



PROPOSED RULE MAKING

CR-102 (June 2024)
(Implements RCW 34.05.320)
Do NOT use for expedited rule making

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OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: August 06, 2025

TIME: 11:14 AM

WSR 25-16-109

Agency: Department of Social and Health Services, Economic Services Administration

☒ **Original Notice**

☐ **Supplemental Notice to WSR** _____

☐ **Continuance of WSR** _____

☒ **Preproposal Statement of Inquiry was filed as WSR 25-12-119 ; or**

☐ **Expedited Rule Making--Proposed notice was filed as WSR** _____; or

☐ **Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1); or**

☐ **Proposal is exempt under RCW** _____.

Title of rule and other identifying information: (describe subject) The department is proposing to amend WAC 388-482-0005, "How does being a student of higher education affect my eligibility for the Washington basic food program?"

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
September 9, 2025	10:00 a.m.	Virtually via Teams or Call in	Hearings are held virtually, see the DSHS website at https://www.dshs.wa.gov/sesa/rpau/proposed-rules-and-public-hearings for the most current information.

Date of intended adoption: No earlier than September 10, 2025 (Note: This is **NOT** the **effective** date)

Submit written comments to:

Name DSHS Rules Coordinator

Address PO Box 45850, Olympia WA 98504

Email DSHSRPAURulesCoordinator@dshs.wa.gov

Fax N/A

Other

Beginning (date and time) August 6, 2025, by noon

By (date and time) September 9, 2025, at 5:00 p.m.

Assistance for persons with disabilities:

Contact Shelley Tencza, Rules Consultant

Phone 360-664-6036

Fax N/A

TTY 711 Relay Service

Email shelley.tencza@dshs.wa.gov

Other

By (date) August 26, 2025, at 5:00 p.m.

Purpose of the proposal and its anticipated effects, including any changes in existing rules: These amendments are necessary to align WAC with federal rules regarding student eligibility, and remove language regarding the temporary expansion of student eligibility for food assistance during the Public Health Emergency which ended May 11, 2023.

Reasons supporting proposal: See above

Statutory authority for adoption: RCW 43.20A.760, 74.04.500, 74.04.510, 74.08A.120

Statute being implemented: N/A

Is rule necessary because of a:

Federal Law?

☒ Yes ☐ No

Federal Court Decision?

☐ Yes ☒ No

State Court Decision?

☐ Yes ☒ No

If yes, CITATION: 7 CFR 273.5(b)

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters: None

Name of proponent: (person or organization) Department of Social and Health Services

Type of proponent: ☐ Private. ☐ Public. ☒ Governmental.

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting	Alexis Miller	PO Box 45470, Olympia, WA 98504-5470	253-579-3144
Implementation	Alexis Miller	PO Box 45470, Olympia, WA 98504-5470	253-579-3144
Enforcement	Alexis Miller	PO Box 45470, Olympia, WA 98504-5470	253-579-3144

Is a school district fiscal impact statement required under [RCW 28A.305.135](#)?☐ Yes ☒ No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

Name
Address
Phone
Fax
TTY
Email
Other

Is a cost-benefit analysis required under [RCW 34.05.328](#)?☐ Yes: A preliminary cost-benefit analysis may be obtained by contacting:

Name
Address
Phone
Fax
TTY
Email
Other

☒ No: Please explain: These rules are exempt as allowed under RCW 34.05.328(5)(b)(vii) which states in part, "this section does not apply to rules of the department of social and health services relating only to client medical or financial eligibility and rules concerning liability for care of dependents".

Regulatory Fairness Act and Small Business Economic Impact StatementNote: The [Governor's Office for Regulatory Innovation and Assistance \(ORIA\)](#) provides support in completing this part.**(1) Identification of exemptions:**

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see [chapter 19.85 RCW](#)). For additional information on exemptions, consult the [exemption guide published by ORIA](#). Please check the box for any applicable exemption(s):

☒ This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.061](#) because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description: This rule is necessary to comply with 7 CFR 273.5(b).

☐ This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by [RCW 34.05.313](#) before filing the notice of this proposed rule.

☐ This rule proposal, or portions of the proposal, is exempt under the provisions of [RCW 15.65.570](#)(2) because it was adopted by a referendum.

☒ This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.025](#)(3). Check all that apply:

- | | |
|--|--|
| <input checked="" type="checkbox"/> RCW 34.05.310 (4)(b)
(Internal government operations) | <input type="checkbox"/> RCW 34.05.310 (4)(e)
(Dictated by statute) |
| <input checked="" type="checkbox"/> RCW 34.05.310 (4)(c)
(Incorporation by reference) | <input type="checkbox"/> RCW 34.05.310 (4)(f)
(Set or adjust fees) |
| <input type="checkbox"/> RCW 34.05.310 (4)(d)
(Correct or clarify language) | <input type="checkbox"/> RCW 34.05.310 (4)(g)
((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit) |

☒ This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.025](#)(4). (Does not affect small businesses).

☒ This rule proposal, or portions of the proposal, is exempt under RCW 34.05.328(5)(b)(vii).

Explanation of how the above exemption(s) applies to the proposed rule: These amendments do not impact small businesses. They only impact DSHS customers.

(2) Scope of exemptions: *Check one.*

☒ The rule proposal: Is fully exempt. (*Skip section 3.*) Exemptions identified above apply to all portions of the rule proposal.

