

Date of Hearing: April 24, 2019

ASSEMBLY COMMITTEE ON EDUCATION  
Patrick O'Donnell, Chair  
AB 1377 (Wicks) – As Amended April 22, 2019

**[This bill was double referred from the Human Services Committee and was heard by that Committee as the bill relates to their jurisdiction.]**

**SUBJECT:** CalFresh

**SUMMARY:** Requires the California Department of Education (CDE), the California Department of Health Care Services (DHCS), and the State Department of Social Services (DSS) to work together with specified stakeholders to discuss the possibilities and challenges of simplifying enrollment into CalFresh for families who are eligible for free or reduced-price meals in school. Specifically, **this bill:**

- 1) Requires the CDE, the DHCS, and the DSS to work together with stakeholders, including, representatives of school nutrition programs, representatives of the local agencies that determine CalFresh program eligibility, family advocates, immigrant advocates, food policy advocates, and the automated systems that support the school lunch, Medi-Cal, CalFresh, and Electronic Benefit Transfer systems, to develop a proposed statewide process for utilizing data collected across the three systems, in addition to any necessary outreach or referrals to counties, to increase enrollment into the CalFresh program.
- 2) Requires this process to be targeted towards the families of students who are eligible for free or reduced-price meals in order to increase these families' enrollment into CalFresh and to simplify and accelerate the CalFresh enrollment process to the greatest extent possible.
- 3) Requires the CDE, the DHCS and the DSS, with input from the stakeholder group, to do the following:
  - a) Examine data across the three programs to estimate the number of children whose families could potentially be found eligible for CalFresh from these collaborative efforts;
  - b) Research past efforts to increase enrollment for this population, including but not limited to AB 402 (Skinner), Statutes of 2011. To the extent that these efforts did not result in a significant increase in enrollment, requires the group to review the issues that precluded these efforts from being more effective and seek to address those issues, as applicable.
  - c) Discuss and determine resolutions, if possible, of issues that could arise in developing the recommended processes, such as how to bridge different data systems, different definitions of key variables such as household composition and income, and different data verification processes that exist across the three programs.
  - d) Examine different approaches such as accelerated enrollment, a referral process, increased outreach, or other activities that could increase enrollment identified by the group.

- e) Understand the differing data usage requirements, data sharing and confidentiality requirements, and other potential constraints governing the data held by each system and determine what federal permissions or state law changes would be needed to enable processes that are identified by the departments.
  - f) Identify any federal waivers and federal or state law changes that would be required in order to implement the processes the workgroup believes would be most effective.
  - g) Determine how to implement, in the most streamlined way possible, any consent process that is required by state or federal law and how best to incorporate informed consent protocols into any recommended processes.
- 4) Requires, not later than August 31, 2020, the departments to submit recommendations addressing the above issues and any other items identified by the group to the relevant committees of the Legislature for consideration within subsequent legislative sessions.

**EXISTING LAW:**

- 1) Requires the CDE to create a computerized data matching system using existing databases from the CDE and the DHCS to directly certify recipients of CalFresh, the California Work Opportunity and Responsibility to Kids program (the CalWORKs program), 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. (Education Code 49561)
- 2) Specifies that, each school district or county office of education (COE), 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.
- 3) Requires the local agency that determines CalFresh program eligibility to use information provided on a School Lunch Program application only for purposes directly related to the enrollment of families in the CalFresh program.
- 4) Specifies that the School Lunch Program application is confidential, and, with the exception of forwarding the information on the application for use in CalFresh program enrollment 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.
- 5) Specifies that after a school district or COE 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.  
(Education Code 44957.3)

**FISCAL EFFECT:** Unknown

**COMMENTS:** This bill requires the CDE, the DHCS and the DSS to work with stakeholders to discuss the possibility and challenges of using a student's free and reduced priced meal eligibility to expedite a family's enrollment into CalFresh.

**According to the Author:** "Food insecurity among households with school-aged children remains high in the United States. In particular, food insecurity has been associated with negative health, developmental, and educational outcomes for children, and research shows that when children are hungry, they are not prepared to learn. CalFresh and other nutrition programs provide necessary benefits for families and children. The data and eligibility requirements for CalFresh, the school meals program, and Medi-Cal are complicated, which makes participation for these programs varied and makes it difficult for eligible children and families to easily participate and be enrolled across all three programs, especially in the CalFresh program. AB 1377 will bring together the relevant state departments, local county human services agencies, school nutrition representatives and other key stakeholders that help administer these programs to find the best possible solutions and process that would streamline and accelerate enrollment in CalFresh and provide every available resource to families facing food insecurity."

