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AB-214 Postsecondary education: student hunger. (2017-2018)

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Assembly Bill No. 214

CHAPTER 134

An act to amend Section 66025.93 of, and to add Section 69519.3 to, the Education Code, and to amend Section 18901.11 of the Welfare and Institutions Code, relating to postsecondary education.

[Approved by Governor July 24, 2017. Filed with Secretary of State July 24, 2017.]

LEGISLATIVE COUNSEL'S DIGEST

AB 214, Weber. Postsecondary education: student hunger.

(1) Existing law establishes the California State University, under the administration of the Trustees of the California State University; the University of California, under the administration of the Regents of the University of California; the California Community Colleges, under the administration of the Board of Governors of the California Community Colleges; and independent institutions of higher education as the 4 segments of postsecondary education in this state.

This bill would express the intent of the Legislature to enact legislation to reduce the incidence of hunger and homelessness among college students in California.

(2) Existing law requires each public and private postsecondary educational institution that is located in a county that participates in the Restaurant Meals Program to apply to become an approved food vendor for the program, if the institution operates any qualifying food facilities on campus, or to provide contracting on-campus food vendors with specified information about the program.

This bill would provide definitions of "on-campus food vendors" and "qualifying food facility" for purposes of this provision.

(3) Existing federal law provides for the Supplemental Nutrition Assistance Program (SNAP), known in California as CalFresh, formerly the Food Stamp Program, under which supplemental nutrition assistance benefits allocated to the state by the federal government are distributed to eligible individuals by each county. Under existing law, households are eligible to receive CalFresh benefits to the extent permitted by federal law. Existing federal law provides that students who are enrolled in college or other institutions of higher education at least half time are not eligible for SNAP benefits unless they meet one of several specified exemptions, including participating in specified employment training programs.

Existing state law provides that, for the purposes of determining eligibility, certain educational programs, as determined by the State Department of Social Services, shall be considered employment training programs, thereby qualifying a student participating in one of those programs for an exemption, unless prohibited by federal law. Existing law also requires the State Department of Social Services, in consultation with representatives from other specified organizations, to establish a protocol to identify and verify all potential exemptions and to identify and verify participation in educational programs, including self-initiated placements, that would qualify a student for an exemption.

This bill would express legislative intent to clarify educational policies for purposes of improving access for low-income students to the CalFresh program. For purposes of the federal regulation, the bill would specify the definition of half-time college enrollment. The bill would also require the Student Aid Commission to provide written notice to recipients of Cal Grant awards who qualify for participation in the CalFresh program under the federal regulation.

This bill would require the Department of Social Services to maintain and regularly update a list of programs identified pursuant to existing law because they meet the employment training exemption set in the federal regulation. The bill would also require the department to issue and maintain instructions for county human services agencies to verify exemptions to the CalFresh student eligibility rules for students who participate in these programs, as specified. To the extent that this provision would impose new duties on county human services agencies, it would constitute a state-mandated local program.

(4) Existing law requires the Department of Social Services to implement the provisions described in (3) above by all-county letters or similar instructions beginning no later than October 1, 2015, until regulations are adopted, and further requires the department to adopt regulations on or before October 1, 2017. Existing law also requires the department to seek and obtain federal approval, as specified, prior to publishing that guidance or regulation, if the United States Department of Agriculture requires federal approval.

This bill would adjust the dates for the implementation and adoption of regulations. The bill would delete the provision relating to federal approval.

(5) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. (a) The Legislature finds and declares all of the following:

(1) According to the California State University (CSU), one in five CSU students experiences chronic hunger and one in 10 experiences homelessness.

(2) In a survey recently conducted by the Regents of the University of California (UC), it was found that one in 10 UC students do not have access to adequate food or nutrition.

(3) Nationwide, one-half of all community college students are struggling with housing or food insecurity.

(b) It is the intent of the Legislature to enact legislation to reduce the incidence of hunger and homelessness among college students in California.

SEC. 2. Section 66025.93 of the Education Code is amended to read:

66025.93. (a) Each public or private postsecondary educational institution that is located in a county that participates in the Restaurant Meals Program established pursuant to Section 2020 of Title 7 of the United States Code shall do all of the following:

(1) Apply to become an approved food vendor for the Restaurant Meals Program, if the institution operates any qualifying food facility on campus.

(2) Annually provide all on-campus food vendors not operated by the institution with information regarding the Restaurant Meals Program and the manner in which to apply.

