

Date of Hearing: June 18, 2019

ASSEMBLY COMMITTEE ON HUMAN SERVICES

Eloise Gómez Reyes, Chair

SB 173 (Dodd) – As Amended June 6, 2019

SENATE VOTE: 38-0

SUBJECT: CalFresh: postsecondary student eligibility: workstudy

SUMMARY: Requires the California Department of Social Services (CDSS) to work with stakeholders to create a standardized form to verify that a student is approved for, and anticipating participation in, state or federal work-study in order to better enable county human services agencies to determine if a student is potentially eligible for CalFresh benefits. Specifically, **this bill:**

- 1) Requires CDSS, no later than January 1, 2021, in consultation with representatives of the Chancellors' offices of the California Community Colleges (CCC), California State University (CSU), and the University of California (UC), as well as county human services agencies, in order to assist such agencies in determining a student's potential eligibility for CalFresh, to create a standardized form to be used by community colleges and universities to verify that a student is approved and anticipating participation in state or federal work-study.
- 2) Requires, to the extent practicable, community colleges and universities to distribute the form to all students approved for state or federal work-study.
- 3) Clarifies that the information necessary to complete the standardized form created by the provisions of this bill is exempt from the prohibition in current law on requiring a college or university to provide a student with information necessary to verify CalFresh eligibility.
- 4) Makes technical changes.

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, 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) Defines, in federal regulations, the purpose of the “Federal Work-Study” (FWS) program as providing part-time employment to students attending institutions of higher education who need the earnings to help meet the costs of postsecondary education and encourages students receiving federal work-study assistance to participate in community service activities. (34 CFR 675.1 (a))
- 5) Establishes, in federal law, the “California State Work-Study Program” in order to provide eligible college and university students with the opportunity to earn money to help defray their educational costs, while gaining valuable experience in educationally beneficial or career-related employment, and, further, tasks the California Student Aid Commission (CSAC) with administration of the California State Work-Study Program. (Education Code Section 69951 *et seq.*)
- 6) Deems a student as “anticipating participation” in work-study if they can reasonably expect or foresee being assigned a work-study job, and until they receive notice from the institution of higher education that they have been denied participation in work-study. (WIC 18901.11 (d)(2))
- 7) Establishes the Restaurant Meals Program (RMP) within SNAP to allow eligible homeless, disabled or elderly SNAP (CalFresh in California) recipients to purchase hot, prepared food from participating restaurants. (7 United States Code 2020)

FISCAL EFFECT: According to the Senate Appropriations Committee, pursuant to Senate Rule 28.8, this bill will result in negligible state costs.

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.

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:

- 1) Are receiving a Cal Grant;
- 2) Are a full-time student with a child under age 12;
- 3) 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;
- 4) Are receiving CalWORKs;
- 5) Are enrolled in a CalFresh employment and training program, or other eligible state or local job training programs; or,
- 6) Do not intend to register for the next regular school term.

Federal Work-Study: Individuals meeting the federal definition of student are also eligible for an exemption to the CalFresh student rule if they are approved for state or federal work-study and anticipate working during the school term. The FWS program provides part-time employment for undergraduate and graduate students with financial need. The money earned through work-study enables students to afford the costs of attending college. Work-study is available to both full-time and part-time students, and participants, when possible, are encouraged to obtain work that is related or relevant to their major or course of study. In order to receive federal work-study, a student must complete a Free Application for Federal Student Aid (FAFSA) and be found to have a financial need; as such, FWS is different than typical on-campus employment in that it is considered to be a part of a student’s financial aid package.

A 2018 article by the U.S. News and World Report found that during the 2016-17 school year, the federal government spent nearly \$1 billion on the FWS program, and typically, federal funds subsidize 75% of students’ wages. Participation in work-study guarantees a student at least the federal minimum wage – \$7.25 an hour – or the state minimum wage if it is higher than the federal minimum wage, as is true in California, where minimum wage will reach \$15 an hour by January 1, 2023. A report by the National Association of Independent Colleges and Universities found that, during award year 2017-18, 62,111 Californians received FWS for a total award amount of \$128,608,359 based on data provided by the U.S. Department of Education.

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.

Recent legislative efforts to address hunger on college campuses: In recent years, and in recognition of the food insecurity faced by students on college campuses, the State of California has introduced and adopted legislation that aims to alleviate hunger for students, including, but not limited to:

- 1) SB 85 (Committee on Budget), 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 towards solutions to address basic needs on campuses;
- 2) AB 1894 (Weber), Chapter 746, Statutes of 2018: authorized CDSS to enter into a memorandum of understanding (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; and,
- 3) AB 612 (Weber) 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 located on the campus to participate in the RMP. AB 612 is currently awaiting hearing in the Senate Human Services Committee.

Need for this bill: The provisions of this bill seek to build upon efforts, both past and present, to ensure students on California’s college campuses have adequate access to food. Specifically, this bill requires CDSS, no later than January 1, 2021, in consultation with the Chancellor’s offices of the CCC, CSU, UC, and county human services agencies, to create a standardized form that colleges and universities may use to verify whether a student is approved and anticipating participation in state or federal work-study in order to assist county human services agencies in determining whether a student is eligible for CalFresh.

According to the author, “Research demonstrates that food insecurity and hunger remain pervasive problems on college campuses. There are numerous hurdles that dampen enrollment in CalFresh, including underutilized student participation in CalFresh and lack of uniformity of CalFresh enrollment forms across higher education institutions. This lack of uniformity makes it difficult for students to navigate the application process and for county staff who process CalFresh applications to know conclusively which students may qualify for an eligibility exemption. [This bill] will bring uniformity to this process with a standard eligibility verification document that colleges will provide to students and students can bring to county human services agencies, making the exemption identification process easier for all parties involved.”

RELATED AND PRIOR LEGISLATION:

AB 612 (Weber) of 2019 allows CDSS to enter into an MOU with the Chancellor of the CCC in order to enable qualifying food facilities located on the campus to participate in the Restaurant Meals Program. AB 612 is currently awaiting hearing in the Senate Human Services Committee.

AB 1229 (Wicks) of 2019 requires the CSAC to report to the Legislature the amount of funding it would need in order to establish a “Transition Age Foster Youth Meal Plan Program,” and requires CDSS to complete a number of tasks related to increasing student and foster youth enrollment in CalFresh, as specified. AB 1229 is currently awaiting hearing in the Senate Human Services Committee.

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 any qualifying food facility located on a CSU campus to participate in the RMP, even if the CSU campus is located in a county that does not participate in the RMP.

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

AB 214 (Weber), Chapter 134, Statutes of 2017, required the CSAC 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.

SB 85 (Committee on Budget), 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 1747 (Weber), Chapter 290, Statutes of 2016, required public or private postsecondary education institutions located in a county that participates in the RMP 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.

AB 1930 (Skinner), Chapter 719, Statutes of 2014, required CDSS, in consultation with key stakeholders, including the CCC, CSU, and UC, to establish a protocol to identify and verify all potential exemptions to the federal work rule for CalFresh eligibility and to identify and verify participation in educational programs, such as self-initiated placements, that would exempt a student from the work rule.

REGISTERED SUPPORT / OPPOSITION:

Support

Associated Students, University of California, Davis
California Community Colleges, Chancellor's Office
California Faculty Association
California State Student Association
Coalition of California Welfare Rights Organizations
County Welfare Directors Association of California
Hispanic Association of Colleges and Universities
Los Angeles Community College District
National Association of Social Workers, California Chapter
Western Center on Law & Poverty, Inc.

Opposition

None on file

Analysis Prepared by: Kelsy Castillo / HUM. S. / (916) 319-2089