

Date of Hearing: April 8, 2021

ASSEMBLY COMMITTEE ON HIGHER EDUCATION

Jose Medina, Chair

AB 396 (Gabriel) – As Amended March 29, 2021

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

**SUBJECT:** CalFresh: educational programs

**SUMMARY:** Requires the California Department of Social Services (CDSS) by May 31, 2022 to issue a guidance letter regarding eligibility requirements for campus-based programs at the California Community Colleges (CCC), the California State University (CSU) and the University of California (UC) to become state-approved employment and training programs and requires campus-based programs at the CCC and CSU, and requests campus-based programs at the UC to apply to become state-approved employment and training programs by September 1, 2022.

Specifically, **this bill:**

- 1) Requires the CDSS by May 31, 2022 to issue a guidance letter to counties, the Chancellor's Office of the CCC, the Chancellor's Office of the CSU, and the Office of the President of the UC. The issued guidance will do the following:
  - a) Clarify the state and federal eligibility requirements campus-based programs who seek to be a state-approved employment and training program that qualifies for student exemption for CalFresh eligibility as described; and,
  - b) Clarify the application and approval process, including the necessary supporting documents required, for a campus-based program to be approved by CDSS.
- 2) Requires by September 1, 2022, campus-based programs at campuses of the CCC, and the CSU, who meet the eligibility standards according to CDSS's guidance letter, to submit an application to CDSS in order to be a state-approved employment and training program. The application will state whether the program is available at one or multiple campuses.
- 3) Requests by September 1, 2022, campus-based programs at campuses of the UC, who meet the eligibility standards according to CDSS's guidance letter, to submit an application to CDSS in order to be a state-approved employment and training program. The application will state whether the program is available at one or multiple campuses.
- 4) Clarifies if a campus-based program of the CCC or the CSU were to meet the requirements established by the CDSS's guidance letter after September 1, 2022, the campus-based program is required to submit an application to CDSS in order to be a state-approved employment and training program within six months of the creation of the program.
- 5) Clarifies CDSS will approve the campus-based program that meets the eligibility requirements to be a state-approved employment and training program and if the campus-based program exists on more than one campus, the department will automatically extend approval to the other programs operated by other campuses within the system.

- 6) Requires CDSS by September 1, 2023 and annually thereafter to provide a report to the appropriate committees of the Legislature the following:
  - a) The number of state-approved campus-based employment and training programs CDSS has approved disaggregated by name and campus;
  - b) The number of pending applications, disaggregated by name and campus; and
  - c) The number of applications CDSS has denied, disaggregated by name and campus, and the reason for the denial.
- 7) Establishes, if the Commission on State Mandates determines that this bill contains cost mandated by the state, the state shall reimburse the applicable entities.

**EXISTING 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) 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.*).
- 3) Restricts any individual, who is enrolled at least half-time in an institutions 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)).
- 4) 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)).
- 5) Establishes the statewide, CalFresh program for purposes of distributing federal SNAP benefits to low-income families, as specified. (Welfare and Institutions Code (WIC) Section 18900 *et seq.*).
  - 6) Establishes the UC as a public trust to be administered by the UC Board of Regents (Regents) and grants the Regents full powers of organization and governance subject only to legislative control as necessary to ensure the security of funds, compliance with terms of its endowments, and the statutory requirements around competitive bidding and contracts, sales of property, and the purchase of materials, goods, and services. (Article IX, Section (9)(a) of the California Constitution)
  - 7) 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)
  - 8) Establishes the CSU system, made of 23 campuses, and bestows upon the CSU Trustees, through the Board of Trustees, the powers, duties, and functions with respect to the management, administration, and control of the CSU system (EDC Section 66606 and 89030, *et seq.*).
  - 9) Establishes the California Community Colleges (CCC) under the administration of the Board of Governors of the CCC, as one of the segments of public postsecondary education in this state. The CCC shall be comprised of community college districts (Education Code (EDC) Section 70900).

