

**BEST PRACTICES**

## Protect confidentiality when using lunch program data

Your district must direct supplemental educational services toward low-income students at schools that aren't making adequate yearly progress (unlike the school choice program, which is open to any student at a school that is in improvement). To determine which students are eligible, districts must use the same method they use to determine Title I allocations for their schools.

For many districts, this means using free and reduced-price lunch data to determine which students should be offered SES. This is an appropriate method, but districts must obey regulations about the confidentiality of this information, said attorney and education consultant **Christian Johnson**.

### Regs bar most disclosures of student eligibility

The **U.S. Department of Agriculture** regulations published in the *Federal Register* last March bar most disclosures of student eligibility for free and reduced-price lunch without parental approval. However, the law does allow the disclosure of the child's name and eligibility for free and reduced-price lunch to "persons directly connected with the administration or enforcement of federal educational programs."

So the person administering Title I in the district and the person running the SES program are entitled to know the identities of the students eligible for free and reduced-priced

lunch. But districts should be wary of making this information available to SES contractors, Johnson said.

Although the regulations say that a contractor may be "a person directly connected with administration or enforcement of federal education programs," the regulations also say that contractors may only receive the information if they have "a need to know." Independent auditors, for example, may require this information if they are to assess the district's compliance with the school lunch program. But SES providers only need to know how many students demand their service, not how those students were chosen.

### Let parents give out information

Johnson suggested holding family information sessions for eligible students and their parents. SES providers can attend and have tables or booths where they discuss their services with interested parents. If the parents choose to provide their names and contact information to the provider, they can — but the district shouldn't do so, he said.

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### Insider Resources

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School lunch program regulations, 7 CFR 225.15(g)(2). Published in the *Federal Register*, Vol. 72, No. 47, 10885 et seq, at 10896. March 12, 2007. □