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SB-609 CalFresh. (2021-2022)

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Senate Bill No. 609

CHAPTER 606

An act to amend Section 18901.11 of the Welfare and Institutions Code, relating to CalFresh.

[Approved by Governor October 06, 2021. Filed with Secretary of State October 06, 2021.]

LEGISLATIVE COUNSEL'S DIGEST

SB 609, Hurtado. CalFresh.

Existing federal law provides for the Supplemental Nutrition Assistance Program (SNAP), known in California as CalFresh, 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 and training programs.

Existing state law requires, for the purposes of determining eligibility for CalFresh, certain educational programs, as determined by the State Department of Social Services, to be considered employment and 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 and training exemption set forth in federal regulations.

This bill would require the department, upon an appropriation by the Legislature for this purpose, and to the extent permitted by federal law, to include adult education and career technical education programs in the list of programs that are deemed to meet the employment and training exemption set forth in the federal regulations.

To the extent that the bill would impose new duties on counties administering the CalFresh program, the bill would impose 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) (1) 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.

(2) Upon an appropriation by the Legislature for this purpose, and to the extent permitted by federal law, the department shall include adult education and career technical education programs in the list of programs that are deemed to meet the standard set in Section 273.5(b)(11) of Title 7 of the Code of Federal Regulations.

(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.