

CalFresh Student Work Rule

Federal Law Restrictions & Recent State Law Provisions

When children born into the bottom fifth of the income distribution get a college degree, their chances of making it to the top fifth nearly quadruple, and their chances of making it out of the bottom increase by more than 50 percent.¹ Opportunities for low-income high school graduates to escape poverty and climb into the middle class by attaining a college degree have narrowed over the past two decades.² Several reports have documented the decline in low-income students attending college.³ Meanwhile, college students from low-income families who do attend college, are less able to finish and more likely to be strapped with unbearable debt if they do graduate.⁴

Student hunger contributes to lower participation rates among low income students. Students who are unable to meet their basic needs are less likely to perform as well in college or may be forced to drop out before graduating.⁵ According to a recent report, the number of food banks springing up at university and college campuses is on the rise.⁶ A study conducted in 2013 of Pell Grant recipients at California State University Sacramento found that 23% of these high performing students from low-income families experience at least one day each month in which they go without food and 12% reported having unintentionally lost weight because they could not afford food. These findings are consistent with findings from other university research documenting a prevalence of hunger among college students, impeding graduation rates and learning.⁷

Federal Student Rule Leaves Students Hungry & Impacts College Success Rates

One of the reasons that low-income students are experiencing hunger is that federal food help available to most low-income Californians has proven difficult for them to access. CalFresh is California's Supplemental Nutrition Assistance Program (SNAP), formerly known as the Food Stamp program, which provides federally funded food benefits for low-income Californians. A longstanding rule in SNAP denies eligibility to students enrolled in an institute of higher education more than half-time, unless they meet one of the federally recognized exemptions. This law is intended to prevent college students whose parents have the means to

¹ Julia B Isaacs, Isabel Sawhill, and Ron Haskins. 2008. "Getting Ahead or Losing Ground: Economic Mobility in America," Washington, D.C.: Brookings Institution. Without a college degree, children born in the bottom fifth of the income distribution have a 5 percent chance of making it to the top fifth, and a 55 percent of chance of making it out of the bottom fifth. With a college degree, the chances of making it to the top increase to 19 percent, and chances of making it out of the bottom increase to 84 percent.

² White House Report on Increasing College Opportunity for Low-Income Students:

http://www.whitehouse.gov/sites/default/files/docs/white_house_report_on_increasing_college_opportunity_for_low-income_students_1-16-2014_final.pdf

³ Pew Center for the States: <http://www.pewresearch.org/fact-tank/2014/01/15/college-enrollment-among-low-income-students-still-trails-richer-groups/>

⁴ In *Crossing the Finish Line: Completing College at America's Public Universities*, William G. Bowen, Matthew M. Chingos, and Michael S. McPherson found a "strong, highly consistent relationship between a student's SES (socioeconomic status) background and his or her probability of graduating," adding that the gap in college success cannot be fully or even mostly explained by student ability.

⁵ Barriers to Success for Low-Income Student, whitepaper by CLASP, <http://www.clasp.org/resources-and-publications/publication-1/Barriers-to-Success-Unmet-Financial-Need-for-Low-Income-Students-of-Color.pdf>

⁶ "More College Students Battle Hunger As Education and Cost of Living Costs Rise," The Washington Post, April 9, 2014. http://www.washingtonpost.com/local/more-college-students-battle-hunger-as-education-and-living-costs-rise/2014/04/09/60208db6-bb63-11e3-9a05-c739f29ccb08_story.html

⁷ A University of Oregon conducted this year found that 59 percent of students at Western Oregon University had recently experienced food insecurity. The figure was 21 percent in a 2009 report on students at the University of Hawaii at Manoa.

support them while they attend college from receiving federal food aid. However, during the recession and in places where high unemployment continues, this rule has escalated hunger among low-income college students who have been unable to secure work to prevent hunger. Even worse, some CalFresh recipients who enrolled in college programs aimed at providing low-income, out-of-work adults employment skills lost benefits upon becoming enrolled, forcing them to make a choice between food and their future job opportunities. Provided in this paper is a summary of the details of the student work rule, how it is defined and exceptions to this rule as well as opportunities to mitigate its harmful impacts.

A Summary of the Student Work Rule

Federal SNAP Law denies eligibility to a student unless they are working 20 hours a week or more⁸ 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 school⁹ in an institute of “higher education”¹⁰ and enrolled in a “regular curriculum”.¹¹ A student is exempt from these rules if they are:

- 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;¹² 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.¹³
- Does not intend to register for the next normal school term.¹⁴

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.

Opportunity to Increase Access to CalFresh for Low-Income Students

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.

Webinar on Students: <http://www.cafoodbanks.org/calfresh-outreach-resources#student-eligibility>

⁸ USDA granted a waiver to CDSS allowing them to use reasonably anticipated monthly average of work [[ACL 12-37](#)];

⁹ 7 C.F.R. § 273.5(a); MPP §§ 63-406.1 and .21.

¹⁰ 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.

¹¹ 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.]

¹² MPP § 63-406.212

¹³ 7 C.F.R. § 273.5(b)(11).

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

Implementation of AB 1930: [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.

Reminder of Existing Student Laws: [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 efforts to reduce hunger among low-income college students, contact: Jessica Bartholow, jbartholow@wclp.org or visit www.wclp.org.