

WAIVER REQUEST - DELAWARE

Temporarily Waiving Higher Education Student Disqualification

1. **Type of Request:** Initial

2. **Primary Regulation Citation:** 7 CFR 273.5 (a) - Students

Secondary Regulation Citation: Families first Coronavirus Response Act, Title III, 2302 (1).

3. **State:** Delaware

4. **Region:** MARO

5. **Regulatory Requirements:** Regulations at 7 CFR 273.5 (a) states:

(a) Applicability. An individual who is enrolled at least half-time in an institution of higher education shall be ineligible to participate in SNAP unless the individual qualifies for one of the exemptions contained in paragraph

Students enrolled in institutions of higher education must meet certain criteria to be eligible to participate in the Food Supplement Program.

1. An individual who is enrolled at least half-time in an institution of higher education is ineligible for food benefits unless the individual qualifies for one of the student exemptions.
2. DSS considers an individual to be enrolled in an institution of higher education if the individual:
 - Is enrolled in a business, technical, trade, or vocational school that normally requires a high school diploma or equivalency certificate for enrollment; or
 - Is enrolled in a regular curriculum at a college or university that offers degree programs, regardless of whether a high school diploma or equivalency certificate is required.

DSS considers an individual to no longer be enrolled if the individual graduates, is suspended or expelled, withdraws, or does not intend to register for the next normal school term (excluding summer school).

6. **Proposed Alternative Procedures:**

Beginning April 2020, through June 2020 the Delaware Division of Social Services (DSS) proposes to waive student disqualification for SNAP benefits for higher education students.

7. **Justification for Request:**

The State of Delaware declared a State of Emergency on March 13, 2020 and a Stay at Home declaration effective for March 24, 2020, due to the COVID-19 pandemic. As a result of social distancing recommendations, Delaware's colleges and universities were closed early for Spring break and will only resume on-line classes. Students who lived on or off campus and relied on a school meal plan lost access after the schools were closed. Many of these students are renting and may not be able to return home to their families due to financial hardship while others are facing food insecurity due to losing their jobs.

In addition, there are also students who are returning home to their families who are in crisis due to the COVID -19 pandemic and will need to be added to current SNAP household

8. **Anticipated Impact on Households:**

Delaware households will be able to add their children who are attending institutions of higher learning to their Food Benefit household. This will reduce the additional financial stress associated with an increase in the household size for the remainder of the Spring semester. This will also allow new student applicants adversely affected by the COVID-19 pandemic with no other means of support the ability to qualify for SNAP.

9. **Affected Caseload:** Delaware estimates that there could be an increase of approximately 175 cases per month as a result of the COVID-19 pandemic.

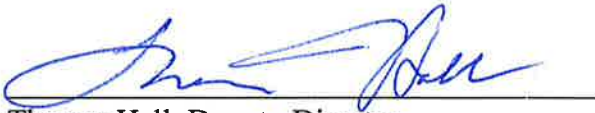
10. **Anticipated Implementation Date and Time Period:**

This waiver will be implemented April 2020 through June 2020.

11. **Proposed Quality Control Review Procedures:**

Delaware requests that Quality Control provisions pertaining to student eligibility, not be applied for the months in which this waiver is in effect.

12. **Signature and Title of Requesting Official:**



Thomas Hall, Deputy Director
Delaware Division of Social Services

Email for transmission of Response: Thomas.Hall@delaware.gov

13. **Date of Request:** March 24, 2020

14. **State Agency Staff Contact (Name/Email/Telephone)**

15. **Regional Office Contact Person (to be completed by FNS Regional Office):**

State of Delaware



FIFTH MODIFICATION OF THE DECLARATION OF A STATE OF EMERGENCY FOR THE STATE OF DELAWARE DUE TO A PUBLIC HEALTH THREAT

WHEREAS, the Centers for Disease Control and Prevention (“CDC”) has determined that a novel coronavirus (“COVID-19”) presents a serious public health threat; and

WHEREAS, on March 12, 2020 at 3:00 p.m. E.D.T., I issued a Declaration of a State of Emergency due to the public health threat of COVID-19, which became effective as of 8:00 a.m. E.D.T. on March 13, 2020; and

