

May 21, 2021

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES

EXECUTIVE SUMMARY

ALL COUNTY LETTER NO. 21-58

The purpose of this All County Letter (ACL) is to notify County Welfare Departments (CWDs) that exemptions from the student eligibility rule are no longer mandatory verifications. Effective with the release of this letter, CWDs must only require verification that a student meets an exemption when information provided by the household is questionable or when a student's claim of physical or mental unfitness is not evident to the CWD.



KIM JOHNSON
DIRECTOR

STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY
DEPARTMENT OF SOCIAL SERVICES
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GAVIN NEWSOM
GOVERNOR

May 21, 2021

ALL COUNTY LETTER NO. 21-58

TO: ALL COUNTY WELFARE DIRECTORS
ALL CALFRESH PROGRAM SPECIALISTS
ALL CALWORKS PROGRAM SPECIALISTS
ALL CONSORTIA MANAGERS
ALL QUALITY CONTROL COORDINATORS

SUBJECT: CALFRESH STUDENT ELIGIBILITY: VERIFICATION OF EXEMPTIONS

REFERENCE: [TITLE 7 CODE OF FEDERAL REGULATIONS \(CFR\) SECTION 273.5; 7 CFR 273.2\(f\); ALL COUNTY LETTER \(ACL\) NO. 20-08; ACL NO. 20-48; ACL NO. 20-135; ACL NO. 21-11; ACL NO. 21-11E; ALL COUNTY INFORMATION NOTICE \(ACIN\) NO. I-45-11; SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM \(SNAP\) QUALITY CONTROL REVIEW HANDBOOK \(FOOD AND NUTRITION SERVICE HANDBOOK 310\)](#)

The purpose of this All County Letter (ACL) is to notify County Welfare Departments (CWDs) that exemptions from the student eligibility rule are no longer mandatory verifications. Effective with the release of this letter, CWDs must only require verification that a student meets an exemption when information provided by the household is questionable or when a student's claim of physical or mental unfitness is not evident to the CWD.

BACKGROUND

Student Eligibility Rule

In accordance with [7 Code of Federal Regulations \(CFR\) 273.5\(a\)](#), a student is defined as any person who is enrolled at least half-time, as defined by the institution, at an institution of higher education. A student must be determined ineligible to participate in CalFresh unless the student meets the criteria for at least one of the exemptions specified at [7 CFR 273.5\(b\)](#). This is known as the "student eligibility rule." An applicant who is not enrolled at least half-time in credit-bearing courses at an institution of higher

education is not considered to be a student for CalFresh purposes and therefore does not need to meet a student exemption.

Student Exemptions

Exemptions from the student eligibility rule include, but are not limited to, working an average of 20 hours per week or a total of 80 hours per month, attending school as part of an employment and training (E&T) program, attending school as part of a program to increase employability, and being in receipt of a Temporary Assistance for Needy Families (TANF)-funded benefit. A complete list of exemptions is listed in [ACL No. 20-08](#), issued February 12, 2020. As a result of the COVID-19 pandemic, two temporary exemptions from the student eligibility rule were established and are listed in [ACL No. 21-11](#), issued January 22, 2021. Once a student has been determined to meet the criteria for an exemption, they will remain exempt for the length of the certification period except in certain cases related to work study and work hours (see [ACL No. 20-08](#) for more information).

Mandatory Verifications

Federal regulations at [7 CFR 273.2\(f\)\(1\)](#) list mandatory verification factors for the certification of eligible households. Per [7 CFR 273.2\(f\)\(1\)\(xi\)](#), the CWD must require verification to claim an exemption from the student eligibility rule when a student claims they are physically or mentally unfit and the unfitness is not evident to the CWD.

Per [7 CFR 273.2\(f\)\(3\)](#), State agencies may require verification of any other factor which affects household eligibility or allotment level in addition to the mandatory verifications listed. Previously, California elected to verify all exemptions from the student eligibility rule ([ACL No. 20-08](#) and [ACL No. 20-48](#), issued April 22, 2020). With the release of this letter, California elects to not require verification of exemptions from the student eligibility rule unless questionable or in cases where a student's physical or mental unfitness is not evident to the CWD.

NEW GUIDANCE FOR VERIFYING STUDENT EXEMPTIONS

Effective upon release of this letter, in accordance with [7 CFR 273.2\(f\)\(2\)](#) and [7 CFR 273.2\(f\)\(1\)\(xi\)](#), CWDs must only require verification that a student meets an exemption from the student eligibility rule when information provided by the household is questionable or when a student's claim of physical or mental unfitness is not evident to the CWD.

Client statement that a student within the household is exempt from the student eligibility rule on the application, during the interview, periodic report, recertification, or at any time during the certification period is sufficient evidence that the student is

exempt from the student eligibility rule. Documentary evidence is not required. The CWD must document in the case record what exemption is being claimed.

