

AMENDED IN ASSEMBLY APRIL 26, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 402

Introduced by Assembly Member Skinner

February 14, 2011

An act to add Section 49557.3 to the Education Code, and to add Section 18901.55 to the Welfare and Institutions Code, relating to the CalFresh program.

LEGISLATIVE COUNSEL'S DIGEST

AB 402, as amended, Skinner. CalFresh program: School Lunch Program: information.

Existing law requires each school district or county superintendent of schools maintaining any kindergarten or any of grades 1 to 12, inclusive, to provide for each needy pupil one nutritionally adequate free or reduced-price meal during each schoolday. 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.

This bill would authorize a school district or a county superintendent *of schools* to incorporate into the School Lunch Program application packet specified notifications related to the CalFresh program, including a notification that if a pupil qualifies for free school lunches, he or she also may qualify for the CalFresh program. This bill would permit a request for the applicant's consent for the pupil to participate in the CalFresh program, if eligible, and to have information on the School Lunch Program application shared with the local agency that determines eligibility under the CalFresh program, as specified.

The bill would authorize school districts and county superintendents of schools to share information on the School Lunch Program application and would require school districts and county superintendents *of schools* that choose to share that information to enter into a memorandum of understanding that sets forth the roles and responsibilities of each agency and the process to be used in sharing the information. The bill would also provide that the local agency that determines eligibility under the CalFresh program shall only use information provided by applicants on the School Lunch Program application for purposes directly related to administration of the CalFresh program.

This bill would also require each county ~~to participate in a statewide pilot program~~ to determine CalFresh program eligibility for children from the information provided on a School Lunch Program application shared with the county pursuant to the provisions discussed above, and, if the child is eligible, to enroll the child in the CalFresh program, upon receipt of a signed CalFresh program application. The bill would also require each county to request that the parent or guardian of each child who it determines meets the eligibility requirements for participation in the CalFresh program to provide additional documentation necessary for retention of eligibility in the CalFresh program. Because the bill would require local agencies to perform additional duties, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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

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

- 1 SECTION 1. Section 49557.3 is added to the Education Code,
- 2 to read:
- 3 49557.3. (a) At the option of a school district or a county
- 4 superintendent of schools, and to the extent necessary to implement
- 5 Section 18901.55 of the Welfare and Institutions Code, the
- 6 following information shall be incorporated into the School Lunch

1 Program application packet using simple and culturally appropriate
2 language:

3 (1) A notification that if a pupil qualifies for free school lunches,
4 he or she also may qualify for the CalFresh program.

5 (2) A request for the applicant's consent for the pupil to
6 participate in the CalFresh program, if eligible, and to have
7 information on the school lunch application shared with the local
8 agency that determines eligibility under the CalFresh program.

9 (3) A notification that the school district or county
10 superintendent of schools will not forward the school lunch
11 application to the local agency that determines eligibility under
12 the CalFresh program without the consent of the pupil's parent or
13 guardian.

14 (4) A notification that the school lunch application is
15 confidential and, with the exception of forwarding the information
16 for use in CalFresh program enrollment consistent with Chapter
17 10 (commencing with Section 18900) of Part 6 of Division 9 of
18 the Welfare and Institutions Code upon the consent of the pupil's
19 parent or guardian, the school district or county superintendent of
20 schools will not share the information with any other governmental
21 agency, including the federal Immigration and Naturalization
22 Service and the Social Security Administration, for any purpose
23 other than administration of the CalFresh program.

24 (5) A notification that information contained in the School
25 Lunch Program application packet will only be used by state and
26 local agencies that administer the CalFresh program for purposes
27 directly related to the administration of the CalFresh program and
28 will not be shared with other governmental agencies, including
29 the federal Immigration and Naturalization ~~Services~~ Service and
30 the Social Security Administration, except as necessary to verify
31 information provided by the applicant.

