

## Student Exemption Waiver Request

1. **Type of request:** Initial request to “waive” or broaden interpretation of certain student eligibility exemption requirements due to COVID-19.
2. **Primary regulation citation(s):** 7 CFR 273.5(a), 7 CFR 273.5(b)
3. **State:** Massachusetts
4. **Region:** Northeast Region
5. **Regulatory requirements:** 7 CFR 273.5(a) states that students enrolled at least half-time at an institution of higher education are ineligible for SNAP unless they meet an exemption. 7 CFR 273.5(b) lists the exemptions that allows eligibility for a student enrolled at least half-time at an institution of higher education.
6. **Proposed procedures:** NOTE: This is not a request for a blanket waiver of any regulation or statute. Instead, MA is formally requesting FNS grant a partial waiver to allow the broadening of its interpretation of the phrase “enrolled at least half-time at an institution of higher education” found at 7 CFR 273.5(a). Specifically, MA is requesting that for purposes of considering whether a student is enrolled “at least half-time at an institution of higher education” to exclude students who had been enrolled at institutions that have closed their campuses due to COVID-19. These closures have required students to return home. In some instances, students have moved from a traditional campus learning environment to engaging in on-line learning while in other instances these students have had classes reduced or cancelled. We wish to be allowed to use this interpretation through August 2020, the beginning of most institutions new school year.

AND/OR

Allow students who were exempt from the student eligibility rules due to being employed for 20 hours a week or have a work study job pursuant to 7 CFR 273.5(b) but lost their jobs due to the COVID-19 pandemic, to continue to be eligible for SNAP until August, 2020. Continuation of this exemption would be wholly consistent with the Families First Corona Virus Response Act which allows ABAWDS to continue eligibility even though they are not working during this national emergency. It would simply be inequitable to allow non-students to keep their benefits who are work-required but not working in this situation but not students. Students should be able to thus have their work requirement waived during this period of national emergency.

7. **Justification for request:** The COVID-19 pandemic has resulted in both a national emergency and a Massachusetts state of emergency. In attempting to mitigate the spread of the virus, the Governor has promoted social distancing and self-quarantine for those entering the state, suspended elementary, secondary school and childcare operations until May 6<sup>th</sup> among other drastic measures. In accordance with the Governor's guidance, the MA Department of Higher Education has strongly recommended that Massachusetts colleges

and universities reduce the need for students to be on campus and shift to remote learning. At present time all colleges and universities in MA have closed their campuses to non-essential individuals.

While students at these institutions may still be considered, for purposes of tuition/matriculation, as more than half time students, in reality, their student life and studies have been severely diminished. The fact that a school may still consider a student being in half-time or more does not comport with current reality. Perhaps more importantly, in tandem with the lessened hours spent for schooling, in most cases, the actual living situations of these students has drastically changed.

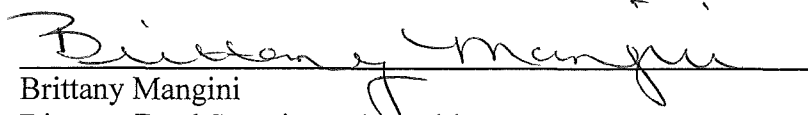
These students have been encouraged or forced to return home. They may have returned to a home that is currently receiving SNAP benefits or one that now needs SNAP benefits due a change in their economic circumstances exacerbated by the extra mouth to feed. Having the burden of an additional member in the household adds pressure to an already precarious nutrition situation. Existing households and new applicant households that solely include a student or households comprised of students and their families would benefit from this waiver.

At the same time, due to the pandemic, many employers are laying off employees, including many in the service industry where students tend to be employed. Eligible students who are laid off would automatically lose their student eligibility exemption status solely due to COVID-19. Waiving the ineligibility of student status would ensure that students are eligible for SNAP benefits during a time when they are losing their source of income such as working in dining services at their educational institution and losing their exemption status due to temporary lay-offs in the workforce.

As COVID-19 has been cited to possibly last until July or August, MA would like to ensure that students have food access for the remainder of the semester and through the summer.

8. **Anticipated impact on households and State Agency operations:** Active households which contain ineligible students may become eligible for higher benefit amounts. New households adjusting to their new economic and living circumstances are also expected to apply for SNAP benefits and may include students who have transitioned home due to directives issued by their higher learning establishments.
9. **Caseload information, including percent of caseload and description of population expected to be affected by this waiver:** It is difficult to capture the number of newly eligible students because MA does not have comprehensive data on who would be eligible if the regulation were to be waived.
10. **Time Period for which Waiver is needed:** Implementation through August 31, 2020.
11. **Proposed Quality Control Review Procedures:** Regular QC process would continue

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

A handwritten signature in cursive script, reading "Brittany Mangini", is written over a horizontal line.

Brittany Mangini  
Director Food Security and Nutrition Programs  
Department of Transitional Assistance

13. **Date of Request:** March 31, 2020