

Date of Hearing: April 21, 2021

ASSEMBLY COMMITTEE ON HUMAN SERVICES

Lisa Calderon, Chair

AB 396 (Gabriel) – As Amended March 29, 2021

**SUBJECT:** CalFresh: educational programs

**SUMMARY:** Requires the California Department of Social Services (CDSS) to issue guidance to the Chancellor's Offices of the California Community Colleges (CCC) and the California State University (CSU) and the Office of the President of the University of California (UC) to clarify certain information related to campus-based employment and training (E&T) programs that may qualify a student for an exemption to the CalFresh student rule; delineates certification application requirements for these institutions; and, requires CDSS to report, no later than September 1, 2023, certain data regarding the number of state-approved campus-based E&T programs that were approved. Specifically, **this bill:**

- 1) Requires CDSS, no later than May 31, 2022, to issue a guidance letter to counties, the Chancellor's Office of the CCCs, the Chancellor's Office of the CSU, and the Office of the President of the UC, that clarifies:
  - a) The state and federal eligibility requirements for a campus-based program to be a state-approved E&T program that qualifies for the student exemption for CalFresh eligibility, as specified in current federal law; and,
  - b) The application and approval process for a campus-based program to be approved by CDSS as a state-approved E&T program, including, but not limited to, clarifying the support documents required for program approval.
- 2) Requires a campus-based program at a CCC or CSU campus, and requests a campus-based program at a UC campus, that meets the eligibility requirements to be a state-approved E&T program, as established by CDSS pursuant to the provisions of this bill, to submit a certification application for the program to CDSS no later than September 1, 2022. Further, requires the application to state whether the program is available at only one campus or at multiple campuses.
- 3) Requires a campus-based program at a CCC or CSU campus, and requests a campus-based program at a UC Campus, that meets the eligibility requirements to be a state-approved E&T program after September 1, 2022, to submit a certification application to CDSS on or before six months following the formation of the program.
- 4) Requires CDSS, upon receipt of a certification application from a campus-based program, to approve the campus-based program if it meets the eligibility requirements to be a state-approved E&T program.
- 5) Requires, upon CDSS' approval of a campus-based program at one campus, CDSS to automatically approve an equivalent program operated at another campus of the same institution.

- 6) Requires CDSS, no later than September 1, 2023, and annually thereafter, to report to the appropriate committees of the Legislature, all of the following:
  - a) The number of state-approved campus-based E&T programs approved;
  - b) The number of pending applications, disaggregated by name and campus; and,
  - c) The number of denied applications, disaggregated by name and campus, and the reason for the denials.

**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 Section [WIC] 18900 *et seq.*)
- 2) 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))
- 3) 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))
- 4) Enumerates the programs in which participation could qualify an individual for an exemption to the CalFresh student eligibility rule, to include, among others: an E&T program subject to the condition that the course or program of study, as determined by [CDSS] is part of a program of career and technical education designed to be completed in not more than four years at an institution of higher education, and is limited to remedial courses, basic adult education, literacy, or English as a second language, as specified; and, an E&T program for low-income households that is operated by a state or local government where one or more of the components of such program is equivalent to an acceptable SNAP E&T training program component, as specified. (7 CFR 273.5(b)(11)(ii) and (iv))
- 5) Requires the State E&T program to provide case management services such as comprehensive intake assessments, individualized services plans, progress monitoring, or coordination with service providers which are provided to all E&T participants, in order to guide the participant towards appropriate E&T components and activities based on the participant's needs and interests, support the participant in the E&T program, and to provide activities and resources that help the participant achieve program goals. (7 CFR 273.7 (e)(1))

