

Date of Hearing: April 19, 2022

ASSEMBLY COMMITTEE ON HIGHER EDUCATION

Jose Medina, Chair

AB 2810 (Arambula) – As Introduced February 18, 2022

**This bill is deal referred to the Assembly Human Services Committee and will be heard by the Committee as it relates to issues under its jurisdiction.**

**SUBJECT:** Student nutrition: CalFresh: student eligibility: Federal Application for Student Aid data

**SUMMARY:** Requires each campus of the California Community Colleges (CCC) and the California State University (CSU), and requests the University of California (UC), independents and private universities, as defined, to identify and conduct email outreach to students who may be income eligible for CalFresh based on their Free Application for Federal Student Aid. Specifically, **this bill:**

- 1) Defines for the following:
  - a) “CalFresh program” as the program established pursuant to the Welfare and Institution Code Section 18900;
  - b) “FASFA” as the Free Application for Federal Student Aid;
  - c) “Private postsecondary and independent postsecondary education institutions” as those defined in Education Code Section 94858 and 66010, respectively; and,
  - d) “Part-time student” for purposes of determining CalFresh eligibility as a student who is enrolled in half of the semester or quarter units per semester or quarter which are required to graduate on time from either a four year or two year institution.
- 2) Requires each campus of the CSU and each district of the CCC to use FASFA data to identify and send an email informing students, who meet the income qualifications for CalFresh, of their potential CalFresh eligibility if the student can also meet one of the exemptions for the CalFresh student eligibility rule as defined.
- 3) Clarifies the email sent to students will encourage students to contact the local county welfare agency (LCWA) and will contain the contact information for the LCWA and the campus staff responsible for assisting students who apply for CalFresh.
- 4) Encourages the UC, private postsecondary institutions, and independent institutions to utilize FASFA data to identify and inform students of their potential CalFresh eligibility.
- 5) Stipulates it is the intent of the Legislature that the UC, private postsecondary institutions, and independent institutions complete (2) and (3) as stated above.
- 6) Clarifies that FASFA data used to identify students will be done in a manner that abides by federal privacy laws and will only be used to inform students of their potential CalFresh eligibility.

- 7) Declares the following as the intent of the Legislature to:
- a) Clarify educational policies for purposes of addressing student hunger on campus by ensuring low-income students have equitable access to nutritious and sufficient food sources by improving access to CalFresh; and,
  - b) Codify the United States Department of Education's Dear Colleague Letter GEN-22-02 to ensure California institutions of higher education are increasing awareness of available benefits for students to use to reduce hunger on campus and to ensure continued enrollment.

**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 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 FERPA. 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 (WIC) Section 18900, *et seq.*).
- 2) Stipulates no provision of the Donahue Higher Education Act shall apply to UC unless the UC Regents adopts the provision (Education Code (EDC) Section 67400).
- 3) Requires each campus of the CSU and the CCC, and requests each campus of the University of California to include on a website account for enrolled students, a notification of and a link to information on specified public services and programs, including the CalFresh program, county or local housing resources, as specified, and local or county mental health services (EDC Section 66027.6).
- 4) Requires each campus of the CSU and the CSU Board of Trustees, and requests the UC Board of Regents to provide all incoming students with educational information regarding the CalFresh program, including the eligibility requirements, during campus orientation (EDC Section 66027.4).

**FISCAL EFFECT:** Unknown

**COMMENTS:** *Purpose of the measure.* As identified by the author, “in a recent survey, over one-third of college students have experienced either housing or food insecurity. These hardships are causing students to drop out of college, in part, because they are not aware of programs available to help them in times of need. Luckily, college campuses already know which students meet basic financial requirements for CalFresh benefits through FAFSA data. AB 2810 allows campuses to reach out to those students who potentially could qualify for CalFresh with a simple email. The email will encourage students to connect with the campus’s local county agencies or appropriate campus staff in order to apply for CalFresh. This contact will additionally open doors for other supportive services of which students may not be aware. Most importantly, the goal of AB 2810 is to keep people enrolled in college. Food security is a crucial aspect of achieving this goal.”

*CalFresh/SNAP.* In 1964, President Johnson signed the Food Stamp Act of 1964 and the nation’s most successful anti-hunger program, SNAP was created. SNAP is a federal and state partnership in which federal dollars are distributed by state programs to qualifying low-income individuals for the purpose purchasing nutritious food and alleviating hunger. In California,

SNAP is known as CalFresh and the California Department of Social Services (CDSS) works in tandem with local county welfare agencies to distribute the monetary benefits. According to the CalFresh dashboard, maintained by CDSS, in February 2022 there were 3,830,553 CalFresh recipients in California. Of those 1,919,754 were between the ages of 18 and 59. Since CalFresh utilizes federal funds, there are federal qualifications an individual must meet in order to receive the nutritional benefits. To initially qualify an applicant must be a citizen or a qualifying immigrant, be income eligible (\$2,024 monthly for a single individual), and meet the work requirement; which specifies that individuals without dependents must work or engage in approved work related activities for 80 hours per month. If you are a student who is enrolled part-time or full-time at a postsecondary institution, there are additional requirements one must meet in order to receive CalFresh.

