



# FAMILY INDEPENDENCE ADMINISTRATION

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## POLICY DIRECTIVE #07-23-ELI

### VERIFICATION OF SCHOOL ATTENDANCE FOR 16-, 17-, AND 18-YEAR-OLDS

<b>Date:</b> June 28, 2007	<b>Subtopic(s):</b> Public Assistance, Food Stamps
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**AUDIENCE** The instructions in this policy directive are for Job Center staff and Non-Public Assistance (NPA) Food Stamp (FS) Office staff. They are informational for all others.

**POLICY** The New York State Office of Temporary and Disability Assistance (OTDA) requires verification of attendance in secondary, vocational or technical school for persons age 16 to 18 to be eligible for benefits. These requirements apply to:

- 18-year-olds who are in the care of a related adult. (For benefits under Family Assistance (FA) and Safety Net Federally Participating (SNFP) categories of assistance)
- 18-year-olds who have not completed secondary school or obtained a General Equivalency Diploma (GED). (These individuals must also comply with an employment assessment.)
- 16- and 17-year-olds, to determine if they are exempt from public assistance work requirements.
- unmarried minor parents ages 16 and 17 who have children 12 weeks of age or older in their care. (To be eligible for public assistance (PA), pregnant or parenting teenagers are required to participate in educational activities aimed at earning a high school diploma or its equivalent.)
- 16-, 17-, and 18-year-olds to determine if they meet the FS program work requirements.

HAVE QUESTIONS ABOUT THIS PROCEDURE?  
Call 718-557-1313 then press 2 at the prompt followed by 765 or  
send an e-mail to *FIA Call Center*

**BACKGROUND****Public Assistance****Verification of School Attendance**

If a household informs its Worker of problems obtaining documents to verify school attendance, the Worker must help the applicant/participant to secure the necessary documents.

**I. Category determination**

For 18-year-olds	Verification of school attendance for an 18-year-old is required to determine the category in which public assistance (PA) may be provided.
FA/SNFP	<ul style="list-style-type: none"> <li>• If the 18-year-old who is in the care of a related adult <u>is attending</u> high school or is in the equivalent level of vocational or technical training, s/he is eligible to receive or continue receiving FA/SNFP assistance <u>until</u> school is completed or s/he reaches <u>age 19</u>, whichever comes first.</li> <li>• If the 18-year-old <u>is not attending</u> high school or the equivalent in vocational/technical training or the individual has reached the age of 19 and there are other minor dependent children in the household, s/he may remain on the FA case as an essential person until the last dependent child reaches 18 or leaves the household.</li> </ul>
SNCA/SNNC	<ul style="list-style-type: none"> <li>• If the 18-year-old is <u>not attending</u> high school or the equivalent in vocational/technical training and there are no other dependent children in the household under the age of 18, s/he may be eligible to receive assistance under the Safety Net Cash Assistance/Safety Net Non-Cash (SNCA/SNNC) categories.</li> </ul>
For 16- and 17-year-olds without dependent children	There are no requirements for 16- and 17-year-olds to verify school attendance in order to determine which category of assistance they may be eligible to receive.
For 16 and 17-year-old unmarried parents	There are no requirements for 16- and 17-year-old unmarried parents to verify school attendance to determine which category of assistance they may be eligible to receive.

## II. Employment requirements

For 18-year-olds

- An 18-year-old who is verified as attending a full-time secondary school, or is in the equivalent level of vocational or technical training and is residing in a household with at least one minor dependent child, must comply with an employment assessment but would be exempt from further employment requirements.
- If the 18-year-old is not attending school and is the only child in the household, s/he (unless otherwise exempt from employment requirements) must be referred for an employment assessment and assigned to appropriate work activities.

For 16- and 17-year-olds without dependent children.

School attendance must be verified for 16- and 17-year-old minors to determine if they are subject to employment requirements. If the parent states the 16- or 17-year-old is not attending school, then s/he must be referred to, and must comply with, an employment assessment.