WHEREAS, on March 16, 2020 at 2:00 p.m. E.D.T., I issued the First Modification of the Declaration of a State of Emergency to advise that the CDC issued new guidance for large events and mass gatherings, including conferences, social events, concerts and other types of assemblies; and

WHEREAS, on March 18, 2020 at 2:00 p.m. E.D.T., I issued the Second Modification of the Declaration of a State of Emergency to further restrict events and gatherings; to restrict food service to only take-out or delivery; to close casinos, bowling alleys, concert venues, movie theaters, sports facilities, fitness centers and health spas; to ensure additional precautions in nursing homes, retirement facilities, or assisted-living facilities; to promote authority to the Delaware

Emergency Management Agency and the Division of Public Health to cancel any gatherings for public health reasons; to authorize the Secretary of Labor to develop emergency rules relating to unemployment insurance; to address requirements for telemedicine services; and to address the sale of alcoholic beverages; and

WHEREAS, on March 21, 2020 at 12:00 p.m. E.D.T., I issued the Third Modification of the Declaration of a State of Emergency to close all Delaware beaches, except to persons using the beaches for exercise or to walk their dogs, subject to certain precautions recommended by the CDC on COVID-19, which became effective as of 5:00 p.m. E.D.T.; and

WHEREAS, on March 22, 2020 at 4:00 p.m. E.D.T., I issued the Fourth Modification of the Declaration of a State of Emergency; and

WHEREAS, because of the risk of the rapid spread of the virus, and the need to protect all Delaware citizens, especially health care providers and citizens most vulnerable to the virus, additional efforts are needed to mitigate community spread of COVID-19; and

WHEREAS, it is critical to ensure that law enforcement and public and private health resources not be unnecessarily diverted from responding to COVID-19-related issues and maintaining public safety and health; and

WHEREAS, Delawareans should refrain from organizing or attending social gatherings of any size, except for regular interactions with immediate family members, members of the same household, caregivers, or individuals with whom you have a close personal relationship; and

WHEREAS, requiring all individuals located in Delaware to shelter in place—that is, to stay at home or at their place of residence—except with respect to certain essential activities and to work to provide essential business and government services, is in the interests of preserving public safety and health and limiting community spread of COVID-19.

NOW, THEREFORE, I, JOHN C. CARNEY, pursuant to Title 20, Chapter 31 of the Delaware Code, do hereby declare that the Declaration of a State of Emergency, as modified through the First Modification, the Second Modification, the Third Modification, and the Fourth Modification shall remain in effect until further notice, with the following modifications:

1. **Shelter in place of residence.** Effective March 24, 2020 at 8:00 a.m. E.D.T., with the exceptions as outlined below, all individuals currently living within the State of Delaware are ordered to shelter in place, at their home or place of residence except as permitted in this Fifth Modification of the Declaration of a State of Emergency. To the extent individuals are using shared or outdoor space when outside their residence, they must at all times and as much as reasonably possible maintain social distancing of at least six feet from any other person, consistent with the Social Distancing Requirements set forth in this Fifth Modification of the Declaration of a State of Emergency and with the guidelines set by the CDC. All persons may leave their homes or places of residence only for Essential Activities or Essential Travel, as defined below.
2. Individuals experiencing homelessness are strongly urged to find shelter, and government agencies are urged to take steps needed to provide shelter for those individuals, in accordance with CDC guidance. Homeless individuals are otherwise not subject to this shelter in place order.
3. Individuals whose residences are unsafe or become unsafe, such as victims of domestic violence, are permitted and urged to leave their homes and stay at a safe alternative home or residence.
4. Individuals at high risk of severe illness from COVID-19 and people who are sick are urged to stay in their residences to the extent possible except as necessary to seek medical care.

Nothing in this Fifth Modification of the Declaration of a State of Emergency prevents DEMA from issuing and enforcing isolation and quarantine orders pursuant to 20 Del. C. § 3136 or DPH from issuing and enforcing isolation and quarantine orders pursuant to 16 Del. C. § 505.

