

AMENDED IN SENATE MARCH 27, 2008

SENATE BILL

No. 1369

Introduced by Senator Cedillo

February 21, 2008

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

LEGISLATIVE COUNSEL'S DIGEST

SB 1369, as amended, 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~~ *possesses data that indicates* 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 school district would have the option of not processing* the application ~~would be required to be processed~~ for an accelerated Medi-Cal determination and ~~forwarded~~ *forwarding it* 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 consent of the applicant for the child to
13 participate in the Medi-Cal program, if eligible for free school
14 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~~ *possesses data that indicates that* the child already has
20 an active Medi-Cal or Healthy Families case, the information on
21 the school lunch application will not be shared and the applicant
22 will have an opportunity to refute the determination of the school
23 district.

24 (C) A notification that the school district will not forward the
25 school lunch application to the entity designated by the State
26 Department of Health Care Services to make an accelerated

1 determination and the local agency that determines eligibility under
2 the Medi-Cal program, without the consent of the parent or
3 guardian of the child.

4 (D) A notification that the school lunch application is
5 confidential and, with the exception of forwarding the information
6 for use in health program enrollment upon the consent of the parent
7 or guardian of the child, the school district will not share the
8 information with another governmental agency, including the
9 federal Department of Homeland Security and the Social Security
10 Administration.

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

20 (F) Information regarding the Medi-Cal program, including
21 available services, program requirements, rights and
22 responsibilities, and privacy and confidentiality requirements.

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

36 (3) At the option of the school, the request for consent in
37 subparagraph (B) of paragraph (1) may be modified so that the
38 parent or guardian also can consent to allowing Medi-Cal to inform
39 the school as provided in subdivision (n) of Section 14005.41 of

1 the Welfare and Institutions Code when followup is needed in
2 order to complete the Medi-Cal application process.

3 (b) (1) School districts and county superintendents of schools
4 may implement a process to share information provided on the
5 School Lunch Program application with the entity designated by
6 the State Department of Health Care Services to make an
7 accelerated determination and with the local agency that determines
8 eligibility under the Medi-Cal program, and shall share this
9 information with those entities, if the applicant consents to that
10 sharing of information. Schools may designate, only as necessary
11 to implement this section, nonfood service staff to assist in the
12 administration of free, reduced price, or paid school lunch
13 applications that have applicant consent, but only if that designation
14 does not displace or have an adverse effect on food service staff.
15 This information may be shared electronically, physically, or
16 through whatever method is determined appropriate.

17 (2) When a school district ~~determines~~ *possesses data that*
18 *indicates* that a child for whom a National School Lunch Program
19 application has been submitted, and for whom the parent or
20 guardian has consented to share the information provided on the
21 application, already has an active Medi-Cal or Healthy Families
22 case, ~~the application shall not be processed~~ *the school district shall*
23 *have the option of not processing the application* for an accelerated
24 ~~determination and shall not be forwarded~~ *forwarding it* to the entity
25 designated by the State Department of Health Care Services to
26 make an accelerated determination or the local agency that
27 determines eligibility under the Medi-Cal program pursuant to
28 Section 14005.41 of the Welfare and Institutions Code. The school
29 shall notify the parent or guardian of the ineligibility of the child
30 for an accelerated Medi-Cal determination and that the application
31 of the child will not be forwarded to the county pursuant to this
32 section. The parent or guardian shall be given the opportunity to
33 refute this finding and if it is verified that the child does not have
34 an active Medi-Cal or Healthy Families case, the application of
35 the child shall be processed for an accelerated Medi-Cal
36 determination and forwarded to the entity designated by the State
37 Department of Health Care Services to make an accelerated
38 determination and the local agency that determines eligibility under
39 the Medi-Cal program.

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

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

11 (5) After school districts share information regarding the school
12 lunch application with the entity designated by the State
13 Department of Health Care Services to make an accelerated
14 determination and the local agency that determines eligibility under
15 the Medi-Cal program, for the purpose of determining Medi-Cal
16 program eligibility, the local agency and the school district shall
17 not share information about school lunch participation or the
18 Medi-Cal program eligibility information with each other except
19 as specifically authorized under subdivision (n) of Section
20 14005.41 of the Welfare and Institutions Code and other provisions
21 of law.

22 (c) The notifications and consent referenced in subdivision (a)
23 and the procedures set out in subdivision (b) shall include the
24 Healthy Families Program and the relevant county- and
25 local-sponsored health insurance programs as necessary to
26 implement Section 14005.41 of the Welfare and Institutions Code.

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