OFFICE OF THE SECRETARY OF STATE
LAVONNE GRIFFIN-VALADE
SECRETARY OF STATE

CHERYL MYERS
DEPUTY SECRETARY OF STATE
AND TRIBAL LIAISON



ARCHIVES DIVISION
STEPHANIE CLARK
DIRECTOR

800 SUMMER STREET NE
SALEM, OR 97310
503-373-0701

TEMPORARY ADMINISTRATIVE ORDER
INCLUDING STATEMENT OF NEED & JUSTIFICATION

SSP 48-2024
CHAPTER 461
DEPARTMENT OF HUMAN SERVICES
SELF-SUFFICIENCY PROGRAMS

FILED
08/23/2024 11:18 AM
ARCHIVES DIVISION
SECRETARY OF STATE
& LEGISLATIVE COUNSEL

FILING CAPTION: Summer EBT Eligibility

EFFECTIVE DATE: 08/23/2024 THROUGH 12/14/2024

AGENCY APPROVED DATE: 08/23/2024

CONTACT: Christine Doody
971-600-4503
christine.b.doody@odhs.oregon.gov

500 Summer St. NE
Salem,OR 97301

Filed By:
Lay Jennifer
Rules Coordinator

NEED FOR THE RULE(S):

OAR 461-196-0060 needs to be adopted and amended to implement the new Summer EBT program in Oregon.

JUSTIFICATION OF TEMPORARY FILING:

The Department finds that failure to act promptly by adopting and amending the rule in this filing will result in serious prejudice to the public interest, the Department, and children who qualify for Summer EBT benefits. The Department needs to proceed with temporary rulemaking to guide eligibility for the program, which started this summer. Failure to act immediately to amend this rule for the Summer EBT program could result in benefit issuance delays, confusion for the public, or inaccurate eligibility decisions.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

Oregon's Summer EBT Plan of Operation and Management (available by request through the Summer EBT policy analyst)

Oregon's Summer EBT Waivers (available by request through the Summer EBT policy analyst)

USDA FNS Summer EBT 2024 Q&A:
https://fns-prod.azureedge.us/sites/default/files/resource-files/sebt-webinar-qa-II.pdf

Oregon's Summer EBT website: https://www.oregon.gov/odhs/food/Pages/sebt.aspx

ADOPT: 461-196-0060

SUSPEND: Temporary 461-196-0060 from SSP 40-2024

RULE TITLE: Eligibility; SEBT

RULE SUMMARY: OAR 461-196-0060 is being adopted to describe how a child becomes eligible for the Summer EBT program through streamlined eligibility and by an application process. It is also being amended to correct language in section (2) about the summer operational period, and to add section (4) to indicate an individual who is disqualified for an intentional program violation is ineligible to receive benefits for qualifying children.

RULE TEXT:

(1) Eligibility for Summer EBT (SEBT) will be established from the first day of the instructional year (see OAR 461-196-0020) immediately preceding the summer operational period (see section (2) of this rule and OAR 461-196-0020) through the last day of the summer operational period, as defined by the approved State Plan of Operations and Management.

(2) For the school year 2024, the summer operational period is from May 24, 2024, through September 2, 2024.

(3) Eligibility for SEBT is determined through the following methods:

(a) Streamlined certification (see OAR 461-196-0020).

(A) Certified to receive free or reduced-price school meals through the National School Lunch Program (NSLP) (see OAR 461-196-0020); or

(B) For at least one month during the period of eligibility (see OAR 461-196-0020) was aged 6-18 years old and part of a household which received one of the following:

(i) Supplemental Nutrition Assistance Plan (SNAP).

(ii) Temporary Assistance for Needy Families (TANF).

(iii) Medicaid (Oregon Health Plan) eligibility with countable income under 185 percent of the federal poverty level (FPL).

(iv) Head Start.

(v) Foster or Resource Care through Child Welfare.

(vi) Food Distribution Program on an Indian Reservation (FDPIR).

(vii) Migrant, homeless or runaway as defined by the student's school.

(C) Children who are determined eligible through streamlined certification do not need to submit an application.

(D) Children who are determined eligible through streamlined certification do not have to be verified as enrolled in a NSLP participating school.

(b) SEBT application.

(A) The filing group's (see OAR 461-196-0020) total countable income is at or below the eligibility limits specified in OAR 461-196-0120; and

(B) Enrolled at a NSLP participating school.

(4) An individual disqualified for an intentional program violation (IPV) (see OAR 461-195-0601) in the SEBT program is not eligible to receive SEBT benefits for qualifying children during the length of their disqualification period.

STATUTORY/OTHER AUTHORITY: ORS 411.060

STATUTES/OTHER IMPLEMENTED: ORS 411.060