

Date of Hearing: March 24, 2021

ASSEMBLY COMMITTEE ON HIGHER EDUCATION

Jose Medina, Chair

AB 543 (Davies) – As Introduced February 10, 2021

SUBJECT: Public postsecondary education: student orientation: CalFresh

SUMMARY: Requires the California State University (CSU) and requests the University of California (UC) to provide students with educational information on CalFresh and information on the student eligibility requirements during campus orientation.

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 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) 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)).
- 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 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)
- 6) 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)
- 7) 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).
- 8) Requires each campus of the CSU and the California Community Colleges (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).

FISCAL EFFECT: Unknown.

COMMENTS: *Purpose of the bill.* Throughout the state, higher education campuses hold orientations for new students where administrators and continuing students host events to assist freshmen and transfer students navigate and assimilate to campus life. Orientations are often filled with fun events like tours and club fairs, but they also include a segment where students receive valuable information regarding how to select courses and the availability of resources on campus. The value of orientation as a time to provide information to a captive audience cannot be overly stated. According to the author, “AB 543 will enable college students to learn about the many benefits of applying for the CalFresh program. CalFresh allows students who meet one of 11 exemptions, the opportunity to obtain funds for nutritional foods to supplement their food budget. AB 543 will require the CSU system and requests the UC system to provide detailed information on CalFresh to all students during their orientation. While attending college, I worked nights and weekends to pay my way through college. Like many students, I found it extremely difficult to afford college and work full-time. This is why I am authoring AB 543 to provide students another opportunity to access CalFresh”.

CalFresh. In 1964, President Johnson signed the Food Stamp Act of 1964 and the nation's most successful anti-hunger program, the SNAP was created. SNAP is a federal and state partnership in which federal dollars are distributed by state programs in order to provide low-income individuals with monetary assistance in purchasing nutritious food. In California, SNAP is known as CalFresh and the California Department of Social Services 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. Since CalFresh utilizes federal funds, there are qualifications an individual must meet to receive the nutritional benefits. To qualify for CalFresh one must be all the following: a citizen or a qualifying immigrant, income eligible (\$2,024 monthly for a single individual), and those specified individuals without dependents must work or engage in approved work related activities for 80 hours per month. These requirements apply to all who apply for CalFresh unless you are a student enrolled in a higher education institution, then there are additional requirements one must meet to be eligible.

CalFresh and Students. Known as the student eligibility rule, under federal law students are ineligible to participate in CalFresh if they are enrolled half-time 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. These federally established exemptions range from having a dependent under the age of six to participating in a state or local education and training program. While the federal government sets the standards of how students can qualify for CalFresh, the burden of determining eligibility and interpreting who qualifies falls to the county offices who distribute the CalFresh funds to students. The bureaucratic nature of applying for CalFresh often confuses students and discourages many from applying for the nutritional benefits despite qualifying for the funds.

Participation in CalFresh and the Persistence of Food Insecurity. Studies throughout the nation have indicated that food insecurity continues to rise among college students. In 2018, the CSU system conducted a study that identified 41.6% of CSU students experiencing food insecurity and the University of California reported 40% of their students struggle with food insecurity. In June 2020, the California Department of Social Services published a report of statewide data on college student participation in CalFresh and methods for improving student participation in the social service. The report indicated in the 2018-2019 academic year, 127,360 students successfully received CalFresh food benefits, but the report found more than 500,000 students were deemed 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 in the report was to encourage institutions to provide targeted CalFresh outreach to vulnerable students.

Arguments in support. The California Catholic Conference expressed "there is an estimated \$100 million in CalFresh benefits unclaimed every month. College students are either not receiving enough information or are unaware of the benefits that are available to them." Providing CalFresh information during orientation represents another outreach step universities can take to ensure students receive nutritional assistance.

