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Connecting Community College Students to SNAP

Lessons from states that have expanded SNAP access and minimized the “work for food” requirement

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Introduction

Students with low incomes have long faced challenges meeting their basic needs. Food insecurity among students has increased during COVID-19,¹ and could persist for months or years for students saddled with educational debt or facing uncertain unemployment. Access to Supplemental Nutrition Assistance Program (SNAP) benefits for children has a proven effect on reducing childhood food insecurity,² and when students have access to food, their grades improve.³ Access to SNAP may similarly improve college student retention and academic success when students are nourished while learning.

However, in order to be eligible for SNAP under long-standing federal rules, college students attending at least half-time have had to meet one of the student “exemptions,” as they are known in federal law, in addition to all the regular SNAP eligibility rules. The most common SNAP student exemptions require students ages 18 to 50 to show they are:

- participating in a federal or state work-study program;
- caring for a young child or getting TANF benefits;
- having a disability or impairment;
- already getting SNAP and then placed in a SNAP-approved “employment and training program;” or
- doing paid work for at least 20 hours per week.

More information about college students and SNAP, including the complete list of possible exemptions, can be found in these CLASP and USDA materials (see footnote).⁴ For many, the student exemptions are difficult to meet. Unless they are lucky enough to get work study with an anticipated job, many students are faced with proving their SNAP eligibility through working 20 hours per week while also attending college – the so-called “work for food” requirement. This requirement has similarly burdened childless, able-bodied adults seeking SNAP benefits.

This policy report, written jointly by CLASP and MLRI, highlights additional options states have to expand SNAP access to students with low incomes—well beyond the temporary student provisions in the recent COVID-19 relief bill—and minimize saddling students with unfair and unrealistic work requirements.

“We're going to make sure students have the support they need to cross that finish line. We're going to invest in programs that prepare our workers for jobs of the future.”

First Lady Dr. Jill Biden, People Magazine February 10, 2021

We encourage states to explore key state options while also advocating with Congress for permanent SNAP policy reforms that center the basic needs of their students. Now is a critical time for states to implement bold changes for students.

What Student Hunger Looks Like

College students are not a monolith. Over half of today's community college students are "non-traditional," including older students who are financially independent from their parents, as well as first-generation students from low-income families.⁵ The image of a "traditional student"—right out of high school, and from a middle-class family that can fully support all of the financial needs of the student while in college—is how the media and elected officials often portray college students. The reality is that the majority of community college students, and a growing number of four-year public college students, are parents of minor children; parents who have finished raising their kids; adults seeking retraining after losing their job; immigrants and "Dreamers" who are first-generation students; students who are homeless; who have aged out of foster care or are returning to college after military service.⁶

"There are days where I can't even afford to buy a chip . . . and I know I can go up there [to the food pantry] to get bread," said Benitez, who is graduating with two associate's degrees and was just accepted to Stanford. "You can't study if you are hungry."

Susan Benitez, 30, an Army veteran and student government president at Bunker Hill Community College. Boston, Massachusetts.

Pre-COVID, in a national survey from the Hope Center for College, Community and Justice, over half of student parents reported facing food insecurity in the prior 30 days. Further, nearly 70 percent of student parents were housing insecure in the previous year, and about one in five reported facing homelessness.⁷ Older students reported higher rates of basic needs insecurity, including 74 percent of student respondents, ages 26 to 30.⁸ None of this should be surprising, given the ever-rising cost of higher education, cost of living, and the prevalence of low-paid and unstable work.

As a result of COVID, overall enrollment of college students is down by 3.3 percent since the prior school year.⁹ For Black and Latinx students, freshman college enrollment has declined by 13 percent, and especially hard hit are community colleges showing a freshman decline of nearly 19 percent.¹⁰ In Massachusetts, the state's community colleges have found a stunning 30 percent decline in Black and Latino students since Fall 2020.¹¹ Some students may not have homes they can return to as campuses close, and many have lost their campus jobs indefinitely.

The COVID-19 pandemic has further exacerbated food insecurity. In a national survey, roughly three in five college students have reported they are experiencing basic needs insecurity during the public health crisis.¹² College students have been left with unique and complicated challenges as a result. At the colleges that offered campus-based food pantries, donated "meal swipes" from paid meal plans, or subsidized cafeteria meals, remote learning has caused these options to mostly disappear. Community college students have been especially impacted without the campus supports and community networks that provided them with resources prior to the public health crisis.

At the start of the pandemic, over 30 states and the District of Columbia submitted waiver requests to the U.S. Department of Agriculture (USDA) to modify or waive the SNAP student exemptions because

of these difficulties.¹³ The USDA, under the Trump Administration, responded with a blanket denial of these requests.¹⁴ The December 2020 COVID-19 relief bill fortunately created additional SNAP student exemptions, as discussed below—**but these exemptions are temporary.**

Looking beyond COVID-19, states have several options to remediate hunger among COVID-19-impacted students and the estimated 57 percent of eligible college students who—pre-COVID-19—did not participate in SNAP.¹⁵ For example:

- Massachusetts pioneered one state option in 2010 that permits students in community colleges to qualify for SNAP if their certificate or associate’s degree program is considered either a “career or technical education” program, or if the college determines the student will likely be more employable with the degree or certificate.
- Pennsylvania followed in the footsteps of Massachusetts in 2018, expanding SNAP access for community college students enrolled in career and technical education programs, or where the college determined the student would be more employable.