5. For purposes of this Fifth Modification of the Declaration of a State of Emergency, homes and residences include hotels, motels, shared rental units, shelters and similar facilities.
6. **Prohibited and permitted travel.** All travel (including, but not limited to, travel on foot, bicycle, scooter, motorcycle, automobile, and public transit), except Essential Travel or travel for Essential Activities, as defined below, is prohibited. Passengers traveling by public transit must comply with Social Distancing Requirements to the greatest extent feasible.
7. **Leaving your home or residence for Essential Activities is permitted.** Individuals may only leave their residence to carry out Essential Activities or Essential Travel. For purposes of this Order, Essential Activities are defined as follows:
 - a. To engage in activities or perform tasks essential to their health and safety, or to the health and safety of their family or household members (including, but not limited to, pets), such as, by way of example only and without limitation, obtaining medical supplies or medication, visiting a health care professional, or obtaining supplies they need to work from home.
 - b. To obtain necessary services or supplies for themselves and their family or household members, or to deliver those services or supplies to others, such as, food supplies, dry goods, pet supplies and any other household consumer products, and

products necessary to maintain the safety, sanitation, and essential operation of residences.

- c. To engage in outdoor activity, providing the individuals comply with Social Distancing Requirements, as defined below, such as, by way of example and without limitation, walking, running, biking, or fishing. Individuals may go to public parks and open outdoor recreation areas (except beaches, which may be used only as described in my Third Modification of the Declaration of a State of Emergency).
 - d. To perform work permitted by the Fourth Modification of the Declaration of a State of Emergency.
 - e. To care for a family member, friend, or pet in another household, and to transport family members, friends, pets, or livestock as allowed by this Order.
8. **Leaving your home or residence for Essential Travel is permitted.** For the purposes of this Order, Essential Travel includes travel for any of the purposes set forth in this paragraph. Individuals engaged in any Essential Travel must comply with all Social Distancing Requirements.
- a. Any travel related to the provision of or access to Essential Activities or Minimum Basic Operations.
 - b. Travel to care for elderly persons, minors, dependents, persons with disabilities, other vulnerable persons, pets, or livestock.
 - c. Travel to or from educational institutions for purposes of receiving materials for distance learning, for receiving meals, and for receiving any other related services.
 - d. Travel to return to a place of residence in Delaware from outside the jurisdiction.

- e. Travel required or authorized by a law enforcement officer or court order.
- f. Travel required for non-residents to return to their place of residence outside the State.

9. **Social distancing measures are required.** For the purposes of this Order, “Social Distancing Requirements” include maintaining at least six-foot social distancing from individuals, washing hands with soap and water for at least 20 seconds as frequently as possible or using hand sanitizer, covering coughs or sneezes (not with hands), regularly cleaning high-touch surfaces, and not shaking hands. These requirements incorporate any subsequent guidance from the CDC issued after the issuance of this Order.

10. **Minimum Basic Operations.** For the purposes of this Order, Minimum Basic Operations include the following, provided that employees comply with the Fourth Modification of the Declaration of a State of Emergency and Social Distancing Requirements, to the extent possible, while carrying out such operations:

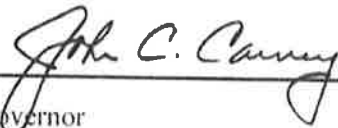
- a. The minimum necessary activities to maintain the value of the business’s inventory, preserve the condition of the business’s physical plant and equipment, ensure security, process payroll and employee benefits, or for related functions.
- b. The minimum necessary activities to facilitate employees of the business being able to work remotely or continue to work remotely from their residences.

11. **Intent of this Order.** The intent of this Order is to ensure that the maximum number of people self-isolate in their places of residence to the extent feasible, while enabling essential services to continue, in order to slow the spread of COVID-19 to the maximum extent possible. When people need to leave their places of residence, whether to obtain or perform essential services, or to otherwise facilitate Essential Activities and Minimum

Basic Operations necessary for continuity of social and commercial life, they should at all times reasonably possible comply with Social Distancing Requirements. All provisions of this Fifth Modification of the Declaration of a State of Emergency should be interpreted to effectuate this intent.

