

Date of Hearing: April 5, 2017

ASSEMBLY COMMITTEE ON EDUCATION  
Patrick O'Donnell, Chair  
AB 1502 (Thurmond) – As Amended March 28, 2017

**SUBJECT:** Free or reduced-price school meals: direct certification

**SUMMARY:** Requires the California Department of Education (CDE) to conduct the data match of local school records to determine program eligibility for the National School Lunch Program and the School Breakfast Program, as required by federal law. Specifically, **this bill:**

- 1) Requires the use of any data by CDE in the process or in the data match to conform with the privacy and confidentiality protections specified.
- 2) Requires all state agencies involved in the data match process to amend any applicable existing agreements before the CDE can conduct the data match; and, specifies before any state agency provides CDE with data to conduct a data match, CDE and that state agency must execute a written agreement that outlines the use of the data in the matching process and incorporates privacy and confidentiality procedures consistent with all applicable state and federal law.

**EXISTING STATE LAW:**

- 1) Requires CDE to create a computerized data matching system using existing databases from the department and the California Department of Health Care Services (CDHCS) to directly certify recipients of CalFresh, the California Work Opportunity and Responsibility to Kids program (CalWORKs), and other programs authorized for direct certification under law, for enrollment in the National School Lunch Program and School Breakfast Programs.
  - a) Requires CDE to design a process using an existing agency database that will conform with data from CDHCS to meet the direct certification requirements of the federal school meal programs.
  - b) Requires CDE to design a process using computerized data that will maximize enrollment in school meal programs and improve program integrity, while ensuring that pupil privacy safeguards remain in place.
  - c) Requires CDHCS to conduct the data match of local school records and return a list to CDE to determine program eligibility as required by federal law. (Education Code Section 49561)
- 2) Requires all applications and records concerning any individual made or kept by any public officer or agency in connection with the administration of 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. ( Education Code Section 49558)

**EXISTING FEDERAL LAW** establishes the Healthy Hunger-Free Kids Act of 2010 (Public Law 111-296, 111<sup>th</sup> Congress) which provides performance awards to States that best ensure that children who are members of households receiving benefits under the Supplemental Nutrition Assistance Program (SNAP) are directly certified for free school meals.

**FISCAL EFFECT:** Unknown

**COMMENTS:** This bill will add the California Department of Education (CDE) as an agency that can directly perform the Direct Certification matches to certify school-age recipients of CalFresh as eligible for free school meals without the completion of a meal application. This allows parents and students to experience a seamless process and parents no longer need to complete multiple applications.

***Federal law mandates the use of direct certification.*** According to CDE, direct certification is the federally mandated process that School Nutrition Program sponsors must use to certify school-age recipients of CalFresh and CalWORKs benefits as eligible for free school meals without further application.

The Healthy, Hunger-Free Kids Act of 2010 established a direct certification percentage benchmark for states to meet, which is currently at ninety-five percent. California's direct certification match rate is approximately 63 percent. Currently, the California Department of Health Care Services (CDHCS) is the only agency authorized to perform the direct certification match using CDE and California Department of Social Services (CDSS) data. The direct certification match is conducted in a blind manner to prevent the disclosure of confidential information. This means that not one single agency can openly identify student level records or public assistance recipient data. Under this method, the CDE is unable to evaluate what may be causing a student that receives public assistance not to be directly certified, and thus limits the CDE's ability to continuously improve matches through software remedies or automation and other process improvements.

In the February 2016 direct certification Technical Assistance Report, the U.S. Department of Agriculture Food and Nutrition Service (FNS) pointed out the data limitations with California's current direct certification match process and recommended that the CDE take full ownership of the match process. In addition, with help from the FNS, the CDE surveyed five other states with direct certification match rates that are approaching or meeting the 95 percent benchmark and found that all five state's education departments perform direct certification matches and are able to dissect data regularly to improve upon those matches.

By authorizing the CDE to conduct the match, CDE anticipates an additional 396,875 students may be directly certified.

***Related Legislation.*** SB 138 (McGuire) of 2017 would, by September 1, 2018, require a school district or county superintendent of schools that has a very high poverty school to apply to operate a federal universal meal service program and to begin providing breakfast and lunch free of charge to all pupils, upon state approval to operate that service.

SB 250 (Hertzberg) of 2017 would enact the Child Hunger Prevention and Fair Treatment Act of 2017 and would require local education agencies (LEA) to develop a plan to ensure that a pupil whose parent or guardian has unpaid school meal fees is not shamed or treated differently than

other pupils. The bill would also prohibit an LEA from taking disciplinary action that directly results in denying or delaying a nutritionally adequate meal to a pupil. Would also require LEAs to identify families with a specified level of unpaid school meal fees and to exhaust all options to directly certify the pupil for free or reduced-price meals.

**REGISTERED SUPPORT / OPPOSITION:**

**Support**

Superintendent of Public Instruction Tom Torlakson (Sponsor)

**Opposition**

None on file

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