

Date of Hearing: July 1, 2015

ASSEMBLY COMMITTEE ON EDUCATION  
Patrick O'Donnell, Chair  
SB 708 (Mendoza) – As Amended April 16, 2015

**SENATE VOTE:** 38-0

**SUBJECT:** Pupil nutrition: free or reduced-price meals: online applications.

**SUMMARY:** Establishes requirements for school districts and county offices of education, if they choose to provide an online application for free or reduced-price meals. Specifically, **this bill:**

- 1) Specifies that the governing board of a school district and the county superintendent of schools shall make paper applications for free or reduced-price meals available to pupils at all times during each regular schoolday, and may also make an application electronically available online, provided that the online application complies with specified criteria.
- 2) Specifies that if the governing board of a school district, a county office of education, or a school food service officer chooses to provide access to an online application for free or reduced-price meals, the online application shall comply with all of the following requirements:
  - a) Include a link to the Internet Web site on which translated applications are posted by the United States Department of Agriculture, with instructions in that language that inform the applicant how to submit the application. The Legislature finds and declares that federal guidelines require school food authorities to accept and process these applications if they are submitted to the school food authority.
  - b) Require completion of only those questions that are necessary for determining eligibility.
  - c) Include clear instructions for families that are homeless or are migrants.
  - d) Comply with the privacy rights and disclosure protections established by the federal Richard B. Russell National School Lunch Act (Public Law 113-79) and the federal Children's Online Privacy Protection Act of 1998 (Public Law 105-277).
  - e) Include links to all of the following:
    - i) The online application to CalFresh.
    - ii) The online single state application for health care.
    - iii) The Internet Web site maintained by the State Department of Public Health providing ZIP-Code-specific referrals to the Special Supplemental Nutrition Program for Women, Infants and Children.
    - iv) The Internet Web site of a summer lunch program authorized to participate within the city or school district.

- 3) Prohibits an online application for free or reduced-price meals to be made available online or made accessible online by a school district, county office of education, or school food service officer if the online application allows for the information provided by an applicant to be used by a private entity for any purpose not related to the administration of a school food program, or if the online application requires an applicant to waive any right or to create a user account in order to submit the application.

**EXISTING LAW:**

- 1) Requires each school district or county office of education to provide for each needy student one nutritionally adequate free or reduced-price meal during each schoolday. (Education Code 49550)
- 2) Requires school districts and county offices of education to make applications for free or reduced-price meals available to students at all times during each regular schoolday. (EC 49557)
- 3) Encourages each school district and county office of education to include information that parents may use to request information concerning the Medi-Cal program, and the Healthy Families Program. (EC 49557.1)
- 4) Authorizes school districts or county offices of education to incorporate information relative to Medi-Cal and health care coverage through the California Health Benefit Exchange into the School Lunch Program application packet or notification of eligibility. (EC 49557.2)
- 5) Requires all applications and records concerning any individual made or kept by any public officer or agency relating to free or reduced-price meal eligibility to be confidential, and may not be open to examination for any purpose not directly connected with the administration of a free or reduced-price meal program. (EC 49558)

**FISCAL EFFECT:** According to the Senate Appropriations Committee, this bill's authorization of school districts and county offices of education to make electronic applications for free or reduced-priced meals available will not likely result in additional costs to the state as these would be local decisions. Any decision to make these applications available online would result in a cost pressure to make any changes necessary to ensure the application complies with the requirements in this bill.

The California Department of Education (CDE) indicates that it annually makes updates to eligibility materials for the free or reduced-priced meals program available to local educational agencies. CDE anticipates that this bill would generate workload between \$15,000 to \$17,000 General Fund to update materials to reflect the requirements of this bill.

To the extent this bill increases participation in the other public benefit programs, as intended, it could result in additional costs to the state. For example, if an additional 50 members participate in Medi-Cal because they were encouraged to do so by having access to information included in the free or reduced-price meals application, the annual impact the state could be about \$66,000 in a mix of federal and General Fund (assuming a per member, per month cost of \$110).

