

Date of Hearing: April 25, 2023

ASSEMBLY COMMITTEE ON HIGHER EDUCATION

Mike Fong, Chair

AB 1393 (Calderon) – As Amended April 17, 2023

**SUBJECT:** Student Aid Commission: California Dream Act applicants: Food Support Pilot Program

**SUMMARY:** Authorizes the California Student Aid Commission (CSAC) to establish a food benefit pilot program until July 15, 2029, for the purpose of providing undocumented college students funding for food. Specifically, **this bill:**

- 1) Authorizes the creation of the Food Support Pilot Program (FSPP) to be administered by the California Student Aid Commission (CSAC) for the purpose of providing food support grants to qualifying students who submit a California Dream Act application (CADAA). The funds provided to students through the FSPP will be the same amount as the maximum award allocated to CalFresh recipients during the given year. CSAC is permitted to provide funding on a semester or quarterly basis depending upon the academic schedule of the qualifying institution.
- 2) Defines qualifying students who are eligible for the FSPP as follows:
  - a) A student who has completed a CADAA by March 2, of the given year;
  - b) A student who has an expected family contribution of equal to, or less than, the qualifying expected family contribution for the Federal Pell Grant Program, as defined; and,
  - c) A student who is pursuing a two-year or four-year degree, is enrolled at least part-time, and maintains good academic standing with the institution where the student is enrolled.
- 3) Requires CSAC to notify students who meet the eligibility requirements in (2) of their receipt of the FSPP award and to disperse the funds to qualifying institutions. Each institution will provide the funds to students in the same manner as Cal Grant funds are provided to the students.
- 4) Authorizes the FSPP awards to be renewed for a total of two years or four years depending upon the degree program the student is enrolled in, if the student continues to meet the eligibility requirements of (2) each year.
- 5) Prohibits institutions from reducing institutional aid to students who receive the FSPP; unless, the FSPP moneys causes the student to exceed the student's annual cost of attendance as calculated by the institution. The institution under this circumstance may reduce the student's institutional award aid by the amount the student is over the annual cost of attendance.
- 6) Requires CSAC to report the number of students who qualified for an FSPP award, disaggregated by institution, age, gender, and race/ethnicity. The report is to be provided to the Legislature each year by December 1, beginning one year after funding is provided.

- 7) Authorizes CSAC to conduct two surveys, once in the third year of the pilot, and at the end of the pilot to ascertain the effectiveness of the FSPP. The results from the surveys will be provided to the Assembly Committee on Higher Education, the Assembly Committee on Budget, the Senate Committee on Education, and the Senate Committee on Budget and Fiscal Review by July 1, 2027, and July 1, 2029. The survey will include at a minimum the following:
  - a) How students elected to use their FSPP moneys;
  - b) If qualifying institutions reduced institutional aid for students who received FSPP awards and if so by how much;
  - c) The barriers to administering the FSSP for either the institutions or CSAC; and,
  - d) Any recommendations for improvement of the pilot program as long as the recommendations further the intent of the FSSP.
- 8) Permits the FSSP to become operative only if the Legislature provides funding either through the annual Budget Act or through another statute.
- 9) Defines the following:
  - a) “Academic year” means July 1 to June 30, inclusive. The start date of a session will determine the academic year in which it is included;
  - b) “Cost of attendance” means the student’s tuition and fees, books and supplies, living expenses, transportation expenses, and any other student expenses used to calculate a student’s financial need for purposes of student aid programs under Title IV of the federal Higher Education Act of 1965, as defined;
  - c) “Expected family contribution” means a student’s expected family contribution calculated according to the federal methodology, as defined.
  - d) “Qualifying institutions” means any public postsecondary educational institution or independent institution of higher education, in the state that receives, or benefits from, state-funded financial assistance or enrolls students who receive state-funded student financial assistance.
  - e) “Part-time,” for purposes of eligibility, means 6 to 11 semester units, inclusive, or the equivalent.
- 10) Establishes a sunset date for the FSSP beginning on July 15, 2029, and repeals the FSSP on January 1, 2030.
- 11) Establishes that the intention of the Legislature is to provide grants to students to alleviate the cost of attendance by providing funding for food.
- 12) Establishes, if the Commission on State Mandates determines, that this bill contains costs mandated by the state, the state shall reimburse the applicable entities.

