

Assembly Bill No. 402

Passed the Assembly August 25, 2011

Chief Clerk of the Assembly

Passed the Senate August 22, 2011

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2011, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Section 49558 of, and 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, 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 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 to determine an applicant’s CalFresh program eligibility, as specified. The bill would provide that the School Lunch Program application is confidential and would prohibit the information used in the application from being disclosed to any governmental agency, including the federal Immigration and Naturalization Service and the Social Security Administration, or used for any purpose other than enrollment in the CalFresh program.

This bill would also require a county that has entered into a memorandum of understanding 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.

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

SECTION 1. Section 49557.3 is added to the Education Code, to read:

49557.3. (a) Each school district or county office of education, at its option, may 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 with that agency, if the child is approved for free meals or, if included in the memorandum of understanding, reduced-price meals, and if the applicant consents to the sharing of that information. The information may be shared electronically, physically, or through whatever method is determined appropriate. Any memorandum of understanding entered into pursuant to this section shall set forth the roles and responsibilities of the school district or county office of education and the local agency, and the process to be used in sharing the information.

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

(c) The School Lunch Program application is confidential, and, with the exception of forwarding the information on the application for use in CalFresh program enrollment consistent with Chapter 10 (commencing with Section 18900) of Part 6 of Division 9 of the Welfare and Institutions Code upon the consent of the pupil's parent or guardian, the school district, county superintendent of schools, or CalFresh program administrators shall not share the information with any other governmental agency, including the federal Immigration and Naturalization Service and the Social Security Administration, or use the information for any purpose other than enrollment in the CalFresh program.

(d) After a school district or county office of education shares information provided on a School Lunch Program application with the local agency that determines CalFresh program eligibility, or its designee, for the purpose of determining the applicant's eligibility for the CalFresh program, the school district or county

office of education and the local agency, or its designee, shall not share information about the applicant or his or her household with each other, or any other entity, unless specifically authorized to do so pursuant to other provisions of law.

SEC. 2. Section 49558 of the Education Code is amended to read:

49558. (a) All applications and records concerning any individual made or kept by any public officer or agency in connection with the administration of any provision of this code relating to free or reduced-price meal eligibility shall be confidential, and may not be open to examination for any purpose not directly connected with the administration of any free or reduced-price meal program, or any investigation, prosecution, or criminal or civil proceeding conducted in connection with the administration of any free or reduced-price meal program.

(b) Notwithstanding subdivision (a), a public officer or agency may allow the use by school district employees, who are authorized by the governing board of the school district, of individual records pertaining to pupil participation in any free or reduced-price meal program solely for the purpose of disaggregation of academic achievement data or to identify pupils eligible for public school choice and supplemental educational services pursuant to the federal No Child Left Behind Act of 2001 (P.L. 107-110), if the public agency ensures the following:

(1) The public agency has adopted a policy that allows for the use of individual records for these purposes.

(2) No individual indicators of participation in any free or reduced-price meal program are maintained in the permanent record of any pupil, unless otherwise allowed by law.

(3) No public release of information regarding individual pupil participation in any free or reduced-price meal program is permitted.

(4) All other confidentiality provisions required by law are met.

(5) The information collected regarding individual pupils certified to participate in the free or reduced-price meal program is destroyed when it is no longer needed for its intended purpose.

(c) Notwithstanding subdivision (a), the school districts and county superintendents of schools may release information on the School Lunch Program application to the local agency that determines eligibility under the Medi-Cal program if the child is

approved for free meals and if the applicant consents to the sharing of information pursuant to Section 49557.2.

(d) Notwithstanding subdivision (a), the school districts and county superintendents of schools may release information on the School Lunch Program application to the local agency that determines eligibility under the CalFresh program or to an agency that determines eligibility for nutrition assistance programs authorized by Chapter 2 (commencing with Section 210.1) of Subtitle B of Title 7 of the Code of Federal Regulations, if the child is approved for free or reduced-price meals and if the applicant consents to the sharing of information pursuant to Section 49557.3.

SEC. 3. Section 18901.55 is added to the Welfare and Institutions Code, to read:

18901.55. (a) If a county has entered into a memorandum of understanding pursuant to Section 49557.3 of the Education Code, the county shall use the procedure described in this section to determine CalFresh program eligibility for children whose information is shared with the county pursuant to Section 49557.3 of the Education Code, and, if the child is eligible, the county to enroll the child in the CalFresh program, upon receipt of a signed CalFresh program application.

(b) Upon receipt of information on the School Lunch Program application pursuant to this section for a pupil who is not already enrolled in the CalFresh program, the county shall treat the application as an application for the CalFresh program. For purposes of administration of the CalFresh program, the application date shall be the date that the application is received by the county human services department. If the county determines that the pupil is already enrolled in the CalFresh program, it shall not take any further action. Unless otherwise prohibited by federal law or regulation, for purposes of expedited service processing, a county shall request information necessary for processing an application at the first point of contact following receipt of information. If information is provided to determine whether the household meets the criteria for expedited service, the expedited timeframe processing timeframes shall apply from the point of first contact. For the processing of other households, the processing timeframes shall apply from the point at which the county has received sufficient information in order to process the application.

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

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

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

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

Approved _____, 2011

Governor