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**SB-173 CalFresh: postsecondary student eligibility: workstudy.** (2019-2020)

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**Senate Bill No. 173**

**CHAPTER 139**

An act to amend Section 18901.11 of the Welfare and Institutions Code, relating to public social services.

[ Approved by Governor July 30, 2019. Filed with Secretary of State July 30, 2019. ]

**LEGISLATIVE COUNSEL'S DIGEST**

SB 173, Dodd. CalFresh: postsecondary student eligibility: workstudy.

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 for CalFresh, certain educational programs, as determined by the State Department of Social Services, 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 requires the department to maintain and regularly update a list of programs that meet the employment training exemption set forth in the federal regulation. Existing law also requires 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.

This bill would additionally require the department, on or before January 1, 2021, to create a standardized form to be used by community colleges and universities to verify that a student is approved and anticipating participation in state or federal workstudy for the purpose of assisting county human services agencies in determining the student's potential eligibility for CalFresh. The bill would require community colleges and universities to distribute the form to all students approved for state or federal workstudy and to provide information required to complete that form. To the extent that this provision would impose new duties on county human services agencies and community colleges, it would constitute a state-mandated local program.

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.** 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, the office 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) The department shall, on or before January 1, 2021, and in consultation with representatives of the office of the Chancellor of the California Community Colleges, the office of the Chancellor of the California State University, University of California Chancellors' offices, and county human services agencies, create a standardized form to be used by community colleges and universities to verify that a student is approved and anticipating participation in state or federal workstudy for the purpose of assisting county human services agencies in determining the student's potential eligibility for CalFresh. To the extent practicable, community colleges and universities shall distribute the form to all students approved for state or federal workstudy.

(3) 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 the student can reasonably expect or foresee being assigned a workstudy job, and a student shall be deemed to be "anticipating participation" in workstudy until the student receives notice from the institution of higher education that the student 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) Except for the information required to complete the form specified in paragraph (2) of subdivision (d), this section does not require a college or university to provide a student with information necessary to verify eligibility for CalFresh.

**SEC. 2.** 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.