

Date of Hearing: May 7, 2020

ASSEMBLY COMMITTEE ON HUMAN SERVICES

Eloise Gómez Reyes, Chair

AB 2282 (McCarty) – As Amended May 5, 2020

**SUBJECT:** CalFresh: enrollment: institutions of higher education

**SUMMARY:** Requires the Trustees of the California State University (CSU) and the Board of Governors of the California Community Colleges (CCC), and encourages the Regents of the University of California (UC), no later than January 1, 2021, in consultation with the California Department of Social Services (CDSS) and county human services agencies, to establish a CalFresh student outreach text messaging program to: ask students if they are enrolled in CalFresh; provide students not enrolled in CalFresh with a link to an internet website with information on applying for CalFresh; and, provide students with the name and telephone number of the CalFresh eligibility worker on each campus, if one is available.

**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 [U.S.C.] Section 2011 *et seq.*, Welfare and Institutions Code Section [WIC] 18900 *et seq.*)
- 2) Allows CDSS to enter into a memorandum of understanding (MOU) with the Chancellor of the CSU, the Chancellor of the CCCs, or both, in order to prevent hunger among college students who are experiencing homelessness, have a disability, or are elderly, and further, allows any qualifying food facility located on a campus to participate in the Restaurant Meals Program (RMP). (WIC 18919(e))
- 3) Deems, in federal regulations, 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))
- 4) Requires, in federal regulations, 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; 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; or be participating in a state or federally financed work-study program during the regular school year. (7 CFR 273.5 (b))
- 5) Allows a county, if it is within the capacity of the county, to communicate with an applicant for, or recipient of, CalWORKs, CalFresh, or the Cash Assistance Program for Aged, Blind, and Disabled legal immigrants via computer-generated text message. (WIC 11023.7(a))
- 6) Prohibits communications sent via computer-generated text message from including case-identifying information, as defined by CDSS, and, further, allows notices of action (NOA) to

be sent via computer-generated text messages using a link to a secure online portal where the applicant or recipient can access the NOA after securely logging in. Further, specifies that all other communications sent via computer-generated text messages to an applicant or recipient are not required to be sent using a link to a secure online portal unless otherwise required by federal law or guidance. (WIC 11023.7(b))

- 7) Requires the Trustees of the CSU and encourages the Regents of the UC to designate as a “hunger free campus” each of its respective campuses that meet certain criteria, including but not limited to: have a campus employee designated to help ensure that students have the information that they need to enroll in CalFresh; have an on-campus food pantry or regular food distribution on campus; and, have a meal sharing program that allows students to voluntarily donate their unused meal plan credits to be distributed for use by students in need to access dining halls or support an on-campus food pantry, among others, as specified. (Education Code Section 66027.8(b))

**FISCAL EFFECT:** Unknown

**COMMENTS:**

**CalFresh:** The federal SNAP Program is known as CalFresh in California, and provides food access to low-income individuals who meet certain eligibility criteria. 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. Benefits are made available to recipients on an Electronic Benefits Transfer (EBT) card, which is an automated teller machine (ATM)-like card that allows an individual to purchase food at point-of-sale devices in stores. Nearly 4 million individuals in California receive CalFresh benefits; on average, an individual receives \$143.55 per month, and, as of October 1, 2019, the maximum grant amount for a household size of one is \$194.

**Student eligibility for CalFresh:** 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 physically and mentally “fit” for employment; and, be enrolled at least “half time” in regular curriculum at an “institution of higher education” in which the regular curriculum meets the standard requirements for graduation or certification in a particular field of study. For purposes of CalFresh eligibility, “higher education” is defined 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. An individual who meets this definition is ineligible to participate in CalFresh unless they are working a minimum of 20 hours per week, or meet one of the following exemptions to the work requirement:

- Are receiving a Cal Grant;

- Are a full-time student with a child under age 12;
- Are a part-time student with a child under age 6 or a child between ages 6 and 12 for whom adequate care is not available;
- Are receiving CalWORKs;
- Are enrolled in a CalFresh employment and training program, or other eligible state or local job training programs; or,
- Do not intend to register for the next regular school term.