**FISCAL EFFECT:** Unknown.

**COMMENTS:** *College student hunger.* Food insecurity is defined by the U.S. Department of Agriculture as the condition of limited or uncertain access to adequate food. In December 2018, the United States Government Accountability Office published a report which examined food insecurity among college students and how the federal government could assist in alleviating the hunger. The report examined food insecurity studies across all 50 states and found on average more than 30% of college students experience food insecurity. More recent research from California shows a higher prevalence of food insecurity among college students who attend public higher education institutions. In 2019, the California Student Aid Commission (CSAC) published the results of the Student Expenses and Resources Survey (SEARS), which found 35% of California college students who were surveyed experienced food insecurity. In 2019 the Hope Center for College, Community, and Justice Survey collaborated with the CCC to publish a

survey of CCC students' basic needs. Of those surveyed, 50% of CCC students experienced food insecurity within the past 30 days. This percentage rises to 60% when students identify as African American, American Indian, or Alaskan Native. In 2018, the CSU conducted a survey of its student population and found that 41.5% of CSU students identified as food insecure. CSU students who identify as Black and first generation experience food insecurity at a higher rate than their peers, as the survey found more than 65% identified as food insecure. In 2016 the University of California Office of the President commissioned a survey to determine the prevalence of food insecurity among UC college students. The study determined 44% of undergraduate students and 26% of graduate students experienced food insecurity.

*Supplemental Nutritional Assistance Program (SNAP) and CalFresh.* In 1964, President Johnson signed the Food Stamp Act of 1964 and the nation's most successful anti-hunger program was created. SNAP is a federal program overseen by the Food and Nutrition Services (FNS) a division of the U.S Agricultural Department which provides monthly cash benefits to alleviate hunger and provide nutritional food choices to low-income households. FNS is tasked with establishing the regulations which govern the administration of SNAP and FNS ensures state agencies comply with these regulations. State agencies work collaboratively with FNS to administer SNAP and ensure the monetary benefits are provided to qualifying families who meet the eligibility factors established by FNS. In California, SNAP is known as CalFresh and CDSS works with local county welfare departments to administer the benefits. According to the Public Policy Institute of California, between January and March 2020, 4.1 million Californians received around \$166 in monthly CalFresh benefits.

*College student access to CalFresh.* In 1977, a federal law was enacted to restrict college students who are enrolled in higher education at least part-time from accessing CalFresh; this is known as the student eligibility rule. The motivation behind the rule was to prevent wealthy college students, who depend on their families for support, from accessing the social benefit. In the last 44 years, 11 exemptions to the student eligibility rule have been enacted to enable pathways for food insecure students to access CalFresh. These exemptions range from working a minimum of 20 hours per week to participating in state-or federally-financed work study programs. 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 the 2019 SEARS survey conducted by CSAC, 82% of college students who identified as food insecure did not receive food assistance. In June 2020, CDSS published *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 in the 2018-2019 academic year, 127,360 students successfully received CalFresh food benefits, but the report found more than 500,000 students were likely to be eligible for the food benefits in the same academic year. The report estimated the student participation rate in CalFresh is between 18% to 30%. One of the recommendations from this study is to establish collaborative partnerships between CDSS, the three public postsecondary segments, and county health and human service agencies to bolster employment and training programs that increase employability for college students in order to improve student's career prospects and as a way to increase enrollment in CalFresh.

*Employment and training programs.* One of the exemptions available to students is participation in a program that is operated by a state or local government with one or more employment and training components. FNS has delegated flexibility to State agencies to determine which local education programs operated by state and local governments increase the participants' employability. Employment and training programs are identified as programs where college

