

Date: February 6, 2013

To: District Administrators, Food Service Directors and Authorized Representatives of School Food Authorities

From: Wisconsin Department of Public Instruction: School Nutrition Team, and Division for Libraries and Technology

Subject: Free and Reduced Price Meal Information, Pupil Privacy, and the Department of Public Instruction Secure Data Tools

The purpose of this memo is to clarify and offer guidance around two issues:

- The limits on access to student meal eligibility information through the Department of Public Instruction (DPI) secure data systems
- The appropriate uses of student meal eligibility in Information Technology (IT) systems

DPI reminds districts that they are responsible for having policies in place to remain in compliance with both the Family Educational Rights and Privacy Act (FERPA) and the United States Department of Agriculture (USDA) regulations surrounding the disclosure of student eligibility information for the school nutrition programs. Part 7 of the USDA *Eligibility Manual for School Meals: Federal Policy for Determining and Verifying Eligibility* (http://www.fns.usda.gov/cnd/guidance/EliMan_h.pdf) outlines the federal regulations that govern what is considered legal and appropriate disclosure of this information. USDA Guidance Memo SP 31-2010 (http://www.fns.usda.gov/cnd/Governance/Policy-Memos/2010/SP_31_CACFP_17_SFSP_15-2010_os.pdf) provides specific information regarding disclosure of eligibility data by each specific Child Nutrition Program.

When using [DPI Secure Tools](#), DPI has provided districts with flexible options for roles in these tools to allow districts to implement role based security in line with current district policy. This includes a separate role for access to information about the free/reduced meal eligibility of individual students, as well as, in some Secure Tools, a summary role of access to aggregated free, reduced and full paid meal data, but not for individual students. Information about role availability for DPI Secure Tools is available here: <http://wise.dpi.wi.gov/sites/default/files/imce/wise/pdf/asm-roles.pdf>. This flexibility allows districts local control over who has access to data on their students through DPI's applications. However, as stated in the USDA *Eligibility Manual*, pages 56-66, the intent of the confidentiality provisions is to limit the disclosure of a child's eligibility status to those who have a need to know. In other words, there must be a legitimate need to know to provide a service or carry out an authorized activity.

DPI continues to recommend that districts only provide access to student meal eligibility information in cases where it is necessary—including for administration and management of a

data system (including WISEdash), operating the school nutrition programs, and, as stated above, district staff with a “need to know”.

DPI also reminds districts that neither FERPA nor USDA regulations preclude districts from collecting and storing student meal eligibility information in data systems (including WISEdash) that have proper access safeguards in place. This includes allowing IT staff, contractors, and vendors access to this data for the purpose of loading it into a data warehouse, transferring it, validating it, or performing other maintenance necessary to the building and maintenance of such systems.

District officials, prior to disclosing information on the meal eligibility status of individual children to an outside party, should enter into a memorandum of understanding or other agreement to which all involved parties (including both officials who administer the school meals/milk programs and officials who administer the overall education functions) would adhere. This agreement would specify the names of the individuals who would have access to the information, how the information would be used and third-party disclosures. This agreement should also include a statement of the penalties for misuse of the information. A prototype disclosure agreement is posted on our website at http://fns.dpi.wi.gov/fns_fincou1#1d.