
2SENATE COMMITTEE ON EDUCATION
Senator Connie Leyva, Chair
2019 - 2020 Regular

Bill No:	AB 1229	Hearing Date:	July 10, 2019
Author:	Wicks		
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Consultant:	Chanel Matney		

Subject: End Foster Youth Student Hunger in California Act of 2019.

SUMMARY

This bill requires the California Student Aid Commission (CSAC) to determine how much funding and authority is needed for CSAC to establish a Transition Age Foster Youth Meal Plan Program, and to report this information to the Legislature. This bill requires the Department of Social Services (DSS) to establish an official approval process to ensure that foster youth who participate in an internship may apply those work hours towards meeting eligibility standards as a student in the CalFresh program. This bill imposes other requirements on DSS related to food assistance.

BACKGROUND

Existing law:

- 1) Establishes the CSAC as the primary state agency for the administration of state-authorized student financial aid programs available to students attending postsecondary education - including grant, work study, and loan programs supported by the state and federal government. (Education Code § 66010.6)
- 2) Establishes the Supplemental Nutrition Assistance Program (SNAP), a federal aid program that provides food-purchasing assistance to low-income households that meet specified criteria. (Title 7 United States Code § 2011 et seq.)
- 3) Establishes the CalFresh program, which administers SNAP benefits in the state of California. (Welfare and Institutions Code § 18900 et seq.)
- 4) Requires a student to meet at least *one* of several specified criteria in order to qualify for a 'student exemption' to the prohibition on college/university student eligibility for SNAP benefits, including, among other things, that the student is:
 - a) Between 18 and 49 years of age, and physically and mentally fit for employment.
 - b) Enrolled at least half-time in an institution of higher education.
 - c) Participating in *paid* employment (including self-employment) for a minimum of 20 hours per week, on average.

- d) Participating in an approved state or federally financed work study program during the regular school year. Title 7 United States Code § 2011 et seq.

ANALYSIS

This bill:

- 1) Defines a foster youth as an individual attending an institution of higher education who is a foster youth or a former foster youth up to 26 years of age.

Meal Program

- 2) Requires the CSAC to report to the Legislature, no later than March 1, 2020, the amount of funding and authority it would need to establish a Transition Age Foster Youth Meal Plan Program. In developing this report, this bill requires the CSAC to assume that:
 - a) The purpose of the program is to prevent hunger and basic needs deprivation among low-income transition-age foster youth who are attending a public college or university.
 - b) Participants in the program would meet the following eligibility criteria:
 - i. Be transition-age foster youth who is enrolled at least half-time at a public college or university.
 - ii. Be eligible for benefits pursuant to the Supportive Transitional Emancipation Program (STEP), a county-level program that supports emancipated foster youth who are participating in an educational or training program.
 - iii. Be under 21 years of age.
 - c) An eligible student would receive a monetary award in an amount that's equal to both of the following:
 - i. The cost of a meal plan that would cover 10 meals per week.
 - ii. The cost of all campus fees.
- 3) Requires the CSAC to work with one campus from each of the California Community Colleges (CCCs), the California State University (CSU), and the University of California (UC) systems to determine the size of the food benefit award amount and to select a method of delivery, and to require the CSAC to include that information in the report.

Work-study hours to meet CalFresh student eligibility

- 4) Requires the DSS to establish an official approval process to ensure that foster youth students can use their paid or unpaid internship hours from non-approved

federal or state work study programs to qualify for an exemption to SNAP/CalFresh student eligibility rule (see Item 2 of Existing Law).

- 5) Requires DSS to seek all necessary waivers from the United States Department of Agriculture to in order to implement the official approval process described above.

State-funded Supplemental Nutrition Benefit

- 6) Requires DSS to provide a state-funded food assistance cash benefit to nonminor dependents in an amount equal to the maximum allotted for a household of one under the CalFresh program.
- 7) Requires this food assistance cash benefit to be directly paid to the nonminor dependent via the same delivery method that the individual elects to receive their Aid to Families with Dependent Children-Foster Care benefits (AFDC-FC), a program that provides cash and MediCal benefits to providers of out-of-home care for foster care youth.
- 8) Requires the food assistance cash benefit to be available to nonminor dependents in a supervised independent living placement (SILP) and who directly receive the Aid to Families with Dependent Children-Foster Care (AFDC-FC) cash assistance benefit.
- 9) Provides that a nonminor dependent shall not be made ineligible for the food assistance cash benefit described above based on the nonminor dependent's receipt of CalFresh benefits.

