

**BEFORE THE BOARD OF DIRECTORS OF THE
PHOENIX-TALENT SCHOOL DISTRICT**

RESOLUTION 24-8

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE PHOENIX-TALENT SCHOOL DISTRICT
DECLARING DISCLOSURE OF FREE
AND REDUCED LUNCH INFORMATION**

**On motion by:
Duly seconded by:**

The following resolution is hereby adopted:

WHEREAS, Phoenix-Talent School District 4 (District) does acknowledge and agree that children's free and reduced price meal and free milk eligibility information, obtained under provisions of the National School Lunch Act (42 USC 1751 et. seq.) or Child Nutrition Act of 1996 (42 USC 1771 et. seq.) and the regulations implementing these Acts, is confidential information; and

WHEREAS, the District is a local education agency that administers an education program as that term is used in the National School Lunch Act [42 USC 1758 (b)(6)(A)(I)] and this Declaration is intended to ensure that any information disclosed by the Nutrition Services section of the District's Finance Department (Nutrition Services) about children eligible for free and reduced price meals or free milk will be used only for purposes specified in this Declaration and that Nutrition Services and Phoenix-Talent School District and all the employees thereof recognize that there are penalties for unauthorized disclosures of the eligibility information; and

WHEREAS, the National School Lunch Act (42 USC 1751 et. seq.) contains the following provisions;

- (6) Use or disclosure of information:
- (A) In general: The use or disclosure of any information obtained from an application for free or reduced meals...shall be limited to:
 - (i) a person directly connected with the administration or enforcement of this chapter or the Child Nutrition Act of 1966 (42 USC 1771 et. seq.) (including a regulation promulgated under either this chapter or that Act);
 - (ii) a person directly connected with the administration or enforcement of
 - (I) a Federal education program
 - (II) a State health or education program administered by the State or local educational agency...
 - (III) a Federal, State or local means-tested nutrition program with eligibility standards comparable to the school lunch program under this chapter...
 - (B) Limitation on information provided: Information provided under clause (ii) or (v) of subparagraph (A) shall be limited to the income eligibility status of the child for whom application for free or reduced price meal benefits is made...unless the consent of the parent or guardian of the child for whom application for benefits was made is obtained; and

WHEREAS, the District is currently authorized to administer the Child Nutrition Program under the National School Act and that the information requested will be used only as authorized by such Act, which information shall contain the name of the eligible student and the eligibility status only for which the parental or guardian consent is not required; and

WHEREAS, ORS 326.565 through 326.591 and OAR 581-021-0220 through 581-021-0440 are the Oregon law and regulations that protect the privacy of student “education records”, District Board Policy JO/IGBAB is the policy that addresses privacy of student education records; and the District intends to comply with such requirements with respect to free and reduced price meal and free milk eligibility information.

NOW, THEREFORE, in consideration of the recital set forth above, the Phoenix-Talent School District Board of Directors hereby declares:

1. Nutrition Services shall, when required, secure parents/guardians consent prior to any disclosure not authorized by the National School Lunch Act or any regulation under that Act, unless prior consent is secured by the information receiving agency and made available to Nutrition Services.
2. Nutrition Services shall disclose eligibility information only to persons directly connected to the administration or enforcement of programs and who are authorized to access under the National School Lunch Act, including administrators who direct research and data analysis for the District, related to education programs of the District.
3. The District shall ensure that only persons who are directly connected with the administration or enforcement of the preceding programs and whose job responsibilities require use of the eligibility information shall have access to children’s eligibility information.
4. The District shall inform all persons who have access to children’s free and reduced price meal eligibility information the information is confidential, that the children’s eligibility information must only be used for purposes specified above, and the penalties for unauthorized disclosures.
5. The District shall protect the confidentiality of children’s free and reduced price meal or free milk eligibility information in order to assure that only those individuals employed in Nutrition Services, or administrators who direct research and data analysis for the District, shall have on-line user rights to access a student’s free/reduced meal eligibility status in the District; other authorized staff directly engaged in the administration or enforcement of federal or state education programs shall receive eligibility lists and shall be instructed to properly destroy by shredding such lists after they are used for the approved purpose; and each District employee authorized to have access shall receive a copy of this completed Declaration and shall be required to sign a Free/Reduced Disclosure Form.
6. Penalties
The law provides that any person who publishes, divulges, discloses, or makes known in any manner or to any extent not authorized by Federal law [Section 9(b)(2)(C)] of the National School Lunch Act; 42 USC `758(b)(2)(C) or a regulation, any information about a child’s eligibility status for free and reduced price meals or free milk shall be fined not more than \$1,000 or imprisonment of not more than one year or both.

PASSED AND ADOPTED by the Board of Directors of the Phoenix-Talent School District #4 of the County of Jackson, State of Oregon, this 11th day of July 2024, by the following vote:

Ayes:
Noes:
Absent:
Abstain:

, Board Chair

ATTEST:

Brent Barry, Supt./Clerk of the Board

**PHOENIX-TALENT SCHOOL DISTRICT
EMPLOYEE AFFIRMATION OF NONDISCLOSURE
(Copy of Free and Reduced Price Disclosure Agreement Attached/Included)**

Employee Name _____ Title _____
School/Dept. _____ Date of Request _____
Telephone _____

I am requesting access to confidential information for the following purpose:

Access to Confidential Free and Reduced Price Lunch Information

By signing this document, I agree to the following:

- I will not permit access to confidential free and reduced price lunch information to persons not authorized by the Phoenix-Talent School District or the Oregon Department of Education.
- I will maintain the confidentiality of the data.
- I will not reveal any individually identifiable information furnished, acquired, retrieved or assembled by me or others for any purpose other than the purposes specified in the attached Disclosure of Free and Reduced Price Information Declaration.
- I will report any known instances of missing data, data that has been inappropriately shared, or data taken off site to the Directors of Human Resources and Finance.

I understand that procedures must be in place for monitoring and protecting confidential information.

- I understand and acknowledge that children's free and reduced price meal and free milk eligibility information obtained under provisions of the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et. seq.)(NSLA) or Child Nutrition Act of 1966 (42 U.S.C. 1771 et. seq.)(CNA) and the regulations implementing these Acts is confidential information.
- I understand that any unauthorized disclosure of confidential free and reduced price lunch information is illegal as provided in the NSLA and CAN and in the implementing of federal regulation 7 C.F.R.245.6. The penalty for unlawful disclosure is a fine of not more than \$1,000.00 (under C.F.R. 245.6) or imprisonment for up to one year (under 7 C.F.R.245.6), or both.
- I understand that any personal characteristics, that could make the student or his/her family's identity traceable, are protected.
- In addition, I understand that any data sets or output reports that I may generate using confidential data are to be protected. I will not distribute to any unauthorized person any data sets or reports that I have access to or may generate using confidential data. I understand that I am responsible for any computer transactions performed as a result of access authorized by use of sign-on/password(s).
- I affirm that my statements in this document are true.

Employee Signature _____ Date _____

Employee Signature _____ Date _____

RETURN TO: _____ by _____

A signed affirmation must be completed annually in order to obtain/continue access to free and reduced eligibility information.