

June 3, 2022

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES

**EXECUTIVE SUMMARY**

**ALL COUNTY LETTER NO. 22-46**

The purpose of this All County Letter (ACL) is to notify County Welfare Departments (CWDs) of updates related to the assessment and approval process of campus-based Local Programs that Increase Employability (LPIEs) for the CalFresh program including the reassessment of previously approved statewide programs and the removal of LPIEs at private institutions of higher education.



KIM JOHNSON  
DIRECTOR

STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY  
**DEPARTMENT OF SOCIAL SERVICES**

744 P Street • Sacramento, CA 95814 • [www.cdss.ca.gov](http://www.cdss.ca.gov)



GAVIN NEWSOM  
GOVERNOR

June 3, 2022

ALL COUNTY LETTER NO. 22-46

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

SUBJECT: CALFRESH STUDENT ELIGIBILITY: LOCAL PROGRAMS THAT INCREASE EMPLOYABILITY POLICY UPDATES

REFERENCE: [TITLE 7 CODE OF FEDERAL REGULATIONS \(CFR\) SECTION 273.5\(a\); 7 CFR 273.5\(b\); 7 CFR 273.5\(b\)\(11\)\(iv\); 7 CFR 273.7\(e\)\(2\)\(vi\); 7 CFR 273.7\(e\)\(2\); 7 CFR 273.7\(e\)\(1\)\(vi\); WELFARE AND INSTITUTIONS CODE \(W&IC\) SECTION 18901.11; W&IC SECTION 18901.12; ALL COUNTY LETTER \(ACL\) NO. 20-08; ACL NO. 17-05; ACL NO. 15-70; ACL NO. 21-11; ACL NO. 21-58; 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) of updates related to the assessment and approval process of campus-based Local Programs that Increase Employability (LPIEs) for the CalFresh program including the reassessment of previously approved statewide programs and the removal of LPIEs at private institutions of higher education.

## **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.”

### *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, enrolled or participating in an LPIE, or being in receipt of a Temporary Assistance for Needy Families (TANF) - funded benefit. A complete list of exemptions is included in [ACL No. 20-08](#), issued February 12, 2020. As a result of the COVID-19 pandemic, two additional 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 and not be reassessed at SAR 7 except in certain cases related to work study and work hours (see [ACL No. 20-08](#) for more information).

### *Local Programs that Increase Employability*

Federal CalFresh regulations at [7 CFR 273.5\(b\)\(11\)\(iv\)](#) provide that a student is exempt from the student eligibility rule if they are participating in certain employment and training programs. The programs under this provision must be operated by a state or local government where one or more of the components of the program are equivalent to an Employment and Training (E&T) component as specified in [7 CFR 273.7\(e\)\(2\)](#). E&T components include, but are not limited to, Adult Basic Education, Career & Technical Education (CTE), English Language Acquisition, Work Readiness Training, and Work Experience. The California Department of Social Services (CDSS) has the authority to determine whether a state or local program qualifies under this definition. The CDSS has termed these programs LPIEs.

The CDSS maintains a current list of approved LPIEs. The list can be found on the [CalFresh Resource Center Policy Page](#), under “CalFresh Student Eligibility: List of Approved LPIEs.” The List of Approved LPIEs is updated on the website at the beginning of each month. CWDs must use the List of Approved LPIEs to check if a program that a student applicant/recipient is participating in has been approved by CDSS.

### *Previous LPIE Approval Process*

The CDSS introduced the process for LPIE submission for approval in [ACL No.17-05](#), issued February 14, 2017, whereby CWDs or campuses would submit a program for CDSS approval along with justification of how the program met the criteria for containing E&T activities. Since then, over 450 LPIEs have been approved by CDSS and additional LPIEs are continually being approved.

### *AB 396 and SB 609*

Assembly Bill (AB) 396 added [W&IC 18901.12](#), and was signed into law on October 4, 2021. It requires all California Community College (CCC) and California State University (CSU) campus-based programs that meet LPIE requirements to submit an application to CDSS on or before September 1, 2022, and requests University of California (UC) programs to do the same. Senate Bill (SB) 609 amended [W&IC 18901.11](#), and was signed into law on October 6, 2021. It requires CDSS to include Adult Education and Career and Technical Education (CTE) programs in the List of Approved LPIEs.

### **NEW GUIDANCE ON LPIES**

This ACL details four main changes to how LPIEs are identified, and what qualifies as an LPIE:

1. CWDs will no longer participate in the process for identifying campus-based LPIEs. The UCs, CSUs, and CCCs will submit a comprehensive list of campus-based LPIEs for approval by September 1, 2022. See *Process for Identifying LPIEs* below for more detail.
2. The CCCs, CSUs, and UCs have identified two general programs that qualify as LPIEs and exist on multiple campuses: Campus Employment Programs and Research and Teaching Assistantship Programs. See *General Programs Identified* below for more detail.
3. Effective September 1, 2022, programs at private institutions will not qualify as an LPIE. See *Removal of LPIEs at Private Institutions* below for more detail.
4. Effective September 1, 2022, most state-funded and foster youth programs approved in [ACL No.17-05](#) and [ACL No. 15-70](#), issued on September 17, 2015 will no longer automatically qualify as LPIEs. These programs must be individually assessed and submitted for approval in order for them to appear on the List of Approved LPIEs. See *Reassessment of Previously Approved Statewide Programs* below for more detail.

CWDs must continue to use the List of Approved LPIEs posted on the [CalFresh Resource Center Policy Page](#) under Student Resources to confirm programs are listed as approved. Verification must not be requested of the applicant for this exemption unless the client's statement is questionable in accordance with [ACL No. 21-58](#), issued May 21, 2021.