***Student access to food:*** The January 2018 Study of Student Basic Needs, released by the CSU Office of the Chancellor, identified and examined a number of barriers faced by students working to achieve postsecondary educational goals, including 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%). Students who reported experiencing homelessness, food insecurity, or both, also experienced mental health and physical consequences which correlated with lower academic achievement. These students also reported higher rates of “inactive days” where poor mental or physical health prevented them from engaging in normal day-to-day activities, such as school, work, self-care, and leisure activities. While CalFresh and campus emergency food pantry utilization was higher among students who reported low and very low food security when compared to their food secure peers, only 10.1% of students who reported very low food security and 7.5% of students who reported low food security used CalFresh benefits. The study also determined that 9.8% of students who reported low food security and 12.7% of students who reported very low food security utilized on-campus food pantries.

Recent legislative efforts to address hunger among college students: In recognition of the food insecurity faced by California’s college students, the State of California has adopted legislation in recent years that aims to alleviate hunger faced by students, including:

- SB 85 (Committee on Budget and Fiscal Review), Chapter 23, Statutes of 2017: dispersed “Hunger-Free Campus Designation” funding to each CSU campus for work focused on addressing students’ basic needs, particularly food insecurity and housing displacement, including raising awareness of services offered on campuses that address basic needs, developing formal practices and procedures, and working to address basic needs on campuses;
- AB 1894 (Weber), Chapter 746, Statutes of 2018: authorized CDSS to enter into an MOU with the Chancellor of the CSU in order to allow a qualifying food facility located on a CSU campus to participate in the RMP – the county-optional program that allows CalFresh recipients who are elderly, have a disability, or are experiencing homelessness to purchase hot and prepared foods from participating restaurants – even if the CSU campus is located in a county that does not participate in the RMP;

- AB 612 (Weber), Chapter 804, Statutes of 2019: expanded upon the requirements of AB 1894 and allowed CDSS to enter into an MOU with the Chancellor of the CCC in order to enable qualifying food facilities on the campus to participate in the RMP; and,
- SB 173 (Dodd), Chapter 139, Statutes of 2019: required CDSS to create a standardized form to be used by community colleges and universities to verify the workstudy eligibility of students who are approved and anticipate participating in state or federal workstudy for purposes of determining eligibility for CalFresh benefits.

***Need for this bill:*** According to the author, “Prior to COVID-19, college students experienced significant food insecurity and hunger. This problem will remain among college students and likely be amplified because of the fallout of the pandemic, since many are not working right now or have lost their jobs. Programs like CalFresh...provide funds for low-income Californians in need. Lack of knowledge about the program is a hurdle that hinders college student participation in CalFresh. [This bill] will address barriers that food insecure college students face when applying for CalFresh benefits by advancing outreach efforts on campuses.

“In order to solve food insecurity among college campuses across the state, California must provide greater assistance for students to access the CalFresh program by creating strategic policies to mitigate the issue. We know that CalFresh keeps low-income students in school, which then breaks the cycle of intergenerational poverty. We also know that students have higher academic achievement when basic needs are met. Direct college outreach through text messages to students about CalFresh is an important step to solve this pervasive problem. Since students are more likely to read text messages than emails, often within minutes of receiving it, this simple yet effective measure will reach more students. In order to help ensure our college students stay in school, California must take action to support their basic needs during this time of COVID-19 recovery.”

***Double referral:*** This provisions of this bill would have warranted double-referral to the Assembly Higher Education Committee; however, due to the Legislature’s unanticipated recess in response to the COVID-19 pandemic and the truncated timeframe in which committees may hear bills, this bill has been single-referred to the Human Services Committee. Below is a statement provided by the Assembly Higher Education Committee in response to the provisions of this bill:

“Numerous studies have shown housing and food insecurities continue to be a concern among California college students regardless of the institution they attend. In 2019, the California Student Aid Commission, in partnership with the College Futures Foundation and Mathematica, published its findings on student’s basic needs after surveying 150,000 California college students from all segments of higher education. The 2018-2019 Student Expenses and Resources Survey (SEARS) found that one in three college students struggle with food and housing insecurity. One of the many reasons food and housing insecurities remain prevalent among college students is the lack of knowledge of what resources are available to students. [This bill] seeks to address this barrier by advancing the outreach efforts on [CCC, CSU, and potentially UC] campuses to ensure all student have the information necessary to apply for CalFresh. While requiring the governing boards of both the CCC and the CSU to coordinate with CDSS and the county human services offices to disseminate CalFresh information to students in a text form would alleviate existing knowledge barriers, the author may wish to consider the following:

