

AMENDED IN SENATE MARCH 24, 2014

SENATE BILL

No. 999

Introduced by Senator Liu

February 13, 2014

An act to *add Article 7 (commencing with Section 79220) to Chapter 9 of Part 48 of Division 7 of Title 3 of the Education Code, and to amend Section 18926.5 of the Welfare and Institutions Code, relating to social services.*

LEGISLATIVE COUNSEL'S DIGEST

SB 999, as amended, Liu. ~~CalFresh Employment and Training Program.~~ *CalFresh: student eligibility.*

Existing federal law provides for the federal 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 a student who is enrolled at least half-time in an institution of higher learning is not eligible to receive supplemental nutrition assistance benefits, unless he or she meets one of several specified exemptions.

This bill would require the Office of the Chancellor of the California Community Colleges and the Department of Social Services to examine and interpret those exemptions and establish clear and detailed guidelines identifying the categories of students that may qualify for an exemption and the programs in which enrollment may qualify a student for an exemption. The bill would also require a community college to provide documentation, as specified, to a student who is

enrolled in a program potentially qualifying him or her for an exemption. By imposing additional duties on community colleges, this bill would impose a state-mandated local program.

Existing law authorizes counties to participate in the CalFresh Employment and Training Program (CalFresh E&T), established by federal law with the purpose of assisting members of CalFresh households in gaining skills, training, work, or experience that will increase their ability to obtain regular employment. Existing law requires participating counties to screen CalFresh work registrants to determine whether the registrants will participate in, or be deferred from, the CalFresh E&T program. *Existing law requires a county that elects to participate in CalFresh E&T to demonstrate how it is successfully using CalFresh E&T funds for each component that it offers, which may include, among others, work experience and training.*

~~This bill would make technical, nonsubstantive changes to those provisions:~~ *authorize a county that elects to participate in the CalFresh E&T program to enter into an agreement with a community college or a California State University to establish subsidized employment opportunities, financed using federal funds, for students attending those postsecondary institutions who are required to participate in, or who have elected to voluntarily participate in, the CalFresh E&T 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 these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: ~~no~~-yes.

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

- 1 SECTION 1. Article 7 (commencing with Section 79220) is
- 2 added to Chapter 9 of Part 48 of Division 7 of Title 3 of the
- 3 Education Code, to read:

1 *Article 7. Student Eligibility for CalFresh*

2
3 79220. *The Office of the Chancellor of the California*
4 *Community Colleges and the Department of Social Services shall*
5 *examine and interpret the exemptions to the prohibition on student*
6 *eligibility for CalFresh benefits, identified in Section 2015(e) of*
7 *Title 7 of the United States Code and Section 273.5(b) of Title 7*
8 *of the Code of Federal Regulations, and shall establish clear and*
9 *detailed guidelines identifying the categories of students that may*
10 *qualify for an exemption and the programs in which enrollment*
11 *may qualify a student for an exemption.*

12 79230. *A community college shall provide documentation to*
13 *each student who is enrolled in a program that has been identified*
14 *pursuant to Section 79220 as a program potentially qualifying*
15 *him or her for an exemption to the prohibition on student Eligibility*
16 *for CalFresh benefits, identified in Section 2015(e) of Title 7 of*
17 *the United States Code and Section 273.5(b) of Title 7 of the Code*
18 *of Federal Regulations, at the time that the student develops an*
19 *education plan, as required by Section 78215, and at any other*
20 *time a student requests that documentation.*

21 **SECTION 4.**

22 *SEC. 2.* Section 18926.5 of the Welfare and Institutions Code
23 is amended to read:

24 18926.5. (a) For the purposes of this chapter, “CalFresh
25 Employment and Training program” or “CalFresh E&T” means
26 the program established under Section 6(d)(4)(B) of the federal
27 Food and Nutrition Act of 2008 (7 U.S.C. Sec. 2015), Section
28 273.7 of Title 7 of the Code of Federal Regulations, and associated
29 administrative notices published by the United States Department
30 of Agriculture with the purpose of assisting members of CalFresh
31 households in gaining skills, training, work, or experience that will
32 increase their ability to obtain regular employment.

33 (b) (1) A county that elects to participate in the CalFresh
34 Employment and Training (CalFresh E&T) program, as authorized
35 by the federal Food and Nutrition Act of 2008 (7 U.S.C. Sec. 2015),
36 shall screen CalFresh work registrants to determine whether they
37 will participate in, or be deferred from, the CalFresh E&T program.
38 If deferred, a CalFresh work registrant may request to enroll in the
39 CalFresh E&T program as a voluntary participant. An individual
40 shall be deferred from a mandatory placement in the CalFresh

1 E&T program if he or she satisfies any of the criteria in Sections
 2 273.7 and 273.24 of Title 7 of the Code of Federal Regulations, if
 3 he or she resides in a federally determined work surplus area, or
 4 if he or she is a veteran who has been honorably discharged from
 5 the United States Armed Forces.

6 (2) For purposes of this section, “deferred” has the same
 7 meaning as exempt.

8 (c) (1) A county that elects to participate in the CalFresh E&T
 9 program shall be required to demonstrate in its CalFresh E&T plan
 10 how it is effectively using CalFresh E&T funds for each of the
 11 components that the county offers, including, but not limited to,
 12 any of the following:

- 13 (A) Self-initiated workfare.
- 14 (B) Work experience or training.
- 15 (C) Education.
- 16 (D) Job search.
- 17 (E) The support services or client reimbursements needed to
 18 participate in subparagraphs (A) to (D), inclusive, as allowed by
 19 federal law and guidance.

20 (2) This section shall not be construed to require a county to
 21 offer a particular component as a part of its CalFresh E&T plan.

22 (d) This section does not limit a county’s ability to condition
 23 the receipt of nonmedical benefits under Section 17000 on an
 24 individual’s participation in an employment and training or
 25 workfare program of the county’s choice, even if that program is
 26 financed in whole or in part with CalFresh E&T funds or match
 27 funds.

28 (e) This section does not restrict the use of federal funds for the
 29 financing of CalFresh E&T programs.

30 (f) *A county that elects to participate in the CalFresh E&T*
 31 *program may enter into an agreement with a community college*
 32 *or a California State University in order to establish subsidized*
 33 *employment opportunities, financed using federal funds, for*
 34 *students attending those postsecondary institutions who are*
 35 *required to participate in, or who have elected to voluntarily*
 36 *participate in, the CalFresh E&T program.*

37 (f)

38 (g) This section shall not be construed to require a county to
 39 provide for workers’ compensation coverage for a CalFresh E&T
 40 participant. Notwithstanding Division 4 (commencing with Section

1 3200) of the Labor Code, a CalFresh E&T participant shall not be
2 an employee for the purposes of workers' compensation coverage
3 and a county shall have no duty to provide workers' compensation
4 coverage for a CalFresh E&T participant.

5 ~~(g)~~

6 (h) Notwithstanding the rulemaking provisions of the
7 Administrative Procedure Act (Chapter 3.5 (commencing with
8 Section 11340) of Part 1 of Division 3 of Title 2 of the Government
9 Code), the department may implement this section by all-county
10 letters or similar instructions. Thereafter, the department shall
11 adopt regulations to implement this section by October 1, 2013.

12 *SEC. 3. If the Commission on State Mandates determines that*
13 *this act contains costs mandated by the state, reimbursement to*
14 *local agencies and school districts for those costs shall be made*
15 *pursuant to Part 7 (commencing with Section 17500) of Division*
16 *4 of Title 2 of the Government Code.*