

Date of Hearing: March 13, 2018

ASSEMBLY COMMITTEE ON HIGHER EDUCATION

Jose Medina, Chair

AB 1894 (Weber) – As Introduced January 18, 2018

[Note: This bill is doubled referred to the Assembly Human Services Committee and will be heard by that Committee as it relates to issues under its jurisdiction.]

SUBJECT: Postsecondary education: student hunger

SUMMARY: This bill would authorize the State Department of Social Services (CDSS) to enter into a statewide memorandum of understanding with the Chancellor of the California State University (CSU) to prevent hunger among college students who are homeless, elderly, and disabled. This bill will also authorize any qualifying food facility located on a campus of the CSU to participate in the CalFresh Restaurant Meals Program (RMP) through this statewide memorandum of understanding (MOU), even if the facility is located in a county that does not participate in the RMP. Specifically, **this bill:**

- 1) Requires an approved on-campus qualifying food facility that participates in the RMP pursuant to the bill to meet all of the requirements for participation in that program.
- 2) Specifies that, for purposes of the provision, a qualifying food facility is a facility administered by the postsecondary educational institution.
- 3) Authorizes the CDSS to enter into a statewide MOU with the Chancellor of the CSU to prevent hunger among college students who are homeless, elderly, and disabled and to facilitate compliance with the requirements listed above.
- 4) Authorizes any qualifying food facility located on a campus of the CSU to participate in the CalFresh RMP through the statewide memorandum of understanding, even if the facility is located in a county that does not participate in the RMP.
- 5) Defines “restaurant” for purposes of the bill to include an on-campus food facility, as defined.
- 6) Requires the CDSS to implement the provisions of AB 1894 by all-county letters or similar instructions until regulations are adopted.
- 7) Requires the department to adopt regulations implementing the bill on or before October 1, 2020.

EXISTING LAW:

- 1) Stipulates that each public or private postsecondary educational institution that is located in a county that participates in the Restaurant Meals Program established pursuant to Section 2020 of Title 7 of the United States Code (U.S.C.) shall do all of the following: 1) apply to become an approved food vendor for the Restaurant Meals Program, if the institution operates any qualifying food facility on campus; 2) annually provide all on-campus food vendors not operated by the institution with information regarding the Restaurant Meals Program and the manner in which to apply; and, 3) if an on-campus food vendor has been

approved to participate in the Restaurant Meals Program, annually inform students about the program using information provided by the State Department of Social Services. Specifies that an institution is not required to create, operate, or maintain an electronic benefit transfer (EBT) system on behalf of on-campus food vendors; and, that an approved food vendor participating in the Restaurant Meals Program as specified, and a county in which the program is operated, shall meet the requirements of the Restaurant Meals Program (Education Code (EC) Section 66025.93).

- 2) Authorizes the Cal Grant Program, administered by the CSAC, to provide grants to financially needy students to attend college. The Cal Grant programs include both the entitlement and the competitive Cal Grant awards. The Program consists of the Cal Grant A, Cal Grant B, and Cal Grant C programs; eligibility is based upon financial need, grade point average, residency, and other eligibility criteria, as specified (EC Section 69430, et seq.).
- 3) Requires institutions to meet specified criteria in order to participate in the Cal Grant Program, as specified (EC Section 69432.7).
- 4) Establishes the Emergency Food Assistance Program (EFAP) within the State Treasury; and, authorizes the Controller to transfer from the Personal Income Tax Fund to the EFAP Fund not in excess of the sum of the amounts designated by individuals, as specified (Revenue and Taxation Code Section 18852).
- 5) Establishes the EBT Act, and defines the EBT system as the program designed to provide benefits to those eligible to receive public assistance benefits such as CalWORKs and CalFresh (Welfare and Institutions Code (WIC) Section 10065, et seq.).
- 6) Establishes that an EBT recipient may be charged a fee for cash withdrawal transactions that exceed four per month, as specified, by state and federal law and customarily charged to other customers (WIC Section 10072).
- 7) 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 (WIC Section 18900, et seq.).
- 8) Establishes the Restaurant Meals Program under SNAP to allow eligible homeless, disabled, or elderly recipients to purchase hot, prepared food from participating restaurants (7 U.S.C. Section 2020).

FISCAL EFFECT: Unknown.

COMMENTS: *Need for the bill.* According to the author, “we can’t expect low-income college students to make it through to graduation if they can’t make it through the day without going hungry. The Restaurant Meal Program, is a proven, efficient way to reach the most vulnerable low income students, those who are advanced in age, are disabled or experiencing homelessness, to prevent hunger and smooth their path to the graduation.”

