

## CONCURRENCE IN SENATE AMENDMENTS

AB 320 (Bennett)

As Amended September 2, 2025

Majority vote

**SUMMARY**

Notwithstanding any other law, and to the extent permitted by federal law, exempts any compensation awarded to a pupil member of a charter school governing board or a county board of education from being considered as income or assets when determining eligibility and benefit amount for:

- 1) Any means-tested program, including, but not limited to: California Work Opportunity and Responsibility to Kids (CalWORKs), CalFresh, General Assistance, Medi-Cal, and Cash Assistance Program for Immigrants (CAPI), and,
- 2) Any scholarships for public colleges and universities, including, but not limited to, Cal Grant awards, Chafee grant awards, Middle Class Scholarship Program awards, California College Promise Grants, California State University Educational Opportunity Program (EOP) grants, Community College Extended Opportunity Programs and Services (EOPS) grants, and grants from the University of California or the California State University.

**Senate Amendments**

- 1) Add a delayed implementation date that the California Department of Social Services (CDSS) notifies the Legislature that the California Statewide Automated Welfare System can perform the necessary automation to implement this section for those programs. Require CDSS to issue guidance as necessary to begin automation no later than July 1, 2026.
- 2) Remove Kinship Guardianship Assistance Payment Program (Kin-GAP) and Adoption Assistance Program (AAP) from the bill.

**COMMENTS**

*Background:* CalWORKs is the state's primary cash assistance program. More specifically, CalWORKs implements the federal TANF program and provides eligible low-income families with cash grants and supportive services aimed at helping them to secure education, training, and employment. Among others, the supportive services include mental health counseling, substance use disorder treatment, or domestic violence services; job skills training; attendance in a secondary school or in a course leading to certificate of general educational development.

Unless deemed exempt or otherwise not required to participate per CalWORKs rules, parents are required to develop and participate in a WTW plan. CalWORKs-approved WTW activities can include public or private sector subsidized or unsubsidized employment; on-the-job training; community service; secondary school, adult basic education and vocational education and training when the education is needed for the recipient to become employed; specific mental health, substance use disorders, or domestic violence services if they are necessary to obtain or retain employment; and a number of other activities necessary to assist a recipient in obtaining unsubsidized employment.

As of October 2024, the maximum monthly grant for a family of three on CalWORKs (one parent and two children), if the family has no other income and lives in a high cost-of-living county, is \$1,039. In 2024-25, the administration estimates the average CalWORKs grant amount to be \$1,001 per month across all family sizes and income levels. CalWORKs recipients are often also eligible to receive supportive services and resources, such as subsidized child care, employment training, mental health counseling, and housing assistance.

*Income Exempt from CalWORKs Eligibility Determination.* Current law specifies types of income that are exempt in the CalWORKs program, including:

- 1) Income received from guaranteed income programs;
- 2) Income that is received too infrequently to be reasonably anticipated;
- 3) Income from college work-study programs; an award or scholarship provided by a public or private entity to or on behalf of a dependent child;
- 4) Federal pandemic unemployment compensation, as specified; and,
- 5) And, income or stipend paid by the United States Census Bureau, a governmental entity, or a nonprofit organization for temporary work related to improving participation in the decennial census that is earned in the year preceding a decennial census and during the year of the decennial census.

In recent years, several legislative attempts have been made to expand the list of exempt income for eligibility. In 2023-24, efforts to exempt student grants, awards, scholarships, loans, fellowships, and apprenticeships' income were vetoed.

*CalFresh.* In California, SNAP funds are administered through the CalFresh program. SNAP is the federal program that provides funds to states to offer nutritional benefits to low-income individuals and families. The United States Department of Agriculture (USDA) sets SNAP eligibility standards and includes income tests, work requirements, and required documentation to apply for the benefit. The benefit is meant to assist with access to food and is distributed through various sources, depending on the state. Formerly known as food stamps, the program provides specific eligibility requirements and funding to states, with implementation at the local level conducted through the county. CalFresh is under the purview of CDSS and is facilitated through the county human services agencies. Federal, state, and local governments share in the financial obligation of the program's administration. Individuals can complete the CalFresh application online, over the phone, in-person at their county CalFresh office, or through the mail. Eligible individuals in the state receive benefits through electronic cards, known as electronic benefit transfer cards, to purchase food items, seeds, and plants that can be grown as food at home.

The USDA also sets gross and net income requirements. As these requirements are set at the federal level, California has little flexibility in setting eligibility criteria for applicants and recipients. If a family passes the gross income test, the net income test is computed, and the amount is determined by deducting certain income from a household's gross income. Currently, the maximum allowable gross income is 200% of the Federal Poverty Level, although households with elderly members or members with disabilities are not subject to gross income criteria.

Monthly benefits per household vary based on household size, income, and deductible living expenses—with larger households generally receiving more benefits than smaller households and relatively higher-income households generally receiving fewer benefits than lower-income households. In 2023-24, about 5.3 million Californians received a total of \$12 billion in CalFresh benefits, all of it federally funded, for an average monthly benefit of about \$189 per recipient.

