

Date of Hearing: April 9, 2019

ASSEMBLY COMMITTEE ON HUMAN SERVICES

Eloise Gómez Reyes, Chair

AB 1229 (Wicks) – As Amended April 3, 2019

**SUBJECT:** End Foster Youth Student Hunger in California Act of 2019

**SUMMARY:** Establishes the “End Foster Youth Student Hunger in California Act of 2019” to provide for the food needs of transition age foster youth, as specified. Specifically, **this bill:**

- 1) Establishes the “End Foster Youth Student Hunger in California Act of 2019.”
- 2) Makes Legislative findings and declarations related to the educational outcomes of California foster youth and the food insecurity faced by college students throughout the state.
- 3) Establishes within the California Student Aid Commission (CSAC) the “Transition Age Foster Youth Meal Plan Program” in order to prevent hunger and basic needs deprivation among low-income transition age foster youth when they are studying for a higher education degree at a public postsecondary educational institution.
- 4) Deems all transition age foster youth attending a public postsecondary educational institution with an enrollment status of half-time or full-time and who are eligible for a state-funded benefit or service, as specified, as eligible to apply for an award created by the provisions of this bill.
- 5) Requires an eligible student to receive an award equal to the amount of the cost of a meal plan that would cover 10 meals per week and the cost of all campus fees.
- 6) Instructs CSAC to determine the amount of the award by calculating the cost of 10 meals per week for each full week of each term for each college or university using the highest per meal rate reported by the college or university, and, further, requires the amount to be added to the cost of campus fees for each respective campus to equal the total award amount.
- 7) Requires CSAC to annually adjust the amount of the award to be issued by the program, and to issue program awards within the week prior to the start of the college term.
- 8) Specifies that the provisions of this bill do not require a public postsecondary educational institution to provide a meal plan to a student who does not have one.
- 9) Requires the California Department of Social Services (CDSS) to provide a state-funded supplemental nutrition benefit for nonminor dependents (NMDs) in a supervised independent living placement (SILP) who directly receive an Aid to Families with Dependent Children-Foster Care (AFDC-FC) payment, as specified.
- 10) Requires the supplemental nutrition benefit provided to certain NMDs pursuant to the provisions of this bill to be in the amount equal to the maximum benefit amount allotted for a CalFresh household size of one, and, further, requires the benefit be provided as a cash benefit paid directly to the NMD.

- 11) Defines “foster youth student” related to provisions of this bill related to approval of certain work requirements, as an individual attending an institution of higher education who is a foster youth or former foster youth.
- 12) Requires CDSS to establish an official approval process to ensure that paid or unpaid internship hours worked by a foster youth student outside of approved federal or state work study, as specified, qualify for purposes of meeting requirements related to the CalFresh student rule, as specified in current law.
- 13) States that the purpose of the approval process is to expand the type of work hours allowable to qualify a foster youth student for CalFresh benefits by including hours worked through an official paid or unpaid internship.
- 14) Requires CDSS to issue guidance to county human services departments that requires counties to use certain practices that have been identified by the department to increase rates of completed CalFresh applications and participation rates of exiting foster youth, including the following:
  - a) Include CalFresh participation outcomes as part of the contract with Independent Living Program (ILP) providers;
  - b) Designate CalFresh eligibility workers who are subject matter experts on foster youth applications and funding, and who can expedite their CalFresh applications;
  - c) Co-locate ILP coordinators, probation officers, social workers, and eligibility workers to ensure collaboration in assisting foster youth in applying for and receiving benefits;
  - d) Allow a notice of action for a youth to be sent to the county child welfare services office until the youth obtains stable housing;
  - e) Provide program guides with detailed instructions for social workers and probation officers to follow at specific intervals of the case planning and emancipation planning processes; and,
  - f) Establish a self-initiated workfare program for former foster youth that will enable them to meet the able-bodied adult without dependents (ABAWD) time limit-related work requirement.
- 15) Requires the provisions of this bill related to the supplemental nutrition benefit for NMDs to be implemented to the extent that they are not prohibited by federal law.