Other states that have expanded access to community college students in similar ways include New York, New Jersey, California, Oregon, and likely a few others.

The COVID-19 Relief Omnibus Appropriations Act of 2020

The Consolidated Appropriations Act of 2021 passed by Congress in December 2020 temporarily expanded the student population eligible for exemptions to the SNAP student work for food requirement.¹⁶ Under this relief act, more college students may be SNAP-eligible during the pandemic if the student:

- *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*
- *Has an “expected family contribution” (EFC) of \$0 through the financial aid determination.*

The USDA Food and Nutrition Service (FNS) issued policy guidance to states on February 2, 2021, noting that these two provisions will last until the next recertification 30 days after the federally-declared public health emergency (PHE) ends.¹⁷ The U.S. Department of Health and Human Services has told governors that it expects the PHE to extend at least to the end of calendar year 2021.¹⁸ These new COVID-19 provisions provide promising opportunities for state agencies and colleges to expand access to SNAP for students facing financial hardship during the pandemic.

In robustly implementing the Consolidated Appropriations Act of 2021 provisions, state higher education agencies and college financial aid administrators are urged to take the following steps:

- Ensure students know that if they are “eligible to receive” work study, they are likely SNAP-eligible—even if unable to use their work study award this semester.¹⁹
- Make the students’ EFC information prominent in their financial aid portal and in all award letters, and advise students who receive a maximum Pell Grant or have an EFC of \$0 that they are likely SNAP-eligible.

- Work with state SNAP agencies to accept a broad range of proof from students of their SNAP eligibility beyond FAFSA documentation, including self-declarations²⁰ or any communications from financial aid offices to students.²¹
- Advise students of their right to amend or appeal their EFC²² if the students or their family have lost a job, reduced hours of work, or lost a loved one—especially due to COVID.
- Do targeted outreach to students through text messages, social media, and in aid award letters about their potential eligibility for SNAP and how to apply.²³

Both state SNAP and higher education agencies can use the temporary expansions of SNAP student eligibility from the Consolidated Appropriations Act of 2021 as opportunities to be innovative. As this memo goes to print, we remain hopeful that a Biden/Harris Administration and the 117th Congress will commit to rescinding the work for food requirements and expand access to SNAP for all college students with low incomes.

Lessons from States with Expanded Student SNAP Access for Community College Students

The Mickey Leland Food for Peace Act of 1990²⁴ expanded SNAP exemptions to include students enrolled in certain educational programs without having to meet the work for food requirement. This state option, codified at 7 U.S.C. §2015(e)(3)(D) (referred to below as “(3)(D)”), supports the SNAP program’s core goal of connecting people experiencing food insecurity with federal nutrition resources. It also meets the goal of allowing people with low incomes to participate in educational programs that will help them get better jobs and achieve lasting economic security.

There are three important considerations as advocates discuss this option with state agencies:

- Congress delegated to USDA, which then expressly delegated to states, the authority to determine which “*state and locally administered*” education programs qualify as “*education and training programs for low-income households.*” States do not need U.S. Food and Nutrition Service (FNS) waivers or pre-approval to make this determination. This option falls under existing regulatory authority. Most state-administered community colleges disproportionately serve households with low incomes. Advocates are encouraged to explore whether programs offered to non-traditional students at four-year state colleges meet that requirement, as has been done in California.
- Implementing the (3)(D) exemption to qualify more college students for SNAP benefits is *separate and distinct* from the authority states have to enroll current SNAP recipients in college-level SNAP Employment and Training (E&T) programs.
- States are not obligated to provide SNAP E&T services to students who qualify for SNAP under the (3)(D) exemption. Nonetheless, advocates can encourage states to consider whether such students could otherwise qualify as eligible for SNAP E&T, especially if the student’s course of study would meet the state’s SNAP E&T program components. States should also consider this option when the student’s ability to complete their education may depend on support services, such as transportation or child care.

Some states that have elected the (3)(D) student exemption estimate that it has helped qualify thousands of students with low incomes for SNAP. This exemption benefits students who don't have work study and are unable to meet the SNAP work for food rules. It also benefits students who may have otherwise been SNAP eligible under the *other* student exemptions, but were discouraged or confused about the complex rules.

Implementing the statutory (3)(D) exemption can also increase state administrative efficiencies. This is especially true when the state SNAP agency relies on the expertise of the community colleges to determine whether their students will be more employable with an associate's degree or certificate, or is in a course of study under the career or technical education umbrella. SNAP state agencies and SNAP E&T staff do not need to be burdened with these determinations.

The following section describes how Massachusetts and Pennsylvania made this clarification to the student criteria. We hope this is illustrative to stakeholders as they embark on advocating for this option to be implemented in their states.

