

AMENDED IN ASSEMBLY MARCH 24, 2008

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2300**

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**Introduced by Assembly Member Laird**

February 21, 2008

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An act to amend Section 49561 of, and to add Section 49562 to, the Education Code, relating to school meals.

LEGISLATIVE COUNSEL'S DIGEST

AB 2300, as amended, Laird. School lunch and breakfast programs: direct certification.

Existing law, operative upon receipt of federal funds to assist the state in implementing new direct certification for enrollment in the National School Lunch and School Breakfast Programs, requires the State Department of Education to create a computerized data-matching system to directly certify recipients of the Food Stamp Program, the CalWORKs program, and other programs authorized for direct certification under federal law, for enrollment in the National School Lunch and School Breakfast Programs, however, *Programs*. Medi-Cal benefits, however, are not included within the criteria for direct certification specified in federal law.

This bill would delete provisions regarding inclusion of Medi-Cal benefits within the criteria for direct certification specified in federal law. The bill would require the department, in consultation with the State Department of Health Care Services, to develop and implement a process to use participation data from the Medi-Cal program to directly certify children who are enrolled in that program into school meal programs and to verify enrollment, as specified: *specified, and, to the*

*extent permitted under federal law, to directly certify children into the school meal program.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

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

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

3 (a) Studies have shown that children who receive meals at school  
4 tend to perform better on academic tests, are less likely to be tardy  
5 or absent from school, and are more likely to get key nutrients  
6 needed for good health.

7 (b) The Medi-Cal program in California provides health care  
8 to low-income children throughout the state. With considerable  
9 state investment in this program, the Legislature recognizes that  
10 it has an interest in ensuring that these children receive proper  
11 nutrition in order to avoid the costly health consequences of an  
12 inadequate diet.

13 (c) Most children participating in the Medi-Cal program are  
14 eligible for free or reduced price school meals yet some are not  
15 enrolled. Many more are enrolled, but have had to fill out  
16 substantial paperwork at school to prove that they are in need of  
17 a free or reduced price meal, even though they have already  
18 provided substantial information to demonstrate need to the  
19 Medi-Cal program. This redundant paperwork can be a burden for  
20 families and for schools.

21 (d) Chapter 361 of the Statutes of 2005 required the State  
22 Department of Education to create a computerized data-matching  
23 system using databases from the department and from the State  
24 Department of Health Care Services to directly certify participants  
25 in the Food Stamp Program and CalWORKs program for  
26 enrollment in the ~~National School Breakfast and Lunch Programs~~  
27 *National School Breakfast Program and the National School Lunch*  
28 *Program*. The Medi-Cal program was not included at that time.

29 (e) In California, this computerized matching system is now in  
30 place and successfully has been enrolling children from the Food  
31 Stamp ~~program~~ *Program* and CalWORKs program into the school  
32 meal program. Other states have successfully tested the use of  
33 Medicaid data for verifying eligibility for school meals. California

1 can be the first state to test the use of Medicaid data for directly  
2 enrolling Medicaid recipient children into school-meals *meal*  
3 *programs*.

4 (f) Therefore, it is the intent of the Legislature to seek to expand  
5 direct certification for school meals by establishing a process to  
6 use Medi-Cal data for automatically enrolling needy children into  
7 free and reduced price-meals *school meal programs*.

8 SEC. 2. Section 49561 of the Education Code is amended to  
9 read:

10 49561. (a) The department shall create a computerized  
11 data-matching system using existing databases from the department  
12 and the State Department of Health Care Services to directly certify  
13 recipients of the Food Stamp Program, the California Work  
14 Opportunity and Responsibility to Kids program (the CalWORKs  
15 program) (Chapter 2 (commencing with Section 11200) of Part 3  
16 of Division 9 of the Welfare and Institutions Code), and other  
17 programs authorized for direct certification under federal law, for  
18 enrollment in the National School Lunch and School Breakfast  
19 Programs.

20 (b) The department shall design a process using an existing  
21 agency database that will conform with data from the State  
22 Department of Health Care Services to meet the direct certification  
23 requirements of the National School Lunch Act, as amended,  
24 pursuant to Chapter 13 (commencing with Section 1751) of Title  
25 42 of the United States Code, and the federal Child Nutrition Act  
26 of 1966, as amended, pursuant to Chapter 13A (commencing with  
27 Section 1771) of Title 42 of the United States Code.

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

32 (d) (1) Each state agency identified in subdivision (a) is  
33 responsible for the maintenance and protection of data received  
34 by their respective agency. The state agency that possesses the  
35 data shall follow privacy and confidentiality procedures consistent  
36 with all applicable state and federal law.

37 (2) Notwithstanding Section 10850 of the Welfare and  
38 Institutions Code, data that identify applicants for, or recipients  
39 of, public social services, may be transferred from existing  
40 databases maintained by the State Department of Health Care

1 Services, in order to directly certify recipients of the Food Stamp  
2 Program, the CalWORKs program, and other programs authorized  
3 for direct certification under federal law, in compliance with  
4 subdivision (a). The Legislature hereby finds and declares that this  
5 paragraph is declaratory of existing law.

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

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

13 SEC. 3. Section 49562 is added to the Education Code, to read:

14 49562. (a) The department, in consultation with the State  
15 Department of Health Care Services, shall develop and implement  
16 a process to use participation data from the Medi-Cal program  
17 administered pursuant to Chapter 7 (commencing with Section  
18 14000) of Part 3 of Division 9 of the Welfare and Institutions Code,  
19 ~~to directly certify children who are enrolled in that program into~~  
20 ~~school meal programs and~~ to verify enrollment as established in  
21 the Child Nutrition and WIC Reauthorization Act of 2004 (P.L.  
22 108-265) *and, to the extent permitted under federal law, directly*  
23 *certify children into the school meal program.*

24 (b) In the operation of this process, the department shall limit  
25 the information needed from the State Department of Health Care  
26 Services to identify families whose income falls below the  
27 eligibility cutoff for free or reduced price meals, and the least  
28 amount of information needed to facilitate a match of local school  
29 records.

30 (c) The department and the State Department of Health Care  
31 Services shall design this process to maintain pupil privacy and  
32 the privacy of Medi-Cal recipients by establishing privacy and  
33 confidentiality procedures consistent with all applicable state and  
34 federal laws.

35 (d) The department specifically shall ensure that the process  
36 conforms to the federal Health Insurance Portability and  
37 Accountability Act of 1996 (P.L. 104-191) by using strategies  
38 employed by other states in Medicaid verification projects or by  
39 developing a new strategy that ensures conformity.

- 1 (e) The department shall seek all necessary ~~approval~~ *approvals*
- 2 to establish this process and shall apply for available federal funds
- 3 to support the work of this process.

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