

Assembly Bill No. 1930

Passed the Assembly August 21, 2014

Chief Clerk of the Assembly

Passed the Senate August 19, 2014

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2014, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

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

LEGISLATIVE COUNSEL'S DIGEST

AB 1930, Skinner. CalFresh: student eligibility.

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.

This bill would provide 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. The bill would also require 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. The bill would require the department to implement these provisions by all-county letters or similar instructions beginning no later than October 1, 2015, until regulations are adopted, and would require the department to adopt regulations on or before October 1, 2017. The bill would require 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.

The people of the State of California do enact as follows:

SECTION 1. It is the intent of the Legislature to increase college graduation rates of low-income Californians and to reduce the incidence of economic hardship and hunger among low-income college students.

SEC. 2. Section 18901.11 is added to the Welfare and Institutions Code, to read:

18901.11. (a) For the 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 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) If the United States Department of Agriculture requires federal approval of the exemption designation established pursuant to subdivision (a) and the protocol established pursuant to subdivision (b), the department shall seek and obtain that approval before publishing the guidance or regulation required by subdivision (e).

(d) (1) This section does not require a county human services agency to offer a particular component, support services, or worker's 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.

(e) 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 shall implement this section by all-county letters or similar instructions beginning no later than October 1, 2015, until regulations are adopted. The department shall adopt regulations implementing this section on or before October 1, 2017.

Approved _____, 2014

Governor