Case Study: Massachusetts

In 2009, the Massachusetts Law Reform Institute (MLRI) approached the SNAP state agency and the Department of Transitional Assistance (DTA) urging them to expand access to SNAP for community college students. Two years earlier, in June 2007, then-Massachusetts Governor Deval Patrick announced a 10-year goal to provide free community college to low-income residents.²⁵ On July 14, 2009, then-President Barack Obama announced the American Graduation Initiative, with plans to invest over \$12 billion over 10 years to make college more accessible to students with low incomes and increase the number of skilled American workers by 5 million students.²⁶ 2009 became an opportune time for MLRI to urge the state to broaden access to the SNAP program for students with low incomes.

MLRI had represented community college students in individual administrative appeals during 2008 and 2009, successfully urging hearings officers to exempt them as SNAP-eligible by giving practical meaning and applying the federal regulation, 7 C.F.R. §273.5(b)(11)(iv). The regulations established two distinct, mutually exclusive exemptions for students:

- Section (b)(11)(ii) authorized states to exempt *current* SNAP recipients who the state agency enrolled in SNAP E&T programs at the college level, without requiring these students to meet other exemptions, such as the 20 hours/week student work rules; and
- Section (b)(11)(iv) authorized states to exempt low-income students from the SNAP student requirements and qualify them for SNAP benefits, independent of the SNAP E&T program.

Having parsed the legislative and regulatory history of the SNAP student exemptions (see Appendix A), MLRI advised the state that the USDA had delegated to states the determination of what should be considered a *"state and locally administered... education and training program for low-income households."* MLRI further advised the state that 7 C.F.R. §273.5(b)(11)(iv) did not require DTA to file a waiver or pilot. Nor was the state exploiting a "loophole." Rather, applying this regulation was wholly consistent with Congressional intent to exempt more students with low incomes and qualify them for SNAP.

MLRI further noted that the community college students impacted by expanding SNAP access were either: ineligible members within existing SNAP households, or low-income non-traditional students living on their own, but lacking work study or sufficient work hours to meet the 20 hours/week SNAP work rules. Indeed, MLRI argued that these were the very students Governor Patrick and President Obama had sought to help with their bold initiatives.

One area of concern raised by the state was whether this expanded exemption would cause an administrative burden on SNAP case workers to determine which community college courses would likely lead to employment. In discussions with the Massachusetts Department of Elementary and Secondary Education (DESE), MLRI learned that every community college received an annual Perkins Allocation Grant, under the Carl F. Perkins Act, for the purpose of supporting and promoting career and technical education (CTE).²⁷ MLRI also learned that the majority of associate's degree and certificate programs offered at Massachusetts community college courses generally met one or more of the Perkins CTE criteria.²⁸ Further, all community colleges conduct both academic and vocational assessments of incoming students to assess both remedial education needed and career goals. Thus, community colleges were very familiar with both their students and academic tracks offered by their college.

MLRI recommended to DTA that college academic advisors and/or career counselors were in the best position to determine whether a student's course of study was likely to increase their employability. DESE advised the state that—while the CTE criteria were a useful tool—DTA should be flexible on the verifications needed for SNAP because of the ever-changing nature of CTE and skills needed to keep up with workforce demands. The state also agreed that achieving an associate's degree alone significantly enhanced a student's employability over a high school or GED; indeed, they are the 'raison d'être' of public community colleges.

In June 2010, MLRI and DTA collaborated on drafting state policy guidance and a simple "check box" form colleges could fill out. The goal of the form was to avoid burdening colleges or SNAP workers with detailed employability assessments, or having to track the most current list of CTE- approved programs. DTA's Field Operations Memo 2010-28²⁹ was released, which created a student exemption and finally gave meaning to the fourth prong of the federal provision. It expressly created an exemption for community college students who were either "*enrolled in a career or technical education program or other course of study that will lead directly to employment.*" The guidance included a very simple "check box" form—the Community College Enrollment (CCE-1) form—for community colleges to complete.³⁰ Many states have since replicated this model. DTA did not formally amend the state's SNAP state regulations until February 2017.³¹

In Fall 2010, MLRI contacted all of Massachusetts' community colleges with information on the state's revised SNAP policy; produced targeted SNAP outreach materials; and contacted college student-run newspapers and social media accounts to promote SNAP for students. Because the Obama Administration and Patrick Administration were actively promoting initiatives to boost community college access, this backdrop helped boost campus awareness of the state's expanded SNAP rules.

MLRI projects that the state's revision of the student policy potentially impacts a significant number of the 50,000 Massachusetts students attending the state's 15 community college campuses each year. It's likely that half of these students are otherwise SNAP-eligible based on receipt of work study, working 20 hours per week, caring for minor children, or having a disability or incapacity. Nonetheless, the Massachusetts community college policy has reduced both the guesswork and paperwork for

these students to access SNAP benefits.

Because a number of states have adopted Massachusetts' practice of using Perkins CTE funding as one indicator of whether a program is aimed at increasing employability, the use of the authority under section (b)(11)(iv) is sometimes referred to as the "Perkins option." However, it is important to note that linking a community college student's course of study to Perkins funding or CTE approval is *not required* under the federal statute or regulations.

States have the discretion to make individualized determinations of whether students' courses of study are likely to enhance their employability, to identify a set of programs that are career and technical education programs, or to do both. For example, a state that has identified associate's degrees or certificate programs that are considered "career and technical education programs" could use that list. Or, states could rely on community college staff to determine whether a certificate or degree will increase the employability of the student. Or, states could combine these two approaches.