**COMMENTS:** This bill establishes requirements for school district, county offices of education and school food service officers to follow if those entities choose to provide an online application for free and reduced-price meals.

According to the author, child hunger can negatively impact classroom learning and has long-term consequences to academic outcomes and child brain development. The National School Lunch Program (NSLP) is one of the best ways to address child hunger during the school year. The federally funded program is guided by state and federal law and guidance. Current state and federal law requires federal school lunch program participating entities to follow certain procedures and establish certain protections, but the current statute is silent on the topic of online applications, which several school districts are voluntarily making available to parents. SB 708 seeks to address the problem of lack of parity of rights and protections for children whose parents are applying using online applications and support the use of new technology to increase access to materials translated by federal administrators and to other online resources that can help prevent hunger and illness among children. SB 708 does not require schools to provide an online application, it only establishes basic requirements of those online applications should the school district or school food entity chose to make one available to parents.

***Paper vs Electronic Applications:*** Current law requires school districts and county offices of education to make applications for free or reduced-price meals available to students at all times during each regular schoolday. This bill authorizes school districts, county offices of education and school food service officers to also make an electronic application available online. This bill requires, if districts, county offices or school food service officers choose to offer an electronic application, the electronic application to include links to the following information that is not currently required to be provided with the paper application:

- 1) The California Department of Public Health’s website providing zip code specific referrals to the Special Supplemental Nutrition Program for Women, Infants and Children.
- 2) The website of a summer lunch program authorized to participate within the city or school district.

Current law authorizes and encourages, but does not require, paper applications to include information about Medi-Cal and CalFresh. According to the author, current practice is to provide clear instructions for families that are homeless or migrant. This bill requires both paper and electronic applications to include clear instructions for families that are homeless or migrant, and requires electronic applications to include links to applications for CalFresh and health care, in addition to the information cited above.

***Online Security:*** This bill requires an online application to comply with the privacy rights and disclosure protections established by the federal Richard B. Russell National School Lunch Act and the federal Children’s Online Privacy Protection Act. This bill also prohibits an online application to be made available or accessible if the online application allows for the information provided by an applicant to be used by a private entity for any purpose not related to the administration of a school food program, or if the online application requires an applicant to waive any right or to create a user account in order to submit the application.

***Eligibility Determination:*** This bill requires an online application to require completion of only those questions that are necessary for determining eligibility. According to the author, schools

often use applications to collect other information of interest to them, but that information is not required to be included in the school meal application. Those additional items can be skipped on a paper application and schools are required to accept and process the application if the information specific to free or reduced-price meals is complete. It's possible that an electronic application could include mandatory fields (require an answer) for each point of information, even if that information is not required for the free or reduced-price meal application.

**Committee Amendment:** Staff recommends the bill be amended to change the term "school food service officer" to "school food service personnel."

**Related Legislation:** AB 422 (Nazarian), Chapter 440 from 2013, added information regarding health care coverage available through the California Health Benefit Exchange to notifications that may be included at the option of the school district or county superintendent on applications for the School Lunch Program.

AB 402 (Skinner), Chapter 504 from 2011, authorized school districts and county offices of education to share information provided on the School Lunch Program application with the local agency that determines CalFresh program eligibility, or to an agency that determines eligibility for nutrition assistance programs. Required each county to determine eligibility for CalFresh based on the information shared by a school district or county office of education and to enroll determined eligible pupils.

## **REGISTERED SUPPORT / OPPOSITION:**

### **Support**

American Heart Association/American Stroke Association  
California Association of Food Banks  
California Hunger Action Coalition  
California Pan-Ethnic Health Network  
California School Employees Association  
California Teachers Association  
Coalition of California Welfare Rights Organization  
Courage Campaign  
National Association of Social Workers  
St. Anthony Foundation  
Western Center on Law and Poverty

### **Opposition**

None on file.

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