16- and 17-year-old unmarried minor parents

A 16- or 17-year-old unmarried parent who is verified as attending school full-time is exempt from employment requirements. A 16- or 17-year-old unmarried parent who is not verified as attending school full-time, is subject to PA and Food Stamp Employment and Training (FSET) requirements.

## III. Eligibility requirements for unmarried 16- and 17-year-old parents

To be eligible for PA, unmarried 16- or 17-year-olds whose youngest child is 12 weeks of age or older and in their care are required to participate in educational activities directed toward earning a high school diploma or its equivalent.

See [PD #99-58](#) for details on unmarried minor parents.

A minor parent may be exempt from the PA educational requirement if s/he has been found by a medical, psychiatric or other appropriate professional to lack the capacity to complete the course of study.

Minor parents are not subject to the educational requirement during any period of time in which required educational activities are not available.

## **Food Stamps**

### **Eligibility Requirements**

#### **18-Year-Olds**

For 18-year-olds with HS or GED diplomas

FS applicants/participants who are 18 years old, are physically and mentally fit, have graduated from high school or received a GED, and are enrolled at least half-time in any recognized school, training program or institution of higher education, must also meet at least one of the following criteria to be eligible for food stamps:

- employed for a minimum of 20 hours per week and paid for such employment or, if self-employed, employed for a minimum of 20 hours per week and receiving weekly earnings at least equal to the Federal minimum wage multiplied by 20 hours;
- receiving benefits from FA or federally funded SNA;
- providing more than half the physical care to one or more dependent household members under the age of six, or to an incapacitated person;
- enrolled full-time in an institution of higher education and a single parent with responsibility for the care of a dependent child under the age of 12 (regardless of the availability of adequate child care);
- providing more than half the physical care to a dependent household member who has reached the age of six but is under the age of 12, where child care is not available to enable the individual to attend classes and work 20 hours per week or participate in a State or federally financed work-study program;
- participating in a State or federally financed work-study program funded under Title IV-C of the Social Security Act during the regular school year; or
- assigned to or placed in an institution of higher education through:
  - the Workforce Investment Act (WIA)
  - a FSET program
  - a Department of Labor program under Section 236 of the Trade Act of 1974
  - an SNA Job Opportunities and Basic Skills (JOBS) program activity that is comparable to a FSET activity approved by the OTDA in the annual FSET plan; or
  - a Temporary Assistance to Needy Families (TANF) JOBS program funded through Title IV-E of the Social Security Act

## 16- and 17-Year-Olds

For 16- and 17-year-olds For children under age 18, verification of school attendance is not required to be eligible in the FS program.

### REQUIRED ACTION

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### JOB CENTERS

#### Categorical Eligibility Requirements

#### 18-Year-Olds

Verification for 18-year-olds At each contact with the household, Workers in Job Centers are required to verify the ongoing attendance in a high school or an equivalent vocational/technical training program of every 18-year-old on the case.

Verification not submitted

- If the parent states that the 18-year-old is attending school and fails, without good cause, to verify school attendance, the 18-year-old is ineligible for FA/SNFP. S/he must be denied or removed from the case until attendance is verified if there are other children on the case. The 18-year-old is also ineligible for SNCA/SNNC for failure to provide documentation of a claimed exemption from work requirements. Closing code **Y99** (Other-Manual Notice Required) must be used to deny/remove the 18-year-old.
- If the 18-year-old is the only child on an FA case and verification of school attendance is not provided, without good cause, the entire public assistance case must be denied/closed because the Worker is unable to determine the category in which the household may receive assistance. Closing code **V20** (Failure to Provide Verification) is used to deny/close the case.

Verification submitted; attending school

- If the parent submits documentation to verify that the 18-year-old is attending high school or the equivalent in vocational/technical school full-time, provide FA/SNFP until school is completed or the child reaches age 19, whichever comes first.