During COVID-19, Massachusetts has suspended a number of verification requirements. The state recognizes that most students are remote studying and college advisers are not on campus and, thus, it is hard to find and fill out state agency forms. As a result, students applying for SNAP are allowed to submit a copy of their academic major as proof of their enrollment in a community college program. Most students are able to download or take a photo of their course of study and upload it to their SNAP application through the state's DTACConnect online SNAP client portal.³²

We urge lawmakers to permanently allow the COVID-19 student exemptions, or to permanently remove the SNAP work for food requirements for students. States should also ease the requirements for documentation that students have to provide when applying for SNAP beyond the COVID-19 crisis.

Case Study: Pennsylvania

In 2017, Community Legal Services of Philadelphia (CLS) approached the state's Department of Human Services (DHS) with information about the SNAP policy change made by Massachusetts. DHS, which administers SNAP, expressed interest in the proposal. After garnering some interest from the DHS, CLS approached the state Department of Education and the governor's office. The latter were already concerned about food insecurity among college students and were eager to learn that there were ways Pennsylvania could make more students eligible for SNAP.

With strong interest from the governor's office and relevant state agencies, CLS drafted a memo explaining how the state could implement what Massachusetts had done. There was no need to further justify why to make the change, beyond the scope of the memo, because the key partners were already interested. Similarly, the work progressed quickly without the need to engage outside partners.

One of Pennsylvania's concerns was the cost to the state of offering supportive services (known in Pennsylvania as special allowances) to newly SNAP-eligible college students. Supportive services—including reimbursements for transportation, books, and supplies—are provided to people who volunteer to participate in an employment and training (SNAP E&T) program.

After consulting with their regional FNS office, DHS adopted a compromise: although the state was

deeming some community college programs as being equivalent to SNAP E&T programs, they were not equivalent in the sense that students could receive resources for supportive services. The exception was for students enrolled in a pilot program at Harrisburg Area Community College. About a year after the initial presentation of the idea, DHS issued its Operations Memorandum #18-03-04 in March 2018.³³

In the DHS memo, the change was articulated as:

- Federal regulations at 7 CFR §273.5(b)(11)(iv) allow states to determine whether certain training programs not funded under the SNAP program are comparable to a SNAP Employment and Training (SNAP E&T) activity. Students enrolled in a training program which has been deemed comparable to a SNAP E&T activity may receive SNAP if otherwise eligible. DHS has determined that most courses of study at Pennsylvania's 14 community colleges are comparable to a SNAP E&T activity and improve employability which will make some college students eligible for SNAP.

Specifically, a student could be eligible by being enrolled in a program that met the federal definition of 'career and technical education' program under the Perkins Act, or a course of study associated with a high-priority occupation (HPO).³⁴ HPO is Pennsylvania's list of in-demand occupations, updated annually, that are connected to employers and can pay a family-supporting wage. Pennsylvania's Department of Education receives an annual list from the state's community colleges containing credit and non-credit programs that the colleges believe align with the current HPO list. The state's Bureau of Career and Technical Education is also provided with a copy of the HPO list for the state and workforce regions. They can review and petition for other occupations to be considered for inclusion on the list at the regional level.³⁵

Although CLS led this effort largely without partners, it did reach out to hunger advocates and the PA Commission for Community Colleges for help publicizing the change and performing community education about it once it was implemented.

To help students and local human service offices, the state created a Community College Verification Form,^{36 37} based on the Massachusetts community college form, to assist with the verification process. Students are not required to submit this form; the county human service offices have been directed to accept any verification that includes information about the students' enrollment status, course of study or major, and whether they are enrolled in one of the qualifying programs: a program under the Perkins Act or one associated with an HPO.³⁸

The effect of this rule was to alleviate the student restriction for nearly all of the states' community college students. For instance, it has been reported that "almost all majors" offered at the Community College of Allegheny County qualify because they are offered "either in an industry of need or meet the criteria of career or technical educational program."³⁹

Since the initial rule was issued, DHS is exploring expanding it further to students at colleges within the Pennsylvania State System of Higher Education (PASSHE).

Special thanks to Louise Hayes of Community Legal Services of Philadelphia for her amazing advocacy on this issue and for her input to this section.

Conclusion

The SNAP work for food rules, which push critically needed food aid out of reach, have made it difficult for many struggling students to avoid hunger. Evidence is clear that many community college students with low incomes faced food insecurity before the COVID-19 pandemic. And student hunger has only worsened during the public health crisis. This hardship risks the health, wellbeing, and success of a diverse student population.

However, states have opportunities to ensure that every college student with low incomes have the nutrition support they need during—and beyond—the pandemic. Federal policymakers, in recognizing the rising threat of pandemic-induced food insecurity and the increased burden of applying for SNAP during the crisis, have created new, temporary exemptions so more students can become eligible for SNAP. States and institutions of higher education can take full advantage of these policies by conducting outreach to their student populations about their temporary SNAP eligibility. Federal policymakers should make these exemptions permanent after the public health crisis ends.