**History of Previous Legislative Efforts:** A relatively small number of school districts, primarily in the Bay Area, are voluntarily partnering with their county human services agencies pursuant to AB 402 (Skinner) Statutes of 2011, to provide information once annually for families that have consented to have information shared for purposes of determining CalFresh eligibility. However, the process is typically cumbersome and has not resulted in a significant increase in CalFresh eligibility among students receiving free and reduced-price meals.

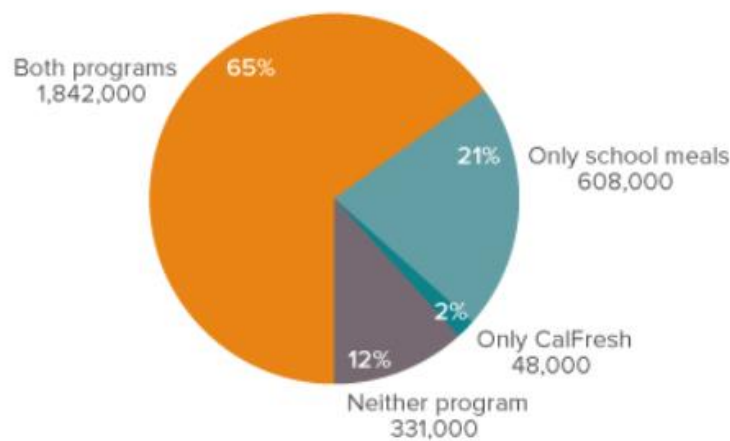
In the other direction, Assembly Bill 1502 (Thurmond), Statutes of 2017, created a mechanism for data sharing *from* the CalFresh program *to* the schools for purposes of enrollment into school meal programs. The CDE created a data matching system using existing databases from the CDE and the DHCS to 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.

AB 1377 builds on the efforts undertaken with AB 402, and draws on the lessons learned from data sharing under AB 1502, to create a workgroup to discuss the possibility and challenges of creating a mechanism for data sharing *from* schools *to* CalFresh for purposes of enrollment into CalFresh. This effort is intended to address the problems noted above by creating a workgroup to discuss the challenges with:

- Creating an automatic eligibility process that will not rely on individual schools opting in to share data, and instead operates on a statewide level.
- Developing more systemic data sharing between the school system, the DSS, and county human services agencies, to more quickly enroll children who receive free and reduced-price meals but are not already enrolled in CalFresh.
- Following up with families to offer an opportunity to add other siblings and/or parents into the case created for the recipient child.

According to a 2015 Public Policy Institute of California report, “In 2015, 24 percent of all California children participated in CalFresh, while more than twice as many age-eligible children (51%) were enrolled in free school meals; 44 percent of infants and 34 percent of young children were enrolled in WIC. We estimate that if all CalFresh-eligible children were fully enrolled in both CalFresh and either free school meals or WIC, these programs would reach 1.6 million more children. Establishing data exchanges across county human services, public health, or school district offices is likely the best way to connect children across these programs.”

***Many CalFresh eligible children participate in school meals, but not CalFresh, or are in neither program.***



Source: PPIC, 2015

***Arguments in Support:*** According to the County Welfare Directors Association, “Ensuring children can focus and learn in school, without fear of where their next meal will come from, is critical for their success, both in school and in later life. AB 1377 takes important steps toward enrolling more of the estimated 600,000 schoolchildren who are eligible for CalFresh and receiving school meal programs, but are not enrolled in CalFresh.”

***Prior Legislation:*** AB 1502 (Thurmond), Chapter 91, Statutes of 2017, created a system of data-sharing between the CalFresh program and the school meals program to enable greater use of direct certification.

AB 402 (Skinner), Chapter 502, Statutes of 2011, created an opt-in program for school districts to share information annually about school meal applicants with county human services agencies.

**REGISTERED SUPPORT / OPPOSITION:**

**Support**

- Alameda County Community Food Bank
- California Association Of Food Banks
- California Catholic Conference
- California Grocers Association

California Partnership  
County Welfare Directors Association Of California (Cwda)  
Feeding San Diego  
Food Bank Of Contra Costa And Solano  
Hunger Action Los Angeles Inc  
Los Angeles County Board of Supervisors  
National Association Of Social Workers, California Chapter  
Redwood Empire Food Bank  
Sacramento Food Bank & Family Services  
Ventura County Board of Supervisors  
Western Center On Law & Poverty, Inc.  
Yolo Food Bank

**Opposition**

None on file

**Analysis Prepared by:** Chelsea Kelley / ED. / (916) 319-2087