

AMENDED IN ASSEMBLY MAY 27, 2011

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 county office of education to enter into a memorandum of understanding with the local agency that

~~determines CalFresh program eligibility, or its designee, to share information provided on the School Lunch Program application shared with the local agency that determines eligibility under the CalFresh program to determine an applicant's CalFresh program eligibility, 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 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-no.
State-mandated local program: yes-no.~~

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) Each school district or county office of education,*
4 *at its option, may enter into a memorandum of understanding with*
5 *the local agency that determines CalFresh program eligibility, or*
6 *its designee, to share information provided on the School Lunch*
7 *Program application with that agency, if the applicant consents*
8 *to the sharing of that information. The information may be shared*
9 *electronically, physically, or through whatever method is*
10 *determined appropriate. Any memorandum of understanding*
11 *entered into pursuant to this section shall set forth the roles and*
12 *responsibilities of the school district or county office of education*
13 *and the local agency and the process to be used in sharing the*
14 *information.*

15 *(b) The local agency that determines CalFresh program*
16 *eligibility shall only use information provided on a School Lunch*
17 *Program application for purposes directly related to the enrollment*
18 *of families in the CalFresh program.*

19 *(c) After a school district or county office of education shares*
20 *information provided on a School Lunch Program application*
21 *with the local agency that determines CalFresh program eligibility,*
22 *or its designee, for the purpose of determining the applicant's*
23 *eligibility for the CalFresh program, the school district or county*
24 *office of education and the local agency, or its designee, shall not*
25 *share information about the applicant or his or her household with*
26 *each other, or any other entity, unless specifically authorized to*
27 *do so pursuant to other provisions of law.*

28 ~~*SECTION 1. Section 49557.3 is added to the Education Code,*~~
29 ~~*to read:*~~

30 ~~*49557.3.—(a) At the option of a school district or a county*~~
31 ~~*superintendent of schools, and to the extent necessary to implement*~~
32 ~~*Section 18901.55 of the Welfare and Institutions Code, the*~~
33 ~~*following information shall be incorporated into the School Lunch*~~
34 ~~*Program application packet using simple and culturally appropriate*~~
35 ~~*language:*~~

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

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

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

10 ~~(4) A notification that the school lunch application is~~
11 ~~confidential and, with the exception of forwarding the information~~
12 ~~for use in CalFresh program enrollment consistent with Chapter~~
13 ~~10 (commencing with Section 18900) of Part 6 of Division 9 of~~
14 ~~the Welfare and Institutions Code upon the consent of the pupil's~~
15 ~~parent or guardian, the school district or county superintendent of~~
16 ~~schools will not share the information with any other governmental~~
17 ~~agency, including the federal Immigration and Naturalization~~
18 ~~Service and the Social Security Administration, for any purpose~~
19 ~~other than administration of the CalFresh program.~~

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

28 ~~(6) A notification that, if the pupil is determined to already be~~
29 ~~enrolled in the CalFresh program, no further action will be taken~~
30 ~~by the county.~~

31 ~~(7) Information regarding the CalFresh program, including~~
32 ~~available services, program requirements, rights and~~
33 ~~responsibilities, and privacy and confidentiality requirements.~~

34 ~~(b) (1) School districts and county superintendents of schools~~
35 ~~may implement a process to share information provided on the~~
36 ~~School Lunch Program application with the local agency that~~
37 ~~determines eligibility under the CalFresh program and share that~~
38 ~~information with that agency, if the applicant consents to that~~
39 ~~sharing of information. This information may be shared~~

1 electronically, physically, or through whatever method is
2 determined appropriate.

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

9 ~~(3) The local agency that determines eligibility under the
10 CalFresh program shall only use information provided by
11 applicants on the School Lunch Program application for purposes
12 directly related to administration of the CalFresh program.~~

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

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

22 18901.55. (a) Each county shall use the procedure described
23 in this section to determine CalFresh program eligibility for
24 children whose information is shared with the county pursuant to
25 Section 49557.3 of the Education Code, and, if the child is eligible,
26 the county to enroll the child in the CalFresh program, upon receipt
27 of a signed CalFresh program application.

28 (b) Upon receipt of a School Lunch Program application
29 pursuant to this section for a pupil who is not already enrolled in
30 the CalFresh program, the county shall treat the application as an
31 application for the CalFresh program. For purposes of
32 administration of the CalFresh program, the application date shall
33 be the date that the application is received by the county human
34 services department. If the county determines that the pupil is
35 already enrolled in the CalFresh program, it shall not take any
36 further action.

37 (c) If the county determines from the School Lunch Program
38 application and supporting documents that the child or his or her
39 family meets the income eligibility requirements for participation
40 in the CalFresh program, the county shall notify the parent or

1 guardian of the child that the child or his or her family has been
2 found eligible for the CalFresh program.

3 (d) If the county is unable to determine from the information
4 on the application whether the child or his or her family is eligible
5 for the CalFresh program, the county shall contact the parent or
6 guardian of the child to seek any additional information regarding
7 income, household composition, or deductions that the county may
8 determine to be necessary to complete the CalFresh program
9 application. If the county determines that the child or his or her
10 family does not meet the eligibility requirements for participation
11 in the CalFresh program, the county shall notify the parent or
12 guardian of the child of the determination.

13 (e) Each county shall request the parent or guardian of each
14 child whom the county determines meets the eligibility
15 requirements for participation in the CalFresh program under
16 subdivision ~~(a)~~ (c) to provide additional documentation as required
17 by current law necessary for retention of eligibility in the CalFresh
18 program.

19 (f) If a parent or guardian of a child does not provide the
20 documentation required for retention of CalFresh program
21 eligibility, as requested pursuant to subdivision ~~(e)~~ (e), the county
22 shall deny or discontinue CalFresh program benefits in accordance
23 with existing regulations and laws.

24 ~~SEC. 3.— If the Commission on State Mandates determines that~~
25 ~~this act contains costs mandated by the state, reimbursement to~~
26 ~~local agencies and school districts for those costs shall be made~~
27 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~
28 ~~4 of Title 2 of the Government Code.~~