students receive training or engage in work experience that increases their employability. State agencies are encouraged to enter into partnerships with established providers including community colleges to determine eligibility and to provide supportive services to participants including childcare, transportation, and textbooks. According to CDSS's All County Letter 20-09 *CalFresh Student Eligibility Handbook*, for a state or local government run program to qualify as a employment and training program, the program must be determined by a County Welfare Department to have at least one of the following components: job retention, job search, job search training, work experience, workfare, vocational-training, self-employment training, on the job training, or education. Currently, there are eight state-funded programs that increase employability including extended opportunity programs and services offered at CCC campuses and educational opportunity programs offered at UC and CSU campuses. In addition to the state funded programs that increase employability, there is an opportunity for local programs that increase employability to be included among the list of programs that qualify college students for CalFresh. CDSS is required to issue guidance and maintain a non-exhaustive list of local student program that increase employability. Institutions of higher education are encouraged to submit the name and description of on-campus programs to CDSS to qualify as a local student program. Under the definition of a local student program that increases employability and training, there are 25 approved programs on UC campuses, 21 approved programs on CSU campuses, and 83 approved programs on CCC campuses.

*Need for the bill.* According to the author, "Food security is a crucial aspect of higher education accessibility. Unfortunately, recent data have shown us that many of California's college students are facing a hunger crisis, one that has only been exacerbated by COVID-19 and has stark racial, ethnic, and socioeconomic disparities. Now more than ever, we need to utilize all possible resources to expand access to benefits that will combat basic needs insecurity. AB 396 does just that: by targeting the CalFresh Employment and Training services student exemption—an exemption that many higher education programs qualify under but have yet to be certified for—we are closing a gap on access to a crucial food and nutrition resource that will help thousands of students on federal dollars".

*Arguments in support.* The County Welfare Directors Association of California support AB 386 as currently "California's institutions of higher education have numerous programs that qualify under a CalFresh student exemption known as the local programs that increase employability standard that would, upon program approval, grant CalFresh benefits to students in need. Unfortunately, most of these programs have not applied to qualify under this standard, leaving many students in want of well-deserved CalFresh benefits. By requiring these programs to apply, this measure will ensure that thousands of students will be newly eligible for CalFresh and that California takes full advantage of federal funding to support students in need at no additional cost to the state".

*Committee Comments.* Despite continual effort on behalf of the CDSS, County Welfare agencies and public higher education institutions, college student participation in CalFresh continues to be dismal. Anecdotally, college students and administrators at public higher education institutions have expressed frustration with how challenging it can be for college students who face food insecurity to access CalFresh due to the complexity of the student eligibility rules and the accompanying exemptions. In the 2018 United States Government Accountability Office's report on food insecurity, one of the overarching recommendations from the report was to improve communication regarding the student eligibility requirement and proven methods of employing exemptions to provide college student's access to SNAP (CalFresh). The same concept can be

applied in California. According to the *CalFresh Student Eligibility Handbook*, CDSS is already required to issue guidance on how local student programs can be approved to be local student programs that increase employability; however, public higher education institutions continue to be confused as to what type of programs would qualify. AB 396 provides clarity by requiring CDSS to issue guidance and increases access to CalFresh by providing a due date by which public higher education institutions' programs are to submit programs for approval. Furthermore, AB 396 would provide clarity to public higher education institutions as to why a program was denied as it requires CDSS to provide a reason as to why the program was denied; with the hopes the segment could rectify the mistake and reapply.

*Moving forward the author may wish to add an additional reporting requirement of how many students received CalFresh benefits due to the campus-based programs approval.*

#### *Previous legislation.*

- 1) AB 85 (Committee on Budget), Chapter 4, Statutes of 2021, appropriates \$28.8 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.
- 2) SB 174 (Dodd), Chapter 173, Statutes of 2019, requires 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.
- 3) AB 1278 (Gabriel), Chapter 517, Statutes of 2019, requires each CCC 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.
- 4) 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.

#### **REGISTERED SUPPORT / OPPOSITION:**

##### **Support**

Alliance for a Better Community  
 California Association of Food Banks  
 California Catholic Conference  
 California Federation of Teachers AFL-CIO  
 California State Student Association  
 County Welfare Directors Association of California (CWDA)  
 Faculty Association of California Community Colleges  
 Food Bank of Contra Costa and Solano  
 Generation Up

John Burton Advocates for Youth  
Mazon: A Jewish Response to Hunger  
Nourish California  
SEIU California  
Swipe Out Hunger

**Opposition**

None on file.

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