*CalFresh and Students.* Hunger on campus remains pervasive among students. In December 2018, the U.S. Student Accountability Office published a report, “Better Information Could Help Eligible College Students Access Federal Food Assistance Benefits”, which found food insecurity on college campuses throughout the nation ranged from 9% of a campus population to 50% of a campus population. In California, each of the three public segments have published reports on food insecurity among their students; which found 44% of UC students (2017 UC Global Food initiative report), 42% of CSU students (2018 Study of Student Basic Needs: The CSU), and 50% of CCC students (2019 Hope Center #RealCollege Survey) experience food insecurity.

Despite experiencing food insecurity at a higher rate than the general population as recorded in a study conducted by the Urban Institute in 2017, college students are unable to access federal food benefits unless they meet additional rules that are not applicable to the general population. The “student eligibility rule”, is the federal law which renders a student initially ineligible for CalFresh if they are enrolled in an institution of higher education. This rule was adopted with the Food and Agriculture Act of 1977 and was established as a means of preventing middle-class and wealthy students, who receive support from their parents, from accessing the social program. In the decades since its establishment, exemptions have been created to the student eligibility rule to grant hungry college students access to CalFresh (SNAP). Generally the student exemption rule applies to all students unless the student works twenty hours a week or meets at least one of the other ten specifications to be eligible. The ten other exemptions range from having a dependent under the age of six to participating in a state or local education and training program.

Despite the 11 exemptions provided, college student participation in CalFresh is very low partly due to bureaucratic barriers placed upon college students to prove their eligibility. In 2019 the California Student Aid Commission (CSAC) conducted the Student Expenses and Resources survey which found that 82% of college students who identified as food insecure did not receive food assistance. In 2022, the California Student Aid Commission 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 June 2020, CDSS published the “SB 77 CalFresh Student Data Report”, on college student participation in CalFresh and methods for improving student participation in the social service. According to the report one of the methods of improving college student access to CalFresh is to support targeted outreach to college students based on income eligibility.

*Dear Colleague Letter.* In an effort to understand existing food insecurities among college students and plausible policy actions, a Congressional report was prepared by the Congressional Research Service in June 2021. One of the outcomes of the report was a policy proposal to utilize FASFA data as an outreach tool to contact college students who may be eligible for CalFresh/SNAP. In response to the Congressional Report and to mitigate the impact of the COVID – 19 pandemic on students struggling to remain in school, the U.S. Department of Education (department), in accordance with their role as an oversight agency, issued a “Dear Colleague Letter” in January 2022, informing institutions of higher education that the department had issued designations permitting institutions of higher learning to use FASFA 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 potentially SNAP/CalFresh eligible students. AB 2810 (Arambula) seeks to codify the “Dear Colleague Letter” to ensure institutions of higher education within the state of California are exploring every option available to inform students of their potential CalFresh eligibility.

*Outreach conducted by campuses.* With the passing of AB 543 (Davies), Chapter 561, Statutes of 2021, all CCC and CSU campuses must provide CalFresh educational materials during their orientation. The UC’s CalFresh outreach is quite extensive and often students receive CalFresh information before they arrive to campus. In addition to orientation, each CSU campus has a dedicated outreach program to help students with the application process. The UC has designated basic needs centers on every campus with designated staff to help assist students in applying for CalFresh. AB 132 (Ting), Chapter 144, Statutes of 2021, allocated \$30 million in ongoing funding to the CCC for the purpose of establishing basic needs centers and hiring basic needs coordinators, at each of the 115 CCC brick and mortar campuses. Furthermore, AB 132 (Ting) provided \$3.1 million to CCC to support campus efforts in increasing student applications for CalFresh. These funds could be used for outreach campaigns and supporting application assistance. The report due in December 2021 on how the funds were utilized has not been published at the time this analysis was printed.

*Committee Amendments.* In the technology age it is not beyond the realm of possibility that a student would have more than one email address. *Therefore to provide clarity on the intended email account the institutions should send the email as relayed in the bill, the Committee has suggested and the author has accepted the following amendments, which will be processed by the Assembly Human Services Committee:*

*Section 66023.6 (e) (2) (A) is amended to read: Each campus of the California State University and each community college district shall send an email to the campus-based email account associated with a student identified pursuant to paragraph (1) informing the student that they may qualify for the CalFresh program if the student can also meet one of the exemptions for the CalFresh student eligibility rules provided for in Section 273.5(b) of Title 7 of the Code of Federal Regulations.*

*Section 66023.6 (f) (2) (A) is amended to read: Each campus of the University of California, each independent institution of higher education, and each private postsecondary educational institution is encouraged to send an email to the campus-based email account associated with a student identified pursuant to paragraph (1) informing the student that they may qualify for the CalFresh program if the student can also meet one of the exemptions for*

*the CalFresh student eligibility rules provided for in Section 273.5(b) of Title 7 of the Code of Federal Regulations.*

*Previous Legislation.* In recent years, the Legislature has worked diligently to address student hunger on campus resulting in an abundance of bills related to CalFresh, below is snap shot of most recent legislation germane to the policy contained within AB 2810 (Arambula).

- 1) AB 543 (Davies), Chapter 561, Statutes of 2021, required each campus of the CSU 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 (Ting), 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.

## **REGISTERED SUPPORT / OPPOSITION:**

### **Support**

California Student Aid Commission  
Student Senate for California Community Colleges  
University of California Student Association

### **Opposition**

None on file.

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