

Date of Hearing: June 14, 2022

ASSEMBLY COMMITTEE ON HIGHER EDUCATION

Jose Medina, Chair

SB 20 (Dodd) – As Amended June 9, 2022

SENATE VOTE: 32-0

SUBJECT: Student nutrition: eligibility for CalFresh benefits

SUMMARY: Permits the California Student Aid Commission (CSAC) to notify students of their potential eligibility for CalFresh, by notifying students of their exemptions to the federal student eligibility rule if CSAC is aware of the exemption and is permitted by federal law to notify the student. Specifically, **this bill**:

- 1) Authorizes the CSAC, if permitted by federal law and if CSAC possesses the information, to notify students of their potential eligibility for CalFresh and their exemption from the CalFresh program student eligibility rule provided for in Section 273.5 (b) of Title 7 of the Federal Regulations Code.
- 2) Permits the notification sent to the student by CSAC to serve as the verification document of the student's exemption to the federal student eligibility rule for purposes of qualifying for CalFresh.
- 3) Permits CSAC to submit one written notice to students regarding their eligibility for CalFresh even if the student is eligible for multiple exemptions which qualify them for CalFresh benefits.
- 4) Requires CSAC to confer with stakeholders on an annual basis with regards to the written notice and for the purpose of continuously improving the process of securing CalFresh benefits for eligible students.

EXISTING LAW: *Federal law.*

- 1) Establishes the federal nutrition program, Supplemental Nutrition Assistance Program (SNAP), pursuant to the Food Stamp Act of 1964 to provide funding to low-income households for food and essential household items. Requires the federal government to appropriate funds for the nutritional benefits and enables the states to distribute the funds and determine eligibility based on federal regulations (7 United States Code (U.S.C) Section 2011, et seq.).
- 2) Restricts any individual, who is enrolled at least half-time in an institution of higher education from qualifying for SNAP benefits, unless the individual qualifies for an exception, as specified (7 Code of Federal Regulations (CFR) 273.5(a)).
- 3) Clarifies that a college student, enrolled at least part-time, may qualify for SNAP nutritional benefits if they are:
 - a) Over the age of 50 or under the age of 17; or,
 - b) Physically or mentally unfit; or,

- c) Receiving Temporary Assistance for Needy Families (TANF) under Title IV of the Social Security Act; or,
 - d) Enrolled in a Job Opportunities and Basic Skills program under Title IV of the Social Security Act or its successor program; or,
 - e) Employed for a minimum of 20 hours per week and are paid to the equivalent of Federal minimum wage for 20 hours of work per week; or,
 - f) Participating in a state or federally financed work study program during the regular school year; or,
 - g) Participating in an on-the-job training program; or,
 - h) Responsible for the care of a child under the age of six; or,
 - i) Responsible for the care of a child between the ages of six and twelve when adequate child care is not available to enable the student to work 20 hours a week; or,
 - j) A single parent enrolled full-time and are responsible for a child under the age of 12; or,
 - k) Enrolled in a program associated with the Job Training Partnership Act of 1974; an employment and training program funded by Carl Perkins and Technical Education Act of 2006, as defined; a program associated with the Trade Act of 1974 as defined; or an employment and training program for low-income households operated by the State or local government (CRF 273.5(b)).
- 4) Protects the privacy of student education records in federal law with the Family Educational Rights and Privacy Act. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education. FERPA gives parents certain rights with respect to their children's education records. These rights transfer to the student when he or she reaches the age of 18 or attends a school beyond the high school level (20 U.S.C. § 1232g; 34 CFR Part 99).

State law.

- 1) Establishes the CalFresh program to administer federal SNAP monetary benefits to qualifying families and individuals, as specified (Welfare and Institutions Code Section 18900).
- 2) Establishes CSAC as the state agency charged with administering state financial aid programs to qualifying students enrolled in institutions of higher education throughout the State (Education Code (EDC) Section 69510, et seq.).
- 3) Requires CSAC to notify Cal Grant recipient, who receive TANF dollars, of their eligibility for CalFresh benefits under the TANF exemption from the CalFresh program student eligibility rule (EDC Section 69519.3).

FISCAL EFFECT: According to the Senate Appropriations Committee, CSAC estimates additional General Fund costs, likely in the tens of thousands of dollars that would not exceed \$100,000, for workload associated with the additional student notifications.