No longer attending school; other children in household

- If the parent states that the 18-year-old is not attending school and there are other minor children on the case, provide assistance to the 18-year-old on the FA/SNFP case as an essential person (Categorical Code **14**).

No longer attending school; only child on case

- If the parent states that the 18-year-old is not attending school and there are no other minor children in the household, reclassify the entire case as appropriate to the SNCA/SNNC category.

### 16- and 17-Year-Olds Without Dependent Children

Verification of school attendance is not a categorical eligibility requirement for 16- and 17-year-olds without dependent children.

### 16- and 17-Year-Old Unmarried Parents

Verification of school attendance is not a categorical eligibility requirement for unmarried 16- and 17-year-old parents.

### Employment Requirements

Verification of school attendance for children 16 to 18 years old

Workers must verify school attendance for children 16 through 18 years of age to determine if they are subject to employment requirements.

### 18-Year-Olds

Attending school full-time

- An 18-year-old who is verified as attending a full-time secondary, vocational or technical school must comply with an employment assessment. Refer the 18-year-old to the Back-to-Work (BTW) vendor for an employment assessment unless otherwise exempt. Action Code **186V** (Exempt in High School) must be posted in NYCWAY. The Employment Status (ES) code is **35** (Non-Head of Household in School Full Time).

Residing in household; only child

- If an 18-year-old in a household without other dependent children claims to be attending high school, vocational or technical school and fails without good cause to document his/her school attendance, close/deny the entire case using Closing Code **V20** (Failure to Provide Verification).

Not attending school

- An 18-year-old who is not attending school and who has been determined nonexempt from employment requirements must be referred to a Back-to-Work (BTW) vendor for an employment assessment and engagement activity.

**Note:** In most instances, an employment assessment will indicate that educational activities are appropriate and that an 18-year-old who has not completed secondary school or obtained a GED and is not attending school will, as his/her employment activity, be required to attend a secondary school or other educational activity designed to prepare him/her for a high school degree or equivalency certificate.

### 16- and 17-Year-Olds Without Dependent Children

- Parent verifies child is in school

    - If a parent verifies that a 16- or 17-year-old is attending a full-time secondary, vocational or technical school, the 16- or 17-year-old continues to be exempt from engagement requirements. Post Action Code **186V** (Exempt in High School) in NYCWAY and ES Code **35** will automatically post in WMS.
  - Parent claims child is in school; not verified

    - If a parent claims that a 16- or 17-year-old is attending a full-time secondary, vocational or technical school and fails without good cause to verify school attendance, the entire case must be denied/closed for failure to verify an exemption from employment requirements. Closing code **V20** (Failure to Provide Verification) is used.
  - Parent states child is not attending school

    - If the parent states that a 16- or 17-year-old is not attending school, refer the teen to a BTW vendor for an employment assessment and engagement assignment unless otherwise exempt. Assign ES Code **20** in element **375** of the TAD.
- Employment assessment for 16- or 17-year-olds not attending school
- An employment assessment will indicate that educational activities are appropriate. A 16- or 17-year-old who has not completed secondary school or obtained a GED and is not attending school will, as his/her employment activity, be required to attend a secondary school or other educational activity designed to prepare him/her for a high school degree or equivalency certificate. Once s/he is enrolled in an educational activity that will lead to a High School Diploma or its equivalent, the ES Code is changed to **35**.
- Failure to comply with engagement requirement
- Individuals 16 through 18 who willfully and without good cause fail to comply with an employment assessment or engagement activity are subject to conciliation and a pro rata employment sanction.

### 16- and 17-Year-Old Unmarried Parents

Unmarried 16- and 17-year-old parents with children under 12 weeks of age are exempt from the PA work requirements. Minor parents with children 12 weeks of age or older must attend school as a primary work activity. (See educational requirements for 16- and 17-year-old unmarried parents, below).

