

Assembly Bill No. 1385

Passed the Assembly September 8, 2005

Chief Clerk of the Assembly

Passed the Senate September 8, 2005

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2005, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to add Section 49561 to the Education Code, relating to pupil nutrition.

LEGISLATIVE COUNSEL'S DIGEST

AB 1385, Laird. School meals.

Existing law requires school districts and county superintendents of schools to provide free or reduced-price meals to needy pupils as part of the National School Lunch and School Breakfast Programs.

This bill would require the State Department of Education to create a computerized data-matching system, as specified, using existing databases from the State Department of Education and the State Department of Health Services to directly certify recipients of public assistance programs for enrollment in the National School Lunch and School Breakfast Programs. This bill would require the State Department of Education to determine the availability of and request or apply for, as appropriate, federal funds to assist the state in implementing new direct certification requirements mandated by federal law. The bill would make its provisions operative upon receipt of federal funds to assist the state in implementing new direct certification requirements mandated by federal law.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares all of the following:

(a) Studies have shown that schoolchildren who receive nutritious meals are more likely to have higher achievement scores and fewer disciplinary problems, and less likely to be absent or tardy to class.

(b) Schoolchildren who are considered low income or receive public assistance qualify for free or reduced-priced school meals. The State Department of Education and the State Department of Health Services maintain various databases to ascertain which schoolchildren are eligible for these programs.

(c) Schoolchildren who receive free or reduced-priced meals at school must be certified as enrolled in a school meal program.

(d) The Child Nutrition and WIC Reauthorization Act of 2004 (P.L. 108-265) requires that any child receiving benefits under the federal Food Stamp Act be certified as eligible for free lunches under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) and free breakfasts under the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), without further application.

(e) Federal law requires the use of direct certification by school districts to be phased in over time with full implementation being realized by July 2008. Specifically, the Child Nutrition and WIC Reauthorization Act of 2004 (P.L. 108-265) requires state education agencies to enter into an agreement with appropriate state agencies conducting eligibility determinations for the Food Stamp Program established pursuant to the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.).

(f) Research has shown that direct certification increases the participation of low-income schoolchildren in free school meals. Research has also shown direct certification improves the integrity of the meal programs because it ensures that the children receiving the meals are truly needy.

(g) The federal No Child Left Behind Act of 2001 (P.L. 107-110) requires states to establish a database to track pupils' achievement.

(h) Chapter 1002 of the Statutes of 2002 requires the California Department of Education, consistent with the requirements of the No Child Left Behind Act of 2001, to establish the California Longitudinal Pupil Achievement Data System (CalPADS) to track student achievement.

(i) The State Department of Health Services possesses a statewide Medical Eligibility Data System (MEDS), which stores data regarding recipients of food stamps and the California Work Opportunity and Responsibility to Kids Act program (the CalWORKs program) (Ch. 2 (commencing with Sec. 11200), Pt. 3, Div. 9, W.&I.C.).

(j) Both the CalPADS and the MEDS databases will include information that may facilitate a data-matching process.

(k) Although direct certification will increase access to the school meal program by eligible schoolchildren, there is likewise

an obligation to protect the privacy and confidentiality of these individuals. For example, the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. 1232g) prohibits entities that receive federal education funds from releasing educational records without the prior consent of the pupil's parent or guardian.

(l) It is the intent of the Legislature to seek available federal funds appropriated by the federal Child Nutrition and WIC Reauthorization Act of 2004 (P.L. 108-265) to offset the cost of developing a computerized data-matching system for direct certification.

SEC. 2. Section 49561 is added to the Education Code, to read:

49561. (a) The department shall create a computerized data-matching system using existing databases from the department and the State Department of Health Services to directly certify recipients of the Food Stamp Program, the California Work Opportunity and Responsibility to Kids Act program (the CalWORKs program) (Ch. 2 (commencing with Sec. 11200), Pt. 3, Div. 9, W.& I.C.), and other programs authorized for direct certification under federal law, for enrollment in the National School Lunch and School Breakfast Programs. This subdivision does not include Medi-Cal benefits within the criteria for direct certification specified in the Child Nutrition and WIC Reauthorization Act of 2004 (P.L. 108-265).

(b) The department shall design a process using an existing agency database that will conform with data from the State Department of Health Services to meet the direct certification requirements of the National School Lunch Act, as amended, pursuant to Chapter 13 (commencing with Section 1751) of Title 42 of the United States Code, and the Child Nutrition Act of 1966, as amended, pursuant to Chapter 13A (commencing with Section 1771) of Title 42 of the United States Code.

(c) The department shall design a process using computerized data pursuant to subdivision (a) that will maximize enrollment in school meal programs and improve program integrity while ensuring that pupil privacy safeguards remain in place.

(d) Each state agency identified in subdivision (a) is responsible for the maintenance and protection of data received by their respective agency. The state agency that possesses the

data shall follow privacy and confidentiality procedures consistent with all applicable state and federal law.

(e) The department shall determine the availability of and request or apply for, as appropriate, federal funds to assist the state in implementing new direct certification requirements mandated by federal law.

(f) This section shall become operative upon receipt of federal funds to assist the state in implementing new direct certification requirements mandated by federal law.

Approved _____, 2005

Governor