States can also implement key federal SNAP exemptions for students, such as the “(3)(D)” option, tailoring approaches for their unique needs. Policymakers can look to leaders in Massachusetts and Pennsylvania, among other states, who have found success connecting more students to SNAP without increasing financial strain or administrative burdens. The authors hope the case studies outlined in this report offer a useful starting point for states weighing similar solutions.

Ultimately, students would best be served by federal policymakers rescinding current SNAP work for food requirements and expanding benefits to all college students with low incomes. The Enhanced Access to SNAP Act (EATS) Act is one example of legislation that would do this. In the meantime, however, state policymakers, educational agencies, and advocates can step in to fill the gap. With continued partnerships, collaboration, and policy innovations, state leaders should expand SNAP access to as many struggling college students as possible.

Endnotes

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<https://www.mass.gov/regulations/106-CMR-36200-supplemental-nutrition-assistance-program-snap-nonfinancial-eligibility>.

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<https://dtacconnect.eohhs.mass.gov/>

³³ Pennsylvania Department of Human Services, *Operations Memorandum #18-03-04*, issues March 2018,

http://services.dpw.state.pa.us/oimpolicymanuals/snap/c_271849.pdf.

³⁴ Pennsylvania Department of Labor and Industry: Center for Workforce Innovation and Analysis, *High Priority Occupations*, <https://www.workstats.dli.pa.gov/Products/HPOs/Pages/default.aspx>.

³⁵ Pennsylvania Department of Labor and Industry, *High Priority Occupations Policy*, April 2016,

<https://www.workstats.dli.pa.gov/Documents/High%20Priority%20Occupations/HPO%20Policy.pdf>.

³⁶ Community Legal Services of Philadelphia, *What Colleges Need to Know about New SNAP Rule to Help Hungry Community College Students*, February 2018, <https://clsphila.org/public-benefits/what-colleges-need-to-know-snap/>

https://clsphila.org/wp-content/uploads/2019/11/Community-College-Verification-Form_0.pdf.

³⁷ Pennsylvania Department of Human Services, *Operations Memorandum #18-03-04*, March 2018,

http://services.dpw.state.pa.us/oimpolicymanuals/snap/c_271849.pdf.

³⁸ Just Harvest, “Most Pa. community college students now eligible for SNAP,” *Barriers to Benefits*, March 2018,

<https://www.justharvest.org/most-pa-community-college-students-now-eligible-for-snap/>.

Appendix A:

Legislative and Regulatory Background on the Food Stamp/SNAP Student Restrictions

Food Stamp work requirements for college students date back to the 1960s and '70s when public perception fueled the belief that students from middle- and upper-income families, who should support them, were taking advantage of government.¹ This was coupled with a belief that students had made themselves “voluntarily idle” by removing themselves from the workforce. The initial rules restricting college student access to Food Stamps were included in the Amendments to the Food Stamp Act of 1964,² where Congress disqualified students claimed as tax dependents. This tax dependency disqualification was ultimately deemed unconstitutional,³ but Congress remained intent on restricting government food benefits for college students.

As the Food Stamp caseload skyrocketed during the mid-1970s due to high unemployment, Congress tasked the Governmental Accounting Office (GAO) to examine the factors contributing to the caseload spike, including whether college students were accessing the benefits.⁴ With the passage of The Food Stamp Act of 1977,⁵ Congress sought “to eliminate the non-needy from the program so that those who do not need stamps do not get them,” triggered by their view that the program was now “out of control.”⁶

The 1977 Act made a number of positive improvements to the Food Stamp program, including eliminating the “purchase requirement” to boost participation and establishing important application rights.⁷ However, the Act also tightened work requirements with work-related sanctions and limited college student eligibility to “needy students who are working at least half-time or are registered to work or are the heads of households with dependents.”⁸ The “work for food” rules became firmly established in the Food Stamp program, including for college students with low incomes.

During the 1980s, Congress relaxed the Food Stamp college student⁹ eligibility rules to allow exemptions for college students with barriers to employment if they had a disability; cared for a young child; were age 50 and older (such as “displaced homemakers”); as well as students enrolled in postsecondary programs through the “Work Incentive Program” or its successors under Aid to Families with Dependent Children (AFDC).¹⁰ But Congress let stand the narrow work rules that barred childless students from Food Stamp benefits and students who Congress determined had “voluntarily placed themselves in need” by removing themselves from the work force.^{11 12} It did not matter whether college students could actually secure a work study job or 20 hours per week of employment, nor did it matter what impact the Food Stamp work for food rules had on college student retention and graduation.

1990 Food Stamp Student Changes

The 1990 Mickey Leland Memorial Domestic Hunger Relief Act¹³ reflected a major shift in Congress' treatment of college student access to benefits. Testimony and recommendations from state agencies and national anti-hunger organizations urged Congress to recognize that "*college attendance in turn would promote self-sufficiency*,"¹⁴ and participation in the Food Stamp program while attending postsecondary programs "*enhances rather than hinders efforts to improve education and basic skill levels among the rural poor*."¹⁵ Indeed, Georgia Food Stamp caseworkers implored Congress that "*everything should be done to encourage young people to stay in school*."¹⁶

Two floor statements made during debate on the measure, by U.S. House and U.S. Senate leadership, highlight new appreciation of the value of higher education as a means toward achieving economic stability and independence for households with low incomes. As then-Representative Leon Panetta (CA-16) said:

The bill would allow low-income people to receive Food Stamps while attending programs at colleges or universities as part of their compliance with Food Stamp E&T, the Trade Adjustment Act, or *other state-operated employment and training programs*. These students have already been determined to be legitimately low income and the education program essential to their long-term self-sufficiency. Students who are currently ineligible who are not in higher education through State or local training programs would continue to be ineligible.¹⁷ [Emphasis added.]