12. **Testing:** All COVID-19 testing shall be made available to those persons who meet criteria for such testing as established and modified from time to time, by the CDC. All health care providers, facilities and entities that decide to offer testing shall make that testing available to any person presenting at the testing site who meets the CDC criteria without regard to that person's ability to pay, type of health insurance, or participation in any particular provider network. Health care providers shall provide testing to the extent that testing costs are not covered by the payments by individuals and health insurance carriers and will be covered by Delaware's Health Care Connection Program.
13. **Enforcement.** This Order has the force and effect of law. Any failure to comply with the provisions contained in a Declaration of a State of Emergency or any modification to a Declaration of a State of Emergency constitutes a criminal offense. 20 Del. C. §§ 3115 (b); 3116 (9); 3122; 3125. State and local law enforcement agencies are authorized to enforce the provisions of any Declaration of a State of Emergency.

APPROVED this 22d day of March 2020 at 4:02 p.m.


Governor

State of Delaware



Executive Department
Dover

DECLARATION OF A STATE OF EMERGENCY FOR THE STATE OF DELAWARE DUE TO A PUBLIC HEALTH THREAT

WHEREAS, the Centers for Disease Control and Prevention has determined that a novel coronavirus (“COVID-19”) presents a serious public health threat, and that this threat is likely to impact the State of Delaware; and

WHEREAS, the Delaware Department of Health & Social Services’ Division of Public Health (DPH) has determined that it is vital for the State of Delaware to prepare for the possible community transmission of COVID-19 and take steps to avoid the transmission of the virus, which may include avoiding public gatherings; and

WHEREAS, it is in the best interests of the State to protect its citizens from a potential public health emergency that could threaten the lives of those who live and work here; and

WHEREAS, the predicted public health threat created by COVID-19 will likely continue to create dangerous and potentially life-threatening public health conditions and may result in additional public safety responses.

NOW, THEREFORE, I, JOHN C. CARNEY, pursuant to Title 20, Chapter 31 of the Delaware Code, do hereby declare a State of Emergency in Delaware. This State of Emergency will be effective as of Friday, March 13, 2020 at 8:00 a.m. E.S.T., and shall continue until terminated as provided under state law. The nature of the emergency is the public health threat from the COVID-19. Along with such other actions authorized by Title 20, Chapter 31 of the Delaware Code, I specifically direct and authorize:

1. All departments and agencies of the State of Delaware shall assist in response and recovery activities, as directed by and in coordination with the Delaware Emergency Management Agency (DEMA), in consultation with the Secretary of the Department of


Safety and Homeland Security (DSHS), necessary in those areas affected by the COVID-19. Further, DEMA is authorized to enact the Delaware Emergency Operations Plan.

2. The Delaware National Guard shall take precautionary or responsive actions directed by the Director of DEMA, in consultation with the Secretary of DSHS, upon request by local authorities.
3. Pursuant to the authority provided in Title 20, Chapter 31 of the Delaware Code, DPH, in consultation with DEMA and the Secretary of DSHS, shall consider responsive actions with respect to facility closures, isolation and quarantine measures, including quarantine of individuals or groups of individuals, and such other measures as they deem necessary to protect the health and safety of the public. DPH is authorized to purchase and distribute antitoxins, serums, vaccines, immunizing agents, antibiotics and other pharmaceutical agents, health care supplies or medical supplies.
4. As of Friday, March 13, 2020 at 8:00 a.m. E.S.T., and until further notice, there are no driving restrictions in effect in the State.
5. As of Friday, March 13, 2020 at 8:00 a.m. E.S.T., all public meetings of executive branch public bodies governed by 29 Del. C. §§10001 et. seq. (including boards, commissions, task forces, and any other similar public body) may be conducted electronically, either by means of telephone conference call or video-conference call. The technology used must permit members of the public body to hear the comments of and speak to all those participating, and members of the public to hear the comments of and speak to such members of the public body contemporaneously. Public participants must also be permitted to electronically access presentation materials and submit questions or comments. During any public meeting conducted by electronic means, each member of the public body will identify him or herself before speaking so that members of the public are able to hear the comments of the members of the public body. Notice requirements of public meetings will continue as required by law and will include the electronic information necessary for participation. Meetings already noticed shall be updated as soon as practicable with the information necessary for members and the public to participate electronically.
6. Given that Delaware has evidence of the presence of COVID-19, it is important that social events be held safely to prevent the spread of infection. Proper precautions are essential. Event hosts should review the potential risks and cancel all "non-essential mass gatherings" of 100 people or more. CDC event guidance strongly emphasizes that those at highest risk (over age 60 and with chronic health conditions) not attend large gatherings. Large gatherings, if held, should provide the following: adequate space allowing 6 feet between individuals; adequate air flow; warm water and soap along with hand sanitizer stations; signage that emphasizes that ill individuals not attend; and a process in place to manage an ill individual safely. As of Friday, March 13, 2020 at 8:00 a.m. E.S.T., DPH and DEMA are authorized to cancel gatherings should it be deemed necessary for public health reasons, and such cancellation shall not constitute a taking and shall not entitle the owner or organizer to just compensation.