#### Educational Requirements

#### 18-Year-Olds

There are no educational requirements for 18-year-olds.

## **16- and 17-Year-Olds Without Dependent Children**

The Office of Temporary and Disability Assistance (OTDA) encourages school attendance for all minor children under the age of 18 and believes that education is one of the most effective ways to end the cycle of poverty and achieve self-sufficiency.

Workers should encourage 16- and 17-year-olds to enroll in educational activities directed toward earning a high school diploma or its equivalent. If a 16- or 17-year-old is not enrolled in a secondary school or an equivalent vocational/technical school s/he will be mandated to comply with engagement requirements. Refer him/her to the BTW vendor. (See employment assessment for 16 and 17 year olds not attending school.)

## **16- and 17-Year-Old Unmarried Minor Parents**

Workers must ensure that unmarried minor parents whose youngest child is 12 weeks of age or older and in their care are enrolled in educational activities aimed at earning a high school diploma or its equivalent.

Not attending school

See [PD #99-58](#)

Nonexempt unmarried 16- and 17-year-old parents who do not participate in required educational activities are ineligible for PA. The remainder of the household may, if otherwise eligible, receive PA. The unmarried individual must be removed from the PA budget until s/he complies or reaches age 18, whichever comes first, when the educational requirements no longer apply. In this instance a pro rata sanction does not apply.

### Other Eligibility Factors

Using school attendance to verify other eligibility factors

If verification of school attendance is necessary to document another eligibility factor other than categorical eligibility, such as proof of household composition, age or residence, and there is no other way to verify this factor, failure without good cause to verify school attendance for a child of any age will result in a case denial or closing.

## **Food Stamp Offices**

### FS Eligibility Requirements

If an 18-year-old student who is physically and mentally fit, has graduated from high school or received a GED, and is enrolled at least half-time in any recognized school, training program or institution of higher education fails to document eligibility for Food



Stamps, then the worker must deny/close the 18-year-old's line on the case. WMS code **F90** (Ineligible Student) is used for this purpose.

### FS Work Requirements

For members of a FS household who are 16, 17 or 18 years of age, verification of school attendance is necessary to establish compliance with the FSET work requirements.

#### **18-Year-Olds**

Graduated from high school

An 18-year-old who has graduated from high school and who meets FS student eligibility requirements and is enrolled at least half-time in any recognized school, training program or institution of higher education, is exempt from the FSET requirements. If an NPA FS individual is exempt from FSET requirements, assign ES Code **WE** (Work Regulations Exempt).

Not enrolled in high school

Individuals age 18 who are not enrolled in school are subject to FSET requirements unless otherwise determined exempt. If an NPA FS individual is determined nonexempt, assign ES Code **WA** (NPA Work Registration Required/ABAWD Exempt) or assign ES Code **WR** (Work Regulations Required) if there are no other children in the household.

#### **16- and 17-Year-Olds Without Dependent Children**

Not head of household

A 16- or 17-year-old who is not the head of household and who attends school or an employment training program on at least a half-time basis is exempt from FSET work requirements. Documentation of such school attendance is required. Upon presentation of school verification, assign an NPA FS individual ES Code **WE**.

In instances where the individual claims to be exempt from work requirements but fails to provide documentation, the individual is considered nonexempt from FS work rules unless otherwise determined exempt for another reason. For NPA FS individuals determined nonexempt from FS work rules, assign ES Code **WA**.

#### **16- and 17-Year-Olds With Dependent Children**

A person age 16 or 17 who is the head of household and states s/he is attending school or an employment program at least half-time, but fails to provide documentation of the exemption, would be determined a work registrant and subject to FS work requirements. Assign an NPA FS individual ES Code **WA**.

## 16- and 17-Year-Old Unmarried Parents

There are no FSET requirements for parents age 16 – 17 if the child is under the age of 6. Assign an NPA FS individual ES Code **WE**.

