

WAIVER REQUEST

Student Eligibility

1. **Type of Request:** Initial
2. **Primary Citation:** Section 6(e) of the Food and Nutrition Act of 2008, as amended
3. **Secondary Regulation Citation:** 7 CFR 273.5 (b)(5)
4. **State:** Washington
5. **FNS Region:** WRO
6. **Act and Regulatory Requirements:** Section 6(e) of the Food and Nutrition Act of 2008 and Federal regulation defines household members at least half-half time in an institution of higher education are not eligible for Supplemental Nutrition Assistance Program (SNAP) unless they meet certain student exemptions.

7 CFR 273.5(b)(5) identifies the students enrolled in an institution of higher education may be eligible for SNAP if they meet the exemption of being employed a minimum of 20 hours per week.

7. **Proposed Alternative Procedures:** Washington State is requesting a waiver to allow students of higher education who are impacted due to COVID-19 to qualify for SNAP regardless of employment status. The SA will re-evaluate for student eligibility at the next certification review, after the pandemic has ceased.
8. **Justification for Request:** On May 31, 2020, Governor Jay Inslee issued a proclamation to amend and transition the *Safe Start Washington Phased Reopening County-by-County Plan*¹ from the previous *Stay Home – Stay Healthy*² proclamations, prohibiting all people in Washington state from leaving their homes except under certain circumstances.

On June 1, the WA Department of Health began accepting county applications for phased reopening. Phased reopening measurements are defined as the following:

¹[Safe Start Washington Phased Reopening County-By-County](#)

²[Stay Home – Stay Healthy Proclamation \(20-25\)](#)

WASHINGTON'S PHASED APPROACH

Modifying Physical Distancing Measures

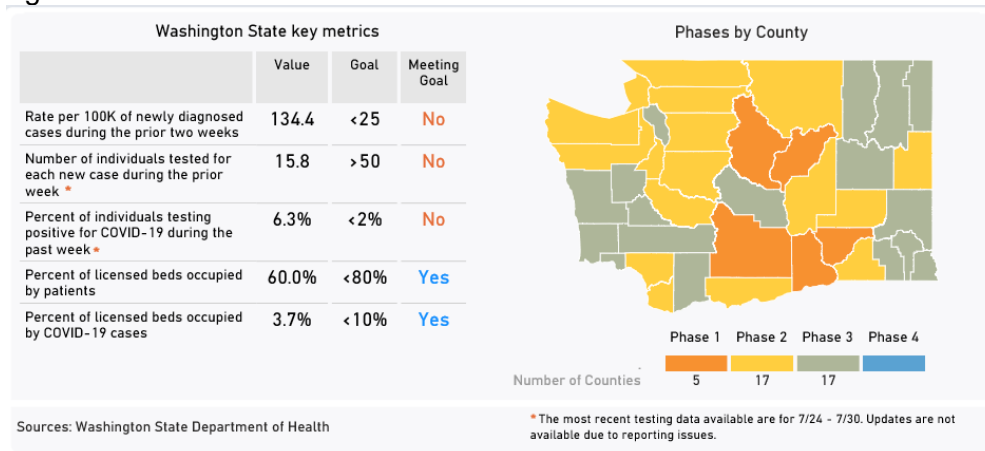
INDIVIDUALS AND BUSINESSES SHOULD FOLLOW ALL REQUIREMENTS LISTED ABOVE DURING ALL PHASES

	1 Phase 1	2 Phase 2	3 Phase 3	4 Phase 4
High-Risk Populations*	Stay home unless engaging in Phase 1 permissible activities.	Strongly encouraged, but not required, to stay home unless engaging in Phase 1 or Phase 2 permissible activities.	Strongly encouraged, but not required, to stay home unless engaging in Phase 1, 2, or 3 permissible activities.	Resume public interactions, with physical distancing
Recreation	Some outdoor recreation (hunting, fishing, golf, boating, hiking)	Outdoor recreation involving 5 or fewer people outside your household (camping, beaches, etc.)	- Outdoor group rec. sports activities (50 or fewer people) - Recreational facilities at <25% capacity	Resume all recreational activity
Gatherings (non religious)	No gatherings	Gather with no more than 5 people outside your household per week	Allow gatherings with no more than 10 people	Allow gatherings with >10 people
Travel	Essential travel and limited non-essential travel for Phase I permissible activities	Essential travel and limited non-essential travel for Phase I & II permissible activities	Resume non-essential travel	Continue non-essential travel
Business/Employers (All businesses will be required to follow safety plans written by the state)	- Essential businesses open - Existing construction that meets agreed upon criteria - Landscaping - Auto/RV/boat/ORV sales - Retail (curbside pick-up orders only) - Car washes - Pet walkers	- Remaining manufacturing - Additional construction phases - In-home/domestic services (nannies, housecleaning, etc.) - Retail (in-store purchases allowed with restrictions) - Real estate - Professional services/office-based businesses (telework remains strongly encouraged) - Personal services (hair and nail salons/barbers, tattoo, etc.) - Pet grooming - Restaurants <50% capacity, table size no larger than 5 (no bar-area seating) - Indoor dining with household only - Bars: no indoor seating unless min. food requirements in guidance met - Drive-in Movie Theaters - Library (curbside pick-up) - Limited indoor and fitness and training with 300 square feet of distance/person, up to 25% capacity for large facilities.	- Movie theaters at <25% capacity - Customer-facing government services (telework remains strongly encouraged) - Libraries - Museums - All other business activities not yet listed except for those specified for Phase 4	- Nightclubs - Concert venues - Large sporting events - Resume unrestricted staffing of worksites, but continue to practice physical distancing and good hygiene - Live entertainment