Senator Patrick Leahy (D-VT), then chairman of the Senate Agriculture Committee, addressed the legislation's goal of expanding the definition of "employment and training programs" at the postsecondary level. He specifically noted that either the state's Food Stamp E&T program or a "state or local entity, such as a community college," could make the determination of whether the educational activity would improve the individual's employability. Senator Leahy remarked:

The legislation expands the list of employment and training programs whose enrollees may receive Food Stamps during periods when they are in classes at colleges or universities if they are otherwise eligible. *The crucial issue is whether a qualified counselor or program administrator has determined that enrollment in a college or university is necessary to improve the student's employability, whether such a person has approved the course of study as an appropriate placement.*

This determination may be made through the Food Stamp employment and training program (particularly if that program serves applicants) *or through an entity funded by the state or local government, such as a community college*. The bill refers to placements, but *it is not intended to preclude circumstances where employment and training programs recognize self-placements*. I want to emphasize, however, that these students would only be allowed to receive food stamps if they meet all income and resource rules.¹⁸ [Emphasis added.]

Congress finally recognized that having an academic degree beyond a high school diploma had become a necessary means for all socio-economic classes to achieve self-sufficiency. Toward that end, Congress amended 7 U.S.C. §2015(e)(3) to create a fourth and distinct prong of the statute for any student who:

(3) is assigned to or placed in an institution of higher education through or in compliance with the requirements of—, ...

(D), *another program for the purpose of employment and training operated by a State or local government, as determined to be appropriate by the Secretary.*" [Emphasis added.]

7 U.S.C. §2015(e)(3) already included three exemptions for individuals enrolled in “institutions of higher education” under the Food Stamp Employment and Training programs (FS E&T); the Job Training and Partnership Training Act (JTPA), now the Workforce Investment and Opportunity Act; and retraining programs authorized through the Trade Acts of 1974 and 1980. Congress clearly recognized the limitations of JTPA, the Trade Act, and FS E&T, and added the fourth prong to allow states to exempt additional students from the work for food rules. Yet few states fully appreciated the importance of this federal statutory provision until Massachusetts pursued state-level policy changes in 2010 that were consistent with this statutory option.¹⁹

2014 SNAP Student Changes

The 2014 Farm Bill further revised the college student exemptions by amending the Employment and Training exemption under 7 U.S.C. §2015 (e)(3)(B).²⁰ Congress clarified that, for purposes of exempting college students under the SNAP E&T provision, the college student’s course of study must be “*part of a program of career and technical education (as defined in Section 3 of the Carl D. Perkins Career and Technical Education Act (20 U.S.C. 2302)) that may be completed in not more than 4 years at an institution of higher education...*” The Congressional Budget Office did not score any financial expenditures or savings from this provision.²¹ Indeed, Congress re-authorized open-ended matching funds for states’ administrative costs and reimbursements to SNAP E&T participants (section 4022 of the 2014 Farm Bill Act), notably for SNAP E&T dependent care and transportation reimbursement.

Contrary to media reports, Congress was not attempting to gut the exemptions available to college students enrolled in state-administered programs.²² Rather, lawmakers were reinforcing the nexus between the SNAP E&T student exemption and career and technical education programs under the Perkins Act. In other words, Congress sought to encourage state agencies to enroll SNAP recipients through SNAP E&T in college-level courses of study focused on career and technical education, provided they did not take more than four years to complete. At the same time, the 2014 Farm Bill amending 7 U.S.C. §2015 (e)(3)(B) did not impose the same guardrails on states operating programs in accordance with (e)(3)(D) programs outside the scope of SNAP E&T.

USDA implementation

On September 21, 1995, USDA issued final regulations implementing 7 U.S.C. §2015(e)(3)(D) by amending 7 CFR 273.5(b)(11)(iv),²³ as follows:

(b) Student Exemptions. To be eligible for the program, a student as defined in paragraph (a) of the section must meet at least one of the following criteria.

(11) Be assigned to or placed in an institution of higher education through or in compliance with the requirements of one of the programs identified in paragraphs (b)(11)(i) through (b)(11)(iv) of this section. ...

(iv) An employment and training program *for low-income households* that is operated by a State or local government *where one or more of the components of such program is at least equivalent* to an acceptable SNAP employment and training program component as specified in § 273.7(e)(1). Using the criteria in § 273.7(e)(1), *State agencies shall make the determinations* as to whether or not the programs qualify. [Emphasis added.]

