

Introduced by Senator CedilloFebruary 21, 2008

An act to amend Section 49557.2 of the Education Code, relating to pupil nutrition.

LEGISLATIVE COUNSEL'S DIGEST

SB 1369, as introduced, Cedillo. Pupil nutrition: free and reduced price meals: application.

Existing law requires the governing board of a school district and the county superintendent of schools to make applications for free or reduced price meals available to pupils at all times during each regular schoolday. A school district and county superintendent of schools may incorporate information about the Medi-Cal and Healthy Families programs in the application. Parents may consent to allow the school district or county superintendent of schools to share information from the school lunch program application with the county agency administering the Medi-Cal program for use in making an accelerated Medi-Cal eligibility determination.

This bill would prohibit a school district from sharing the information on the school lunch program application if the school district determines that the child already has an active Medi-Cal or Healthy Families case. The bill would require the parent or guardian to be given the opportunity to refute this finding and if it is verified that the child does not have an active Medi-Cal or Healthy Families case, the application would be required to be processed for an accelerated Medi-Cal determination and forwarded to the entity designated by the State Department of Health Care Services to make an accelerated determination and to the local agency that determines eligibility under the Medi-Cal program. The request for the consent of the parent or guardian to share the information

on the school lunch program application would be required to include a notification that if the school district determines the child already has an active Medi-Cal or Healthy Families case, the information on the application will not be shared and the applicant will have an opportunity to refute the determination of the school district.

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

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

1 SECTION 1. Section 49557.2 of the Education Code is
 2 amended to read:
 3 49557.2. (a) (1) At the option of the school district or county
 4 superintendent *of schools*, and to the extent necessary to implement
 5 Section 14005.41 of the Welfare and Institutions Code, the
 6 following information may be incorporated into the School Lunch
 7 Program application packet or notification of eligibility for the
 8 School Lunch Program using simple and culturally appropriate
 9 language:
 10 (A) A notification that if a child qualifies for free school lunches,
 11 then the child may qualify for free or reduced-cost health coverage.
 12 (B) A request for the ~~applicant's~~ *consent of the applicant* for
 13 the child to participate in the Medi-Cal program, if eligible for free
 14 school lunches, and to have the information on the school lunch
 15 application shared with the entity designated by the State
 16 Department of Health *Care* Services to make an accelerated
 17 determination and the local agency that determines eligibility under
 18 the Medi-Cal program *and notification that if the school district*
 19 *determines the child already has an active Medi-Cal or Healthy*
 20 *Families case, the information on the school lunch application*
 21 *will not be shared and the applicant will have an opportunity to*
 22 *refute the determination of the school district.*
 23 (C) A notification that the school district will not forward the
 24 school lunch application to the entity designated by the State
 25 Department of Health *Care* Services to make an accelerated
 26 determination and the local agency that determines eligibility under
 27 the Medi-Cal program, without the consent of the ~~child's~~ *parent*
 28 *or guardian of the child.*
 29 (D) A notification that the school lunch application is
 30 confidential and, with the exception of forwarding the information

1 for use in health program enrollment upon the consent of the ~~child's~~
2 parent or guardian *of the child*, the school district will not share
3 the information with ~~any other~~ *another* governmental agency,
4 including the federal Department of Homeland Security and the
5 Social Security Administration.

6 (E) A notification that the school lunch application information
7 will ~~only~~ be used *only* by the entity designated by the State
8 Department of Health *Care* Services to make an accelerated
9 determination and the state and local agencies that administer the
10 Medi-Cal program for purposes directly related to the
11 administration of the program and will not be shared with other
12 government agencies, including the Department of Homeland
13 Security and the Social Security Administration for any purpose
14 other than the administration of the Medi-Cal program.

15 (F) Information regarding the Medi-Cal program, including
16 available services, program requirements, rights and
17 responsibilities, and privacy and confidentiality requirements.

18 (2) The State Department of Education, in consultation with
19 school districts, county superintendents of schools, consumer
20 advocates, counties, the State Department of Health *Care* Services,
21 and other stakeholders, shall make recommendations regarding
22 the School Lunch Program application, on or before February 1,
23 2003. The recommendations shall include specific changes to the
24 School Lunch Program application materials as necessary to
25 implement Section 14005.41 of the Welfare and Institutions Code,
26 information for staff as to how to implement the changes, and a
27 description of the process by which information on the School
28 Lunch Program application will be shared with the county, as the
29 local agency that determines eligibility under the Medi-Cal
30 program.