**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)).

*State law.*

- 1) Establishes a citizen requirement for SNAP benefits, including that undocumented immigrants are ineligible for SNAP including Deferred Action for Childhood Arrival students and AB 540 students, as specified (Welfare and Institutions Code (WIC 18930, *et seq.*).

- 2) Establishes the California 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) 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.*).
- 4) Requires the Board of Governors of the California Community College (CCC) and the Trustees of the CSU and requests the Regents of the UC, to adopt prescribed rules and regulations for the implementation of the below provisions and maintains that the student's information obtained by this section of law to be confidential.
  - a) Exempts a qualifying students from paying nonresident tuition at the CCC and the CSU, and requests the UC regents to adopt similar measures, if the student meets the following requirements:
    - i) The student is not nonimmigrant alien within the meaning of paragraph (15) of subsection (a) of Section 1101 of Title 8 of the United States Code, and,
    - ii) The student either:
      - (1) Attended full-time, as defined, for three years: a California high school, as defined, a California adult school, or a CCC; or,
      - (2) Completed three or more years of full-time high school coursework in California and a total of three or more years of attendance in a California elementary schools, California secondary schools, or a combination of both; and,
    - iii) Completed any of the following:
      - (1) Graduated from a California High School or attained an equivalent of a high school diploma;
      - (2) Obtained an associate degree from a CCC; or;
      - (3) Fulfilled the minimum transfer requirements for the CSU or UC; and,
    - iv) Registered as an entering student at, or is currently enrolled at an accredited institution of higher education in California no earlier than the fall semester or quarter of the 2001-2002 academic year.
  - b) Provides if the state court finds the above provisions or any provision adopted by the UC Regents, as unlawful, the court may order, as equitable relief, that the participating institution subject to the lawsuit terminate all loans awarded deemed unlawful, but no money damages, loans, or other retroactive relief, may be awarded. Provides that the CSU and UC are immune from the imposition of any award of money damages, loans, or other retroactive relief (EDC Section 68130.5).
- 5) Expands the eligibility of student financial aid programs offered by California to students who meet the requirement of Section 68130.5 or who meet the equivalent requirements

adopted by the UC, notwithstanding any other law. Requires CSAC to create an application for students to apply for aid, as specified, and provides it is the intent of the legislature that all forms of state-based aid in California be made equally available to all students, as specified (EDC Section 69508.5).

- 6) Establishes the definition and mission of independent institutions of higher education as nonpublic higher education institutions who are considered nonprofits and are accredited by an agency recognized by the United States Department of Education to confer undergraduate degrees, graduate degrees, or both (EDC Section 66010).

**FISCAL EFFECT:** Unknown, however, AB 1393 (Calderon) is similar to AB 2652 (McCarty, 2022) and therefore the cost will be similar. The Assembly Committee on Appropriations found AB 2652 (McCarty) had an associated cost of up to \$60 million per year for awards and more than \$500,000 in operational costs for the CSAC.

**COMMENTS:** *Need for the measure.* As explained by the author, “The CalFresh Program, federally known as the Supplemental Nutrition Assistance Program (SNAP), provides monthly food benefits to low-income individuals and families. Unfortunately, undocumented individuals are ineligible for the program due to their immigration status. This places an incredible burden on undocumented students pursuing higher education, adding food insecurity to the cost of college. To establish equity for these students, Assembly Bill 1393 creates a food pilot program administered by the California Student Aid Commission (CSAC) to provide food benefits similar to CalFresh to undocumented students.”

*Supplemental Nutrition Assistance Program and CalFresh.* In 1964, President Johnson signed the Food Stamp Act of 1964 thereby creating the Supplemental Nutrition Assistance Program (SNAP), nation’s most successful anti-hunger program. SNAP is a federal and state partnership in which federal dollars are distributed by state programs to low-income individuals for the explicit purpose of 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 food benefits. According to the CalFresh dashboard, maintained by CDSS, in February 2023, there were 5,267,832 CalFresh recipients in California. Of those, 2,164,661 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 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 of 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. The monthly allocation for CalFresh for a family of one is \$281 per month. With an average semester being between 15 and 18 weeks, the FSSP as created by AB 1393 (Calderon) would provide qualifying students with \$1,053.75 or \$1,264.50 for food each semester depending on the duration of the academic session.

