

**NORTH DAKOTA DEPARTMENT OF HUMAN SERVICES
BISMARCK, NORTH DAKOTA
March 11, 2021**

IM 5433

TO: Human Service Zones
Economic Assistance Policy Division

FROM: Michele Gee, Director, Economic Assistance

SUBJECT: Temporary Student Exemptions

PROGRAMS: Supplemental Nutrition Assistance Program (SNAP)

EFFECTIVE: January 16, 2021 until 30 days after the National Health Emergency is lifted.

**SECTIONS
AFFECTED:** 430-05-30-40 Students in Higher Education

The Consolidated Appropriation Act 2021 is allowing temporary exemptions for full-time and part-time student eligibility effective January 16, 2021.

Student eligibility must be determined at application or review per policy 430-05-30-40 including determining eligibility of the new temporary exemptions. Households reporting a change during the certification period that would potentially allow a household member to be eligible under the temporary student exemptions must be considered.

The new exemption criteria is:

- The student must be eligible to participate in a state or federally financed work study program during the regular school year as determined by the institute of higher education. The student is **not** required to be participating in the work study program.

OR

- The student must have an expected family contribution (EFC) of \$0 for the current academic year.

Households must provide the verifications of one of these requirements to have a student considered for one of these exemptions. The verifications can be obtained from the institute of higher education attended by the student. Zone staff can assist the household with obtaining the verifications by contacting the universities financial aid office.

Examples of acceptable verifications include:

- Letter or email from the institute of higher education attended by the student verifying the student meets one of the above requirements.
- Copy of the student's financial aid award letter or Student Aid Report (SAR).

NOTE: The Student Aid Report does not display a dollar sign (\$) in front of the EFC figure. If a student's EFC is \$0 the Student Aid Report will show a string of zeros.

- 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. Eligibility of the Pell Grant can be found on the financial aid award letter and used as verification that the student has an EFC of \$0. However, not all students with an EFT of \$0 receive a Pell Grant.
- Collateral contact with the institute of higher education attended by the student.

On February 23, 2021, the U.S. Department of Education published an announcement regarding the new exemptions. This announcement can be found at <https://ifap.ed.gov/electronic-announcements/022321SNAPbenefitseligiblestudsCOVID19pandemic>.

The temporary student exemptions will be in effect until 30 days after the National Health Emergency is lifted.

Applications and reviews received on or after January 16, 2021 containing a household member enrolled in an institute of higher education will be identified and distributed to the Human Service Zones with additional instructions for determining eligibility of the temporary exemptions.

Students in Higher Education 430-05-30-40

A student is an individual enrolled in an institution of higher education at least halftime.

This section does **not apply** to individuals:

- Under the age of 18 (through the month the individual turns 18)
- Age 50 or older (effective the month an individual turns 50)
- Physically or mentally unable to work.

If an individual claims that they are physically or mentally unable to work and it is not evident, verification is required. Verification may consist of an application for or receipt of temporary or permanent disability benefits issued by a government or private source, individuals who are accepted and actively involved in services through Vocational Rehabilitation, including Veteran's Vocational Rehabilitation a statement from a physician, or a statement from a licensed or certified psychologist.

- Attending high school or working to obtain a GED.
- Participating in on-the-job training programs, including refugee training programs
- Not attending school at least half-time.
- Enrolled full-time in a school or training program which is not an institution of higher education.

Student status applies to individuals:

- Between the ages of 18 and 50.
- Physically or mentally able to work.
- Enrolled at least half time in an institution of higher education (defined by the institution).

Student's that have purchased a meal plan for more than half of their daily meals are not eligible to participate. This includes students living on or off campus.

Student status must be verified (class schedule or other verification from the institution) if questionable. If the class schedule or other verification from the institution which confirms student status is not provided, the application or application for review must be denied.

A student **is ineligible** to participate and considered a non-household member (OU) **unless** they comply with one of the following eligibility requirements:

1. Employed a minimum of 20 hours per week averaged monthly and paid for such employment. If an individual is self-employed, they must be employed a minimum of 20 hours per week averaged monthly and receive weekly earnings at least equal to the Federal minimum wage multiplied by 20 hours.
2. Approved for state or federally financed work-study for the school term and the student must anticipate actually working during that time. School term is defined as the school year for this provision.

