



Food and
Nutrition
Service

1320
Braddock
Place

Alexandria
VA, 22314

February 2, 2021

SUBJECT: SNAP Student Provisions in the Consolidated Appropriations Act, 2021 –
Questions and Answers – Section 702(e)

TO: All State Directors
Supplemental Nutrition Assistance Program

On December 27, 2020, the President signed into law the Consolidated Appropriations Act, 2021. Division N, Title VII, Subtitle A, Section 702(e) of the Act temporarily expands student eligibility at Section 6(e) of the Food and Nutrition Act of 2008, as amended.

On December 31, 2020, the Food and Nutrition Service (FNS) issued an informational memorandum on SNAP-related provisions of the Consolidated Appropriations Act. Attached are questions and answers describing the student-related Supplemental Nutrition Assistance Program (SNAP) provisions of that Act. State agencies with questions should contact their respective Regional Office representatives.

Sasha Gersten-Paal
Director
Program Development Division

Enclosure

Enclosure¹

Issuing Agency/Office:	FNS/SNAP
Title of Document:	SNAP Student Provisions in the Consolidated Appropriations Act, 2021 –Questions and Answers – Section 702(e)
Document ID:	
Z-RIN:	
Date of Issuance:	February 2, 2021
Replaces:	N/A
Summary:	The Consolidated Appropriations Act, 2021 temporarily expands the student eligibility exemptions at Section 6(e) of the Food and Nutrition Act of 2008, as amended. This document provides questions and answers related to the temporary exemptions to support States in implementation of the new standards.
Disclaimer:	The contents of this guidance document do not have the force and effect of law and are not meant to bind the public or FNS in any way. This document is intended only to provide clarity to the public regarding existing requirements under the law or agency policies.

Implementation

1. Must States expand student eligibility exemptions based on the Consolidated Appropriations Act, 2021?

Yes. Students enrolled at least half-time in an institution of higher education (students) are ineligible for SNAP unless they meet one of the exemptions described in Section 6(e) of the Food and Nutrition Act of 2008 (the Act) and Federal regulations at 7 CFR 273.5(b).

Under the Consolidated Appropriations Act, 2021, States must temporarily add two new temporary exemptions to the existing list. The two new temporary exemptions apply to students who meet either of the following:

¹ Pursuant to the Congressional Review Act and Executive Order 13891, the Office of Information and Regulatory Affairs has designated this document as not major and not significant.

- 1) The individual is eligible to participate in a State or Federally financed work study program during the regular school year, as determined by the institution of higher education; or
- 2) The individual has an expected family contribution (EFC) of \$0 in the current academic year.²

2. How and when must States implement the new, temporary exemptions?

States must implement the new, temporary exemptions by January 16, 2021. States may implement the new, temporary exemptions at an earlier date, but not for applications processed before December 27, 2020.

Consistent with current requirements, States must determine at certification and at recertification whether students meet the exemptions, including the new temporary exemptions, from the student eligibility restrictions. In addition, States should examine a student's circumstances if any household reports a change during the certification period that would potentially add a new eligible member to the household (including under the new, temporary exemptions), as applicable.

3. How long must States implement the new, temporary exemptions?

Under the Consolidated Appropriations Act, 2021, the new, temporary student exemptions shall be in effect for initial SNAP applications until 30 days after the COVID-19 Federal public health emergency is lifted.³ The temporary student exemptions remain effective until the first recertification of a household beginning no earlier than 30 days after the COVID-19 public health emergency is lifted.

In practical terms, this means that States must evaluate initial applicants using the new, temporary exemptions until 30 days after the COVID-19 public health emergency is lifted. At that point, States would return to certifying initial applicants based only on the exemptions listed at 273.5(b).

For changes during a certification period and recertifications, any of which occur no earlier than 30 days after the COVID-19 public health emergency is lifted, States would continue to apply the new, temporary exemptions.

² As determined in accordance with part F of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087kk et. seq.).

³ Defined as the public health emergency declared or renewed by the Secretary of Health and Human Services under section 319 of the Public Health Service Act based on an outbreak of COVID-19.