### FS sanctions for failure to comply with employment programs

The needs of any 16-, 17-, or 18-year-old who is nonexempt from FS work registration and who has failed without good cause to comply with FS work requirements, will not be considered in determining the needs of the remaining household members for food stamps. The sanction periods for noncompliance within any three-year period beginning the effective date on which the 16-, 17-, or 18-year-old became ineligible for FS, are as follows:

- for the first instance of failure to comply with the employment program without good cause, enter sanction code **WE1** (Failure to Comply with Employment Requirement 1<sup>st</sup> Occurrence-2 Months). This sanction is for a period of two months and thereafter until compliance with the employment requirements.
- for the second instance, enter Sanction Code **WE1**. The system will automatically change this entry to Sanction Code **WE2** (Failure to Comply with Employment Requirement 2<sup>nd</sup> Occurrence-4 Months). This sanction is for a period of four months and thereafter until compliance with the employment requirements.
- for the third instance, enter Sanction Code **WE1**. The system will automatically change this entry to Sanction Code **WE3** (Failure to Comply with Employment Requirement 3<sup>rd</sup> Occurrence-6 Months). This sanction is for a period of six months and thereafter until compliance with the employment requirements.
- for all subsequent instances of failure to comply with the employment program without good cause, the sanction is for a period of six months and thereafter until compliance with the employment requirements.

### FS Educational Eligibility Requirements

There is no requirement that a 16-, 17- or 18-year-old must attend school in order to receive FS benefits.

See [LDSS-4888](#) for further clarification.


OTDA has created a new desk guide to clarify policy regarding verification of school attendance. The School Attendance Desk Guide ([LDSS-4888](#)) is attached.

## PROGRAM IMPLICATIONS

### Model Office Implications

There are no Model Office implications.

### Paperless Office System (POS) Implications

- Workers will complete the Response to Question box for the “Education and Training?” question in the Education/Training window for all children on the case. Workers will scan and index documents that verify school attendance, in compliance with this PD.
- Workers will enter a case comment for all actions performed on a case by clicking on the case comments icon  or pressing <ALT>M on the keyboard.

### Food Stamp Implications

Food Stamp implications have been addressed in the body of this policy directive.

### Medicaid Implications

There are no school attendance requirements for Medicaid. There are no employment requirements for Medicaid with the exception of the Medicaid Buy-in Program for Working People with Disabilities (MBI-WPD).

If an 18-year-old is removed from a PA case for failure to verify school attendance, the worker should enter closing code **Y99** (Other-Manual Notice Required). A separate Medicaid determination will then be required.

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## LIMITED ENGLISH SPEAKING ABILITY (LESA) AND HEARING-IMPAIRED IMPLICATIONS

For Limited English Speaking Ability (LESA) and hearing-impaired applicants, staff must make sure to obtain appropriate interpreter services in accordance with [PD #06-12-OPE](#) and [PD #06-13-OPE](#).

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## FAIR HEARING IMPLICATIONS

### Avoidance/Resolution

Ensure that all case actions are processed in accordance with current procedures and that electronic case files are kept up to date. Remember that applicants/participants must receive either adequate or timely and adequate notification of all actions taken on their case.

The FH&C AJOS/Supervisor I will listen to and evaluate any material presented by the applicant/participant, review the case file and discuss the issue(s) with the JOS/Worker responsible for the case and/or the JOS/Worker's Supervisor. The AJOS/Supervisor I will explain the reason for the Agency's action(s) to the applicant/participant.