☐ The rule proposal: Is partially exempt. (*Complete section 3.*) The exemptions identified above apply to portions of the rule proposal, but less than the entire rule proposal. Provide details here (consider using [this template from ORIA](#)):

☐ The rule proposal: Is not exempt. (*Complete section 3.*) No exemptions were identified above.

(3) Small business economic impact statement: *Complete this section if any portion is not exempt.*

If any portion of the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

☐ No Briefly summarize the agency's minor cost analysis and how the agency determined the proposed rule did not impose more-than-minor costs. _____

☐ Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses and a small business economic impact statement is required. Insert the required small business economic impact statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

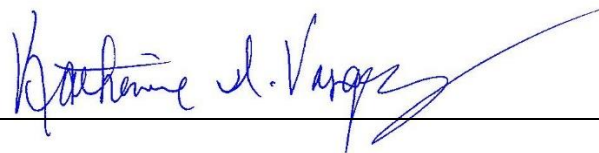
Name
Address
Phone
Fax
TTY
Email
Other

Date: August 1, 2025

Name: Katherine I. Vasquez

Title: DSHS Rules Coordinator

Signature:



WAC 388-482-0005 How does being a student of higher education affect my eligibility for the Washington basic food program? (1) If you are enrolled at least half-time in an institution of higher education, you are ineligible for basic food unless you qualify for an exemption in subsection (4) of this section.

(2) You are considered a student of higher education for basic food purposes if you are:

(a) Enrolled in an institution of higher education at least half-time as defined by the institution; and

(b) Enrolled in coursework considered to be higher education.

(3) An institution of higher education is:

(a) Any educational institution that requires a high school diploma or high school equivalency certificate;

(b) A business, trade, or vocational school that requires a high school diploma or high school equivalency; or

(c) A two-year or four-year college or university that offers a degree but does not require a high school diploma or high school equivalency.

(4) If you are a student of higher education, you must also meet at least one of the following exemptions to be eligible for basic food:

(a) You are age ~~((seventeen))~~ 17 or younger;

(b) You are age ~~((fifty))~~ 50 or older;

(c) You are physically or mentally ~~((unable))~~ unfit to work while attending school (we determine if you are unable to work);

(d) You have paid employment and work an average of at least ~~((twenty))~~ 20 hours per week each month;

(e) You are self-employed, work, and earn at least the amount you would earn working an average of ~~((twenty))~~ 20 hours per week at the federal minimum wage each month; or

(f) You ~~((were))~~ are participating in a state or federal work study program during the regular school year.

(i) To qualify under this exemption, you must:

(A) Have approval for work study at the time of application for basic food;

(B) Have work study that is approved for the school term; and

(C) Anticipate actually working during that time.

(ii) The work study exemption begins:

(A) The month in which the school term starts; or

(B) The month work study is approved, whichever is later.

(iii) Once begun, the work study exemption shall continue until:

(A) The end of the month in which the school term ends; or

(B) We find out you refused a work study assignment.

~~((g)) Starting January 16, 2021, you are determined eligible to participate in state or federal work study by your institution of higher education during the regular school year. Requirements under subsections (4)(f)(i)-(iii) of this section are suspended until the COVID-19 federal public health emergency ends as described under subsection (5) of this section.~~

~~((h))~~ (g) You are responsible for ~~((more than half))~~ the care of a dependent person in your assistance unit (AU) who is age five or younger;

~~((i))~~ (h) You are responsible for ~~((more than half))~~ the care of a dependent person in your AU who is between age six and ~~((eleven))~~ 11, if we have determined that there ~~((is not))~~ isn't adequate child care available during the school year to allow you to:

(i) Attend class and satisfy the ~~((twenty))~~ 20-hour work requirement; or

(ii) Take part in a work study program.

~~((j))~~ (i) You are a single parent who is a full time student that is responsible for the care of your natural, step, or adopted child who is ~~((eleven))~~ 11 or younger;

~~((k))~~ (j) You are an adult who has the parental responsibility of a child who is age ~~((eleven))~~ 11 or younger if none of the following people live in the home:

(i) The child's parents; or

(ii) Your spouse.

~~((l))~~ (k) You participate in the WorkFirst program under WAC 388-310-0200;

~~((m))~~ (l) You receive TANF or SFA benefits;

~~((n))~~ (m) You attend an institution of higher education through:

(i) The Workforce Investment Act (WIA);

(ii) The basic food employment and training program under chapter 388-444 WAC;

(iii) An approved state or local employment and training program; or

(iv) Section 236 of the Trade Act of 1974.

~~((o) Starting January 16, 2021, you have an expected family contribution (EFC) of zero dollars in the current academic year as determined by part F of Title IV of the Higher Education Act of 1965.~~

~~(5) The conditions in subsection (4)(g) and (o) of this section will continue as follows:~~

~~(a) For initial applications, until thirty days after the COVID-19 federal public health emergency ends.~~

~~(b) For recertifications, no earlier than your first recertification thirty days after COVID-19 federal public health emergency ends.~~

~~(6))~~ (5) If you are a student of higher education, your status as a student:

(a) Begins the first day of the school term; and

(b) Continues through vacations. This includes the summer break if you plan to return to school for the next term.

~~((7))~~ (6) We do not consider you a student of higher education if you:

(a) Graduate;

(b) Are suspended or expelled;

(c) Drop out; or

(d) Do not intend to register for the next normal school term other than summer school.