- 6) Requires an educational program that could be a component of a CalFresh Employment and Training (CFET) program, as identified by CDSS, be considered an E&T program pursuant to federal law, as specified. (WIC 18901.11(a))
- 7) Requires CDSS, in consultation with representatives of the Chancellor's office of the CCCs, the Chancellor's office for the CSU, and UC Chancellor's offices, the California Workforce Investment Board, county human services agencies, and advocates for students and clients, to establish a protocol to identify and verify all potential exemptions to the eligibility rule specified in current federal law, and to identify and verify participation in educational programs, as specified, that would exempt a student from the eligibility rule. (WIC 18901.11(b))
- 8) Requires CDSS to maintain and regularly update the list of programs identified by the workgroup as meeting the federal standards, as specified, which provides that a student is eligible for an exemption from the CalFresh program's eligibility rules if the student's attendance can be described as part of a program to increase the student's employability. (WIC 18901.11(c))
- 9) Instructs CDSS to issue and maintain instructions for county human services agencies to verify exemptions to the CalFresh student eligibility rules for students who participate in qualified programs who are approved and anticipate participating in state or federal workstudy, or students who meet one of the qualifications for exemptions, as specified. (WIC 18901.11(d)(1))

**FISCAL EFFECT:** Unknown

**COMMENTS:**

**CalFresh:** SNAP 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. 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 card, which is an automated teller machine-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; the maximum grant amount for a household size of one is \$204 as of October 1, 2020, and in December 2020, the average household grant was \$222 per month.

CalFresh access for students: In January 2018, the CSU Office of the Chancellor released the "Study of Student Basic Needs," which identified and examined a number of barriers faced by students working to achieve postsecondary educational goals, which include housing and food insecurity. The study demonstrates that 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 (65.6%) and homelessness (18%). To combat rates of food insecurity among college students, many campuses operate food pantries; 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. Despite this, only 10.1% of students who reported very low food security and 7.5% of students who reported low food security received CalFresh benefits.

The federal definition of “student” as it applies to CalFresh requires that an individual must be: between the ages of 18 and 49; physically and mentally fit for employment; and, enrolled at least “half time,” as defined by the institution, at an institution of higher education, which can include: a business, trade, technical or vocational school at the post-high school level, or a junior, community, two-year or four-year college, university, or graduate school, regardless of whether a high school diploma or equivalency certificate is required.

If an individual meets this definition of “student,” they are ineligible to participate in CalFresh pursuant to federal regulations, except in instances where the individual qualifies for an exemption. To qualify for an exemption, an individual must meet at least one of the following criteria:

- Be age 17 or younger or age 50 or older;
- Be physically or mentally unfit for employment;
- Be receiving Temporary Assistance for Needy Families, which is operated in California as the California Work Opportunity and Responsibility to Kids program;
- Be enrolled as a result of participation in the federal Job Opportunities and Basic Skills program or its successor program;
- Be employed for a minimum of 20 hours per week and be 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;
- Be participating in an on-the-job training program;
- Be responsible for the care of a dependent household member under the age of six;
- Be responsible for the care of a dependent household member who has reached the age of six, but is under the age of 12 when CDSS has determined that adequate child care is not available to enable the student to attend class and comply with work requirements;
- Be a single parent enrolled in an institution of higher education on a full-time basis, as determined by the institution, and be responsible for the care of a dependent child under age 12; or,
- Be assigned to, or placed in, an institution of higher education through or in compliance with certain federal programs, including an E&T program for low-income households that is operated by a state or local government where one or more of the components of such program is at least equivalent to an acceptable CFET program component.

Recently, H.R. 133 (Cuellar), known as the Consolidated Appropriations Act of 2021, (P.L. 116-260) authorized temporary changes to the CalFresh student eligibility rule by expanding student

eligibility to include students that are enrolled at least half-time in an institution of higher education and who:

- Are eligible to participate in state or federally financed work study during the regular school year, as determined by the institution of higher education; or,
- Have an expected family contribution (meaning the amount of money the student can expect to receive from family) of zero dollars in the current academic year, as determined by federal law.

***Programs to increase employability:*** As previously discussed, one such way that an individual may qualify for an exemption to the CalFresh student eligibility rule is if the student's attendance can be described as part of a program to increase the student's employability. This includes programs for students with low-income that are operated by a state or local government where one or more of the components of the program are equivalent to an E&T component. Approved programs that fit this definition include, among others:

- Workforce Innovation and Opportunity Act, which aims to increase employment, job retention, earnings, and occupational skills by participants;
- Extended Opportunity Programs and Services, which aids eligible low-income and students who are at an educational disadvantage by offering support services that include academic, career, and personal counseling, basic skills instruction, tutoring, and transportation assistance, among others; and,
- Disabled Students Program and Services & Student Academic Services, which provide support services, specialized instruction, and educational accommodations to students with disabilities.