COMMENTS: *Need for the measure.* As described by the author, “SB 20 would address food insecurity among community college students by requiring CSAC to notify students in their system of their CalFresh eligibility based on the student’s qualification of one of the many exemptions in federal regulation. This notification would be considered the verification that students would need to apply for CalFresh and would streamline the application process for students in need of food benefits.”

CalFresh and students. Since 1964, SNAP has provided food benefits to low-income households and has been identified as the nation’s most successful program in deferring hunger. In California, SNAP is known as CalFresh and is administered by the California Department of Social Services, who works in tandem with local county welfare agencies to disperse the monetary benefits to qualifying households. According to the CalFresh Dashboard, in April of 2022, 4.4 million individuals received CalFresh benefits, of whom 1.9 million were between the ages of 18-59.

Numerous reports, studies, and surveys have been conducted in recent years detailing the prevalence of hunger among college students in the United States. In California, each of the three public segments of higher education have published reports on food insecurity among their students; which found 44% of University of California (UC) students (2017 UC Global Food initiative report), 42% of California State University (CSU) students (2018 Study of Student Basic Needs: The CSU), and 50% of California Community College students (2019 Hope Center #RealCollege Survey) experience food insecurity.

Despite the well-documented evidence of widespread student hunger, college students are continually exempt from accessing federal food benefits unless they meet additional rules that are not applicable to the general public. The “student eligibility rule” is a federal regulation which states a student who attends a higher education institution at least part-time is not eligible for CalFresh or SNAP benefits unless they meet one of the 11 exemptions to the rule. This rule was adopted in the Food and Agricultural Act of 1977 as a means of preventing the average college student from accessing food benefits. At the time, this policy was logical since the average college student was right out of high school and was a dependent of their nuclear family. However, the dynamics of who attends college and the necessity of a college degree has vastly changed since 1977; and therefore, as many policies of its age, the premise for the founding of the student eligibility rule has not aged well, as the average college student in 2022 looks nothing like the average college student of 1977.

The exceptions to the student eligibility rule vary from working 20 hours, to being a single parent to a child under the age of 12 to participating in a state or federal work study program. To qualify for CalFresh, a college student must meet the income threshold for CalFresh and one of the exemptions.

Accessing CalFresh. Despite the apparent need for food benefits, participation in CalFresh among college student remains relatively low. In 2022, CSAC published a report titled “Access to Proper Nutrition Equals College Success: Making CalFresh Work for Students”. The report estimated that between 400,000 and 750,000 college students are potentially eligible for CalFresh benefits and yet only 127,000 actually receive the benefits.

In recent years, Federal and State agencies have engaged with policy advocates to remove bureaucratic barriers to help college students gain access to CalFresh benefits. In 2020 Congress passed H.R. 133, the Consolidated Appropriations Act of 2021 by Representative Cuellar, which

temporarily provided additional exemptions by which college students could qualify for CalFresh benefits. The following exemptions are available to college students until 30 days after the federal government lifts the COVID-19 public health emergency:

- If the student is eligible to participate in a State or Federally financed work study program during the regular academic year, they qualify for CalFresh; and,
- If a student has an expected family contribution for financial aid of zero in the current academic year, they qualify for CalFresh.

While this is a temporary solution, these exemptions have provided an avenue of access to food benefits for thousands of college students.

In January 2022, the U.S. Department of Education (Department), in accordance with their role as an oversight agency, issued a “Dear Colleague Letter”, informing institutions of higher education that the department had issued designations permitting institutions of higher learning to use Free Application for Federal Student Aid data to aid in the administration of several Federal Benefits. The “Dear Colleague Letter” specifically stated institutions of higher education are granted the authority to use FASFA data to conduct email outreach to students who are potentially eligible for CalFresh.

Since 2014, with the implementation of AB 1930 (Skinner), Chapter 729, Statute of 2014, the California State Legislature has taken a plethora of steps to address student hunger and increase college student access to CalFresh. Some of the enacted bills regarding CalFresh and college student hunger include:

