



SUMMER FOOD SERVICE PROGRAM

CLARIFICATION OF FEDERAL POLICY

In Texas, organizations contracting directly with the Texas Department of Agriculture (TDA) to operate nutrition programs federally funded through the United States Department of Agriculture (USDA) are called Contracting Entities, or CEs. The Summer Food Service Program (SFSP) is a federally funded nutrition program and, as such, sponsors are considered CEs. CEs operating the Seamless Summer Option (SSO) should reference the Administrator's Reference Manual (ARM) Section 12, Seamless Summer Option, for guidance.

Each year, the USDA publishes the SFSP *Administrative Guidance for Sponsors* (AGS) which provides federal policy, program guidance and information for all CEs that participate or plan to participate in SFSP. TDA occasionally issues a Clarification of Federal Policy, such as this one, to supplement and clarify federal policy set out in the AGS.

Sharing Eligibility and Summary Information

On April 24, 2014, USDA released policy memorandum SFSP 17-2014, [Sharing Aggregate Data to Expand Program Access and Services in Child Nutrition Programs](#) which reminds CEs on data sharing requirements. This clarification of federal policy provides additional guidance regarding the sharing of eligibility information between CEs operating federal Child Nutrition Programs and sharing aggregate, or summary, data information with the public.

Eligibility information must be collected for all camp sites and closed-enrolled sites which do not establish eligibility through area eligibility.

Eligibility Information

When SFSP CEs have to obtain individual eligibility information they can obtain child-specific eligibility status from another CE, like a school or child care center, to expedite the certification process. A CE must protect the confidentiality of any information that has been provided by a household, or received from another CE for determining eligibility for free, reduced-price, or paid meals. The CE may only use the information to determine eligibility and must not release any information that contains a SFSP participant's name or other individual information.

CEs operating the National School Lunch Program/School Breakfast Program, Special Milk Program, Child and Adult Care Food Program and Summer Food Service Program *may* disclose children's names and all eligibility information, including eligibility status (whether they are eligible for free or reduced-price meals or free milk), to **persons directly connected** with the

administration of other Federal Child Nutrition Programs authorized under the National School Lunch Act (NSLA) and the Child Nutrition Act of 1966 without parent/guardian consent.

Persons directly connected with the administration of the SFSP must legitimately need to know the eligibility information in order to carry out their SFSP responsibilities.

EXAMPLE: The individual responsible for documenting the eligibility of a site would have a clear need to access eligibility information, while an individual serving meals or conducting recreation programs would not.

NOTE: The disclosure of information shared by the CE is the CE's option and not required by regulations to be provided.

CEs requesting eligibility information from another CE would need to provide/verify the following information:

- Document that the eligibility information applies to the specific child in question; and
- Verify the source/validity of the information.

NOTE: The elements required in order to verify eligibility information provided by another CE are listed below.

NOTE: SFSP CEs may use the *Shared Eligibility Form*, which can be found on the www.summerfood.org website under "Summer Feeding Administration & Forms," for obtaining eligibility information from another CE in order to make eligibility determinations for SFSP purposes.

The CE requesting the eligibility information may provide the *Shared Eligibility Form* to the CE providing the eligibility information to complete and return to the requesting CE. It is preferable that eligibility information received from a CE be documented in writing. However, the information can also be obtained verbally and documented on the form.

The following elements, which are also included in the *Shared Eligibility Form*, are required in order to verify eligibility information provided by another CE:

- Name of the CE providing the child eligibility information
- Telephone number of CE providing the child eligibility information
- Address of the CE providing the child eligibility information
- Date eligibility information was obtained from the CE
- Name of the CE representative providing the eligibility information
- Name of the child
- Child's date of birth, if applicable
- Child's eligibility category, and
- CE ID of the CE receiving the eligibility information
- Printed name, title, and signature of the SFSP CE representative receiving the eligibility information, and the date of the signature

Privacy and Confidentiality of Individual Information

Because CEs are not required to give prior notice or receive consent from the household before sharing eligibility information, the information obtained from the CE is subject to the same confidentiality and disclosure requirements as information obtained directly from a household. The privacy and confidentiality of personal data must be protected and CEs receiving eligibility information **cannot** share the information with any other entity. The CE **must not release** any information that contains a program participant's name or other individual information.

CEs must maintain control over the use of all eligibility information and guard against improper disclosure, no matter how the information was obtained. CEs must also ensure that the information is securely stored and the number of individuals that have access to it is limited.

The CE receiving eligibility information and CE sharing (providing) the eligibility information should share *the least amount of information needed* to identify the child; however, it is understood that in some cases, it may be necessary to share more than the child's name to ensure that the eligibility determination applies to a specific child.

EXAMPLE: A CE attempting to document the eligibility of a child named "John Smith" may need to provide the child's date of birth to the CE providing the eligibility information so that the requesting CE can verify that the information being provided applies to the "John Smith" in question.

Sharing Aggregate (Summary) Information

CEs may disclose aggregate, or summary, information about children eligible for free and reduced price benefits to any party without parental notification provided that an individual or group of children's eligibility *cannot be identified through release of the aggregate data* or by means of deduction.

EXAMPLE: The release of data relating to specific classrooms is a very small subset of school data and could lead to the identification of individual children.

USDA encourages CEs to share aggregate data with partnering organizations in order to expand participation in the SFSP and target underserved areas.