If the applicant/participant has presented good cause for the infraction or that the outstanding Notice of Intent needs to be withdrawn for other reasons, the FH&C AJOS/Supervisor I will settle in conference (SIC), enter detailed case notes in NYCWAY and forward all verifying documentation submitted by the applicant/participant to the appropriate JOS/Worker for corrective action to be taken. In addition, if the adverse case action still shows on the "Pending" (08) screen in WMS, the AJOS/Supervisor I must prepare and submit a Fair Hearing/Case Update Data Entry Form ([LDSS-3722](#)), change the 02 to an 01 if the case has been granted aid continuing (ATC), or prepare and submit a PA Recoupment Data Entry Form ([LDSS-3573](#)) to delete a recoupment. The AJOS/Supervisor I must complete a Conference Report ([M-186a](#)).

If the determination is that the applicant/participant has not shown good cause for the infraction or that the Agency's action(s) should stand, the AJOS/Supervisor I will explain to the applicant/participant why s/he cannot settle the issue(s) in conference (SIC). The AJOS/Supervisor I must complete an [M-186a](#).

Should the applicant/participant elect to continue his/her appeal by requesting or proceeding to a Fair Hearing, already requested, the FH&C AJOS/Supervisor I is responsible for ensuring that further appeal is properly controlled and that appropriate follow-up action is taken in all phases of the Fair Hearing process.

#### Conferences at NPA Food Stamp Offices

If an applicant/participant comes to the Food Stamp Office and requests a conference, the Receptionist must alert the Site Manager's designee that the applicant/participant is to be seen. If the applicant/participant contacts the Eligibility Specialist directly, s/he should advise the applicant/participant to call the Site Manager's designee. In Model Offices, the Receptionist at Main Reception will issue a FS Conf/Appt/Problem ticket to the applicant/participant to route him/her to the NPA Reception area and does not need to verbally alert the Site Manager. The NPA Receptionist will alert the Site Manager once the applicant/participant is called to the NPA Reception desk.

The Site Manager's designee will listen to and evaluate the applicant/participant's complaint regarding the case closing. The applicant/participant must provide current verification to resolve the issue. After reviewing all documentation, the case record and discussing the issue with the Group Supervisor/Eligibility Specialist, the Site Manager's designee will make a decision. The Site Manager's designee will decide to resolve or defend the case based on all factors and on whether the case was closed correctly. The Site Manager's designee is responsible for ensuring that further appeal by the applicant/participant through a Fair Hearing request is properly controlled and that appropriate follow-up action is taken in all phases of the Fair Hearing process.

Evidence Packets  
for Job/Model  
Centers

All Evidence Packets must contain a detailed history, copies of relevant WMS screen printouts, other documentation relevant to the action taken and copies of NYCWAY "Case Notes" screens.

Evidence Packets  
for NPA FS Offices

All Evidence Packets must include a returned envelope, address verification, notices sent and any other pertinent information to support the Agency's action.

## RELATED ITEMS

[PD #99-58](#)  
[Employment Process Manual](#)

## REFERENCES

[06 INF 12 Revised](#)  
[06-INF-30](#)  
[Temporary Assistance Source Book \(TASB\) Chapter 9, page 107](#)  
18 NYCRR 351.2(k)(1); 351.5(a)  
18 NYCRR 369.2 (c); 369.4(f)  
18 NYCRR 385.2 (b)(3); 385.3(a); 385.6(a)(1);385.12  
18 NYCRR 387.1  
FSSB Sec. 5, pp 91, 92  
97 ADM 23  
04 OMM/ADM-5