The final USDA regulations include three important components:

1. USDA clarified that the state and locally administered programs should be “*for low-income households*”—thereby excluding institutions of higher education that primarily serve middle- and upper-income students. Indeed, then and now, the majority of state-administered community colleges

disproportionately serve low-income students.²⁴

2. The final regulations state that “one or more components of the program is equivalent to SNAP employment and training program.” USDA did not expect that *all* the program components had to meet the SNAP E&T components and confirmed this view in response to comments received.

“The Department agrees that the E&T program should have to meet only one of the acceptable food stamp E&T components. Since the guidelines for the food stamp E&T components are specified in the regulations, the Department also agrees that State agencies may make the equivalency determinations. The Department has changed the final regulations at 7 CFR 273.5(b)(11)(iv) accordingly. The Department does not believe that it would be administratively feasible to require eligibility workers to make a determination on the appropriateness of a program based on information submitted by an individual student.”²⁵

The SNAP E&T regulations, 7 CFR § 273.7(e)(1), include a wide range of “components”—from job search and job search training, to work experience and supported work. But for purposes of this section of the regulations, USDA intended states to qualify as SNAP-eligible those students enrolled in college-level programs.²⁶ Of the SNAP E&T components listed in 7 C.F.R. § 273.7(e)(1), subsection (vi) most closely aligns with the expansion of SNAP for students:

(vi) Educational programs or activities to improve basic skills or otherwise improve employability including educational programs determined by the State agency to *expand the job search abilities or employability* of those subject to the program. [Emphasis added.]

3. USDA clearly *delegated to state SNAP agencies* the authority to determine which state or locally administered education and training programs would qualify, recognizing that states had the most up-to-date and intimate knowledge of their state economies, workforce challenges, and training needs. This subsection of the SNAP student exemptions has not changed since implementation in 1995.

In April 2019, USDA issued final regulations implementing Section 4007 of the 2014 Farm Bill, notably the SNAP E&T student “Perkins” exemption contained in 7 CFR 273.5(b)(11)(ii).²⁷ USDA also emphasized that states retained the authority to determine what qualifies as “career and technical education” within the SNAP E&T provision:

“... the Department believes State agencies are in the best position to determine what course or program of study meet the definition. A program does not have to be receiving Perkins funding for a state agency to consider it eligible; it would just need to meet the general definition as determined by the state agency.”²⁸

More importantly for this discussion, USDA made no changes to subsection (b)(11)(iv) with respect to exempting college students enrolled in state and locally operated education and training programs that are not within the state’s SNAP E&T umbrella. Nonetheless, to the extent the regulations require the state or locally operated program to include “one or more components” of the SNAP E&T program, USDA again confirmed in its 2019 final regulations that states have both the authority and expertise to determine what courses of study are likely to meet that criteria, including both two- and four-year college programs.

Endnotes

¹ David A. Super, “SNAP for College Students: Low-Income College Students’ Eligibility for the Supplemental Nutrition Assistance Program,” *Journal of Poverty Law and Policy*, vol. 44 (2011).

² An Act to Amend the Food Stamp Act of 1964, Pub. L. No. 91-671, §§ 2,4, 84 Stat. 20148-20150, 1990, <https://www.govinfo.gov/content/pkg/STATUTE-84/pdf/STATUTE-84-Pg2048.pdf#page=1>.

³ Enacted in 1970, the Amendments prohibited participation by households in which one or more members were claimed as a tax dependent by persons who themselves were not food stamp recipients (e.g. parents living apart from older children). This provision was held unconstitutional by a U.S. District Court in 1972 and affirmed by the Supreme Court in 1973 in *U. S. Dep’t of Agric. v. Murry*, **413 U.S.508 (1973)**. The court ruled that the eligibility requirement violated due process because, “the deduction taken for the benefit of the parent in the prior year is not a rational measure of the need of a different household with which the child of the tax-deducting parent lives and rests on an irrebuttable presumption contrary to fact.”

⁴ U.S. Gov’t Accountability Office, *Student Participation in the Food Stamps Program at Six Selected Universities*, Report No. RED-76-105, 1976, <https://files.eric.ed.gov/fulltext/ED131769.pdf>. According to the GAO summary, the data obtained found that participation of full-time students ranged from .5% to 13% percent, concluding, “...although students receiving food stamps as heads of households might represent a relatively small percentage of the student enrolled full-time at a given university, these students could represent a large part of the local jurisdiction’s food stamp caseload.”

⁵ Food Stamp Act of 1977, P.L. 95-113 § 1301, 91 Stat 913, 1977, <https://www.govinfo.gov/content/pkg/STATUTE-91/pdf/STATUTE-91-Pg913.pdf>.

⁶ H. Rep. No. 95-464, 1980 (1977).

⁷ USDA, *A Short History of SNAP: The Food and Agriculture Act of 1977*, <https://www.fns.usda.gov/snap/short-history-snap#1977>

⁸ H. Rep. No. 95-464, 1980 (1977).

⁹ For an excellent discussion of which college students are subject to the SNAP disqualifications, see page 510 in David A. Super, “SNAP for College Students”. He writes, “The disqualification rule does not apply to a student in programs that do not absolutely require a high school diploma. This is true even if the student in question is a high school graduate. The SNAP disqualification rule applies only to students in ‘institutions of higher education,’ which are defined as programs that require a high school diploma or the ‘regular’ programs of colleges and universities.” See further discussion in footnote 13, comparing 7 U.S.C. § 2015(e) and 7 C.F.R. § 273.5(a) with 7 U.S.C. § 2014(d)(3) and 7 C.F.R. § 273.9(c)(3)(ii)(A)(1)).

