

Assembly Bill No. 1636

CHAPTER 321

An act to amend Section 49558 of the Education Code, relating to pupil records.

[Approved by Governor August 27, 2004. Filed with Secretary of State August 30, 2004.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1636, Kehoe. Pupil records.

Existing law establishes the confidentiality of an application or record concerning any individual that relates to free or reduced-price meal eligibility which is made or kept by any public officer or agency, with certain exceptions. Existing law authorizes a public officer or agency to allow the use of those records, as specified, for the purpose of disaggregation of academic achievement data, if certain conditions are met.

This bill would, in addition, authorize a public officer or agency to allow the use of those records by a school district employee, as specified, to identify pupils eligible for public school choice and supplemental educational services as required by the federal No Child Left Behind Act of 2001, if certain conditions are met.

The people of the State of California do enact as follows:

SECTION 1. Section 49558 of the Education Code is amended to read:

49558. (a) All applications and records concerning any individual made or kept by any public officer or agency in connection with the administration of any provision of this code relating to 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.

(b) Notwithstanding subdivision (a), a public officer or agency may allow the use by school district employees, who are authorized by the governing board of the school district, of individual records pertaining to pupil participation in any free or reduced-price meal program solely for the purpose of disaggregation of academic achievement data or to



identify pupils eligible for public school choice and supplemental educational services pursuant to the federal No Child Left Behind Act of 2001 (P.L. 107-110), if the public agency ensures the following:

(1) The public agency has adopted a policy that allows for the use of individual records for these purposes.

(2) No individual indicators of participation in any free or reduced-price meal program are maintained in the permanent record of any pupil, unless otherwise allowed by law.

(3) No public release of information regarding individual pupil participation in any free or reduced-price meal program is permitted.

(4) All other confidentiality provisions required by law are met.

(5) The information collected regarding individual pupils certified to participate in the free or reduced-price meal program is destroyed when it is no longer needed for its intended purpose.

(c) Notwithstanding subdivision (a), the school districts and county superintendents of schools may release information on the School Lunch Program application only to the local agency that determines eligibility under the Medi-Cal program, if the child is approved for free meals and if the applicant consents to the sharing of information pursuant to Section 49557.2.