## ATTACHMENTS

**LDSS-4888** School Attendance Desk Guide (7/06)

<p><b>General Temporary Assistance Eligibility Requirement</b></p>	<p>If <b>residence or household composition</b> has not been verified by other means, school verification of a minor of any age can be used as documentation. <b>Outcome:</b> case denied/closed for failure, without good cause, to provide school documentation to verify residence or household composition. (18 NYCRR 351.1 (b) (2) (ii))</p>		
<p><b>16 or 17 year old individuals</b></p>			
<p><b>Temporary Assistance Employment Requirements</b></p>	<p><b>Work Exemption:</b> An individual who is 16 or 17 years of age and has not completed secondary school who is attending full-time a secondary school, vocational or technical school (documentation required) is exempt from work requirements. (18 NYCRR 385.2 (b))  <b>Employability code:</b> "35"- Non Head of Household in School Full-Time.</p>		
	<p><b>Parent or child claims the child is attending</b> a full-time secondary school, vocational, or technical school (Documentation Required)</p>	<p><b>Parent or child claims child is not attending school</b></p>	
<p><b>Documentation provided.</b>   <b>Outcome:</b> 16/17 year old would be exempt from employment requirements while attending school full-time. (18 NYCRR 385.2(b))   <b>Employability code:</b> "35"- Non Head of Household in School Full-Time.</p>	<p><b>Documentation not provided and household does not request assistance in getting documentation nor presents a good cause reason for failure to provide it.</b>   <b>Outcome:</b> Case closed for failure to provide verification of exemption from employment requirements. (18 NYCRR 385.2(c)) and (18 NYCRR 351.1 (b) (2) (i))</p>		<p>16-17 year olds not attending secondary school full-time must be referred for assessment of employability. (18 NYCRR 385.6)   <b>Outcome:</b> Refer for employment assessment and appropriate assignment. If 16 or 17 year old fails to comply, individual would be conciliated and subject to an employment sanction. (18 NYCRR 385.12)                   Employability code: "20"- Nonexempt, unless assessment results in a different employability determination.</p>
<p><b>Unmarried Minor Parent (no child under 3 months of age)</b></p>	<p><b>Documentation provided.</b>   <b>Outcome:</b> Minor Parent is meeting education requirements. Minor parent is exempt from employment requirements. (18 NYCRR 385.2(b))   <b>Employability code:</b> "17"-Teen Head of Household or Married Teen Enrolled in Secondary School or Equivalent (if head of household). Otherwise, "35"-Non Head of Household in School Full-Time.</p>	<p><b>Documentation not provided and household does not request assistance in getting documentation nor presents a good cause reason for failure to provide it.</b>   <b>Outcome:</b> Case closed for failure to provide verification of exemption from employment requirements. (18 NYCRR 385.2(c)) and (18 NYCRR 351.1 (b) (2) (i))</p>	<p><b>Unmarried Minor Parent (or head of household) claims Minor Parent is not attending school.</b>   <b>Outcome:</b> Minor parent is ineligible (incremental) (18 NYCRR 351.2(k) (1)) for assistance. A 16 or 17 year old unmarried minor parent whose youngest child is at least 12 week of age must participate in educational activities directed toward the attainment of a high school diploma or its equivalent. (97 ADM-23, Section D - Ineligible Individuals and 18 NYCRR 351.2(k)(1)).</p>
<p><b>Food Stamp Employment and Training (FSET) Requirements</b></p>	<p><b>Work Exemption:</b> A person age 16 or 17 who is not the head of household or who is attending school or an employment training program on at least a half-time basis would be exempt from food stamp work requirements. (18 NYCRR 385.3) <b>Employability code:</b> "17" or "35" for individuals also receiving Temporary Assistance as described above or "WE"-Work Registrant Exempt for exempt individuals who are only receiving food stamps.                   A person age 16 or 17 who is the head of household or is attending school or an employment program at least half-time, but fails to provide documentation of the exemption would result in a determination that the individual is a work registrant and subject to food stamp work requirements (unless exempt for some other reason). (18 NYCRR 385.3) <b>Employability code:</b> "WA"-Work Registrant Required (ABAWD Exempt)</p>		

