
SENATE COMMITTEE ON EDUCATION

Senator Benjamin Allen, Chair

2017 - 2018 Regular

Bill No: AB 214 **Hearing Date:** June 7, 2017
Author: Weber
Version: May 1, 2017
Urgency: No **Fiscal:** Yes
Consultant: Lynn Lorber

Subject: Postsecondary education: student hunger

NOTE: This bill has been referred to the Committees on Education and Human Services. A "do pass" motion should include referral to the Committee on Human Services.

SUMMARY

This bill requires the California Student Aid Commission to notify specified Cal Grant recipients of those students' eligibility for the exemption from the CalFresh program student eligibility rules. This bill also requires the Department of Social Services to maintain a list of programs in which student participation makes the student eligible for the exemption from the CalFresh student eligibility rules.

BACKGROUND

Federal law:

- 1) Establishes the Supplemental Nutrition Assistance Program (SNAP) for the purpose of promoting the general welfare and to safeguard the health and well-being of the nation's population by raising the levels of nutrition among low-income households. (Code of Federal Regulations, Title 7, § 271.1)
- 2) Establishes eligibility requirements, including maximum allowable resources, and income that is at or below 130 percent of the federal poverty level and is determined to be a substantial limiting factor in permitting a recipient to obtain a more nutritious diet, as specified. (Code of Federal Regulations, Title 7, § 273.9)
- 3) Prohibits an individual who is enrolled at least half-time in an institution of higher education from eligibility in the federal Food Stamp Program, unless the student qualifies for one of the following exemptions:
 - a) Be younger than age 17 or older than 50.
 - b) Be physically or mentally unfit.
 - c) Be receiving Temporary Assistance for Need Families (TANF) (or CalWORKs) benefits.
 - d) Be enrolled in school as a result of participation in the Job Opportunities and Basic Skills program, as specified.
 - e) Be employed for a minimum of 20 hours per week and be paid or, if self-employed, be employed for a minimum of 20 hours per week and

receiving weekly earnings at least equal to the Federal minimum wage multiplied by 20 hours.

- f) Be participating in a State or federally financed work study program during the regular school year, as specified.
- g) Be participating in an on-the-job training program, as specified.
- h) Be responsible for the care of a dependent household member under the age of 6.
- i) Be responsible for the care of a dependent household member who has reached the age of 6 but is under age 12 when the state agency (California Department of Social Services) has determined that adequate child care is not available to enable the student to attend class and comply with the work requirements of items (e) or (f), above.
- j) 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, as specified.
- k) Be assigned to or placed in an institution of higher education through a federally identified programs, as specified.
(Code of Federal Regulations, Title 7, § 273.5)

Existing state law:

- 1) Establishes the CalFresh program to administer the provision of federal Supplemental Nutrition Assistance Program (SNAP) benefits to families and individuals meeting the eligibility criteria. (Welfare and Institutions Code § 18900-18927)
- 2) Requires each public and private postsecondary education institution that is located in a county that participates in the Restaurant Meals Program to apply to become an approved food vendor for participation in this program. (Education Code § 66025.93)

ANALYSIS

This bill requires the California Student Aid Commission (CSAC) to notify specified Cal Grant recipients of those students' eligibility for the exemption from the CalFresh program student eligibility rules. This bill also requires the Department of Social Services to maintain a list of programs in which student participation makes the student eligible for the exemption from the CalFresh student eligibility rules. Specifically, this bill:

- 1) Requires the CSAC to notify, in writing, any recipient of a Cal Grant award whose grant includes any amount of funding that has been derived from the Temporary Aid to Needy Families block grant or state match in order for the student to verify that he or she qualifies for the exemption from the CalFresh program student eligibility rules.