32 (6) *A notification that, if the pupil is determined to already be*
33 *enrolled in the CalFresh program, no further action will be taken*
34 *by the county.*

35 (6)
36 (7) Information regarding the CalFresh program, including
37 available services, program requirements, rights and
38 responsibilities, and privacy and confidentiality requirements.

39 (b) (1) School districts and county superintendents of schools
40 may implement a process to share information provided on the

1 School Lunch Program application with the local agency that
2 determines eligibility under the CalFresh program and share that
3 information with that agency, if the applicant consents to that
4 sharing of information. This information may be shared
5 electronically, physically, or through whatever method is
6 determined appropriate.

7 (2) Each school district or county superintendent of schools that
8 chooses to share information pursuant to this subdivision shall
9 enter into a memorandum of understanding with the local agency
10 that determines eligibility under the CalFresh program that sets
11 forth the roles and responsibilities of each agency and the process
12 to be used in sharing the information.

13 (3) The local agency that determines eligibility under the
14 CalFresh program shall only use information provided by
15 applicants on the School Lunch Program application for purposes
16 directly related to administration of the CalFresh program.

17 (4) After a school district or county superintendent of schools
18 shares information regarding the school lunch application with the
19 local agency that determines eligibility under the CalFresh program
20 for the purpose of determining CalFresh program eligibility, the
21 local agency shall not share information about School Lunch
22 Program participation or CalFresh program eligibility with each
23 other unless specifically authorized under other provisions of law.

24 SEC. 2. Section 18901.55 is added to the Welfare and
25 Institutions Code, to read:

26 ~~18901.55. Each county shall participate in a statewide pilot~~
27 ~~program to~~ (a) Each county shall use the procedure described in
28 this section to determine CalFresh program eligibility for children
29 whose information is shared with the county pursuant to Section
30 49557.3 of the Education Code, and, if the child is eligible, the
31 county to enroll the child in the CalFresh program, upon receipt
32 of a signed CalFresh program application.

33 (b) *Upon receipt of a School Lunch Program application*
34 *pursuant to this section for a pupil who is not already enrolled in*
35 *the CalFresh program, the county shall treat the application as*
36 *an application for the CalFresh program. For purposes of*
37 *administration of the CalFresh program, the application date shall*
38 *be the date that the application is received by the county human*
39 *services department. If the county determines that the pupil is*

1 *already enrolled in the CalFresh program, it shall not take any*
2 *further action.*

3 (a)

4 (c) If the county determines from the School Lunch Program
5 application and supporting documents that the child or his or her
6 family meets the income eligibility requirements for participation
7 in the CalFresh program, the county shall notify the parent or
8 guardian of the child that the child or his or her family has been
9 found eligible for the CalFresh program.

10 (b)

11 (d) If the county is unable to determine from the information
12 on the application whether the child or his or her family is eligible
13 for the CalFresh program, the county shall contact the parent or
14 guardian of the child to seek any additional information regarding
15 income, household composition, or deductions that the county may
16 determine to be necessary to complete the CalFresh program
17 application. If the county determines that the child or his or her
18 family does not meet the eligibility requirements for participation
19 in the CalFresh program, the county shall notify the parent or
20 guardian of the child of the determination.

21 (e)

22 (e) Each county shall request the parent or guardian of each
23 child whom the county determines meets the eligibility
24 requirements for participation in the CalFresh program under
25 subdivision (a) to provide additional documentation as required
26 by current law necessary for retention of eligibility in the CalFresh
27 program.

28 (d)

29 (f) If a parent or guardian of a child does not provide the
30 documentation required for retention of CalFresh program
31 eligibility, as requested pursuant to subdivision (c), the county
32 shall deny or discontinue CalFresh program benefits in accordance
33 with existing regulations and laws.

34 SEC. 3. If the Commission on State Mandates determines that
35 this act contains costs mandated by the state, reimbursement to
36 local agencies and school districts for those costs shall be made
37 pursuant to Part 7 (commencing with Section 17500) of Division
38 4 of Title 2 of the Government Code.

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