4. May these new, temporary exemptions apply to currently ineligible household members in ongoing SNAP households?

Yes. Consistent with current requirements, States must determine whether students meet the exemptions from the student restrictions at certification and at recertification.⁴ In addition, States should determine if household members meet these exemptions if any household reports a change during the certification period that would potentially add a new eligible member to the household, as applicable.

5. How should States verify a student's eligibility for the new, temporary exemptions?

The Consolidated Appropriations Act, 2021, which authorized the temporary student exemptions, did not make changes to SNAP verification requirements for students. In accordance with 7 CFR 273.2(f), States must verify, prior to certification of the household, any household statement that is questionable and would impact eligibility and/or benefit amounts. States must support households in obtaining verification, provided the household is cooperating, and must accept any reasonable documentary evidence provided by the household.

Informed by consultation with the Department of Education, FNS is providing the following general guidance on what types of documentation may be available to States to verify student eligibility exemption criteria. States are encouraged to consult directly with institutions of higher education in their respective States.

Verification of eligibility to participate in a work study program may be found on the financial aid award letter provided to the student by the institution of higher education. If the student has misplaced or does not have access to the financial aid award letter, the student may request, in writing, that the institution of higher education provide a letter or otherwise communicate to the State agency verifying eligibility to participate in a work study program.

Verification of an expected family contribution (EFC) of \$0 may be found on a financial aid award letter or Student Aid Report (SAR). If the student has misplaced or does not have access to the financial aid award letter, the student may request, in writing, that the institution of higher education provide a letter or otherwise communicate to the State agency verifying an EFC of \$0. Note that the

⁴ Applies to recertifications that occur no earlier than 30 days after the COVID-19 public health emergency is lifted.

SAR does not display a dollar sign in front of the EFC figure. When a student's EFC is \$0, the SAR will show a string of zeros.

In addition, all students receiving the maximum Pell Grant have an EFC of \$0. In the 2020-21 award year, the maximum Pell Grants are \$3,172 per semester for students enrolled full-time, \$2,379 per semester for students enrolled three-quarter-time, and \$1,586 per semester for students enrolled half-time. Verification of the Pell Grant amount may be found on the financial aid award letter and may be used as verification that a student has an EFC of \$0. However, not all students with an EFC of \$0 receive a Pell Grant.

Work Study Exemption (Section 702(e)(1)(B)(i))

6. What is the definition of State or federally financed work study?

State or Federally financed work study is any work study program that is funded by State or Federal funds. However, students typically do not receive information from their institution of higher education about the source of funding for their work study awards. Therefore, for the purposes of this temporary exemption, States may consider all students who are eligible for work study and who attend an institution of higher education that participates in a State or Federal work study program to be eligible for State or Federally financed work study.

7. What is the difference between the regular exemption regarding work study and the new temporary exemption?

The work study exemption in regulation at 7 CFR 273.5(b)(6) requires that a student be *participating* in State or Federally financed work study during the regular school year. As explained in the regulation, this means that the student must be approved for work study at the time of application for SNAP, approved for the school term and must anticipate actually working during that time.

Under this new, temporary exemption at Section 702(e)(1)(B)(i) of the Consolidated Appropriations Act, 2021 the individual only needs to be *eligible* to participate in a work study program in order to qualify for the exemption. The individual does not need to be participating nor anticipate participating in work study (e.g., have secured or be actively employed in a work study position) in order to qualify under this temporary exemption. The institution of higher education makes the determination as to whether a student is eligible to participate in a work study program.

Expected Family Contribution Exemption (Section 702(e)(1)(B)(ii))

8. What is meant by “current academic year”?

Students must have an EFC of \$0 in the current academic year to meet this exemption. The EFC is calculated for award years on a July 1-June 30 calendar, but institutions of higher education may have academic years that vary from this specific timeframe. For purposes of this temporary exemption, the EFC of \$0 must be for the current academic year, as defined by the institution of higher education, in which the individual is enrolled.