Guidance

- 10) Requires DSS to issue guidance to county human service agencies regarding the following practices that are known to increase CalFresh participation, including CalFresh participation among transition-age foster youth:
 - a) Include CalFresh participation as a contractual requirement of Independent Living Program (ILP) providers.
 - b) Designate CalFresh eligibility workers to be subject-matter experts on foster youth CalFresh applications and funding, and to help expedite those applications.
 - c) Co-localize ILP coordinators, probation officers, social workers, and CalFresh eligibility workers to optimize their ability to work together to help foster youth apply for and receive CalFresh benefits.
 - d) Allow a notice of action regarding a youth to be sent to the county child welfare office until the youth secures stable housing.
 - e) Establish a self-initiated workfare program for former foster youth up to 26 years of age, such that they may apply those employment hours to qualify

for an extension to the federal time limit on CalFresh participation (see Item 3 of existing law).

STAFF COMMENTS

1) ***Need for the bill.*** According to the author, “Many foster youth aspire to higher education, but a small percentage of foster youth actually attain a bachelor’s degree. Students in college already face economic hardships and food insecurity, but many foster youth lack the financial stability and support that more traditional students receive. This bill will provide the necessary support for foster youth by eliminating the barriers for foster youth students to access CalFresh benefits and ensuring that they have the resources that they need to be food secure and successful students. California is stronger and the future is brighter when our youth have access to food and the resources that they need to obtain an education. A significant factor leading to low college education attainment among [the foster youth community] is the lack of financial stability and other supports many more traditional students receive for basic needs, such as housing, books, childcare, and food. Foster youth depend on financial assistance from government programs to meet their many independent living needs and rely on programs like CalFresh for food. [This bill] will expand the type of work hours allowable to qualify a foster youth student for CalFresh and remove benefits earned through Extended Foster Care from impacting income level requirements for CalFresh.”

2) ***Food insecurity is prevalent in higher education. California State University (CSU).*** According to a 2018 CSU study of Student Basic Needs, about two in five CSU students struggle to maintain reliable access to affordable and nutritious food. CSU students who reported food insecurity, homelessness, or both also experienced physical and mental health consequences that were associated with lower academic achievement.

University of California (UC). According to the 2017 Global Food Initiative, about two in five UC undergraduate students (44 percent) and about one in four UC graduate students (26 percent) report experiencing food insecurity.

California Community Colleges (CCC). A 2016 study by the Los Angeles Community College District found that around three in five (63 percent) of their students surveyed experience food insecurity, with almost 40 percent of those students indicating very low food insecurity. Johns Burton Advocates for Youth has estimated that approximately 12,000 former foster youth are enrolled at the CCC.

3) ***California Student Aid Commission (CSAC).*** The CSAC is the primary state agency for the administration of state-authorized student financial aid programs available to students attending all segments of postsecondary education. The CSAC works cooperatively with DSS to identify foster youth in higher education and assist them in applying to receive all state and federal benefits for which they are eligible. The CSAC also administers the Chafee Educational and Training Vouchers Program, which provides postsecondary education tuition assistance to current and former foster youth.

Reporting requirements

This bill requires the CSAC to report to the Legislature the amount of funding and the authority it would need to establish a Transition Age Foster Youth Meal Plan by no later than March 1, 2020, which is just two months after the bill would become effective on January 1, 2020. In compiling the report, the CSAC is required to work with at least one campus from each of the CCCs, the CSU, and the UC. Further, the CSAC must estimate the cost of the meal plan for each individual campus. This effort will require more time. **The committee recommends an amendment to require CSAC to submit its report on the Transition Age Foster Youth Meal Plan to the legislature on July 1, 2020, instead of March 1, 2020.**

- 4) ***Foster youth in higher education struggle often struggle to meet basic needs.*** According to John Burton Advocates for Youth, over 30,000 community college students, 3,000 CSU students, and over 1,500 UC students identify as current or former foster youth. Foster youth in higher education struggle with issues of affordability related to campus fees and tuition, housing costs, meal plans, and food access – among other things.

