guardians do not decline to have their information disclosed.

These regulations affect State agencies and local program operators that administer the Child Nutrition Programs and households which apply for and/or are approved for free and reduced price meals or free milk. The disclosure provisions are intended to reduce paperwork for administrators of certain programs that target low-income households and for low-income households which may benefit from those programs by allowing some sharing of households’ free and reduced price meal eligibility information.

All sponsors of the school Child Nutrition Programs are advised to review the final rule and retain it on file as an amendment to your copy of the NSLP (7 CFR Part 210), SBP (7 CFR Part 215) or SMP (7 CFR Part 220) regulations. (For a copy of the Code of Federal Regulations go to: <http://www.fns.usda.gov/cnd/Governance/regulations.htm>).

Important: This is a numbered Operational Memorandum that contains important program information. Please read carefully and retain in a binder for your future reference. Operational Memoranda are also posted on the Child Nutrition website: <http://www.sde.ct.gov/sde/cwp/view.asp?a=2626&q=320676>.

II. In accordance with Public Law 109-365, the Older Americans Act Amendments of 2006 enacted on October 17, 2006, State or Area Agencies on Aging and Indian Tribal Organizations (collectively referred to as SAA) and their selected grantees (i.e., elderly nutrition projects) may use funds received in the Nutrition Services Incentive Program (NSIP) to pay school food authorities (SFAs) participating in the National School Lunch Program, School Breakfast Program, or Special Milk Program (School Meals Programs) to make food purchases, in the commercial market, on behalf of the SAA or selected grantee. Such food purchases must be made in accordance with an agreement between the appropriate SAA or selected grantee and the SFA. An agreement may also permit reimbursement to the SFA for related expenses, such as transporting, distributing, processing, storing, or handling foods on behalf of the SAA or selected grantee. SFAs would follow established School Meals Programs procurement requirements when making such purchases.

Although the agreements described above are purely voluntary, the Food and Nutrition Service (FNS) encourages SFAs to enter into such agreements. Agreements between grantees or subgrantees of Federal grants for procurement or use of common goods and services are encouraged in 7 CFR 3016.36(b)(5), in order to promote greater economy or efficiency. Additionally, Section 12(i) of the Richard B. Russell National School Lunch Act, 42 USC 1760(i), permits SFAs participating in the School Meals Programs to use facilities, equipment, and personnel to support elderly nutrition projects operating under the Older Americans Act of 1965, 42 USC 3001, et seq.

In order to facilitate potential agreements, FNS has provided the Department of Health and Human Service's Administration on Aging, with State Agency contact information and SAA may be contacting Connecticut school food authorities for additionally information.

Questions pertaining to this memorandum may be directed to:

<i>COUNTY</i>	<i>CONSULTANT</i>	<i>EMAIL</i>	<i>PHONE</i>
<b>Hartford and Tolland</b>	Teri Dandeneau	teri.dandeneau@ct.gov	860-807-2079
<b>New London, Windham and Middlesex</b>	RoseAnna Holliday	roseanna.holliday@ct.gov	860-807-2064
<b>Fairfield and Litchfield</b>	Lorraine Sternal	lorraine.sternal@ct.gov	860-807-2008
<b>New Haven County</b>	Bob Zwack	robert.zwack@ct.gov	860-807-2081

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Enclosure