*CalFresh and Students.* Hunger on campus remains pervasive among students. To combat student hunger, California has made significant investments in providing for students basic needs. Beginning in 2019, the State provided \$15 million for food and housing support to University of California (UC) students. According to the UC Basic Needs, Mental Health, and

Rapid Rehousing 2022-23 Legislative Report, 72,213 students were served by campus basic needs centers, and the same report highlighted findings from the 2022 UC Undergraduate Experience survey, which found 43% of undergraduates were food insecure. A 2018 study on Student Basic Needs conducted by the California State University (CSU), identified 42% of the student population as food insecure, and a 2019 Hope Center #RealCollege Survey determined 50% of CCC students 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 one of the 12 additional requirements as stipulated by federal regulations and listed in the *existing law* section of the analysis. For example, a student must work 20 hours a week to qualify for CalFresh or be participating in an on-the-job training program.

Prior to the pandemic, the California Student Aid Commission (CSAC) reported results from the “Student Expenses and Resources survey which found 82% of college students who identify as food insecure do not receive food benefits. In 2019, the 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. Students are not the only population of Californians who are exempt from access to CalFresh despite an apparent need. The majority of immigrants are also exempt from accessing CalFresh and only a few subgroups of immigrants qualify for food assistance in California. CADAA applicants are not eligible for CalFresh or SNAP even if they are income qualified and meet one of the 12 student exemptions.

*California Food Assistance Program (CFAP)*. As detailed by the Legislative Analyst’s Office, the CFAP was established in 1996, when Congress passed a welfare reform act that restricted federal food assistance for certain noncitizens. Legal permanent residents would have to wait five years after entering the country and maintain a residence before they would become eligible for federally-funded food benefits. Despite the restrictions on federally provided food assistance programs, states were provided permission to provide state-funded assistance to populations affected by the policy change. CFAP was established to help those who were impacted by the change in federal policy. CFAP utilizes the same payment structure as CalFresh; however, the federal government is responsible for depositing funds into participant accounts and the state reimburses the federal government for the costs associated with administering the program. In 2021-2022, CFAP provided \$69 million in benefits or, \$165 monthly per person). In 2022, the Governor and Legislature expanded CFAP to ensure all Californians who are income eligible and aged 55 years or older receive food benefits regardless of their immigration status. Committee staff notes AB 311 (Santiago, 2023), currently in the Assembly Committee on Appropriations, would remove the age limitation for the CFAP program. Therefore, students who are immigrants would be eligible for food benefits, should AB 311 (Santiago, 2023) move forward.

However, due to the highly prescriptive nature of CFAP, a student would have to meet the criteria of both CalFresh, including income eligibility and one of the 12 student exemptions, and the additional immigration requirements in order to qualify for CFAP. This bill seeks to rectify this exclusion by providing parity and equity in access to food benefits by creating a state-funded and state-run food benefits pilot program to students who are financially needy and are either undocumented, DACA recipients, U Visa holders, or have temporary protected status and would qualify for non-resident exemptions as defined in the Education Code.

*California Student Aid Commission (CSAC) Workgroup to expand access to CalFresh.* In late 2020, CSAC convened a workgroup comprised of CalFresh experts, Legislative staff, representatives from the public higher education segments, and non-profit organizations, for the purpose of learning about, evaluating, and offering a solution on how to expand access to CalFresh for all college students. The workgroup met for several months between 2020 and 2021, and in February 2022, a report on the workgroup's findings and recommendations was published. As reported by the workgroup, approximately 50,000 students annually complete the CADA. Undocumented students experience the same financial and basic needs challenges as their peers in higher education; yet, they do not experience the same level of access to food supports as their peers. While public higher education systems provide access to food pantries on campus, undocumented students are not able to utilize CalFresh which provides food assistance to 127,000 students annually. To provide undocumented students with nutritional benefits, the workgroup established a recommendation for the state to establish a state-funded pilot Food Support Program for undocumented students who completed the CADA. The suggested pilot would use CADA data to determine eligibility and would utilize the existing CFAP program to provide benefits to students. While in theory expanding the CFAP would be ideal, the program requires an arduous application and renewal process similar to CalFresh.