According to John Burton Advocates for Youth, only 4 percent of foster youth hold a college degree by age 26, as compared with 36 percent of the general population. According to the John Burton Advocates, the Legislative Analyst's Office, and the Wisconsin Center for the Advancement of Postsecondary Education, foster youth are more likely than their non-foster youth peers to: qualify as low-income; delay enrollment in postsecondary education following high school graduation; attend college part-time; be a first-generation college student; be employed for more hours per week; to earn poorer grades; to be homeless or have been homeless in the past, *and to suffer from hunger and food insecurity.*

- 5) ***What is CalFresh?*** The SNAP is a federal food assistance program that provides food purchasing assistance to low-income individuals who meet certain eligibility criteria. At the state level, this program is administered by county human service agencies, and is known as CalFresh. CalFresh benefits are 100 percent federally funded and the benefits are a federal entitlement. For participants of the program, CalFresh funds are loaded onto electronic benefit cards (EBT cards, formerly "food stamps") and may be used to purchase food items at markets and food stores. Nearly 4 million individuals in California receive CalFresh benefits. For the 2018-2019 year, the maximum benefit amount for a household size of one is \$192.
- 6) ***Lagging foster youth participation in CalFresh.*** Ideally, all foster youth would have access to the maximum CalFresh benefit for which they are eligible. However, many eligible current and former foster youth are not participating in the CalFresh program. The DSS estimates that less than half, or only about 40 percent, of eligible foster youth received CalFresh benefits in 2015.
- 7) ***College students must meet certain eligibility requirements to participate in CalFresh.*** In general, students enrolled at least half-time at an institution of higher education are ineligible to participate in CalFresh. However, there are

allowable exemptions to this restriction, such as working an average of at least 20 paid hours of work per week at an approved worksite, or being physically or mentally unfit to work.

Other exemptions to the student restriction on CalFresh participation are for participation in programs especially targeted to foster youth, such as:

- Participating in Extended Foster Care, which allows foster youth over 18 years of age to continue in foster care as a non-minor dependent under the supervision of a child welfare agency or probation department.
- Being a recipient of the Chafee Education and Training Voucher, which provides tuition assistance to current and former foster youth attending a state college or university.
- Participating in specified foster youth campus support programs, the Workforce Innovation and Opportunity Act program, or the Extended Opportunity programs – which are programs that are designed to increase employability.

In summary, a foster youth in higher education is likely to be exempt from the student restrictions CalFresh eligibility if they meet the following criteria:

- They have at least 20 paid work hours at an approved worksite.
- They are mentally or physically unfit for employment.
- They are in Extended Foster Care as a nonminor dependent.
- They are participating in specified workforce preparedness programs.
- They are under the age of 18 years.

- 8) ***The impact of excluding certain categories of work from the CalFresh student eligibility rule exemption.*** As noted above, CalFresh establishes a 20 paid hours/week per week exemption rule to the restriction on student participation. However, a number of employment settings are not classified as approved worksites under federal SNAP guidelines, which are administered by the US Department of Agriculture. Students working in a hospital, clinic, school, university, non-profit community-based group, non-governmental organization, business entity, or corporation may *not* apply those hours towards the work exemption.

These restrictions may deter students from considering employment opportunities in medicine, public policy, community engagement, education, and others. This bill requires DSS to petition the federal government for a waiver to this requirement. Implementation of this provision of the bill will be contingent on approval from the USDA.

- 9) ***Foster youth: existing support services.*** Current law:
- a) Requires postsecondary educational institutions to designate a staff member to serve as the Homeless and Foster Youth Liaison – an individual who is responsible for understanding the provisions of the federal Higher Education Act pertaining to financial aid eligibility of current and former foster youth and homeless youth, for identifying services available for enrolled students who fall into these categories, and for assisting these students in applying for federal and state financial aid and support services. (EC § 67003.5)
 - b) Establishes the Higher Education Outreach and Assistance Act for Foster Youth which, among other things, requires the California Community Colleges do all of the following upon admission of a foster youth, and each campus of the California State University to do all of following upon determination, through receipt of the Free Application for Federal Student Aid (FAFSA) or through another means, that a student enrolled at, or applying to, that campus is a current or former foster youth and is eligible for financial aid:
 - i. Notify that student about appropriate campus support programs that may include, but are not necessarily limited to, the California State University Educational Opportunity Program, the California Community Colleges Extended Opportunity Programs and Services, and Cooperating Agencies Foster Youth Educational Support.
 - ii. Notify that student of his or her eligibility for financial aid.
 - iii. Provide that student with instructions for accessing the benefits for which he or she has qualified. (EC § 89341)
 - c) Requires the California Community College Board of Governors to submit biennial reports to the state that include a campus-by-campus review of the enrollment, retention, transfer, and completion rates of foster youth, including categorical funding of those programs. The reports shall also include recommendations on whether and how the program under this article can be expanded to all community college districts and campuses. (EC § 79226)
 - d) Establishes the Cooperating Agencies Foster Youth Educational Support Program, which shall, among other things, provide support services to foster youth in the areas of book and supply grants, independent living and financial literacy skills, childcare and transportation assistance. (EC § 79220)
 - e) Establishes, until January 1, 2022, “hunger-free campus,” designation requirements which include, designating an employee to help students enroll in CalFresh, having an on-campus food pantry and meal sharing program as described. A campus that meets those requirements is eligible

for a funding incentive upon appropriation of the Legislature. (EC § 66027.8)