The exemption begins with the month the school term begins or the month work-study is approved, whichever is later. The exemption will continue until the end of the month the school term ends or it becomes known that the student has refused an assignment.

The exemption does **not** continue between terms when there is a break of a full month or longer unless the student is participating in work-study during the break.

3. Physically responsible for the care of dependent household member(s) under the age of six residing with the household. The dependent household member(s) **do not** need to be participating in the same SNAP household. Only one member may claim an exemption as the primary person responsible for the care of dependent(s) when the responsibility is shared.

The exemption for the primary care giver can be changed during the household's review period.

Example:

A household consists of a single parent and her seven year old child, as well as two foster children, ages three and five. Mom has elected to exclude the foster children from her SNAP household. The income and resources of the foster children are not counted in the SNAP budget and the children are not included in the household size determination.

Mom is a full time student and considered and ineligible student as she is not employed 20 hours per week averaged monthly or participating in a state or federally financed work study program during the regular school year. However, because there is a child under the age of six residing in the household, she is exempt from the student criteria and considered and eligible student.

4. Physically responsible for the care of dependent household member(s) who have reached the age of six but are under age 12, where the worker has determined that adequate child care is not available to enable the student to attend class and comply with the work requirements required to be considered an eligible student. The dependent household member(s) **do not** need to be participating in the same SNAP household but **must be** residing with the household. Availability of adequate child care must be made on a case-by-case basis. Only one member may claim an exemption as the primary person responsible for the care of dependent(s) when the responsibility is shared.

Example:

A household consists of mom, dad, and their eight year old child. Dad is employed full-time, and mom is a full-time student. Mom is considered an ineligible student as she is not employed 20 hours per week averaged monthly or participating in a state or federally financed work study program during the regular school year. However, because adequate child care is not available, she is

exempt from student criteria and considered an eligible student.

The exemption for the primary care giver can be changed during the household's review period. 'Responsible for the care of a dependent child,' is defined as a parent or other household member responsible for providing the actual physical care for a child. This could include a household member that is living in the same home but not part of the SNAP household. The determination must be based on documented discussion with the household.

Examples:

- 1. Household consists of Mom and her two children ages 23 and 5. Mom states that her 23 year old child cares for her 5 year old while she is working. Based on this discussion, the 23 year old can claim the exemption. This discussion with the household must be documented.**
- 2. Boyfriend, girlfriend and girlfriend's 3 year old child live in the same home but purchase and prepare meals separately. The boyfriend cares for the 3 year old while the girlfriend works. The boyfriend can claim the exemption. The discussion with the household must be documented.**
- 3. Household consists of Mom, Dad and their 4 year old child. Dad works and Mom is not employed. Their 4 year old child goes to day care while Dad is working. Mom cannot claim the exemptions as she is not providing the care for the child.**
- 4. Two adult sisters live in the same home but purchase and prepare meals separately. One sister has a child and works outside the home. The other sister cares for her niece and can claim the exemption. The discussion with the households must be documented.**
5. A **single** parent enrolled in an institution of higher education on a full-time basis (as determined by the institution) and is responsible for the

care of a dependent child under age 12.

This provision applies in those instances where only one natural, adoptive, or stepparent (regardless of marital status) is in the same SNAP household as the child.

Example:

A household consists of mom, her boyfriend, and her eight year old child. Mom is a full-time student and may qualify for eligible student status as her boyfriend is not the father of the eight year old child.

If no natural, adoptive, or stepparent is in the same household as the child, another single full-time student in the same SNAP household as the child may qualify for eligible student status under this provision if they have parental control over the child and is not living with their spouse.

6. Receiving benefits from TANF or participating in the JOBS Program.
7. Attending an institution of higher learning through or in compliance with the following: a program under the Workforce Investment Act (WIA) of 1998, an employment and training program under the Food and Nutrition Act, a program under Section 236 of the Trade Act of 1974. WIA and programs under the Trade Act of 1974 are administered by Job Service and can be verified by contacting that office.
8. Attending an institution of higher learning through or in compliance with the following: a program for the purpose of employment and training operated by a state or local government as determined appropriate by the State (none in North Dakota).
9. Is eligible for a state or federally financed work study during the regular school year as determined by the institute of higher education.

NOTE: This is a temporary exemption due to the Consolidated Appropriations Act 2021. The student does not need to participate in work study.

10. Have an expected family contribution (EFC) of \$0 for the current academic year.

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