31 (3) At the option of the school, the request for consent in
32 subparagraph (B) of paragraph (1) may be modified so that the
33 parent or guardian *also* can ~~also~~ consent to allowing Medi-Cal to
34 inform the school as provided in subdivision (n) of Section
35 14005.41 of the Welfare and Institutions Code when followup is
36 needed in order to complete the Medi-Cal application process.

37 (b) (1) School districts and county superintendents of schools
38 may implement a process to share information provided on the
39 School Lunch Program application with the entity designated by
40 the State Department of Health *Care* Services to make an

1 accelerated determination and with the local agency that determines
2 eligibility under the Medi-Cal program, and shall share this
3 information with those entities, if the applicant consents to that
4 sharing of information. Schools may designate, only as necessary
5 to implement this section, ~~non-food~~ *nonfood* service staff to assist
6 in the administration of free, reduced price, or paid school lunch
7 applications that have applicant consent, but only if that designation
8 does not displace or have an adverse effect on food service staff.
9 This information may be shared electronically, physically, or
10 through whatever method is determined appropriate.

11 (2) ~~If~~ *When* a school ~~is aware~~ *district determines* that a child;
12 ~~who has been found eligible for free school lunches under the for~~
13 ~~whom a~~ National School Lunch Program *application has been*
14 *submitted*, and for whom the parent or guardian has consented to
15 share the information provided on the application, already has an
16 active Medi-Cal or Healthy Families case, the application shall
17 not be processed for an accelerated determination ~~but~~ *and* shall
18 *not* be forwarded to the *entity designated by the State Department*
19 *of Health Care Services to make an accelerated determination or*
20 *the local agency that determines eligibility under the Medi-Cal*
21 *program pursuant to Section 14005.41 of the Welfare and*
22 *Institutions Code. The school shall notify the parent or guardian*
23 *of the child's ineligibility of the child for an accelerated Medi-Cal*
24 ~~due to the current eligibility status~~ *determination* and that the
25 ~~child's~~ *application of the child* will *not* be forwarded to the county
26 pursuant to this section. ~~The notice shall include a statement, with~~
27 ~~contact information, advising the parent or guardian to contact the~~
28 ~~Medi-Cal or Healthy Families programs regarding the child's~~
29 ~~eligibility status.~~ *The parent or guardian shall be given the*
30 *opportunity to refute this finding and if it is verified that the child*
31 *does not have an active Medi-Cal or Healthy Families case, the*
32 *application of the child shall be processed for an accelerated*
33 *Medi-Cal determination and forwarded to the entity designated*
34 *by the State Department of Health Care Services to make an*
35 *accelerated determination and the local agency that determines*
36 *eligibility under the Medi-Cal program.*

37 (3) Each school district or county superintendent that chooses
38 to share information pursuant to this subdivision shall enter into
39 a memorandum of understanding with the local agency that
40 determines eligibility under the Medi-Cal program, that sets forth

1 the roles and responsibilities of each agency and the process to be
2 used in sharing the information.

3 (4) The local agency that determines eligibility under the
4 Medi-Cal program shall only use information provided by
5 applicants on the school lunch application for purposes directly
6 related to the administration of the Medi-Cal program.

7 (5) After school districts share information regarding the school
8 lunch application with the entity designated by the State
9 Department of Health *Care Services* to make an accelerated
10 determination and the local agency that determines eligibility under
11 the Medi-Cal program, for the purpose of determining Medi-Cal
12 program eligibility, the local agency and the school district shall
13 not share information about school lunch participation or the
14 Medi-Cal program eligibility information with each other except
15 as specifically authorized under subdivision (n) of Section
16 14005.41 of the Welfare and Institutions Code and other provisions
17 of law.

18 (c) ~~Effective July 1, 2005, the~~ *The* notifications and consent
19 referenced in subdivision (a) and the procedures set out in
20 subdivision (b) shall include the Healthy Families Program and
21 ~~any~~ *the* relevant county- and local-sponsored health insurance
22 programs as necessary to implement Section 14005.41 of the
23 Welfare and Institutions Code.

24 (d) If a school district finds that the child is eligible for reduced
25 price or paid meals under the National School Lunch Program and
26 consent was provided as described in subdivision (b), the entity
27 designated by the State Department of Health *Care Services* to
28 make an accelerated determination shall notify the parent or
29 guardian of the ~~child's~~ *ineligibility of the child* for an accelerated
30 Medi-Cal determination pursuant to Section 14005.41 of the
31 Welfare and Institutions Code. The notification shall include
32 information on other available health programs for which the child
33 may be eligible.

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