



CDSS

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DEPARTMENT OF SOCIAL SERVICES

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EDMUND G. BROWN JR.
GOVERNOR

REASON FOR THIS TRANSMITTAL

- State Law Change
- Federal Law or Regulation Change
- Court Order
- Clarification Requested by One or More Counties
- Initiated by CDSS

July 3, 2013

ALL COUNTY INFORMATION NOTICE NO. I-38-13

ALL COUNTY WELFARE DIRECTORS
ALL COUNTY CALFRESH PROGRAM SPECIALISTS

SUBJECT: IMPLEMENTATION OF ASSEMBLY BILL 402

REFERENCE: ASSEMBLY BILL 402

The purpose of this letter is to provide direction to County Welfare Departments (CWDs) on the implementation of Assembly Bill (AB) 402. This bill allows Local Education Agencies (LEAs), defined as a school district or county office of education, and CWDs to share information regarding school lunch participants who may be eligible to receive CalFresh benefits.

Current law requires LEAs to provide an application for free- and reduced-price (F/RP) meals to all pupils and that those students who qualify for F/RP meals are provided access to one nutritionally adequate meal each school day.

Under AB 402, CWDs can now enter into memorandums of understanding (MOUs) with LEA's to share, with the permission of the parent or guardian signing the consent form, information submitted on the National School Lunch Program (NSLP) application with the local county CalFresh office. CWDs will be able to use this information to serve as an initial request for a CalFresh application for the child and/or his or her family. The bill does not require counties to participate in this program; it is voluntary only, but participation is strongly encouraged.

Other than funding provided for current participating counties, additional administrative funding from CalFresh is not available at this time (federal fiscal year (FFY) 2013-2014 (October 1, 2013 – September 30, 2014)); however, additional funding may become available for the next FFY (2014-2015). Any county wishing to participate now will need to use its current administrative county funds. If you wish to participate in the future, get in touch with Bill Belon via e-mail at william.belon@dss.ca.gov.

Implementation Date

The implementation date for counties that are participating in this new program is July 1, 2013. As the new school year gets under way, LEAs with whom CWDs have entered into MOUs will begin sending approved NSLP applications along with copies of the corresponding consent forms. A blank copy of a consent form is enclosed.

Establishing MOUs with LEAs

In order to establish an MOU with an LEA, certain criteria must be met within the body of the MOU. An LEA may be a school district or county office of education (including private and charter schools). These criteria include but are not limited to:

- The MOU must require that the National School Lunch Program (NSLP) application, or information contained therein, may only be shared by a school district or county office of education (local education agency) with the local agency that determines CalFresh eligibility (local CalFresh agency) if (1) the child who is the subject of the NSLP application is approved for free or reduced-priced meals and (2) the parent or guardian of the child consents in writing to the sharing of that information pursuant to Education Code section 49557.3(a).
- The MOU must state that the NSLP application and the information contained therein is confidential and shall not be used by the local CalFresh agency for any purpose not directly related to the enrollment of families in the CalFresh program, and that it should not be shared by the local education agency or local CalFresh agency with any other government agency, including the United States Citizenship and Immigration Services (formerly Immigration and Naturalization Services) or the Social Security Administration, unless specifically authorized to do so pursuant to other provisions of law.
- The MOU must set forth the respective roles and responsibilities of the local education agency and the local CalFresh agency, including the processes to be used in sharing the NSLP application/information, such as whether the sharing will be conducted physically or electronically.
- The MOU must describe the information to be disclosed by the local education agency and how it will be used by the local CalFresh agency. This includes whether the NSLP application itself will be shared or only the information therein, how much of the information will be disclosed and whether the MOU will apply to students approved for free meals only or to students approved for reduced-price meals as well.

- The MOU must describe how the information that is shared will be protected from unauthorized use and disclosure, including stating that the National School Lunch Act (NSLA) establishes a fine of not more than \$1000 or imprisonment of not more than 1 year, or both, if any eligibility information is published, divulged, disclosed, or made known in any manner or extent not authorized by federal law. This includes the disclosure of eligibility information by one entity authorized under the NSLA to receive the information directly from the determining agency. In addition to the above, the MOU shall state that United States Code 5 USC 552a(i) establishes a fine of not more than \$5000 for any employee who willfully discloses confidential or individually identifiable information in any manner to any person or agency not entitled to receive it, or who knowingly and willfully requests or obtains any record concerning an individual from an agency under false pretenses.
- The MOU must be entered into by each local education agency and each local CalFresh agency that wishes to engage in information sharing and should be signed by representatives of each respective agency or their designees, who have authority to enter into such an agreement.
- The MOU must provide that the written consent to be obtained from the applicant will contain statements that the applicant is aware that they are consenting to the sharing of the NSLP application with the local CalFresh agency for purposes of determining eligibility for the CalFresh program, that the NSLP application and the information contained therein is confidential and will not be shared with any other office or for any other purpose beyond enrollment in the CalFresh program, that participation in the CalFresh program is strictly voluntary and that the CalFresh agency will provide the applicant with a CalFresh application for the purposes of enrollment in the CalFresh program.
- The MOU must require that any NSLP applicant whose information is shared with the local CalFresh agency be required to complete a CalFresh application prior to enrollment in the CalFresh program.

