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AB-1502 Free or reduced-price school meals: direct certification. (2017-2018)

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Assembly Bill No. 1502

CHAPTER 91

An act to amend Section 49561 of the Education Code, relating to school meals.

[Approved by Governor July 21, 2017. Filed with Secretary of State July 21, 2017.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1502, Thurmond. Free or reduced-price school meals: direct certification.

Existing law requires the State Department of Education to create a computerized data matching system using existing databases from the State Department of Education and the State Department of Health Care Services to directly certify recipients of CalFresh, the CalWORKs program, and other programs authorized for direct certification for enrollment in the federal National School Lunch Program and the federal School Breakfast Program. Existing law requires the State Department of Health Care Services to conduct the data match of local school records and return a list to the State Department of Education, including only the data fields submitted by the State Department of Education and an indicator of program eligibility.

This bill would instead require the State Department of Health Care Services or the State Department of Education to conduct the data match of local school records to determine program eligibility. The bill would require each state agency involved in the data match process to amend any applicable existing agreements before the State Department of Education may conduct the data match. The bill would require, before a state agency provides the State Department of Education with data to conduct a data match, the State Department of Education and that state agency to execute a written agreement that outlines the use of the data in the data match process and incorporates privacy and confidentiality procedures consistent with all applicable state and federal law.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 49561 of the Education Code is amended to read:

49561. (a) The department shall create a computerized data matching system using existing databases from the department and the State Department of Health Care Services to directly certify recipients of CalFresh, the California Work Opportunity and Responsibility to Kids program (the CalWORKs program) (Chapter 2 (commencing with Section 11200) of Part 3 of Division 9 of the Welfare and Institutions Code), and other programs authorized for direct certification under federal law for enrollment in the federal National School Lunch Program and the federal School Breakfast Program.

(b) The department shall design a process using an existing agency database that will conform with data from the State Department of Health Care Services to meet the direct certification requirements of the federal National School Lunch Act, as amended, pursuant to Chapter 13 (commencing with Section 1751) of Title 42 of the United States Code, and the federal Child

Nutrition Act of 1966, as amended, pursuant to Chapter 13A (commencing with Section 1771) of Title 42 of the United States Code.

(c) The department shall design a process using computerized data pursuant to subdivision (a) that will maximize enrollment in school meal programs and improve program integrity while ensuring that pupil privacy safeguards remain in place. The State Department of Health Care Services or the department shall conduct the data match of local school records to determine program eligibility, as required by federal law. Use of any data by the department in the data match process shall conform with the privacy and confidentiality protections identified in paragraph (1) of subdivision (d).

(d) (1) Each state agency identified in subdivision (a) is responsible for the maintenance and protection of data received by the respective agency. The state agency that possesses the data shall follow privacy and confidentiality procedures consistent with all applicable state and federal law. Additionally, each state agency involved in the data match process shall amend any applicable existing agreements before the department may conduct the data match pursuant to subdivision (c). Before a state agency provides the department with data to conduct a data match, the department and that state agency shall execute a written agreement that outlines the use of the data in the data match process and incorporates privacy and confidentiality procedures consistent with all applicable state and federal law. To the extent permitted by state and federal law, the department and the State Department of Health Care Services may review the data only for the purposes of improving the effectiveness of the data matches made pursuant to this section and Section 49562.

(2) Notwithstanding Section 10850 of the Welfare and Institutions Code, data that identify applicants for, or recipients of, public social services, may be transferred from existing databases maintained by the State Department of Health Care Services, in order to directly certify recipients of CalFresh, the CalWORKs program, and other programs authorized for direct certification under federal law, in compliance with subdivision (a). The Legislature hereby finds and declares that this paragraph is declaratory of existing law.

(e) The department shall determine the availability of and request or apply for, as appropriate, federal funds to assist the state in implementing new direct certification requirements mandated by federal law.

(f) This section shall become operative upon receipt of federal funds to assist the state in implementing new direct certification requirements mandated by federal law.