A full list of eligible programs are described in the CalFresh Student Eligibility Handbook, which is compiled by CDSS, and provides information to students who seek to enroll in CalFresh benefits.

***Need for this bill:*** The provisions of this bill ultimately seek to increase student enrollment in CalFresh by increasing the number of campus-based E&T programs that are approved by CDSS as qualifying an individual for an exemption to the CalFresh student eligibility rule. Specifically, this bill requires CDSS to issue guidance to the CCC and CSU Chancellor's Offices and the Office of the UC President to clarify state and federal eligibility requirements for a campus-based program to be a state-approved E&T program that qualifies a student for an exemption to the CalFresh student eligibility rule. This bill also requires campus-based programs on CCC and CSU campuses, and requests campus-based programs on a UC campus, that meet the eligibility criteria enumerated in CDSS' guidance to submit, no later than September 1, 2022, an application for certification as a program in which participation would qualify a student for an exemption to the CalFresh student eligibility rule. This bill would also require CDSS, upon receipt of a certification application from a campus-based program, to approve the program if it meets the required eligibility criteria. Finally, this bill would require CDSS, no later than September 1, 2023, and annually thereafter, to report to the Legislature, certain information related to campus-based program applications and approvals.

According to the author, “Current CalFresh policy does not require higher education programs that potentially qualify under one of the student exemptions to apply for certification. Because of this, there are many programs that have not yet applied (and are probably not even aware of the E&T exemption, nor their potential qualifying status), leaving a huge gap in the provision of CalFresh benefits to students. Without the requirement to apply, this gap may stay in place for a long time, leaving thousands of students in want of well-deserved CalFresh benefits.”

**Double referral:** This bill passed out of the Assembly Higher Education Committee on April 8, 2021, with a vote of 11-0.

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

**AB 543 (Davies) of 2021**, would require the Trustees of the CSU and request the Regents of the UC to provide, as part of campus orientation, educational information about CalFresh, and the eligibility requirements for CalFresh, to all incoming students for all campuses of their respective segments. AB 543 is set to be heard in the Assembly Appropriations Committee on April 14, 2021

**AB 1229 (Wicks) of 2019**, would have required CDSS to establish an official approval process to ensure that foster youth who participate in an internship may apply those work hours toward meeting eligibility standards as a student in the CalFresh program, among other changes. AB 1229 was held on the Senate Appropriations Committee suspense file.

**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.

**AB 214 (Weber), Chapter 134, Statutes of 2017**, required the California Student Aid Commission to notify Cal Grant recipients who qualify for participation in CalFresh, and required CDSS to maintain a list of programs that provide a student with potential eligibility for a CalFresh exemption if certain requirements are met.

**AB 1747 (Weber), Chapter 290, Statutes of 2016**, required public or private postsecondary education institutions located in a county that participates in the Restaurant Meals Program to increase access to and provide information about the program, and required CDSS to act as the state entity for receipt of federal reimbursement on behalf of an organization, institution, or agency that secures funds for CalFresh outreach activities.

**SB 999 (Liu) of 2014**, would have required the CCC and CDSS to identify categories of students who may meet specified exemptions that may enable those students to qualify for CalFresh benefits, and required community colleges to provide information about CalFresh eligibility to those students. SB 999 was held on the Senate Appropriations Committee suspense file.

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

##### **Support**

Alliance for a Better Community  
American Federation of State, County and Municipal Employees (AFSCME), AFL-CIO

California Association of Food Banks  
California Catholic Conference  
California Faculty Association  
California Federation of Teachers AFL-CIO  
California State Student Association  
County Welfare Directors Association of California (CWDA)  
Faculty Association of California Community Colleges  
Food Bank of Contra Costa and Solano  
Generation Up  
John Burton Advocates for Youth  
Mazon: a Jewish Response to Hunger  
Nourish California  
San Francisco-Marin Food Bank  
SEIU California  
Swipe Out Hunger  
University of California Student Association

**Opposition**

None on file

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