County Responsibility

In a case where the child is already receiving CalFresh benefits, the NSLP application will be handled like any other duplicate application. The CWD will evaluate the NSLP application to ensure that there has been no change in the household situation. If there is a change in status, the information on the NSLP application shall be verified and the CWD will act accordingly as per Manual of Policies and Procedures (MPP) 63-509(d) and (e). Assuming there is no change in

the household situation, the NSLP application is to be destroyed and the appropriate notice should be sent to the household stating that the child is already receiving CalFresh benefits.

If the CWD receives information for a student who is not already enrolled in CalFresh, the CWD shall treat the NSLP application as a written request for a CalFresh application. The CWD shall contact the parent/caretaker of the child to request additional information pertinent to determining eligibility and send them a CalFresh application via mail or e-mail to complete and sign. This should be done the same day as receipt of the consent form and NSLP application per MPP 63-300.34: *“An application shall also be mailed on the same day a written request for food assistance is received.”* Upon receipt of the signed CalFresh application, the normal processing timeframes for CalFresh shall apply. If, after reviewing the CalFresh application, the CWD determines that the child is not eligible to receive CalFresh benefits, the CWD must notify the parent/caretaker of the child of this determination.

The CWD shall check all NSLP applications for eligibility for Expedited Service (ES). For purposes of ES processing, the CWD shall request information from the parent/caretaker necessary for processing a CalFresh application at the first point of contact following receipt of information. If ES is warranted, the ES processing timeframes shall apply from the point of receipt of the signed CalFresh application.

There may be occasions when the CWD receives one document before the other from the LEA. You must wait until you have **both documents** (NSLP application and consent form) before processing. If you have the consent form without the NSLP application, you may not have enough information to process, or you receive the NSLP application but not the consent form, you do not have permission from the parent/caretaker to process the information provided.

If the parent/caretaker of the child refuses to provide the information necessary to complete a CalFresh application, or does not return a signed CalFresh application, the CWD shall send notification that the request for application was not approved and shall state the reasons why.

Confidentiality

All information on the NSLP application received by the CWD, as well as any additional documentation, will remain confidential and will only be used for the determination of CalFresh eligibility, except as specifically authorized to do so pursuant to other provisions of law.

A copy of the consent form will accompany the NSLP application. Once the NSLP application information is entered into a CalFresh application, and the form is no longer needed, the NSLP application should be destroyed. The consent form is to be kept by the CWD for its records.

If you have any questions concerning this letter, please contact your CalFresh county consultant or the CalFresh Policy Bureau at (916) 654-1896.

Sincerely,

Original Document Signed By:

LINDA PATTERSON, Chief
CalFresh Branch

Enclosure

PARENTAL OR GUARDIAN CONSENT TO RELEASE SCHOOL MEAL APPLICATION TO THE CALFRESH PROGRAM

Dear Parent/Guardian:

Your participation in the Free and Reduced-Price (F/RP) school meal program means your family could be eligible for the CalFresh food assistance program. CalFresh provides monthly benefits to households for purchasing the food they need to maintain adequate nutrition. By signing this form, you consent to allow the _____ District (District) to share the information you provided on your F/RP school meal application with the _____ County CalFresh Office (CalFresh Office) that is responsible for determining eligibility (benefits) for the CalFresh program. Or if you prefer to apply directly and not exchange this information, you may call the CalFresh program at 1-877-847-3663 or apply online at www.calfresh.ca.gov.

Please note, your participation in the CalFresh program is voluntary. Failure to sign this consent form will not affect your child's eligibility or participation in the district's F/RP school meal program.

Yes! I want the District to share information from my F/RP school meal application with the CalFresh Office to determine if my family is eligible for CalFresh benefits. I realize that the information provided will be shared only with the CalFresh Office.

Please check the box above if you want to apply for CalFresh benefits for your family.

Child's Name: _____

School: _____

Child's Name: _____

School: _____

Child's Name: _____

School: _____

By signing this consent form, I voluntarily consent to let the District share the information on my F/RP school meal application with the CalFresh Office, and I acknowledge that I have read and understood all the information on this form.

Also, by consenting to this process, I understand that the CalFresh Office will provide me with a CalFresh application to determine CalFresh eligibility.

Signature of Parent/Guardian: _____ Date: _____

Printed Name _____

Address: _____

Phone: _____ e-mail: _____

If you have any questions about this form or this process, you may contact (First name Last name), (Title.....), at (area code + phone number) or by e-mail at (e-mail address.....).