Unlike CalWORKs and other aid programs, California has little flexibility in its eligibility guidelines. Because CalFresh is federally funded, California has some, but limited flexibility, in changing eligibility for CalFresh. When computing income for purposes of determining CalFresh eligibility, certain income is exempt, such as in-kind benefits, meals, clothing, employer-provided housing, vendor payments, or money paid to a third party for a household expense by a person or organization outside of the household, among others. However, eligibility for students is viewed differently.

*Current Income Exclusions for Students.* California currently allows for a number of CalWORKs income exclusions to be applied when determining CalFresh eligibility in the CalFresh Manual of Policy and Procedures including, but not limited to specified tax refunds or credits, a portion of disability-based unearned income, and student earned income if the child is under 19 years old and meets specified requirements. Most recently, effective December 1, 2021, all student loans and grants excluded for CalWORKs must also be excluded for CalFresh. CDSS released All County Letter No. 21-137 giving guidance of the below, and specifically clarifying that the money must be used for educational expenses in order for the income to be considered exempt. The following is the full list of educational assistance that must be excluded when determining CalFresh or benefits:

- 1) Title IV and Bureau of Indian Affairs educational assistance;
- 2) Grants administered by the Federal Secretary of Education;
- 3) Loans or grants administered by:
  - a) The community college extended opportunity services,
  - b) The California Student Aid Commission, or,
  - c) A college accredited by the Western Association of Schools and Colleges;
- 4) Needs-based grants for undergraduate students;
- 5) Awards and scholarships for dependent children;
- 6) Grants whose proceeds are not available to the student to meet current needs;
- 7) Any other loans that have a written agreement specifying obligation to repay and a repayment plan; and,
- 8) Any other educational assistance when it is used for allowable educational expenses.

*Equity Implications:* This bill allows high school students who have the honor to participate in their county boards of education or their charter school board to still qualify for public assistance if they were previously eligible.

Compensation earned as a pupil member is considered income for means-tested aid programs, resulting in loss of eligibility for some members who receive state/federal benefits. Consequently, student members in that predicament must choose to forfeit their compensation or no longer receive benefits. *This bill* may level the playing field for low-income children to participate in their school boards.

### **According to the Author**

"[This bill] expands on the provisions of AB 824 [(Bennett), Chapter 669, Statutes] of 2021, which allowed high school students to petition for a seat on their local County Boards of Education and Charter School Governing Boards. We have since discovered that compensation earned by student board members is considered "income" in means-tested programs, making some students ineligible for the aid they had previously qualified for. [This bill] ensures that any compensation awarded to a pupil member of a county board of education is not counted as income for means-tested aid programs, such as Cal-Works and Medi-Cal."

### **Arguments in Support**

The Los Angeles County Office of Education writes, "This bill removes a significant obstacle to student leadership and civic participation while ensuring families retain access to vital assistance. Without this protection, talented and engaged students may be dissuaded from serving on school boards, depriving both their communities and themselves of a meaningful opportunity to contribute."

### **Arguments in Opposition**

No opposition on file.

## **FISCAL COMMENTS**

According to the Senate Appropriations Committee on July 14, 2025:

- 1) Unknown ongoing General Fund costs, likely minor, for increased program benefits or scholarships.
- 2) Unknown one-time General Fund costs for automation system changes. The California Department of Social Services estimates one-time General Fund costs of \$58,000 for automation related to programs under its jurisdiction.
- 3) Unknown potential costs to counties for administration related to program eligibility/benefit determinations. Cost to counties would be potentially reimbursable by the state, subject to a determination by the Commission on State Mandates.

## **VOTES:**

### **ASM HUMAN SERVICES: 6-0-1**

**YES:** Lee, Castillo, Calderon, Elhawary, Jackson, Celeste Rodriguez

**ABS, ABST OR NV:** Essayli

### **ASM APPROPRIATIONS: 14-0-1**

**YES:** Wicks, Sanchez, Arambula, Calderon, Caloza, Dixon, Elhawary, Fong, Mark González, Hart, Pacheco, Solache, Ta, Alanis

**ABS, ABST OR NV:** Pellerin

**ASSEMBLY FLOOR: 69-0-10**

**YES:** Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Bonta, Bryan, Calderon, Caloza, Castillo, Chen, Connolly, Davies, DeMaio, Dixon, Elhawary, Ellis, Fong, Gabriel, Garcia, Gipson, Mark González, Hadwick, Haney, Harabedian, Hart, Hoover, Jackson, Kalra, Krell, Lackey, Lee, Lowenthal, Macedo, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Michelle Rodriguez, Rogers, Blanca Rubio, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Ta, Tangipa, Valencia, Ward, Wicks, Wilson, Zbur, Rivas  
**ABS, ABST OR NV:** Arambula, Boerner, Carrillo, Flora, Gallagher, Jeff Gonzalez, Irwin, Celeste Rodriguez, Sanchez, Wallis

**UPDATED**

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