### *Process for Identifying LPIEs*

CWDs will no longer participate in the process for identifying or approving campus-based LPIEs. CDSS has worked with the CCCs, CSUs, and UCs to assist campuses in identifying and assessing campus-based programs for approvability under [7 CFR 273.7\(e\)\(2\)](#). CDSS will provide segments and campuses instructions for identifying programs which contain the equivalent of an E&T component. These instructions will be posted on the [CalFresh Resource Center Policy Page](#) under Student Resources for use by higher education campuses. The Center for Healthy Communities (CHC), a CalFresh outreach prime contractor out of Chico State University, will assist campuses in identification and submission of LPIEs.

Between the release of this letter and September 1, 2022, the CCCs, CSUs, and UCs will be identifying programs that meet the LPIE criteria and submitting them to CHC. CDSS will update the List of Approved LPIEs on the CDSS website on the first of each month. After September 1, 2022, any changes to the list based on the formation of new programs, newly qualifying existing programs, or programs previously approved that no longer meet the criteria, will be incorporated on a monthly basis.

#### *General Programs Identified*

In addition to individual LPIE program identification, the CCCs, CSUs, and UCs have identified two general programs which meet the criteria for an LPIE. All campuses may have students participating in one or both of the general programs below.

- **Campus Employment Program:** Students employed by their campus or a recognized auxiliary organization are considered to be participating in a Campus Employment Program. For LPIE purposes, an auxiliary organization must be overseen by the CCC, CSU, or UC, and must serve the institution of higher education. Students enrolled in this program do not need to be working an average of 20 hours per week or a total of 80 hours per month to meet the criteria for an exemption to the student eligibility rule as LPIEs do not have a minimum hour requirement.
- **Research and Teaching Assistantship Program:** Students hired for a research or teaching assistant position, whether paid or unpaid, or part of a training program, are considered to be participating in a Research and Teaching Assistantship Program.

To the extent possible, students will be notified of their enrollment in one of the above programs by their campus based on available student data.

#### *Removal of LPIEs at Private Institutions*

In accordance with [7 CFR 273.5\(b\)\(11\)\(iv\)](#), an LPIE must be operated by a state or local government. Due to this requirement, previously approved programs that are not operated by a CCC, CSU, or UC **will be removed** from the List of Approved LPIEs **effective September 1, 2022**.

Students newly applying for CalFresh may continue to use enrollment in a private school LPIE as an exemption up until the program's removal on September 1, 2022. Students receiving CalFresh due to being enrolled in a private school LPIE must remain exempt from the student eligibility rule for the length of the certification period. Student eligibility status must be reassessed during the student's next recertification. At that time, the CWD must evaluate the student's circumstances to determine if they meet another exemption before determining the student to be ineligible.

#### *Reassessment of Previously Approved Statewide Programs*

The automatic approval of most state-funded and foster youth programs listed in [ACL No. 17-05](#) and [ACL No. 15-70](#) will be removed. These campus-based programs should be individually identified by counties, campuses or the local program as meeting the standard of an LPIE to the extent possible. **The removal of the automatic approval** of these programs will take effect **September 1, 2022**. The programs to be individually identified and assessed as containing the equivalent of an E&T component include:

- Extended Opportunity Programs and Services (EOPS)
- Educational Opportunity Program (EOP)
- Disabled Students Programs and Services (DSPS) & Student Academic Services (SAS)
- Cooperative Agencies Resources for Education (CARE) Program
- McNair Scholars Program
- Mathematics, Engineering, Science Achievement (MESA) Program
- Unaccompanied Refugee Minors (URM) Program
- Guardian Scholars Program
- Foster Youth Success Initiative (FYSI)
- Cooperating Agencies Foster Youth Educational Support (CAFYES)
- Chafee Education and Training Voucher (ETV) Program
- Extended Foster Care (AB 12/AB 212)

Workforce Innovation and Opportunity Act (WIOA) will continue to receive an automatic approval due to meeting the exemption listed at [7 CFR 273.5\(b\)\(4\)](#).

Students newly applying for CalFresh may continue to use enrollment in one of the previously approved statewide programs as an exemption up until the automatic program approval is removed on September 1, 2022. Students receiving CalFresh due to being enrolled in one of the programs listed above must remain exempt from the

student eligibility rule for the length of the certification period. Student eligibility status must be reassessed during the student's next recertification. At that time, the CWD must check the List of Approved LPIEs to see if the local program has been identified. If it is not on the list, the CWD must evaluate the student's circumstances evaluated to determine if they meet another exemption before determining the student to be ineligible. Counties are encouraged to assess programs which meet LPIE criteria that are not campus-based.

### **VERIFICATION OF LPIE**

To the extent possible, students enrolled in an LPIE will be notified by their campus that they meet the criteria for an exemption to the student eligibility rule. In accordance with [ACL No. 21-58](#), if a student states, verbally or in writing, that they are enrolled in one of the programs listed on the List of Approved LPIEs, that is sufficient information for the CWD to exempt the student unless it is questionable. Refer to [ACL No. 21-58](#) for further guidance on questionable information. If the information provided by a student is questionable, acceptable verification can include but is not limited to a transcript, an email from an instructor, or verbal affirmation from a campus official. Additionally, targeted outreach emails from campuses to LPIE enrollees are acceptable verification.

If a program does not appear on the Approved LPIE List, the county must explore if the student is enrolled in another LPIE or meets the criteria for another exemption before determining the student to be ineligible.

### **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 the LPIE 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 reduce 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 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.

All County Letter No. 22-46  
Page **Seven**

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](mailto:CalFreshPolicy@dss.ca.gov).

Sincerely,

***Original Document Signed By:***

JENNIFER HERNANDEZ  
Deputy Director  
Family Engagement and Empowerment Division