Committee comments. The convoluted and often restrictive process created by the student eligibility rule has been recognized by Presidential Administrations and Congress in part due to COVID – 19. In December 2020, Congress passed a relief bill which expanded access to CalFresh to students with zero expected family contributions and those who participate in federal and state work study. In response to the expansion, the State Legislature in partnership with the Governor passed AB 85 (Committee on Budget), Chapter 4, Statutes of 2020, which included funding for counties to process additional student applications and funding for the CCC, CSU, and UC for outreach. Additional efforts by the Legislature to expand access under existing rules and to encourage the Federal government to remove the student eligibility rule entirely are underway.

With the Legislature’s continued efforts to reduce hunger and increase CalFresh participation, AB 543 is timely and aligns with the Legislatures desire to increase outreach to students who may at one time during their educational journey need nutritional assistance. One would argue orientation is a perfect time to provide a captive student audience information regarding the available resources on campus to support the basic needs of students. However, not all orientations offered at CSU and the UC campuses are mandatory nor are orientations free to students. The cost of attending orientation is limited to production cost and there are waivers available to low-income students; however not every student attends. During COVID – 19 many campuses across all three public higher education segments transitioned their orientation online and it was identified as a valuable tool of connecting and providing information to incoming students.

Moving forward, if the Legislature is willing to mandate CalFresh information to be provided to students during orientation, which is readily available on campus through various outlets, why not require additional resources such as local and county resources for housing, mental health, and food access? Furthermore the Legislature should evaluate the cost associated with mandating information at orientation as the cost could trickle down to the students.

While AB 543 is a valiant effort to disperse information to students, the bill only requires the CSU to provide the information during orientation and requests the UC to make CalFresh information available during orientation. Both the CSU and the UC expressed they are currently providing CalFresh information to students through various methods. The CSU Chancellor’s office expressed that all campuses work with incoming students to assist them with applying for CalFresh. CSU campuses promote CalFresh and other basic needs programs/services at orientation for first-time and transfer students; in fact, during COVID-19, the Basic Needs staff had a dedicated time to connect with students to assist them during the virtual orientation. The UC Office of the President explained campus’ CalFresh outreach is quite extensive and often students receive CalFresh information before they arrive to campus. With this knowledge that the segments identified in AB 543 as already providing CalFresh information to students, the Committee requested information from the CCC.

The CCC system is the largest college system in the Country with 116 campuses providing education to 2.1 million students. The CCC is often the gateway to higher education for millions of Californians and in a recent survey conducted by the Hope Center for College, Community, and Justice Survey identified 50% of CCC students reported experiencing food insecurity. While information was not available to confirm if CalFresh information is provided as part of orientation, the CCC Chancellor’s Office highlighted various avenues by which CalFresh

information is provided to students including: the student portal college website which contains CalFresh information along with local and county resources for student basic needs.

With this understanding the Committee suggests, and the Author has accepted the following amendments:

- 1) *The Board of Governors of the California Community Colleges and Trustees of the California State University shall provide, and the Regents of the University of California are requested to provide as a part of campus orientation, educational information about CalFresh (Chapter 10(commencing with Section 18900) of Part 6 of Division 9 of the Welfare and Institutions Code), and the student eligibility requirements for all incoming students for all campuses of their respective segments.*
- 2) *Sec 2. If the Commission of State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of Government Code.*

Current and Previous Legislation.

- 1) AB 396 (Gabriel), pending a hearing in this Committee, would require a program on a higher education institution's campus that meets the eligibility standards of a CalFresh local education program to apply for approval from the California Department of Social Services by June 1, 2022.
- 2) AB 775 (Berman), pending a hearing in this Committee, would require each campus of the CCC, by July 1, 2022, to create the position of a Basic Needs Coordinator, establish a Basic Needs Center and by February 1, 2022 develop a document available online that provides all on and off campus basic needs resources available to students.
- 3) AB 84 (Committee on Budget), Chapter 4, Statutes of 2021, appropriates \$28.8 8 million for county administrators and outreach costs associated with Calfresh benefits to student 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.
- 4) SB 366, Chapter 146, Statutes of 2019, requires the Trustees of the CSU and request the Regents of the UC to provide, as part of their respective campus orientations, educational and preventive information about cyberbullying to students.
- 5) 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.

REGISTERED SUPPORT / OPPOSITION:

Support

California Catholic Conference

Opposition

None on file.

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