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SB-1232 CalWORKs: postsecondary education. (2019-2020)

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Senate Bill No. 1232

CHAPTER 366

An act to add Sections 11322.84 and 11323.21 to the Welfare and Institutions Code, relating to CalWORKs.

[Approved by Governor September 30, 2020. Filed with Secretary of State September 30, 2020.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1232, Glazer. CalWORKs: postsecondary education.

Existing law establishes the California Work Opportunity and Responsibility to Kids (CalWORKs) program, under which each county provides cash assistance and other benefits to qualified low-income families using federal, state, and county funds.

Existing law requires a recipient of CalWORKs to participate in welfare-to-work activities as a condition of eligibility. Existing law authorizes a student who, at the time they are required to participate in the program, is enrolled in any undergraduate degree or certificate program that leads to employment to continue in that program if they are making satisfactory progress in that program, the county determines that continuing in the program is likely to lead to self-supporting employment for that recipient, and the welfare-to-work plan reflects that determination. A person may meet their welfare-to-work requirements by taking part in a self-initiated education or training program, but if a recipient does not complete a specified number of hours of classroom, laboratory, or internship activities, the county human services agency is required to have the recipient participate in concurrent work activities, as specified. Existing law requires that necessary supportive services, including childcare and transportation costs, be available to every welfare-to-work participant in order to participate in the program activity to which they are assigned.

This bill would require that specified CalWORKs eligible individuals participating in a full time or part time educational activity at a publicly funded postsecondary educational institution and making satisfactory progress, as specified, receive a standard payment of \$175 to \$500 per semester or quarter, which may be provided, in whole or in part, in the form of a book voucher, or reimbursement for verified actual expenses for the purpose of paying costs associated with attending the postsecondary educational institution. The bill would exempt an applicant or recipient who is enrolled in a specified educational plan or program and making satisfactory progress from participating in specified work activities, would revise applicable assessment requirements, and would entitle an applicant to the payment or reimbursement and other necessary supportive services. The bill would define "full time" and "making satisfactory progress" for purposes of these provisions. By imposing a higher level of service on county employees, the bill would impose a state-mandated local program.

This bill would authorize the State Department of Social Services to implement these provisions by all-county letter or similar instruction until regulations are adopted and would require emergency regulations to be adopted by January 1, 2023. The bill would authorize the initial adoption and one readoption of emergency regulations and would require final regulations to be adopted on or before the expiration of the emergency regulations.

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.

Existing law continuously appropriates moneys from the General Fund to defray a portion of county costs under the CalWORKs program.

This bill would instead provide that the continuous appropriation would not be made for purposes of implementing the bill.

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

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

SECTION 1. Section 11322.84 is added to the Welfare and Institutions Code, to read:

11322.84. (a) Notwithstanding any other law, a person who satisfies the criteria in subdivision (b) shall be entitled to receive the standard payment for books and college supplies pursuant to Section 11323.21, subject to both of the following:

(1) The participant shall not be required to complete job club, as provided in Section 11325.22.

(2) An assessment, as provided in Section 11325.4, shall be conducted only for the purpose of identifying any barriers, such as domestic violence, substance abuse, mental health, learning disability, or other barriers that the participant may have. This barrier assessment may be conducted only through a telephone or other electronic interview, unless the participant requests an in person assessment in writing. In no event may that the individual be disallowed to attend a publicly funded postsecondary education institution if otherwise eligible under this section due to any barrier.

(b) (1) This section applies to both of the following:

(A) A recipient attending a publicly funded postsecondary educational institution full time and making satisfactory progress at that institution.

(B) A recipient attending a publicly funded postsecondary educational institution part time and who is meeting the hourly participation rates required by Section 11322.8, based on the number of academic units and the hours of study time required for those academic units. For purposes of calculating whether a recipient is meeting the hourly participation requirement, the number of hours for study time shall be three hours of study time for each academic unit. If a recipient's academic units, in addition to the three hours of study time per unit, do not meet the total number of hours required by Section 11322.8, the county shall assist the recipient in meeting the required hours of participation by allowing the recipient to submit a proposal for meeting those hours based on the full array of options available to the recipient, which the county shall apply to satisfy the hourly participation requirement.

(2) A recipient described in this subdivision shall not be subject to Section 11322.85.