- 1) If student's information is provided to a third party, the text messaging service, or to CDSS or even to the county human service offices, this could be seen as a violation of the Family Education Rights and Privacy Act (FERPA). FERPA prohibits a higher education institution from distributing a student's personal information without consent. This bill could be seen as a violation of the act regardless of its good intentions; and,
- 2) Furthermore, the Federal Communications Commission oversees the use of robot text messaging as suggested by this bill. The Telephone Consumer Protection Act (TCPA) suggests that Higher Education Institutions who utilize a text messaging service for alerts to have an opt-out option which could further complicate and increase the cost of the messaging service.

“To address these concerns, perhaps the author should consider requiring the CCC and CSU and requesting the UC to annually email each enrolled students on their campus-provided email information regarding enrolling in CalFresh. Not only does each segment provide students with a campus email address, most campuses keep email address active for at least one year after the student “dis-enrolls”. According to SEARS, not all college students have a cell phone nor is it a guarantee that students provide their cell phone number to the campus, however all students do receive a campus email that they can check regularly. Furthermore, unlike text messages, email is often stored and can be re-examined should the student's need for CalFresh change. Finally, the author may wish to consider that while some campuses currently utilize a text messaging service, additional student permissions and upgrades would be required to expand existing services to address the purpose of the bill. Therefore rather than requiring all CCC and CSU campuses to upgrade or purchase a new text messaging service, perhaps the author may consider requiring the segments to utilize existing resources in the wake of COVID 19 and dwindling state resources.

**Staff comments:** The provisions of this bill seek to address and alleviate food insecurity and hunger faced by students on California's college campuses. Specifically, this bill requires the Trustees of the CSU and the Board of Governors of the CCC, and encourages the Regents of the UC, to establish a CalFresh student outreach text messaging program no later than January 1, 2021. The outreach program is required to: ask students if they are enrolled in CalFresh, provide students who are not enrolled in CalFresh with a link to an internet website with information on applying for CalFresh benefits, and provide students with the contact information of the CalFresh eligibility worker on each campus, if one is available. Stringent federal eligibility criteria for CalFresh renders many students ineligible for the program; the provisions of this bill seek to ensure that students who are eligible for CalFresh have the information necessary to enroll in the program, which may alleviate issues of hunger and food insecurity on college campuses.

#### **RELATED AND PRIOR LEGISLATION:**

**SB 1082 (Dodd) of 2020** would require the California Student Aid Commission to notify students that they may be eligible for CalFresh benefits, and would also require the CCC Board of Governors to adopt regulations so that a student who qualifies for a fee waiver, as specified, and whose household income is below 200% of the FPL may also qualify for CalFresh benefits to the maximum extent permitted by federal law. SB 1082 is currently awaiting hearing by the Senate Education Committee.

*SB 173 (Dodd), Chapter 138, Statutes of 2019*, required CDSS to create a standardized form to be used by community colleges and universities to verify the workstudy eligibility of students who are approved and anticipate participating in state or federal workstudy, for purposes of determining CalFresh eligibility.

*SB 77 (Committee on Budget and Fiscal Review), Chapter 53, Statutes of 2019*, directed CDSS, in consultation with the UC, CSU, and CCC, to assess the effectiveness of the CalFresh program in serving low-income college students and provide recommendations to the Department of Finance and the Legislature to improve college access to CalFresh.

*SB 85 (Committee on Budget and Fiscal Review), Chapter 23, Statutes of 2017*, created the “Hunger-Free Campus” program, which incentivizes UC, CSU, and CCC campuses to develop programs to reduce food insecurity among students.

*AB 453 (Limon) of 2017*, would have required the CCC and encouraged the UC to designate as a “hunger-free campus” each of its respective campuses. AB 453 was held in the Senate Education Committee.

#### **REGISTERED SUPPORT / OPPOSITION:**

##### **Support**

Alliance for Children's Rights  
Child Abuse Prevention Center  
National Association of Social Workers, California Chapter

##### **Opposition**

None on file

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