**EXISTING LAW:**

- 1) Establishes under federal law the Supplemental Nutrition Assistance Program (SNAP) pursuant to the Food Stamp Act of 1964 and establishes, in California statute, the CalFresh program to administer the provision of federal SNAP benefits to families and individuals meeting certain criteria, as specified. (7 United States Code Section 2011 *et seq.*, Welfare and Institutions Code [WIC] Section 18900 *et seq.*)

- 2) Deems an individual who is enrolled at least half-time in an institution of higher education as ineligible for participation in SNAP unless the individual qualifies for an exemption, as specified. (7 Code of Federal Regulations [CFR] 273.5 (a))
- 3) Requires a student to meet one of the following criteria in order to qualify for an exemption to the prohibition on eligibility for SNAP benefits, including: be age 17 or younger or age 50 or older; be physically or mentally unfit; be participating in a state or federally financed work study program during the regular school year; or be employed for a minimum of 20 hours per week and be paid for such employment or, if self-employed, be employed for a minimum of 20 hours per week and receive weekly earnings at least equal to the federal minimum wage multiplied by 20 hours, among other criteria. (7 CFR 273.5 (b)(5))
- 4) States that the purpose of foster care law is to provide maximum safety and protection for children who are currently being physically, sexually, or emotionally abused, neglected, or exploited, and to ensure the safety, protection, and physical and emotional well-being of children who are at risk of harm. (WIC 300.2)
- 5) Provides for extended foster care funding for youth until age 21, as well as adopts other changes to conform to the federal Fostering Connections to Success Act. (WIC 241.1, 303, 366.3, 388, 391, 450, 11400, 11402, 11403)
- 6) Defines “nonminor dependent” as a current foster youth or a nonminor under the transition jurisdiction of the court who: is between 18 and 21 years old, turned 18 years old while under an order of foster care placement, is in foster care under the responsibility of the county welfare department, county probation department, or Indian Tribe, and is participating in a transitional independent living plan, as specified. (WIC 11400 (v))
- 7) Defines “supervised independent living placement” as an independent supervised setting, as specified in a NMDs transitional independent living case plan, in which a youth is living independently. (WIC 11400 (w))
- 8) Permits a nonminor former foster youth under the age of 21 to petition the court for re-entry into foster care if their guardian or adoptive parent is no longer providing them with support, as specified. (WIC 388.1)
- 9) Requires an educational program that could be a component of a CalFresh Employment and Training program be considered an employment and training program, unless prohibited by federal law, as specified. (WIC 18901.11)
- 10) Allows a youth to directly receive all of a federal AFDC-FC payment provided that the nonminor is living independently in a supervised placement, as specified. (WIC 11403 (d))
- 11) Prohibits the receipt of AFDC-FC payments from being considered as income for purposes of eligibility for services provided in other federal or state programs or for grants that may be provided by an institution of higher education, including, but not limited to, Cal Grants or other grants or fee waivers. (WIC 11403.1 (f))
- 12) Requires CDSS annually, to the extent permitted by federal law, to seek a federal SNAP waiver to the three-month limit in a three-year period of CalFresh benefits for an ABAWD, unless that participant has met the work participation requirement. (WIC 18926)

- 13) Defines in federal statute approved activities under the SNAP Education and Training (E&T) program including education, as specified, participation in a Workforce Investment Act program, and other activities. (7 United States Code Section 2015(e)(3)(B))
- 14) Establishes within CalFresh the federal E&T program to assist members of CalFresh households in gaining skills, training, work, or experience that will increase their ability to obtain regular employment. (7 CFR 273.7, WIC 18926.5)
- 15) Establishes the SNAP time limit for an ABAWD, which states that an individual is limited to receive SNAP for up to three months within a three year period, unless the individual has met certain work participation requirements, as specified. (7 CFR 273.24)

**FISCAL EFFECT:** Unknown

**COMMENTS:**

**CalFresh:** SNAP provides food access to low-income individuals who meet certain eligibility criteria; in California, this program is known as CalFresh. CalFresh benefits are entirely federally funded, and administration at the federal level lies with the United States Department of Agriculture (USDA). The USDA is tasked with setting specific eligibility requirements for SNAP programs across the country, as well as gross and net income tests, work requirements, and other documentation requirements. Currently, the maximum allowable gross income is 200% of the Federal Poverty Level (FPL), although households with elderly members or members with disabilities are not subject to gross income criteria, but must have a net monthly income at or below 100% of the FPL. In California, CalFresh is administered at the local level by county human services agencies, with federal, state, and county governments sharing the costs of program administration. Nearly 4 million individuals in California receive CalFresh benefits; on average, an individual receives approximately \$135 per month in benefits. The maximum grant amount for a household size of one is \$192 as of October 1, 2018, and until September 30, 2019.

