



STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION



TO: Sponsors of the National School Lunch Program (NSLP), School Breakfast Program (SBP) and Special Milk Program

FROM: Cheryl Resha, Education Manager
Bureau of Health/Nutrition, Family Services and Adult Education

DATE: March 3, 2009

SUBJECT: Operational Memorandum #8-09

- I. Interim Rule *Verification of Eligibility for Free and Reduced Price Meals in the National School Lunch and School Breakfast Programs*
- II. Responsibility to Request Food Safety Inspections
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I. Interim Rule Verification of Eligibility for Free and Reduced Price Meals in the National School Lunch and School Breakfast Programs

The United States Department of Agriculture (USDA) has issued an Interim Rule addressing verification. This Interim Rule may be downloaded at

<http://www.fns.usda.gov/cnd/Governance/interim/2008verifrule.pdf>

This rule implements provisions of the Child Nutrition and WIC Reauthorized Act of 2004 relating to verification of applications approved for free or reduced price meals in the NSLP and the SBP. The interim rule is currently open to public comments. All comments to USDA on the Rule Provisions must be postmarked on or before March 18, 2009.

II. Responsibility to Request Food Safety Inspections

As a reminder, based on the Child Nutrition and WIC Reauthorization Act of 2004, School Food Authorities (SFAs) are required to have **two** food safety inspections annually. If two inspections have not been completed, SFAs are responsible for requesting the food safety inspections from the public health department and *documenting their efforts in writing*. Food safety inspection data is collected from each sponsor annually in the fall and SFAs will be required to note why two inspections have not been completed and what efforts were done to obtain the food safety inspections.

III. Reaffirmation of Policy on Limited Disclosure of Children's Eligibility Information to the National Assessment of Educational Progress (NAEP)

As a reminder, SFAs may disclose, without parent/guardian consent, children's names and eligibility status (whether they are eligible for free meals or free milk or reduced price meals) to persons *directly* connected with the administration or enforcement of a Federal or State education program, as permitted by section 9(b)(6)(A)(ii)(I) of the Richard B. Russell National School Lunch Act. Persons directly connected to the administration or enforcement of NAEP are authorized recipients of children's free and reduced price meal eligibility status

because NAEP is a Federal education program. Additionally, school food authorities may disclose children's names and eligibility status to persons directly connected with the administration or enforcement of State educational assessment programs to the extent that the State assessment is part of the NAEP or the assessment program is established at the State, not local level. Other State education programs also are eligible to have access to participants' names and eligibility status, without parent/guardian consent, but the program must be established at the State, not local level.

The term "persons directly connected" for the purpose of disclosure to NAEP includes Federal, State and local program operators responsible for NAEP program administration or program compliance and their contractors. This does not imply that these persons have routine access to participants' eligibility status. **There must be a "need to know" for legitimate NAEP purposes.**

It is recommended that SFAs inform households if they plan to disclose or use eligibility information outside the originating program. It is also recommend that the SFA enter into a written agreement with NAEP officials. The agreement should: (1) be signed by both the SFA and NAEP officials, as appropriate; (2) identify the entity receiving the information; (3) describe the information to be disclosed and how it will be used; (4) describe how the information will be protected from unauthorized uses and disclosures; and (5) describe the penalties for unauthorized disclosure. The above information has been incorporated into the 2008 update of the *Eligibility Manual for School Meals* (Part 7, E) which is available on the Connecticut State Department of Education website at <http://www.sde.ct.gov/sde/lib/sde/PDF/DEPS/Nutrition/EligibilityManual.pdf>.

IV. Child Nutrition Programs Staff Update

There are two new staff members in the Child Nutrition unit. Fionnuala Brown will be working in both the school Child Nutrition Programs and the Child and Adult Care Food Program; and Jackie Schipke will be working in the school Child Nutrition Programs. Please join the Connecticut State Department of Education in welcoming Fionnuala and Jackie to Connecticut's Child Nutrition Programs.

Questions about the information provided in this memorandum may be directed to:

- Fionnuala Brown, 860-807-2048, fionnuala.brown@ct.gov
- Teri Dandeneau, 860-807-2079, teri.dandeneau@ct.gov
- Jackie Schipke, 860-807-2123, jackie.schipke@ct.gov
- Robert Zwack, 860-807-2081, robert.zwack@ct.gov

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