



FAMILY INDEPENDENCE ADMINISTRATION

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POLICY BULLETIN #11-71-ELI (This Policy Bulletin Replaces PB #11-06-ELI)

CLARIFICATION ON STUDENT ELIGIBILITY CRITERIA FOR FOOD STAMPS

Date: August 5, 2011	Subtopic(s): Food Stamps
<p> This procedure can now be accessed on the FIAweb.</p>	<p>Revision to the Original Policy Bulletin: This policy bulletin has been revised to inform Job Center and Non Cash Assistance Food Stamp (NCA FS) Center staff of a change to the Food Stamp student eligibility criteria. Students who receive Unemployment Insurance Benefits (UIB) and are enrolled at least half-time in an institution of higher education are not required to meet any further student eligibility criteria.</p> <p>Purpose: The purpose of this policy bulletin is to inform Job Center and NCA FS Center staff about a change in the student eligibility criteria for food stamps as well as to remind staff of how to treat work study income for FS purposes.</p> <p>New York State (NYS) guidelines for participation in the Food Stamp Program (FSP) require that students enrolled in an institution of higher education, including those who attend online classes, must be one of the following:</p> <ul style="list-style-type: none"> • A Family Assistance (FA) or Federally-funded Safety Net Assistance (FSNA) participant. • A provider of more than half the physical care for a child under 6 years of age or an incapacitated person. • A student enrolled in school full-time who is a single parent responsible for the care of a child under 12 years of age.

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- A participant in a state or federally funded work study program under Title IV-C during the school year:
 - The work study must be approved at the time of application for FS or at the time the individual becomes a “student” as defined by FS rules.
 - The work study must be approved for the school term.
 - The student must anticipate working during the school term.

- A student who is placed in a school through the Workforce Investment Act (WIA), Food Stamp Employment Training (FSET), Job Opportunities and Basic Skills (JOBS) Training Program or the Department of Labor (DOL).

- A student who is employed for an average of at least 20 hours per week earning at least minimum wage. If self-employed, the student must work an average of at least 20 hours per week and earn an amount at least equal to the federal minimum wage x 20. This means that a college student can work less than 20 hours per week and still participate in the FS Program, as long as at the end of the month his/her total number of hours worked averages at least 20 hours per week.

New Information

Students who receive UIB and are enrolled at least half-time in an institution of higher education are considered to be eligible students for Food Stamp purposes. Because Department of Labor (DOL) approval of the program in which they are enrolled is an eligibility requirement for UIB, no additional documentation of approval is required. These students do not have to meet other student eligibility criteria.

Note: Work study income that is earned by a student as part of a financial aid or educational assistance package should not be considered when determining eligibility or when calculating the Food Stamp benefit amount. This income is excluded because it is considered to be part of the grant or scholarship package. If the earnings of a student are not clearly defined as part of a financial aid or educational assistance package, the verification of the employment as part of a work study program may be obtained from the Financial Aid office of the institution of higher learning.

Employment Examples

Ineligible student

Example A

A FS participant attending Hunter College works part-time with a catering company earning \$8 per hour. In the month of July, he worked the following hours:

July

07/01/11: 15 hours

07/08/11: 15 hours

07/15/11: 20 hours

07/22/11: 14 hours

07/29/11: 10 hours

 74 Total hours worked for the month

To calculate the average hours worked per week, divide the total hours worked in the month by 4.333.

$$74 \div 4.333 = 17$$

In this example the student worked a total of 74 hours, but he is not eligible for FS because the average hours per week totals less than 20 hours.

Eligible Student

Example B

A FS participant attending Hunter College works part-time with a catering company earning \$8 per hour. In the month of August, he worked the following hours:

August

08/05/11: 15 hours

08/12/11: 20 hours

08/19/11: 35 hours

08/26/11: 25 hours

 95 Total hours for the month

To calculate the average hours worked per week, divide the total hours worked in the month by 4.333.

$$95 \div 4.333 = 22$$

In this example the student worked an average of about 22 hours per week and is eligible for FS.

Student earns less than minimum wage and self-employment

Example C

James Smart is a full-time student at Hunter College and is applying for FS benefits on his mother's case. He works, on average, 12 hours per week, stocking shelves at a local supermarket for \$8 per hour. He is also self-employed and spends, on average, 10 hours per week, working on his new social networking site for fellow astronomy students, called Spacebook. He has been making, on average, \$50 per week from Spacebook.

Refer to [PB #09-86-OPE](#) for more information on the federal minimum wage.

The 12 hours that James works at the supermarket would count toward meeting the 20-hour employment requirement. The 10 hours of self-employment working on Spacebook does not count towards work hours because he is not earning at a rate at least equal to the federal minimum wage (\$50 per week/10 hours per week = \$5 per hour).

Note: Workers should determine the weekly average using hours worked during the 30 days prior to the date of application and/or recertification. If the 30-day period prior to the application date does not provide an accurate representation of the number of hours worked weekly, a longer period than the 30 days can be used to obtain a more accurate representation.

Once a determination of Food Stamp student eligibility is made, a reassessment is not required until the next recertification.

Effective Immediately

References:

[02-ADM-07](#)

[09-ADM-08](#)

[11-INF-06](#)

7 CFR 273.5 Students

18 NYCRR 385.3

18 NYCRR 387.1 (ii)

FSSB, Section 5, pages 91-92

Related Item:

[PB #09-86-OPE](#)