(c) A recipient who is attending a publicly funded postsecondary educational institution shall provide verification that they are making satisfactory progress at the beginning of each term when that information is available from the institution the recipient attends.

(d) For purposes of this section, the definitions of "full time," "part time," and "making satisfactory progress" shall be determined according to the rules and regulations of the publicly funded postsecondary educational institution that the individual attends.

(e) (1) An individual who meets the requirements of this section and wishes to receive supportive services shall be required to sign a welfare-to-work plan that meets the requirements of paragraph (2) each academic semester or quarter. The county shall provide the plan to the individual by mail or electronically, if agreed to by the individual 30 days prior to the registration for each semester or quarter. If the plan is not provided by the county 30 days prior to registration for the semester or quarter, supportive services shall continue at the same level for the next semester or quarter. The plan shall be returned to the county after the individual registers for the classes of the semester or quarter.

(2) The plan shall include all of the following information:

(A) The educational schedule for the semester or quarter.

(B) A description of the various supportive services that the recipient is entitled to, if necessary pursuant to Section 11323.2.

(C) A request for the supportive services the individual wishes to receive.

(D) The number of academic units for which the individual has enrolled.

(E) Class times for the purposes of receiving child care assistance, if required by law.

(F) Transportation and parking costs.

(G) Any other costs that are necessary for attending the publicly funded postsecondary educational institution.

(3) The plan shall be mailed to the recipient for completion and shall be returned by mail or by electronic means, if the county has the capacity to make the plan electronically available. If the county requires the plan to be returned by mail, the county shall include a postage-prepaid envelope for that purpose. The recipient may request, in writing, to meet with a county employee to receive assistance with completing the plan.

SEC. 2. Section 11323.21 is added to the Welfare and Institutions Code, to read:

11323.21. (a) A CalWORKs eligible individual who provides the county evidence that the individual is participating in an educational activity full time at a publicly funded postsecondary educational institution in accordance with Section 11322.84 shall receive a payment of five hundred dollars (\$500) for each semester or three hundred fifty dollars (\$350) for each quarter, and a CalWORKs eligible individual who provides the county evidence that the individual is participating in an educational activity part time at a postsecondary educational institution, in accordance with Section 11322.84, shall receive a payment of two hundred fifty dollars (\$250) for each semester or one hundred seventy-five dollars (\$175) for each quarter for the purpose of paying costs associated with attending the postsecondary educational institution 10 days before the beginning of the academic semester or quarter.

(b) For the purposes of this section, the amounts set forth in subdivision (a) shall be considered a standard payment for books and college supplies.

(c) A recipient may request reimbursement for the actual costs for the purpose of paying costs associated with attending the postsecondary educational institution pursuant to Section 11323.2 if the recipient provides verification of expenses that exceed the applicable amount set forth in subdivision (a) for books and college supplies that are required for the classes in which the individual is enrolled. The county shall issue payment within 20 days of the recipient's request.

(d) A county may elect to satisfy the requirements of subdivision (a) in the form of a book voucher or other means of payment to a store or stores that carry the books required for the recipient. The county may only exercise this option if the county makes all required books available to the recipient at least 10 days before the start of the semester or quarter to ensure that the participant has the required books on the first day of class.

(e) (1) 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 State Department of Social Services may implement, interpret, or make specific this section by means of all-county letters or similar written instructions from the department until regulations are adopted. These all-county letters or similar instructions shall have the same force and effect as regulations.

(2) The department shall adopt emergency regulations no later than January 1, 2023. The department may readopt any emergency regulation authorized by this section that is the same as, or substantially equivalent to, an emergency regulation previously adopted under this section.

(3) The initial adoption of emergency regulations pursuant to this section and one readoption of emergency regulations shall be deemed an emergency and necessary for the immediate preservation of the public peace, health, safety, or general welfare. Initial emergency regulations and the one readoption of emergency regulations authorized by this section shall be exempt from review by the Office of Administrative Law. The initial emergency regulations and the one readoption of emergency regulations authorized by this section shall be submitted to the Office of Administrative Law for filing with the Secretary of State and each shall remain in effect for no more than 180 days, by which time final regulations shall be adopted.

SEC. 3. 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.

SEC. 4. No appropriation pursuant to Section 15200 of the Welfare and Institutions Code shall be made for purposes of implementing this act.