- 2) Requires the Department of Social Services (DSS) to maintain the list of programs identified by an existing workgroup (see Comment #4) which meet standards in federal regulations 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. These programs include but are not limited to all of the following:
 - a) The Educational Opportunity Program.
 - b) College Disabled Students Programs and Services.
 - c) Cooperative Agencies Resources for Education.
 - d) The McNair Scholars programs.
 - e) The Puente Project of the Chancellor's Office of the California Community Colleges (CCC) and the University of California (UC).
 - f) The Mathematics, Engineering, Science Achievement programs of the CCC.
 - g) The Guardian Scholar programs of the UC, the California State University, and the CCC.
 - h) The Foster Youth Success Initiative of the Chancellor's Office of the CCC.
 - i) The Cooperating Agencies Foster Youth Educational Support Program.
 - j) The Chafee Education and Training Voucher Program of the Student Aid Commission.
 - k) Any program or curriculum supported by the California Fostering Connections to Success Act.
- 3) Requires the DSS to issue and maintain instructions for county human services agencies to verify exemptions to the CalFresh student eligibility rules for students who participate in the programs above, students who are approved and anticipate participating in state or federal workstudy, or students who meet one of the qualifications for exemption from the eligibility rules.
- 4) Provides, to the extent allowed by federal law, that a student is considered to be "anticipating participation" in workstudy if he or she can reasonably expect or foresee being assigned a workstudy job, and that a student be deemed to be "anticipating participation" in workstudy until he or she receives notice from the institution of higher education that he or she has been denied participation in workstudy.
- 5) Requires the DSS to implement the requirements of this bill by all-county letters or similar instructions beginning by October 1, 2018, until regulations are adopted. This bill requires DSS to adopt regulations implementing this bill by

October 1, 2020.

- 6) For purposes of the exemption for student eligibility rules for CalFresh, deems that a student is determined to be attending at least half-time any semester or term in which he or she enrolls in at least half of the number of credits needed each semester or term to graduate within four years of enrollment as a first-time freshman, or within two years of enrollment as a transfer student, unless prohibited by federal law.
- 7) Relative to the existing Restaurant Meals Program, provides that “on-campus food vendors” does not include any vendor that does not sell prepared food for onsite consumption or that sells food from a mobile food facility and “qualifying food facility” is a facility that sells prepared food for onsite consumption.

STAFF COMMENTS

- 1) **Need for the bill.** According to the author, “Students facing food insecurity at California’s postsecondary education institutions is nothing new. However, additional research has determined that it is a larger problem than previously realized. Current federal regulation and law has special rules for students who participate in school half-time, as defined by the institution. This Supplemental Nutrition Assistance Program (SNAP) Student Rule has several exemptions to the rule. California’s Department of Social Services has recently wrapped up a 2-year workgroup in order to establish a list of programs that would qualify one for an exemption to the Student Rule and instruct counties about how to verify those exemptions. AB 214 would codify some of the exemptions established by the workgroup and would define ‘half-time,’ which would serve as a trigger for when the Student Rule is applied and when it is not. Current practices is to use ‘part-time’ as a proxy.”
- 2) **CalFresh benefits.** The CalFresh program, California's implementation of the federal SNAP, issues monthly electronic benefits to eligible participants that can be used to buy most food at markets and grocery stores. Federal law establishes eligibility requirements including maximum allowable resources, and a total gross monthly income at or below 200 percent of the federal poverty level (a monthly gross income of \$4,050 for a family of four in California). A family of four may be eligible for up to \$640 per month of CalFresh benefits (\$5.40 per person, per day).
- 3) **Student eligibility for CalFresh.** Federal law prohibits students enrolled at least half-time in institutions of higher education from eligibility in the federal Food Stamp Program (CalFresh in California), unless the student qualifies for an exemption. Examples include students who are enrolled in certain job training programs, are caring for young children, are older than 50, or receiving CalWORKs benefits (see #3 in Background). This bill does not modify eligibility requirements; it requires certain students to be notified that they are eligible for CalFresh benefits, as they may be unaware that they qualify.
- 4) **Related workgroup.** AB 1930 (Skinner, Chapter 729, 2014) required the Department of Social Services (DSS), in consultation with representatives of the

California Community Colleges (CCC), California State University (CSU), University of California (UC), California Workforce Investment Board, county human services agencies, advocates and other stakeholders, to establish a protocol to identify and verify all potential exemptions to the federal work rule for nutrition assistance and to identify and verify participation in educational programs that would exempt a student from the work rule. As a result of that workgroup, the DSS issued an All County Letter on February 14, 2017, to provide county welfare departments with clarification on current CalFresh student eligibility rules, key definitions, and an expanded list of programs that qualify a student for an exemption from the student eligibility rule. This All County Letter also describes verification procedures and provides a sample checklist to identify potential exemptions.

This bill codifies programs identified by the workgroup that qualify a student for an exemption from the student eligibility rule, and defines a “half-time” student rather than leaving it up to institutions. Eligibility for an exemption is verified by county human services agencies. This bill requires DSS to maintain the list of eligible programs but does not require the list of programs to be disseminated to campuses or to students.