The workgroup not only examined the lack of equitable access to food benefits, but also examined the antiquated and barrier-ridden nature of CalFresh for college students. Even if a student completes the barrier-ridden two-part approval process for CalFresh benefits, they still have to meet the income eligibility and the secondary approval requirement after six months and annually thereafter. The additional paperwork often leads to students exiting the program not because their basic needs are met elsewhere but because the process for continual approval is too taxing. The workgroup found that while 127,000 students receive benefits annually and over 400,000 students could potentially qualify for benefits, but currently do not due to the application process.

Additionally, even if a student is fully approved and continually receives benefits, due to current federal regulations on the use of benefits, students are restricted as to how they may use CalFresh benefits on campus. Stores or restaurants on campus must meet specific federal requirements in term of the food items they provide to students. Hot meals are only covered by CalFresh in very specific circumstances and require the vendor and the county to enter into an agreement for the restaurant to provide the hot food items. Education Code Section 66025.93 requires public and private postsecondary educational institutions to apply to become approved food vendors of Restaurant Meals programs and to annually provide information to all on-campus food vendors for them to become qualified food vendors as well. Even with these advancements, students still find it difficult to find qualifying foods on campus that satisfy the CalFresh qualifications as an approved food item. This bill seeks to demonstrate to the Nation that it is possible to provide food benefits to students, and for the State to see fiscal benefits, such as additional degree attainment, without the additional bureaucratic restrictions.

*Arguments in support.* As expounded by the John Burton Advocates for Youth, "AB 1393 provides much-needed food assistance to California Dream Act recipients by streamlining food benefits directly onto a student's financial aid award. Unlike CalFresh students, beneficiaries of this program will not have to submit an additional application to receive benefits and they will not need to meet strenuous eligibility requirements. Furthermore, AB 1393 requires CSAC to conduct a student survey in the third year and upon completion of the program to evaluate its effectiveness. This pilot program would also serve as a mechanism for the state to study the

impact of safety net programs have on supporting students and how these programs contribute to timely degree completion. We know this food pilot program can demonstrate to our state and our nation that public benefits can be more streamlined for students. With this piece of legislation, California can continue to lead the nation in serving the largest population of undocumented students in higher-education and making our state inclusive of people from all backgrounds.”

*Committee comments.* This bill seeks to remedy two missteps by the Federal Government by:

- 1) Providing food benefits to undocumented students to assist in their progress to a college degree; and,
- 2) Demonstrating to the Nation it is possible to see benefits from a program that does not carry heavy restrictions for participants.

As highlighted earlier in this analysis, the CalFresh program is fraught with barriers for college students. In California, steps have been taken to provide financial assistance to cover the total cost of attendance for our students through Cal Grant reform. AB 1393 (Calderon) builds upon this effort by providing parity between undocumented students and their collegiate counterparts by providing food benefits for them in the same amount available to college students.

In a January 2023 publication by the Public Policy Institute, entitled “Immigrants in California” California is home to 10.5 million immigrants. In 2021, more than half of California’s immigrants were naturalized US citizens. CSAC found in a 2023 report, “Renewing the Dream: Improving Financial Aid and College Affordability for California’s Undocumented Students,” California higher education institutions enroll close to 100,000 undocumented students, the largest in the country. However, in 2021-2022 only 29% to 30% of undocumented students apply for financial aid through the CADAA and ultimately enroll in school. Committee staff notes there have been multiple efforts by the Legislature to increase the completion of financial aid applications for CADAA and to increase financial aid dollar amounts for Cal Grants with Cal Grant reform. While some may see this bill as detracting from budgetary moneys which could be used for CalGrant reform, even with the reform efforts CADAA qualifying students will not be eligible for the same food benefits as their Cal Grant receiving counterparts. As the Legislature continues to look for avenues to assist students with their overall cost of attendance, this bill provides additional financial aid in the form of food benefits to help undocumented students enroll in higher education and provide parity between CADAA-qualifying students and their collegiate counterparts.

*Previous legislation.* AB 2652 (McCarty) of 2022, held under submission in the Assembly Committee on Appropriations, required CSAC to establish the Food Support Pilot Program to provide food support grants to students enrolled in qualifying institutions who submit a CADAA.

SB 464 (Hurtado) of 2021, held under submission in the Assembly Committee on Appropriations, would have expanded the eligibility for the CFAP to households that are ineligible for CalFresh benefits due to their immigration status.

## **REGISTERED SUPPORT / OPPOSITION:**

### **Support**



John Burton Advocates for Youth  
Los Angeles Area Chamber of Commerce

**Opposition**

None on file.

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