If an exemption is questionable, CWDs must follow previous guidance for verifying student eligibility exemptions including what is listed in [ACL No. 20-08](#), [ACL No. 21-11](#), and [ACL No. 21-11E](#), issued March 3, 2021. In addition to the examples of verification stated in [ACL No. 21-11](#) and [ACL No. 21-11E](#), acceptable verification of the temporary exemption of an expected family contribution of zero dollars includes a letter to the student from the United States Department of Education. As stated in [ACL No. 20-135](#), issued December 15, 2020, when verifying information, CWDs cannot require a specific type of verification.

All other guidance on exemptions from the student eligibility rule remains the same. This guidance does not alter the need to verify a household's gross nonexempt income, including any applicable educational assistance. Receipt of certain types of educational assistance or student-related income may indicate that the student meets an exemption from the student eligibility rule. While the exemption is no longer a mandatory verification, income must be verified in accordance with [7 CFR 273.2\(f\)\(1\)\(i\)](#) for purposes of determining the household's income eligibility for CalFresh.

QUESTIONABLE INFORMATION

As stated in [All County Information Notice \(ACIN\) No. I-45-11](#), issued October 28, 2011, to be considered questionable, the information on the application must be inconsistent with statements made by the applicant and/or inconsistent with other information received by the CWD. When determining if information is questionable, the CWD must base the decision on the household's individual circumstances. When verification is required to resolve questionable information, the CWD must document why the information was considered questionable, or at minimum indicate where in the case file the inconsistency exists, and what documentation was used to resolve the questionable information.

Examples of questionable information for purposes of establishing an exemption from the student eligibility rule are provided below. This list is not intended to be exhaustive.

Criteria Exempting the Student	Examples of Questionable Information
Employed for an average of 20 hours per week or a total of 80 hours per month	The student does not have monthly gross income totaling the state minimum wage (or federal minimum wage if self-employed) multiplied by 80 hours, or wage stubs provided for income verification show the

Criteria Exempting the Student	Examples of Questionable Information
	student working less than the required threshold
Parental control for a child under age 6	Another parent has claimed this exemption as the primary person responsible for the care of the child
Parental control for a child under age 12 without adequate childcare	Another parent has claimed this exemption as the primary person responsible for the care of the child, or the child has adequate child care
Single parent responsible for child under age 12	There are two of the child's natural, adoptive, or step parents in the same CalFresh household as the child
Part of a CalFresh E&T program	The CWD does not have record of the student participating in CalFresh E&T
Program to increase employability	The program the student mentions is not on the Local Programs that Increase Employability (LPIE) list located on the CDSS website
Receipt of TANF-funded benefit like Cal Grant A/B	As part of income verification, the student provides a complete list of financial aid awarded and Cal Grant A or B is not listed
Approved for work study and anticipates working (<i>only applicable after the Temporary: Eligible for work study exemption ends</i>)	The student states they do not expect to accept a work study job offer
Temporary: Eligible for work study	The student provides an income verification document that indicates they are not eligible for work study
Temporary: Expected Family Contribution (EFC) = \$0	The student provides an income verification document that shows an EFC of greater than \$0

VERIFICATION REQUIREMENTS FOR PHYSICAL OR MENTAL UNFITNESS

[7 CFR 273.5\(b\)\(2\)](#) lists physical or mental unfitness as an exemption from the student eligibility rule. An individual is considered exempt from the student eligibility rule if the unfitness is evident to the CWD, they have a disability, or can provide verification of the physical or mental unfitness.

Verification must only be required when the student has not already provided verification of a disability in accordance with [7 CFR 273.2\(f\)\(1\)\(viii\)](#) or when the unfitness is not evident to the CWD, as stated in [7 CFR 273.2\(f\)\(1\)\(xi\)](#). Verification can

be provided by any medical or mental health professional, including but not limited to a physician, nurse, psychologist, or psychiatrist. Other professionals who assist clients in case management or other services, such as a Behavioral Health Case Manager or Regional Center Case Manager, may also provide verification.

QUALITY CONTROL IMPACT

Quality control (QC) reviewers will continue to apply the verification standards and procedures specified in the [Supplemental Nutrition Assistance Program \(SNAP\) Quality Control Review Handbook \(Food and Nutrition Service Handbook 310\)](#), including for student status, units enrolled, exemption from the student eligibility rule, and financial aid. If a student's statement that they meet an exemption from the student eligibility rule is questionable and verification is requested, CWDs are reminded to adequately document in the case record why the information was deemed questionable and that verification was requested for this reason.

To mitigate the occurrence of QC errors and variances, CWDs are reminded to review relevant information provided by the household on the initial application or application for recertification during the interview to ensure the accuracy of the eligibility determination. CWDs should also review relevant information with the household at the time a change is reported by the household during the certification period. Adequate documentation in the case record will also reduce the occurrence of errors and variances.

If you have any questions or need additional guidance regarding the information in this letter, contact the CalFresh Policy Bureau at CalFreshPolicy@dss.ca.gov.

Sincerely,

Original Document Signed By:

JENNIFER HERNANDEZ
Deputy Director
Family Engagement and Empowerment Division