- 10) ***Existing efforts addressing college hunger on public campuses.*** The UC launched the Global Food Initiative, and in March 2014, the President of the UC allocated \$377,000 per campus to fund efforts in research, student support services, educational programming and engagement. These efforts, among other things, have resulted in the creation or expansion of food pantry and distribution services on each UC campus, available to all students with need and the creation of undergraduate campus dining meal donation programs.

The CSU Chancellor's Office affirms that all 23 campuses have a food pantry or food distribution program, a majority of campuses offer meals through meal sharing or meal voucher programs and five of the CSU campuses accept Electronic Benefit Transfer with additional campuses in development.

The CCC Chancellor's Office reports that various system-wide efforts are underway to coordinate CalFresh enrollment on campuses for students, this includes training faculty and staff and partnering with the California Association of Food Banks to bring outreach workers onto campuses to support students with CalFresh enrollment. The Chancellor's office also coordinates with the California Association of Food Banks to leverage low cost food to stock campus food pantries. Strategies to identify and promote best practices are also ongoing.

Each segment participates in intersegmental Higher Education Basic Needs workgroup designed to improve coordination and share evidence-based practices to address student needs around food and housing.

- 11) ***Things to consider.*** The proposed program would be administered by the CSAC, which also administers the Cal Grant program. *Is creating a new aid program necessary? Could a similar goal be reached by increasing the Cal Grant B access award amount - which is designed to cover non-tuition costs (i.e. living expenses and expenses for transportation, supplies, and books)?* Proponents of this bill argue that foster youth are particularly vulnerable to food insecurity, and the response should be intentional and specially targeted to address this unmet need.
- 12) ***Related budget activity.*** The Legislature made the following appropriations related to food insecurity in the Annual Budget Act of 2019.

AB 74 (Ting, 2019)

- \$20 million in DSS grants to existing Emergency Food Assistance Program providers under contract with DSS or Feeding America members in California, or both.
- \$15 million to support meal donation programs food programs serving students, CalFresh enrollment, other means of directly providing nutrition assistance to students, and to support helping homeless/housing-insecure students in their search for stable housing.

- \$15 million for basic needs partnerships, wherein UC, CSU, and the CCCs shall work with DSS to assess the effectiveness of CalFresh and other state programs in addressing student food and housing insecurity.

SB 76 (Committee on Budget and Fiscal Review, 2019)

- \$500,000 to the CCCs to support a systemwide assessment of college-based food programs.
- 13) ***Fiscal impact.*** According to the Assembly Appropriations Committee, this bill may result in the following costs:
- a) Estimated costs, likely less than \$50,000, for CSAC to provide a cost estimate and make implementation recommendations.
 - b) Estimated costs of \$7.9 million from the General Fund annually, to DSS to provide the additional food benefit as part of the foster care payment to transitional age foster youth in independent living placements. This estimate assumes 3,435 youth received the maximum amount of \$192 per month.
- 14) ***Prior and related legislation.*** SB 1275 (Stern, 2017) would have created the Plan Against College Hunger Act of 2018 and would have established, under the administration of CSAC, a new grant award program for a student who is Cal Grant eligible for the purpose of preventing hunger among students at public postsecondary educational institutions. This bill was held on the Senate Appropriations Committee's Suspense File.

AB 625 (Quirk-Silva, 2017) would have required DSS to seek a waiver from the USDA to allow certain nonminor dependents to be eligible to receive CalFresh regardless of income or resource, and, upon approval of a waiver, would have required that an eligible nonminor dependent who is a custodial parent receive the maximum CalFresh benefit amount allotted for their household. This bill was held on the Assembly Appropriations Suspense File.

SUPPORT

Alameda County Board of Supervisors
 Alliance for Children's Rights
 Aspiranet
 County Of Los Angeles Board of Supervisors
 Journey House (sponsor)
 National Association of Social Workers, California Chapter
 Western Center on Law & Poverty, Inc. (sponsor)

OPPOSITION

None received

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