

**THE NORTH DAKOTA DEPARTMENT OF HUMAN SERVICES  
AND DEPARTMENT OF PUBLIC INSTRUCTION DISCLOSURE  
REGARDING INFORMATION EXCHANGE**

**I. PURPOSE AND SCOPE**

\_\_\_\_\_ and the North Dakota Department of Human Services  
Name of Determining Agency  
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 1966 (42 USC 1771 et. seq.) and the regulations implementing those Acts is confidential information. This Agreement is intended to ensure that any information disclosed to the North Dakota Department of Human Services about children eligible for free and reduced price meals or free milk will be used only for purposes specified in this Agreement and that the \_\_\_\_\_  
Name of Determining Agency  
and the North Dakota Department of Human Services recognize that there are penalties for unauthorized disclosures of this eligibility information.

**II. AUTHORITY**

Section 9(b)(2)(C)(iii) of the National School Lunch Act (42 USC 1758(b)(2)(C)(iii)) authorizes the limited disclosure of children's free and reduced price meal or free milk eligibility information to specific programs or individuals, without prior parent/guardian consent. Except that, the parent/guardian must be provided the opportunity to decline to share eligibility information prior to the disclosure for identifying children eligible for benefits under or enrolling children in the North Dakota Medicaid and the North Dakota Children's Health Insurance Program. Additionally, the statute specifies that for any disclosures not authorized by the statute, the consent of children's parents/guardians must be obtained prior to the disclosure.

The North Dakota Department of Human Services certifies that it is currently authorized to administer the North Dakota Medicaid and the Children's Health Insurance Program, and that the information requested will only be used by the North Dakota Medicaid or the North Dakota Children's Health Insurance Program.

*Note:* Section 9(b)(2)(C)(iv) specifies that certain programs may receive children's eligibility status **only**, without parental consent. Parental consent must be obtained to disclose any additional eligibility information. Section 9(b)(2)(C)(iv) specifies that for State Medicaid or the State children's health insurance program, parents must be notified and given opportunity to elect not to have information disclosed. Social security numbers may only be disclosed if households are given notice of the disclosure and the uses to be made of their social security numbers as required by Sec. 7 of the Privacy Act.

**III. RESPONSIBILITIES**

\_\_\_\_\_ will:  
Name of Determining Agency  
For North Dakota Medicaid and the North Dakota Children's Health Insurance Program, notify parents/guardians of potential disclosures and provide opportunity for parents/guardians to elect not to have information disclosed;

The North Dakota Department of Human Services will:

Ensure that only persons who are directly connected with the administration of the North Dakota Medicaid or the North Dakota Children's Health Insurance Program and whose job responsibilities require use of the eligibility information will have access to children's eligibility information:

Jodi Hulm, Healthy Steps Administrator, Patricia Hinsz Eligibility Worker I and Barbara Jennings Eligibility Worker I

Use children's free and reduced price eligibility information for the following specific purpose(s):

To send out Health Care Coverage applications to those who are eligible for free and reduced price meals or free milk but don't have health insurance.

Inform all persons that have access to children's free and reduced price meal eligibility information that the information is confidential, that children's eligibility information must only be used for purposes specified above, and the penalties for unauthorized disclosures.

Protect the confidentiality of children's free and reduced price meal or free milk eligibility information as follows:

All information coming into the North Dakota Department of Human Services Healthy Steps Eligibility Unit is confidential and all employees must sign confidentiality agreements as well as attend confidentiality training. The information obtained from the free and reduced priced meals or free milk applications will not be shared with anyone or any other agency.

**Description of Procedures to Transfer Meal Eligibility Information** (May be completed by either the determining agency or receiving agency)

Schools can call the 1 877 KIDS NOW hotline to obtain an invitation to submit a secure web file transfer.

#### **IV. EFFECTIVE DATES**

This agreement shall be effective \_\_October 1, 2010\_\_ and shall remain in effect until terminated by the parties.

#### **V. PENALTIES**

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 1758(b)(2)(C)) or a regulation, any information about a child's eligibility for free and reduced price meals or free milk shall be fined not more than \$1,000 or imprisoned not more than 1 year or both.

#### **VI. SIGNATURES**

The parties acknowledge that children's free and reduced price meal and free milk eligibility information may be used only for the specific purposes stated above; that unauthorized use of free and

reduced price meal and free milk information or further disclosure to other persons or programs is prohibited and a violation of Federal law which may result in civil and criminal penalties.

**Requesting Agency/Program Administrator**

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_ Phone: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**Determining Agency Administrator**

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_ Phone: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_