

The No Child Left Behind Act: How does it affect the Child Nutrition Programs?

No Child Left Behind (NCLB) is a federal law affecting elementary and secondary education. It is having a far reaching impact on schools across the country, especially on Title I, a federal education program. NCLB amended Title 1 to require schools to measure the progress of all students as well as students in various population groups, including students who are economically disadvantaged. Under NCLB, these students may be eligible for supplemental educational services or in some cases be eligible to receive priority for public school choice. In many schools, the applications for free and reduced price meal eligibility may be the only source of obtaining this information and identifying those students eligible for supplemental educational services.

The National School Lunch Act (NSLA) previously established requirements regarding the release of information related to the free and reduced price meal applications. This statute permits determining officials to disclose the names and eligibility status of individual children eligible for free and reduced price meals to persons responsible for administration or enforcement of federal or State education programs. This information may be disclosed without parental consent.

Since Title 1 is a federal education program, a child's eligibility status for free or reduced price meals may be disclosed to persons who have a need to know in order to administer and enforce the new Title 1 requirements. The statute however, does not allow the disclosure of any other information obtained from the free and reduced price school meal application or obtained through direct certification.

Prior to disclosing eligibility information, school officials are urged to enter into a memorandum of understanding or other agreement to which all involved parties (school lunch administrators and education officials) would adhere. This agreement would specify the names of the individuals who would have access to the information, how the information would be used, how the information would be protected from unauthorized uses and third-party disclosures and would include a statement of the penalties for misuse of the information.