* High-risk populations are currently defined by CDC as: persons 65 years of age and older; people of all ages with underlying medical conditions (particularly not well controlled), including people with chronic lung disease or moderate to severe asthma, people who have serious heart conditions, people who are immunocompromised, people with severe obesity, people with diabetes, people with chronic kidney disease undergoing dialysis, and people with liver disease; people who live in a nursing home or long-term care facility.
**For the purposes of the Safe Start Phased Plan, bars are defined as taverns, breweries, wineries and distilleries.

Due to the increased COVID-19 infection rates across the state, applications for phased reopening remain frozen, as of July 24, 2020, until appropriate strategies are implemented to reduce infection rates, as indicated in proclamation 20-25.7³.

Current Phases by County⁴ across Washington state as of August 9, 2020 include the following:



³"Safe Start – Stay Healthy" County-By-County Phased Reopening Proclamation (20-25.7)

⁴County Phases and Risk Assessment Dashboard

Due to the evolving situation, some colleges have been forced to limit hours of service, or close completely, their food pantries, limiting the access to nutritious foods for many students. The SA recognizes the need to do more to provide assistance to those impacted by the continued closures or limited operations of businesses due to COVID-19 across the state and various phased counties.

Institutions of higher education face certain requirements to allow for physical return of students to college campuses, as outlined in Governor Inslee's Higher Education Reopening Plan⁵. Due to the current high to moderate risk of COVID-19 in counties across Washington state, all 34 community and technical colleges and 90 percent or more of private or four year colleges are expected to continue to conduct remote learning for the majority of course work through Fall 2020 quarter. It is unknown how many of these institutions will be able to meet the requirements of the higher education reopening plan for in-person classes.

Remote learning poses unique barriers to continued education and employment:

- Students may not have access to a computer or internet service;
- Caring for dependents, aged 12 and older, that also have remote learning next school year; and
- Limited employment opportunities on or near a college campus.

Even if institutions of higher education met the Governor's Higher Education requirements to reopen for physical return, limited business hours on or near college campuses will continue due to the county-by-county phased reopening. Washington State Employment Security Department (ESD) indicates unemployment benefit applications continue at elevated levels, 307 percent above last year's new claims for the week of August 2 through August 8⁶.

The SA has seen an increase in SNAP denials of students of higher education. In March 2020, the SA denied 250 SNAP applicants for being an ineligible student. In April 2020, this number increased by 263% to 658 denials. Additionally, out of previously SNAP eligible students, an average of 53 recipients were terminated as no longer meeting the 20 hours a week work requirement from March to July of 2020⁷.

Due to the limited operations of businesses in or around campuses and the unpredictable nature of the COVID-19 pandemic, the 20 hours a week average of employment, if not found exempt under another condition, increases students food insecurity while facing a global health crisis. The SA is requesting to waive the requirement for students to work an average of 20 hours a week to be SNAP eligible.

- 9. Anticipated Impact on Households:** Maintaining SNAP benefits for eligible students during this crisis is crucial. The SA will ensure students remain eligible during this time when they report a change in employment due to phased reopening and remote learning. The SA anticipates a small increase in the number of eligible households who would be otherwise an ineligible student.

⁵Governor Inslee's Higher Education Reopening Plan

⁶Initial unemployment insurance claims for week of August 2 – 8, 2020

⁷EMAPS 5105, SNAP Clients Closed or Denied Due to Student Status, March 2020-July 2020 (August 11, 2020)

10. Affected Caseload: The caseload of existing eligible students working an average of 20 hours a week, who are temporarily out of work because of COVID-19, is estimated to be an average of 53 students per month based on data from March to July 2020.

The number applications will increase as more students become eligible. During the pandemic, an average of 318 students were determined ineligible for SNAP as a result of not meeting a student exemption based on data from March to July 2020.

11. Anticipated Implementation Date: The SA anticipates implementation of the waiver immediately upon approval to avoid lapse in eligibility for students that have been out of work as a result of the Governor Inslee's proclamations for continuing the restrictions of county-by-county phased reopening and higher education reopening requirements.

The SA will continue to work to provide correct training to staff in addition to working with Washington Student Achievement Council (WSAC) and State Board for Community and Technical Colleges (SBCTC) to provide correct information to those impacted.

12. Proposed Quality Control Procedures: The proposal does not affect quality control sampling or procedures.

13. Signature and Title of Requesting Official:



Babs Roberts, Director
Community Services Division

14. Date of Request: August 27, 2020.