**ABAWDs:** Receipt of SNAP benefits is contingent upon an individual meeting certain requirements, except in instances when they are exempt due to age, having a disability, or another specific reason. ABAWDs, are individuals between 18 and 49 years old who have no dependents and do not have a disability, are subject to a specific time limit: they may only receive SNAP for three months in three years if they do not meet specific work requirements. Federal rules require ABAWDs to work at least 80 hours per months or comply with a workfare program, or participate in a SNAP Employment Training Program (known as CalFresh Employment and Training, or CFET, in California). State law requires CDSS to annually seek an exemption to federal ABAWD time limits, and a county or an entire state can be approved for a waiver to the ABAWD time limit if it meets federally established criteria related to high unemployment or a lack of sufficient jobs. On August 31, 2018, California's statewide waiver expired and on September 1, 2018, California implemented the ABAWD time limit in San Francisco, San Mateo, and Santa Clara counties. California's remaining 55 counties will remain under the ABAWD time limit waiver through August 31, 2019; however, it is unclear as to whether other counties, particularly Alameda and Contra Costa, will be required, upon expiration of the waiver, to implement the ABAWD time limit.

**Student access to food:** The "Study of Student Basic Needs," released by the CSU Office of the Chancellor in January 2018, identified and examined a number of barriers faced by students

working to achieve postsecondary educational goals, which include housing and food insecurity. According to the study, 41.6% of CSU students reported food insecurity, and of those, 20% experienced low food security, while 21.6% experienced very low food security. Black/African-American students and first-generation attendees experienced the highest rates of food insecurity (65.9%) and homelessness (18%). To combat rates of food insecurity among college students, many college campuses operate food pantries, and the report found that campus emergency food pantry utilization was higher among students who reported low and very low food security when compared to their food secure peers. Still, only 10.1% of students who reported very low food security and 7.5% of students who reported low food security used CalFresh benefits.

In order to meet the federal definition of “student” as it applies to CalFresh eligibility, an individual must: be between the ages of 18 and 49; be enrolled at least “half time” as defined by the educational institution; and be enrolled in higher education such as a business, trade, technical or vocational school, or a junior, community, two-year or four-year college, university or graduate school, regardless of whether a high school diploma or GED is required. Individuals who fit this definition are ineligible to participate in CalFresh under federal regulations; however, there are certain allowable exemptions to these requirements that would deem a student eligible for CalFresh, including if an individual is age 17 or younger or age 50 or older, is physically or mentally unfit, is employed for a minimum of 20 hours per week and is paid for that employment or, if self-employed, is employed for a minimum of 20 hours per week and has an income that is at least equal to the federal minimum wage multiplied by 20 hours, among others. While the provisions of this bill work to ensure that the type of work engaged in by foster youth students, including paid or unpaid internship hours, is considered by a county human services department for purposes of meeting the CalFresh student rule, federal law is explicit in its requirement that, in order to qualify for an exemption to the student rules, any work a student engages in must be paid. The provisions of this bill specify that implementation is required to the extent that it is not prohibited by federal law; currently, federal law prohibits the inclusion of unpaid internships among the types of work that qualify students for an exemption.

***Foster youth: supports and services:*** Youth who are placed in California’s Child Welfare Services (CWS) System, which is the system charged with protecting children from abuse and neglect and providing for their health, safety, and overall well-being, are often at risk of experiencing poorer educational outcomes than their non-system involved peers. For foster youth who wish to remain in the CWS system beyond the age of 18, California offers the Extended Foster Care program (EFC), which was created by AB 12 (Beall), Chapter 559, Statutes of 2015, and which allows youth who were in foster care on their 18th birthday to remain in care until they reach age 21 (these youth are referred to as nonminor dependents, or NMDs). Foster youth, both minors and NMDs, may access a number of supports and services to help them live as independently as possible in order to achieve self-sufficiency. In terms of housing supports, one option for NMDs is the ability to live in a supervised independent living placement (SILP), which allows a youth to live independently in an apartment, house, condominium, room and board arrangement, or college dorm, either alone or with an approved roommate, while still receiving supervision from a social worker or probation officer. As it relates to education, it is an unfortunate reality that the nature of foster care placements does not always ensure a youth’s educational stability. A 2018 report by the John Burton Advocates for Youth states that “...at age 17, 89% of foster youth indicated a desire to go to college, however, a 2011 study found that by age 26, just 8% of foster youth held an Associate or Bachelor’s degree as compared to 46% of their peers.” Foster youth who do attend college often struggle

with issues of affordability related to campus fees and tuition, housing costs, meals plans, and food access, among other things.