- 1) AB 543 (Davies), Chapter 561, Statutes of 2021, required each campus of the CCC and the CSU Board of Trustees, and requested the UC Board of Regents to provide all incoming students with educational information regarding the CalFresh program, including the eligibility requirements, during campus orientation.
- 2) AB 132 (Assembly Budget Committee), Chapter 144, Statutes of 2021, among other things, provided \$30 million in ongoing Proposition 98 funds to the CCC for the purpose of establishing basic needs centers and basic needs coordinators on every CCC campus by July 1, 2022.
- 3) AB 1326 (Arambula), Chapter 570, Statutes of 2021, required a county human services agency to designate at least one employee as a staff liaison to serve as a contact for academic counselors and other professional staff at a campus of an institution of public higher education within the county to provide information on available public social services; additionally, requires the agency to develop protocols for engagement between the staff liaison and a campus of an institution of public higher education.
- 4) AB 396 (Gabriel), Chapter 461, Statutes of 2021, required the California Department of Social Services (CDSS) to issue a guidance letter on the eligibility requirements for a campus-based program to become a local educational program that increases employability for the purpose of qualifying students for CalFresh; required qualifying campus-based programs of the California Community Colleges (CCC) and the California State University (CSU), and requested qualifying campus-based programs of the University of California (UC), to apply to become local education programs that increase employability by September

1, 2022; and required CDSS to issue a report annually, until 2030, regarding the progress of approving campus-based local education programs that increase employability, as specified.

- 5) AB 85 (Committee on Budget), Chapter 4, Statutes of 2021, among other things, appropriated \$28.8 million for county administrators and outreach costs associated with CalFresh benefits to students enrolled in higher education institutions; \$2.93 million for CalFresh outreach to students at the UC and the CSU; and \$123.1 million to the CCC to increase student retention, increase CalFresh outreach to CCC students, and to provide CCC students with emergency financial assistance grants.
- 6) SB 173 (Dodd), Chapter 139, Statutes of 2019, required CDSS by January 1, 2021 to create a standardized form to be used by higher education institutions for the purposes of verifying a student's participation in either a federal or state work-study program for the purpose of determining CalFresh eligibility.
- 7) AB 1278 (Gabriel), Chapter 517, Statutes of 2019, required each CCC campus and CSU campus and requests each UC campus to provide on an internet website-based account for an enrolled student notification of and a link to internet sites of CalFresh and local mental health and housing resources as specified.
- 8) SB 77 (Committee on Budget and Fiscal Review), Chapter 53, Statutes of 2019, directed CDSS in consultation with UC, CSU and CCC, to assess the effectiveness of the federal CalFresh program in serving low-income college students and provide recommendations.
- 9) AB 1894 (Weber), Chapter 746, Statutes of 2018, authorized the Department of Social Services to enter into a memorandum of understanding with the Chancellor of the CSU in order to allow a qualifying food facility located on a CSU campus to participate in the Restaurant Meals Program (RMP), even if the CSU campus is located in a county that does not participate in the RMP.
- 10) SB 85 (Committee on Budget), Chapter 23, Statutes of 2017, required the Trustees of the CSU, authorizes the governing board of participating a CCC district, and encourages the Regents of the UC to designate, a "hunger free campus" if they meet specified criteria, as defined, for the purpose of procuring additional legislative funds.

The role of CSAC in CalFresh. FERPA is a federal law which protects the privacy of student educational records and by extension the data contained within the FASFA form. While CSAC is endowed with the authority to administer the financial aid programs for students attending public and private universities, colleges, and vocational schools in California, CSAC is limited as to how they can use FASFA data for any activity outside of administering financial aid.

Because FASFA data is regulated by the Department, CSAC is bound by FERPA and has not been provided the permission by the department to utilize the data to inform students of their eligibility for one of the myriad of exemptions for CalFresh benefits. Under current state law, Education Code section 69519.3, CSAC is authorized to inform students if their CalGrant contained TANF funds; however this is the only notification CSAC is currently authorized to perform.

CSAC is currently in conversations with the U.S. Department of Education to see if there are other avenues by which they can be granted permission to inform students of their eligibility for

CalFresh. SB 20 (Dodd), establishes in state Education Code, the ability for CSAC to notify students of their CalFresh eligibility once the U.S. Department of Education permits them.

REGISTERED SUPPORT / OPPOSITION:

Support

Alameda County Board of Supervisors
American Federation of State, County and Municipal Employees, AFL-CIO
California Coalition for Youth
California Student Aid Commission
Contra Costa and Solano Food Bank Advocate
County of San Diego
Food Bank of Contra Costa and Solano
Los Angeles Community College District
Los Angeles County Office of Education
Mt. San Antonio College
National Association of Social Workers, California Chapter
North Orange County Community College District

Opposition

None on file.

Analysis Prepared by: Ellen Cesaretti-Monroy / HIGHER ED. / (916) 319-3960