

AMENDED IN ASSEMBLY MAY 1, 2014
AMENDED IN ASSEMBLY APRIL 24, 2014
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CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 2706

Introduced by Assembly Member Roger Hernández

February 21, 2014

An act to *amend Section 49062 of, and to add and repeal Section 49452.9 to of, the Education Code, relating to health care coverage.*

LEGISLATIVE COUNSEL'S DIGEST

AB 2706, as amended, Roger Hernández. Schools: health care coverage: enrollment assistance.

Existing law requires the governing board of a school district to make rules for the physical examination of pupils that will ensure proper care of the pupils and proper secrecy with regard to any defect noted. Existing law requires a pupil, while enrolled in kindergarten in a public school, or while enrolled in first grade in a public school if the pupil was not previously enrolled in kindergarten in a public school, to present proof, no later than May 31 of the school year, of having received an oral health assessment by a licensed dentist or other licensed or registered dental health professional operating within his or her scope of practice that was performed no earlier than 12 months prior to the date of the initial enrollment of the pupil. Existing law prohibits a school district from permitting access to pupil records, other than directory information, to any person without parental consent or without a judicial order, except to specified persons under certain circumstances, including to a pupil 16 years of age or older or who has completed grade 10.

Existing law, the federal Patient Protection and Affordable Care Act (PPACA), requires an applicable individual to ensure that he or she, and any dependent of that individual, is covered under minimum essential coverage for each month beginning after 2013.

This bill would require a public school, *for purposes of the 2015–16, 2016–17, and 2017–18 school years*, to add a form to its enrollment forms, or amend an existing enrollment form to include a section, that offers a parent or legal guardian of a pupil the option of being connected to specified individuals or entities for the purpose of providing the parent or legal guardian information about health care coverage options and enrollment assistance. The bill would require a public school to share the contact information of the parent or legal guardian with specified individuals or entities, if consent is provided, ~~and~~ would prohibit the school from disclosing the *form or amendment and the information provided on the form or amendment* for any other purpose, *and would require the school to destroy the form immediately after sharing the contact information*. The bill would authorize a school to also include a factsheet with its enrollment forms explaining basic information about affordable health care coverage options for children and families. The bill would authorize the State Department of Education to develop a standardize template for the factsheet and the enrollment form or amendment and would require the department to make those templates available on its Internet Web site and provide written copies to a school district upon request.

By requiring schools 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 49062 of the Education Code is amended
- 2 to read:

1 49062. School districts shall establish, maintain, and destroy
2 pupil records according to regulations adopted by the State Board
3 of Education. Pupil records shall include a pupil's health record.
4 Such regulations shall establish state policy as to what items of
5 information shall be placed into pupil records and what information
6 is appropriate to be compiled by individual school officers or
7 employees under the exception to pupil records provided in
8 subdivision (b) of Section 49061. No pupil records shall be
9 destroyed except pursuant to such regulations or as provided in
10 subdivisions (b) and (c) of Section 49070 *or subdivision (d) of*
11 *Section 49452.9.*

12 **SECTION 1.**

13 *SEC. 2.* Section 49452.9 is added to the Education Code, to
14 read:

15 49452.9. ~~(a) Commencing with the 2015–16 school year,~~

16 *(a) (1) For purposes of the 2015–16, 2016–17, and 2017–18*
17 *school years, a public school, including a charter school, shall add*
18 *a separate form to its enrollment forms, or amend an existing*
19 *enrollment form to include a section, that offers a parent or legal*
20 *guardian of a pupil the option of being connected to any of the*
21 *following for the purpose of providing the parent or legal guardian*
22 *information about health care coverage options and enrollment*
23 *assistance:*

24 ~~(1)~~

25 *(A) A Certified Enrollment Counselor who meets the applicable*
26 *requirements of Chapter 12 (commencing with Section 6408) of*
27 *Title 10 of the California Code of Regulations.*

28 ~~(2)~~

29 *(B) School personnel who conduct health care coverage*
30 *enrollment.*

31 ~~(3)~~

32 *(C) A local nonprofit organization qualified to assist with health*
33 *care coverage enrollment.*

34 *(2) If a school elects to amend an existing enrollment form for*
35 *purposes of this subdivision, the school shall not amend a form*
36 *that may be disclosed to a person who does not otherwise have*
37 *access to pupil records under Article 5 (commencing with Section*
38 *49073) of Chapter 6.5.*

39 *(b) The form or amendment shall be in no less than 10-point*
40 *font and shall contain a check box that states the following:*

1
2 “Affordable health care coverage options may be available to
3 you and your child. Please check here if you would like a person
4 qualified to assist you with health care coverage enrollment to
5 contact you and provide information to you about affordable health
6 care coverage options and enrollment assistance. Your name and
7 contact information will only be shared for this purpose.”

8
9 (c) (1) The form or amendment shall request, *but shall not*
10 *require*, the contact information of the parent or legal guardian
11 and his or her consent to share that information with an individual
12 or entity listed in subdivision (a). This consent shall be signed and
13 dated by the parent or legal guardian.

14 (2) The form or amendment shall include a notice stating that
15 the information provided shall only be shared with specified
16 individuals or entities who assist with health care coverage
17 enrollment. This paragraph shall be deemed satisfied if the school
18 uses the template developed under subdivision (g).

19 (d) When a parent or legal guardian checks the box described
20 in subdivision (b) and provides the contact information and consent
21 described in subdivision (c), the school shall provide the contact
22 information supplied on the form or amendment directly to one of
23 the individuals or entities described in subdivision (a). *If the school*
24 *elects to use a separate form to comply with this section, the school*
25 *shall destroy the form immediately after providing the contact*
26 *information under this subdivision.*

27 (e) ~~The information provided on the form or amendment~~
28 ~~required under this section, and the information provided thereon,~~
29 shall be considered a pupil record under Article 5 (commencing
30 with Section 49073) of Chapter 6.5. Notwithstanding any provision
31 of law, including Article 5 (commencing with Section 49073), that
32 *form or amendment and* information shall not be disclosed to any
33 person other than as required by this section.

34 (f) A school may include a factsheet with the its enrollment
35 forms explaining basic information about affordable health care
36 coverage options for children and families.

37 (g) (1) The State Department of Education may develop a
38 standardized template for both of the following:

39 (A) The form or amendment required by subdivision (a). This
40 template shall include a statement indicating that the information

1 disclosed shall only be shared with specified entities or individuals
2 who assist with health care coverage enrollment and shall not be
3 shared with any other entities or individuals.

4 (B) The factsheet described in subdivision (f).

5 (2) The department shall make any templates developed pursuant
6 to this subdivision available on its Internet Web site and shall,
7 upon request, provide written copies of the template to a school
8 district.

9 (h) A school district shall not discriminate against a pupil who
10 does not have health care coverage or use any information relating
11 to a pupil's health care coverage or interest in learning about health
12 care coverage in any manner that would bring harm to the pupil
13 or the pupil's family.

14 (i) *A school district is not liable for any civil damages resulting*
15 *from any act or omission that may arise from the health care*
16 *coverage secured by a parent or legal guardian, or the lack thereof,*
17 *as a result of the connection to assistance provided by a school*
18 *within the district pursuant to this section.*

19 (j) *This section shall remain in effect only until January 1, 2019,*
20 *and as of that date is repealed, unless a later enacted statute, that*
21 *is enacted before January 1, 2019, deletes or extends that date.*

22 ~~SEC. 2.~~

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