Current state law only allows CSU campuses located in counties that have decided to participate in the CalFresh RMP to extend prepared meals to SNAP recipients who are elderly, disabled or

homeless. Current law leaves out many CSUs throughout the state, and according to the author, leaves behind too many students who could benefit from the program.

Background. AB 1747, carried by Assemblymember Weber and signed into law in 2016, required each public and private postsecondary education institution located in a county that participates in the CalFresh RMP to apply to become an approved food vendor for participation in this program. Currently, 13 of the CSU's 23 campuses are located in counties that participate in the CalFresh RMP. The CSU notes in the letter of support that "...authorization to enter into an MOU directly with the DSS will provide our campuses with another effective strategy for meeting students' basic needs and improving student completion."

CalFresh. CalFresh benefits are funded entirely by the federal government through the SNAP, and the United States Department of Agriculture (USDA) sets specific eligibility requirements for SNAP programs across the United States, including a gross and net income test, work requirements, and other documentation requirements. The maximum allowable gross income is 200% of the Federal Poverty Level (FPL). Households with elderly or disabled members are not subject to gross income criteria but must have a net monthly income at or below 100% of the FPL. Other households must meet both gross and net monthly income tests. CalFresh is administered locally by county human services agencies, and the federal, state, and county governments share in program administration.

Restaurant Meal Program. Under SNAP rules, recipients are limited to purchasing only non-prepared food items; however people who are homeless, elderly, or who have disabilities are less able to use SNAP food benefits in traditional ways due to the lack of necessary tools, appliances or physical abilities required to prepare their own meals. As a result of this, SNAP allows states to choose whether or not to offer a RMP option, which allows SNAP recipients to purchase hot prepared food in authorized restaurants. California operates the largest RMP and has allowed counties to utilize RMP as an option since 2003.

Food insecurity. Student hunger contributes to lower participation rates among low-income students, and as such, students who are unable to meet their basic needs are less likely to perform as well in college or may be forced to drop out before graduating.

The CSU published their "Study of Student Basic Needs" in January of 2018. The study found that "41.6% of CSU students reported food insecurity, of those 20% experienced low food security and 21.6% very low food security. National prevalence rates for food insecurity among U.S. households in 2016 was 12.3% (low and very low food security combined), making the case for college students emerging as a new food insecure population of concern, having a far higher risk of food insecurity than the general U.S. population."

The study also found that "10.9% of CSU students reported experiencing homelessness one or more times in the last 12 months based on the combined Housing and Urban Development and the U.S. Department of Education definitions."

Staff Comments. Staff understands that eligibility is determined by the federal United States Department of Agriculture, and therefore state statute cannot expand eligibility for the RMP to students who are not elderly, homeless, or disabled. As a result, this bill applies only to individuals (including students) who are elderly, homeless, or disabled.

This bill does not limit participation in the CalFresh on postsecondary education campuses to eligible students. Therefore, all eligible recipients (elderly, homeless, or disabled), regardless of whether or not the recipient is a student on that campus, would be able to access the approved food facilities on campuses.

Staff notes that a member of the general public may currently access a food facility on a campus without being a student, faculty or employee of that campus. This bill does not modify or expand eligibility for CalFresh; a person accessing an RMP on a postsecondary education campus would have to be enrolled in CalFresh.

Prior legislation. AB 240 (Weber), Chapter 134, Statutes of 2017, requires the California Student Aid Commission (CSAC) to notify Cal Grant recipients who qualify for participation in the CalFresh program; provides clarity to existing policies and definitions in order to simplify CalFresh administration for college students; and, requires the CDSS to maintain a list of programs that provide a student potential eligibility for a CalFresh exemption if certain requirements are met.

AB 1747 (Weber), Chapter 290, Statutes of 2016, which, among others, required a public or private postsecondary education institution located in a county that participates in the RMP to increase access to and provide information about the program, as specified; 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, as specified.

AB 1930 (Skinner), Chapter 729, Statutes of 2014, which, among others, tasked CDSS to conduct a workgroup in order to seek ways to reduce barriers to students applying for CalFresh.

AB 832 (Weber) of 2013, which was held in the Assembly Human Services Committee, would have required all convenience stores and bookstores at UC, CSU and the CCC to accept the use of EBT cards.

AB 756 (Mitchell) of 2011, which died in the Assembly Human Services Committee, would have prohibited surcharges on ATM withdrawals and point-of-sale transactions for CalWORKs recipients when using their state-issued EBT cards.

REGISTERED SUPPORT / OPPOSITION:

Support

American Academy of Pediatrics
California State University
Disability Rights California
Faculty Association of California Community Colleges

Opposition

None on file.

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