(3) If an on-campus food vendor has been approved to participate in the Restaurant Meals Program, annually inform students about the program using information provided by the State Department of Social Services.

(b) This section does not require an institution to create, operate, or maintain an EBT system on behalf of on-campus food vendors.

(c) An approved food vendor participating in the Restaurant Meals Program pursuant to this section, and a county in which the program is operated, shall meet the requirements of the Restaurant Meals Program.

(d) For purposes of this section:

(1) "On-campus food vendors" does not include any vendor that does not sell prepared food for onsite consumption or that sells food from a mobile food facility, as defined in Section 113831 of the Health and Safety Code.

(2) "Qualifying food facility" is a facility that sells prepared food for onsite consumption.

SEC. 3. Section 69519.3 is added to the Education Code, to read:

69519.3. (a) It is the intent of the Legislature to clarify educational policies for purposes of improving access for low-income students to the CalFresh program established pursuant to Chapter 10 (commencing with Section 18900) of Part 6 of Division 9 of the Welfare and Institutions Code.

(b) For purposes of Section 273.5(a) of Title 7 of the Code of Federal Regulations, a student shall be determined to be attending at least half-time any semester or term in which he or she enrolls in at least half of the number of credits needed each semester or term to graduate within four years of enrollment as a first-time freshman, or within two years of enrollment as a transfer student, unless prohibited by federal law.

(c) The commission shall notify, in writing, any recipient of a Cal Grant award whose grant includes any amount of funding that has been derived from the Temporary Aid to Needy Families (TANF) block grant or state match in order for the student to verify that he or she qualifies for the exemption from the CalFresh program student eligibility rules provided for in Section 273.5(b) of Title 7 of the Code of Federal Regulations.

SEC. 4. Section 18901.11 of the Welfare and Institutions Code is amended to read:

18901.11. (a) For purposes of Section 273.5(b)(11)(ii) of Title 7 of the Code of Federal Regulations, an educational program that could be a component of a CalFresh E&T program described in Section 18926.5, as identified by the department, shall be considered an employment and training program under Section 273.7 of Title 7 of the Code of Federal Regulations, unless prohibited by federal law.

(b) The department shall, in consultation with representatives of the office of the Chancellor of the California Community Colleges, offices of the Chancellor of the California State University, University of California Chancellors' offices, the California Workforce Investment Board, county human services agencies, and advocates for students and clients, establish a protocol to identify and verify all potential exemptions to the eligibility rule described in Section 273.5(a) of Title 7 of the Code of Federal Regulations, and to identify and verify participation in educational programs, including, but not necessarily limited to, self-initiated placements, that would exempt a student from the eligibility rule described in Section 273.5(a) of Title 7 of the Code of Federal Regulations. To the extent possible, this consultation shall take place through existing workgroups convened by the department.

(c) The department shall maintain and regularly update the list of programs identified by the workgroup established pursuant to subdivision (b) because they meet the standard set in Section 273.5(b)(11) of Title 7 of the Code of Federal Regulations, which provides that a student is eligible for an exemption from the CalFresh program's eligibility rules if the student's attendance can be described as part of a program to increase the student's employability.

(d) (1) The department shall issue and maintain instructions for county human services agencies to verify exemptions to the CalFresh student eligibility rules for students who participate in the programs identified pursuant to subdivision (c), students who are approved and anticipate participating in state or federal workstudy, or students who meet one of the qualifications for exemptions set forth in Section 69519.3 of the Education Code.

(2) For purposes of this subdivision, and to the extent allowed by federal law, a student shall be considered to be "anticipating participation" in workstudy if he or she can reasonably expect or foresee being assigned a workstudy job, and a student shall be deemed to be "anticipating participation" in workstudy until he or she receives notice from the institution of higher education that he or she has been denied participation in workstudy.

(e) (1) This section does not require a county human services agency to offer a particular component, support services, or workers' compensation to a student found eligible for an exemption pursuant to this section.

(2) This section does not restrict or require the use of federal funds for the financing of CalFresh E&T programs.

(3) This section does not require a college or university to provide a student with information necessary to verify eligibility for CalFresh.

SEC. 5. Notwithstanding the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), the Department of Social Services shall implement Sections 3 and 4 of this act by all-county letters or similar instructions beginning no later than October 1, 2018, until regulations are adopted. The Department of Social Services shall adopt regulations implementing this section on or before October 1, 2020.

SEC. 6. If the Commission on 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 the Government Code.