

## ***About CalFresh Practice Tips***

Western Center on Law and Poverty serves as a support center for legal services throughout California. We also frequently provide technical assistance to organizations who conduct CalFresh outreach and application assistance. CalFresh Practice Tips offer summaries and excerpts of the technical assistance we have provided in the month prior.

## **CalFresh Eligibility for People Living in Institutions**

Some institutions are certified by the CalFresh County Human Services Agency to act as the authorized representative for a recipient. In these cases, the person is a recipient of CalFresh and the institution is providing meals paid for, at least in part, by CalFresh benefits issued to the institution. When working with a CalFresh applicant, it is important for you to know whether or not the institution in which s/he/they reside is one of those institutions. If your client is not at a CalFresh certified institution that receives benefits on behalf of your client, then you should reference the list of exemptions below and at 7 CFR 273.1(b)(vii) (there are several). Here is [USDA clarification about SNAP eligibility for people living in institutions](#).

**Citations:** [7 CFR 273.1\(b\)\(7\)\(vi\)](#) and [MPP 63-402 HOUSEHOLD](#)

## **Child Household for CalFresh Need not be the Same as Household for Medi-Cal**

Just because a child is claimed in a Medi-Cal household, doesn't mean that they do not or may not live in a separate CalFresh household. Medi-Cal is now using tax rules to determine household size under the Affordable Care Act (ACA) rules, but CalFresh does not. Under the CalFresh rules, if children live with a parent half time or more, then they are eligible to receive CalFresh in the parent's household. Just because another parent claims the child on their taxes (and as a result in that household's Medi-Cal case) shouldn't prevent the county from applying the usual CalFresh household rules.

Medi-Cal household rules under the "MAGI" rules – all HH w/ children fall under MAGI rules:

[http://www.dhcs.ca.gov/services/medi-cal/eligibility/Documents/Co-OPS-Sup/MAGI-MCal-HHSizeFlowChart-v1\\_2-20140815.pdf](http://www.dhcs.ca.gov/services/medi-cal/eligibility/Documents/Co-OPS-Sup/MAGI-MCal-HHSizeFlowChart-v1_2-20140815.pdf)

CalFresh household rules: [MPP 63-402](#)

## ***Student Work Rules Revisited***

Federal SNAP Law denies eligibility to a student unless they are working 20 hours a week or more<sup>1</sup> or eligible for one of the exemptions to the rule as listed below. A student subject to the work rule must be aged 18-50 and enrolled at least half time, as defined by the school<sup>2</sup> in an institute of "higher education"<sup>3</sup> and enrolled in a "regular curriculum".<sup>4</sup> A student is exempt from these rules if they are:

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<sup>1</sup> USDA granted a waiver to CDSS allowing them to use reasonably anticipated monthly average of work [\[ACL 12-37\]](#);

<sup>2</sup> 7 C.F.R. § 273.5(a); MPP §§ 63-406.1 and .21.

<sup>3</sup> 7 C.F.R. § 273.5(a); MPP §§ 63-406.1 and .21. Higher education institutes are either: business, trade, technical or vocational schools that normally requires a high school diploma or GED to enroll – only half time enrollment matters; or A junior, community, two-year or four-year college or university, or graduate school, whether or not a high school diploma or GED is required.

<sup>4</sup> MPP § 63-406.111(a)(2). If the program or course (as opposed to the college) does not require a diploma or GED, the student bar would not apply. [MPP § 63-406.111(a)(2)(A); 60 Fed. Reg. 48865-69.] Regular curriculum means that the course in which the person is enrolled meets the standard requirements for graduation or certification/qualification in a particular field of study. [MPP § 63-406.]

- Receiving federal or state work-study money. “Receiving” means when the student is approved for state or federally work study for the current school term, and anticipates working during the term. The exemption begins the month the school term starts or the month work study is approved, whichever is later. The exemption continues until the end of the month the school term ends;<sup>5</sup> or
- Students with children as follows: (1) Full-time student with a child under age 12; or Part-time student with a child under age six or a child between ages six and 12 for whom adequate care is not available; or
- Receiving CalWORKS;
- Enrolled in a food stamp employment and training (FSET) program; or other state or local job training programs, as identified by the State and approved by the USDA.<sup>6</sup>
- Does not intend to register for the next normal school term.<sup>7</sup>

If a student fails to meet the student work rule and is not eligible for one of these exemptions, the student is ineligible and neither their income nor needs are considered in determining assistance for the household. When a student is working (but less than requisite 20 hours) the exclusion of a student may actually increase the benefit level for households in which there are other people who have little or no income.

Chaptered in 2014 and to be implemented no later than October of 2015, Assembly Bill 1930 (D-Skinner) would require the California Department of Social Services (CDSS) to establish a work group to identify which “state or local job training programs” would exempt a college student from the student work rule. Additionally, it would require that the Department issue guidance to counties about how to identify and verify participation in one of these programs. This will enable county workers to more easily identify students who meet the exemption thereby allowing the students to receive much needed CalFresh benefits. The work group will be established in May 2015 and two All County Letters (ACLs) have been issued as a result.

[ACL 15-70 \(September 17, 2015\)](#), which represents the first step in implementing [AB 1930 \(Skinner\)](#), co-sponsored by Coalition of California Welfare Rights Organizations, requiring CDSS to identify programs that would qualify college students for exemptions from the CalFresh Student Work Rule. [ACIN 1-89-15 \(December 31, 2015\)](#) was also issued to clarify all exemptions to the 20-hour-work rule and instruct counties of how to verify these exemptions.

**About Western Center on Law and Poverty:** Western Center on Law and Poverty (WCLP) serves as a support center for California’s legal aid community and leads the way in large-scale impact litigation, administrative advocacy, budget advocacy and legislative advocacy in an effort to ensure that low-income Californians can easily access safe and affordable housing, adequate health care, and safety net services.

For more information about Western Center’s CalFresh Practice Tips, contact: Jessica Bartholow, [jbartholow@wclp.org](mailto:jbartholow@wclp.org) or visit [www.wclp.org](http://www.wclp.org).

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<sup>5</sup> MPP § 63-406.212

<sup>6</sup> 7 C.F.R. § 273.5(b)(11).

<sup>7</sup> 7 C.F.R. § 273.5(c). See ACIN I-36-12 for treatment of applicants declaring intent not to reenroll.