- 5) ***Role of the Student Aid Commission.*** The California Student Aid Commission (CSAC) administers the Cal Grant program and has the information to know which Cal Grant recipients receive financial aid funds associated with the Temporary Aid to Needy Families (TANF). Federal regulations provide that a student is eligible for an exemption from the CalFresh program’s eligibility rules if the student receives TANF (or CalWORKs) benefits. This bill requires CSAC to notify students whose financial aid at least in part derives from TANF funds of the student’s eligibility for CalFresh.
- 6) ***Existing efforts on public campuses.*** The UC launched the Global Food Initiative, and in March 2015, the President of the UC allocated \$75,000 per campus to support the effort. As part of the first phase, UC Global Food Initiative working groups are developing best practices, and the toolkits to implement them, that, once successfully deployed systemwide at UC, can be offered to schools and communities nationwide. Many UC campuses have food pantries and partner with local food banks.

The Chancellor of the CSU commissioned a study to shed light on how CSU campuses were meeting the needs of displaced and food insecure students and to offer recommendations to ensure success and graduation for these students. The study found, among others, that student survey results showed 24 percent of students expressing they had food insecurities; 11 campuses had programs for food insecure students, ranging from small food pantries to large programs and services; five campuses incorporate students' needs as part of student success directives and the university mission; and, students who experienced food and/or housing instability reported high levels of stress and the need for single points of contact.

[<http://www.calstate.edu/acadaff/documents/servingdisplacedandfoodinsecurestudentsinthecsujanaury20163.8.16.pdf>]

It appears there is no systemwide coordinated effort to help combat student food insecurities issues at the California Community Colleges (CCC); however, some CCC campuses have various activities in place to address the needs of the students.

- 7) ***Fiscal impact.*** According to the Assembly Appropriations Committee analysis, this bill would impose:
- a) Minor and absorbable costs to California Student Aid Commission (CSAC) to provide notification to students that they qualify for the CalFresh program. According to CSAC, this workload can be automated and added to the existing notification letter sent to students.
 - b) Minor and absorbable costs to the California Department of Social Services (CDSS). According to CDSS, they already "issued all county letters (ACL) and all county information notices (ACIN) to county welfare departments with direction and clarification on students participating in restaurant meals programs" and they could do the same within existing resources.
 - c) Potentially reimbursable minor costs to county human services agencies, should the Commission on State Mandates find this workload to be a reimbursable claim. According to the County Welfare Directors Association, this bill does not present significant workload to county human services agencies. County agencies will need to rely on the ACL and ACIN process outlined by CDSS to accurately assess student eligibility.
- 8) ***Related legislation.*** AB 453 (Limón) requires the California State University (CSU), CCC, and encourages the University of California (UC), to designate a "hunger free campus" at each of its respective campuses. AB 453 is pending on the Assembly Floor.
- 9) ***Prior legislation.*** SB 999 (Liu, 2014) required the CCC and the Department of Social Services 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 in the Senate Appropriations Committee.

AB 832 (Weber, 2013) required all convenience stores and bookstores located on campuses of the CSU, UC, and the CCCs to accept the use of electronic benefits transfer cards. AB 832 was never heard.

SUPPORT

California State Student Association (co-sponsor)
 Coalition of California Welfare Rights Organizations (co-sponsor)
 MAZON A Jewish Response to Hunger (co-sponsor)
 Student Senate for California Community Colleges (co-sponsor)
 University of California Student Association (co-sponsor)

Western Center on Law and Poverty (co-sponsor)
Young Invincibles, West Coast (co-sponsor)
Alameda County Community Food Bank
Association for Los Angeles Deputy Sheriffs
California Association of Code Enforcement Officers
California Association of Food Banks
California Catholic Conference
California College and University Police Chiefs Association
California Community Colleges Chancellor's Office
California Federation of Teachers
California Food Policy Advocates
California Immigrant Policy Center
California Narcotic Officers Association
California State University
California Youth Empowerment Network
Children Now
Courage Campaign
Faculty Association of California Community Colleges
Feeding San Diego
Food Bank of Contra Costa & Solano County
Lieutenant Governor Gavin Newsom
Los Angeles County Professional Peace Officers Association
Los Angeles Police Protective League
National Association of Social Workers, California Chapter
Orange County Food Access Coalition
Riverside Sheriffs' Association
San Jose Evergreen Community College District
Yolo Food Bank
An individual

OPPOSITION

None received

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