¹⁰ An Act to Amend the Food Stamp Act of 1977, P.L. 96-249 § 139-140; 94 Stat. 357, 1980. These amendments were codified in 7 U.S.C. §§ 2012 et seq., 26 U.S.C. § 6103; 42 U.S.C. §§ 503, 504), but some further restrictions were codified in the Omnibus Budget Reconciliation Act of 1982, P.L. 97-253 § 161, 96 Stat 763 (1982).

¹¹ S. Rep. No. 97-504 at 1676, 1681, 1982. According to the 1982 Senate Floor Report, Congress sought to “tighten food stamp rules governing participation by college and other post-secondary students who may have voluntarily placed themselves ‘in need’ by foregoing regular employment and choosing schooling instead....” and to “to limit participation to those who have no alternative source of income.”

¹² David A. Super, “SNAP for College Students”, page 508.

¹³ Mickey Leland Food for Peace Act, P.L. 101-624 §1727; 104 Stat. 3359 (1990). Amendments codified in 7 U.S.C. §§ 2012 et seq.

¹⁴ Hunger in Rural America: Hearing before the H. Sub Comm. on Domestic Marketing, Consumer Relations and Nutrition, 101st Congress, *Testimony of Theresa Barr, Corrective Action Coordinator and County Dept. of Family and Children in Albany, Georgia*, 1989, page 30.

¹⁵ Hunger in Rural America, 101st Congress, *Testimony of Robert Greenstein, Director, Center on Budget and Policy Priorities*, 1989, page 41.

¹⁶ Hunger in Rural America, 101st Congress, “Recommendations for the Food Stamp Program Simplification from the Food Stamp Caseworkers in the State of Georgia,” 1989, page 137.

¹⁷ 136 Cong. Rec. H496-02, Statement of U.S. Representative Leon Pannetta, February 1990.

¹⁸ 136 Cong. Rec. S16666-01, Statement of U.S. Senator Patrick Leahy, October 1990.

¹⁹ MassLegal Services, *Field Ops Memo 2010-28: SNAP Eligibility for Certain Community College Students*, June 2010, <https://www.masslegalservices.org/node/32130>. The USDA FNS Northeast Regional Office (NERO) featured some of Massachusetts’s SNAP policy initiatives, including the state’s new college student provision, as a promising practice at a

USDA national conference in Boise, Idaho in October 2010.

²⁰ Agriculture Act of 2014, P.L. 113-29, also known as the “2014 Farm Bill,” Section 4007, enacted February 7, 2014, <https://www.congress.gov/113/plaws/publ79/PLAW-113publ79.pdf>. The 2008 Farm Bill renamed the Food Stamp Program to the Supplemental Nutrition Assistance Program or “SNAP.” (P.L. 110-234), , enacted May 22, 2008, <https://www.govinfo.gov/content/pkg/PLAW-110publ234/pdf/PLAW-110publ234.pdf>

²¹ Congressional Budget Office notification to Chairman Frank D, Lucas, *Detailed Effects on Direct Spending of the Conference Agreement on HR 2642, The Agricultural Act of 2014*, Table 4, January 2014, <https://www.cbo.gov/sites/default/files/113th-congress-2013-2014/costestimate/hr2642lucasltr00.pdf>

²² Congressional Research Service, *SNAP and Related Nutrition Provisions of the 2014 Farm Bill* (P.L. 113-79), April 2014. See also Elizabeth Lower-Basch, Helly Lee, *SNAP Policy Brief, College Students Eligibility*, Center for Law and Social Policy, June 2014, <https://files.eric.ed.gov/fulltext/ED561732.pdf>.

²³ USDA, Food Stamp Program Student Eligibility Final Rule, 60 Fed. Reg. 183, 48865, September 1995, <https://www.govinfo.gov/content/pkg/FR-1995-09-21/html/95-23404.htm>

²⁴ American Association of Community Colleges, *Fast Facts 2020*, <https://www.aacc.nche.edu/research-trends/fast-facts/>. According to the Association, approximately 59% of community college student receive financial aid.

²⁵ 60 Fed. Reg.183, at 48868, <https://www.govinfo.gov/content/pkg/FR-1995-09-21/html/95-23404.htm>.

²⁶ David A. Super, “SNAP for College Students”. See endnote 9 above for Super’s discussion of eligibility for students enrolled in “institutions of higher education”.

²⁷ USDA, *Supplemental Nutrition Assistance Program: Student Eligibility, Convicted Felons, Lottery and Gambling, and State Verification Provisions of the Agricultural Act of 2014*. 84 Fed, Reg. 72, April 2019, <https://www.federalregister.gov/documents/2019/04/15/2019-07194/supplemental-nutrition-assistance-program-student-eligibility-convicted-felons-lottery-and-gambling>.

²⁸ 84 Fed, Reg. 72, at 15083, <https://www.govinfo.gov/content/pkg/FR-2019-04-15/pdf/FR-2019-04-15.pdf>.