7. Schools are encouraged to review activities that bring attendees in close proximity to each other based upon the CDC's guidance for social events. Schools should have a rigorous cleaning process and emphasize that sick students and staff stay home. DPH is not recommending that school facilities close at this time, but DPH will continue to coordinate closely with school district leadership to prevent community spread of the COVID 19.
8. Facilities serving older adults, including skilled nursing facilities, assisted living facilities, hospice providers, and rehabilitation facilities with older patients should:
 - a. Screen and restrict access by those who meet the following: 1) signs or symptoms of a respiratory infection such as cough, fever, shortness of breath or sore throat; 2) in the last 14 days had contact with someone with a confirmed diagnosis of COVID-19, or 3) are ill with respiratory illness.
 - b. All individuals permitted to enter the facility must wash hands upon entry; if soap and water are not available, alcohol-based sanitizer may be used.
 - c. Make online methods of face to face communication and phone calls available.
 - d. Facility staff should be restricted from international travel and should be monitored if they have travelled out of the country in the last 14 days.
 - e. Staff should be monitored if they have been in contact with someone who is under investigation for COVID-19 or have traveled out of state.
 - f. Staff should be monitored if they are showing any signs of respiratory infection such as fever, cough or sore throat.
 - g. Any staff member who has these signs or symptoms should not go to work. Any staff that develop these signs or symptoms on the job should immediately stop working, put on a face mask, and self-isolate at home.
 - h. Staff who develop these signs and symptoms should inform the infection preventionist and contact their primary care doctor, as well as the Division of Public Health at 1-866-408-1899 for next steps.
 - i. Nursing homes should increase availability of alcohol-based hand sanitizers, tissues, no-touch receptacles for disposal, and facemasks at entrances, waiting rooms, and resident check-ins.
 - j. Signage should be increased for vigilant infection prevention.
 - k. Properly clean, disinfect, and limit sharing of medical equipment between residents and areas of the facility.
9. No entity doing business in this state shall engage in price gouging as a result of this public health emergency, which shall mean an excessive price increase of goods or services offered for sale beyond the sale price in the usual course of business immediately prior to the date of this state of emergency, unless the increase is attributable to additional costs imposed on the supplier of such goods or services, such price not to increase more than 10% from the cost customarily applied in the usual course of business prior to this state of emergency. A violation of this paragraph shall be deemed an unlawful practice under § 2513 of Title 6 of the Delaware Code and a violation of Subchapter II of Chapter 25 of Title 6.
10. State employees shall refrain from any business travel out of state. If you are scheduled for business travel that you feel is essential, please notify your supervisor.

11. The Department of Health and Social Services and the Department of Safety and Homeland Security are exempted from 29 Del. C. Chap. 69 for purposes of purchasing materials necessary for responding to this public health emergency.
12. I reserve the right to take or direct state or local authorities to take, without issuance of further written order, any other necessary actions authorized by Title 20, Chapter 31 of the Delaware Code to respond to this emergency.

APPROVED this 12th day of March 2020 at 3:00 p.m.


Governor