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SB-768 CalWORKs: postsecondary education. (2021-2022)

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Senate Bill No. 768

CHAPTER 447

An act to amend Sections 11322.84, 11323.21, and 11325.23 of the Welfare and Institutions Code, relating to CalWORKs.

[Approved by Governor September 19, 2022. Filed with Secretary of State September 19, 2022.]

LEGISLATIVE COUNSEL'S DIGEST

SB 768, 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. Under the CalWORKs program, recipients are required to participate in specified welfare-to-work activities, except for specified persons. Existing law requires that specified CalWORKs eligible individuals who are participating either full time in an educational activity or part time in an educational activity and meeting the hourly participation rates based on the number of academic units, as specified, 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. Existing law prohibits those participants from being required to participate in job club, a required welfare-to-work activity. Existing law requires an individual who meets certain requirements and who wishes to receive supportive services to sign a welfare-to-work plan, as specified.

This bill would prohibit those educational activity participants from being required to participate in orientation and appraisal more than once, except as specified, or to participate in welfare-to-work activities to satisfy instructional hours during semester or quarter breaks. The bill would also additionally authorize the CalWORKs eligible individuals who participate in a full-time or part-time educational activity at a nonprofit postsecondary educational institution to receive those standard payments. The bill would include summer session as a quarter for these purposes. The bill would instead base the hourly participation rates described above on instructional hours, as defined. The bill would also make other changes to provisions relating to an individual who wishes to receive supportive services and signs a welfare-to-work plan. By imposing a higher level of service on county employees, the bill would impose a state-mandated local program.

Existing law requires a recipient of CalWORKs to participate in welfare-to-work activities as a condition of eligibility, but permits a student who is enrolled in an undergraduate degree or certificate program that leads to employment to continue in that program under specified conditions.

This bill would specify that this provision does not apply to students who are receiving the standard payments described above.

The bill would authorize the State Department of Social Services to implement these provisions by means of all-county letters or similar written instructions until regulations are adopted.

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 of the Welfare and Institutions Code is amended 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 all of the following:

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

(2) The participant shall not be required to participate in orientation and appraisal, as provided in subdivision (a) of Section 11320.1, more than once. A county may require another orientation and appraisal for participants who have had a break of more than one year in receiving aid or supportive services pursuant to this chapter.

(3) 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 individual be disallowed to attend a publicly funded or nonprofit postsecondary education institution if otherwise eligible under this section due to any barrier.

(4) The participant shall not be required to participate in welfare-to-work activities pursuant to this article to satisfy instructional hours during semester or quarter breaks.

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

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

(B) A recipient attending a publicly funded or nonprofit postsecondary educational institution part time and who is meeting the hourly participation rates required by Section 11322.8, based on the number of instructional hours or academic units and the hours of study time required for those instructional hours or 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 instructional hour or academic unit. If a recipient's instructional hours or 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 or nonprofit 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 or nonprofit 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.

(2) 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.

(f) For purposes of this section, an "instructional hour" shall mean class time of 50 minutes.

SEC. 2. Section 11323.21 of the Welfare and Institutions Code is amended to read:

11323.21. (a) (1) A CalWORKs eligible individual who provides the county with evidence that the individual is participating in an educational activity full time at a publicly funded or nonprofit 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 with evidence that the individual is participating in an educational activity part time at a publicly funded or nonprofit 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 publicly funded or nonprofit postsecondary educational institution 10 days before the beginning of the academic semester or quarter.

(2) A summer session shall be deemed to be a quarter for purposes of this section.

(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 publicly funded or nonprofit 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, summer session, 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. Section 11325.23 of the Welfare and Institutions Code is amended to read:

11325.23. (a) (1) Except as provided in paragraph (2), any student who does not meet the requirements of Section 11322.84 at the time the student is required to participate under this article pursuant to Section 11320.3, and who is enrolled in any undergraduate degree or certificate program that leads to employment may continue in that program if the student is 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.

(2) Any individual who possesses a baccalaureate degree shall not be eligible to participate under this section unless the individual is pursuing a California regular classroom teaching credential in a college or university with an approved teacher credential preparation program.

(3) (A) Subject to the limitation provided in subdivision (f), a program shall be determined to lead to employment if it is on a list of programs that the county welfare department and local education agencies or providers agree lead to employment. The list shall be agreed to annually, with the first list completed no later than January 31, 1998. By January 1, 2000, all educational

providers shall report data regarding programs on the list for the purposes of the report card established under former Section 15037.1 of the Unemployment Insurance Code for the programs to remain on the list.

(B) For students not in a program on the list prepared under subparagraph (A), the county shall determine if the program leads to employment. The recipient shall be allowed to continue in the program if the recipient demonstrates to the county that the program will lead to self-supporting employment for that recipient and the documentation is included in the welfare-to-work plan.

(C) If participation in educational or vocational training, as determined by the number of hours required for classroom, laboratory, study time provided for by an educational or training institution, or internship activities, is not at least 30 hours, or if subparagraph (B) of paragraph (1) of subdivision (a) of Section 11322.8 applies, 20 hours, the county shall require concurrent participation in work activities pursuant to subdivisions (a) to (j), inclusive, of Section 11322.6 and Section 11325.22.

(b) Participation in the self-initiated education or vocational training program shall be reflected in the welfare-to-work plan required by Section 11325.21. The welfare-to-work plan shall provide that whenever an individual ceases to participate in, refuses to attend regularly, or does not maintain satisfactory progress in the self-initiated program, the individual shall participate under this article in accordance with Section 11325.22.

(c) Any person whose previously approved self-initiated education or training program is interrupted for reasons that meet the good cause criteria specified in subdivision (f) of Section 11320.3 may resume participation in the same program if the participant maintained good standing in the program while participating and the self-initiated program continues to meet the approval criteria.

(d) Supportive services reimbursement shall be provided for any participant in a self-initiated training or education program approved under this subdivision. This reimbursement shall be provided if no other source of funding for those costs is available. Any offset to supportive services payments shall be made in accordance with subdivision (e) of Section 11323.4.

(e) Any student who, at the time the student is required to participate under this article pursuant to Section 11320.3, has been enrolled and is making satisfactory progress in a degree or certificate program, but does not meet the criteria set forth in subdivision (a), shall have until the beginning of the next educational semester or quarter break to continue the student's educational program if the student continues to make satisfactory progress. At the time the educational break occurs, the individual is required to participate pursuant to Section 11320.1. A recipient not expected to complete the program by the next break may continue the student's education, provided the student transfers at the end of the current quarter or semester to a program that qualifies under that subdivision, the county determines that participation is likely to lead to self-supporting employment of the recipient, and the welfare-to-work plan reflects that determination.

(f) Any degree, certificate, or vocational program offered by a private postsecondary training provider shall not be approved under this section unless the program is either approved or exempted by the appropriate state regulatory agency and the program is in compliance with all other provisions of law.

(g) This section shall not apply to a CalWORKs eligible individual who is participating in an educational activity full time or part time at a publicly funded or nonprofit postsecondary educational institution in accordance with Section 11322.84 and receiving payments pursuant to Section 11323.21.

SEC. 4. 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 measure 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.

SEC. 5. 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. 6. No appropriation pursuant to Section 15200 of the Welfare and Institutions Code shall be made for purposes of implementing this act.