In September 2015, CDSS released All County Letter (ACL) 15-70, which established that participation in Workforce Innovation and Opportunity Act (WIOA) and Extended Opportunity Programs (EOPS) qualify a student for an exemption from the student eligibility rule, which could qualify them for CalFresh benefits. A February 2017 ACL 17-05 also states that participation in certain programs, including Guardian Scholars Program, Foster Youth Success Initiative, Cooperating Agencies Foster Youth Educational Support, Chafee Education and Training Voucher Program, and Extended Foster Care, may also increase a youth's employability, which may qualify a participating student for an exemption from the CalFresh student eligibility rule. In October 2017, CDSS released All County Information Notice (ACIN) I-68-17 which stated that, while NMDs may meet the ABAWD definition, NMDs are not subject to the ABAWD time limit, as the activities required under Extended Foster Care either qualify them for an exemption, or aid them in meeting the ABAWD work requirements.

***Need for this bill:*** The provisions of this bill seek to ensure that current and former foster youth have adequate access to food, both through CalFresh and college meal programs. Specifically, the bill requires CDSS to provide a supplemental nutrition benefit to certain nonminor dependents equal to the maximum benefit amount allotted for a CalFresh household size of one (\$192 a month), and to create an official approval process to ensure that paid or unpaid internship hours worked by a foster youth student outside of approved federal or state work study qualify for purposes of meeting requirements related to the CalFresh student rule. While federal law is clear that in order to qualify for an exemption to the CalFresh student eligibility rules, any work must be paid work, the provisions of this bill require implementation of these provisions to the extent that they are not prohibited by federal law. The bill also requires CDSS to issue guidance to county human services departments to require certain practices that have been identified by the department to increase rates of CalFresh participation rates by youth exiting foster care.

According to the author, "Many foster youth aspire to higher education, but a small percentage of foster youth actually attain a bachelor's degree. Students in college already face economic hardships and food insecurity, but many foster youth lack the financial stability and support that more traditional students receive. This bill will provide the necessary support for foster youth by eliminating the barriers for foster youth students to access CalFresh benefits and ensuring that they have the resources that they need to be food secure and successful students. California is stronger and the future is brighter when our youth have access to food and the resources that they need to obtain an education."

***Double referral:*** This bill will be referred to the Assembly Higher Education Committee should it pass out of this committee.

#### **PRIOR LEGISLATION:**

***AB 625 (Quirk-Silva) of 2017*** would have required CDSS to seek a waiver from the USDA to allow an NMD who lives in a SILP to be eligible to receive CalFresh regardless of income or resource, and, upon approval of a waiver, would have required that an eligible NMD who is a custodial parent receive the maximum CalFresh benefit amount allotted for their household. AB 625 was held on the Assembly Appropriations Committee suspense file.

*AB 1930 (Stone), Chapter 910, Statutes of 2018*, furthered Continuum of Care Reform (CCR) efforts made by AB 403, AB 1997, and AB 404.

*AB 404 (Stone), Chapter 732, Statutes of 2017*, furthered CCR efforts made by AB 403 and AB 1997.

*AB 1997 (Stone), Chapter 612, Statutes of 2016*, furthered CCR efforts.

*AB 403 (Stone), Chapter 773, Statutes of 2015*, implemented CCR recommendations to better serve children and youth in California's child welfare services system.

*AB 12 (Beall), Chapter 559, Statutes of 2010*, the "California Fostering Connections to Success Act," conformed state law to federal requirements to revise and expand programs and funding for certain foster and adopted children, including extending transitional foster care services to eligible youth between 18 and 21 years of age.

**REGISTERED SUPPORT / OPPOSITION:**

**Support**

Western Center on Law & Poverty, Inc. (Sponsor)  
Alliance for Children's Rights  
American Academy of Pediatrics, California  
California Catholic Conference  
California Grocers Association  
Journey House

**Opposition**

None on file

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