18 year old individuals				
Temporary Assistance Category Requirements	For an 18 year old to be eligible for FA, the 18 year old must be a full-time student regularly attending a secondary school, or in the equivalent level of vocational or technical training. This must be documented. (18NYCRR 369.2 (c))			
	Parent claims that 18 year old is attending school full-time, secondary school, vocational, or technical school (Documentation Required)		Parent claims that 18 year old is not attending school.	
	<b>Documentation provided:</b>  <b>Outcome:</b> If otherwise eligible, case is FA until 18 year old completes secondary school/equivalent or until month after 19 <sup>th</sup> birthday, whichever occurs first. If other minor children in household, case may continue to be FA and 18 year old is an essential person.	<b>Documentation Not Provided:</b>  <b>Outcome:</b> If the 18 year old is the <b>only</b> child in the FA case and documentation of school attendance is not provided and there is no good cause for not providing it, the case is denied/closed because this information is necessary to determine category. If the 18 year old is not the only child in the FA case and documentation of school attendance is not provided, the 18 year old is deleted from the FA case. The 18 year old would be ineligible for SNA for failure to provide documentation of a claimed exemption from work requirements.	The 18 year old is not eligible for FA in his/her own right and therefore can only remain on an otherwise FA eligible case as an EP.	If the 18 year old is the only child in the FA case, the entire case must be transferred to SNA. The 18 year old would not be required to apply for SNA since they are no longer part of the filing unit if they are not attending secondary school.
Temporary Assistance Employment Requirements	<b>Work Exemption:</b> An individual who is 18 years old, has not completed secondary school/obtained GED and is attending full-time a secondary school, vocational or technical school (documentation required) would be exempt from work requirements. (18 NYCRR 385.2) However, the 18 year old may be subject to an employment assessment as noted below.			
	Parent or child claims that 18 year old, who has not completed secondary school or obtained a GED is attending a full-time secondary school, vocational, or technical school (Documentation Required)		Parent claims that 18 year old is not attending school.	
	<b>Documentation provided.</b>  <b>Outcome:</b> Exempt from work requirements, but must comply with an employment assessment if residing in household with dependent child(ren). Work Exemption: (18 NYCRR 385.2(b)) Assessment Requirement: (18 NYCRR 385.6)  <b>Employability code:</b> "17"-Teen Head of Household or Married Teen Enrolled in Secondary School or Equivalent (if head of household). Otherwise, "35"-Non Head of Household in School Full-Time.	<b>Documentation not provided and household does not request assistance in getting documentation.</b>  <b>Outcome:</b> The 18 year old is ineligible and would be denied/removed from case until he/she verifies claimed exemption from work requirements. (18 NYCRR 385.2(c))	<b>Outcome:</b> An 18 year old residing in a household with dependent children must be referred for an employment assessment and assigned to an appropriate work activity.  <b>Employability code:</b> "20"-Nonexempt, unless assessment results in a different employability determination.	<b>Outcome:</b> An 18 year old in a household without dependent children who is not otherwise exempt from employment requirements must be referred for employment assessment.  <b>Employability code:</b> "20"-Nonexempt, unless assessment results in a different employability determination.
Food Stamp Employment and Training (FSET) Requirements	<b>Work Exemption:</b> An 18 year old who is enrolled at least half-time in any recognized school, training program or institution of higher education would be exempt from FSET work requirements. (18 NYCRR 385.3) However, students enrolled at least half-time in an institution of higher education must meet the student eligibility requirements in section 387.1 of 18 NYCRR. <b>Employability code:</b> "17", "20" or "35" as described above if also receiving temporary assistance or "WE"-Work Registrant Exempt, if 18 year old meets food stamp eligibility requirements for students and only receiving food stamps.			
	A person age 18 and not otherwise exempt would be subject to food stamp work requirements. (18 NYCRR 385.3) <b>Employability code:</b> "17", "20" or "35" as described above if also receiving temporary assistance. "WR"-Work Registrant Required, if 18 year old individual is not otherwise exempt and food stamp household does not include any minor dependent children and individual does <u>not</u> meet criteria to be exempt from ABAWD requirement. "WA"-Work Registrant Required (ABAWD Exempt), if not otherwise exempt and food stamp household includes minor dependent children or individual meets another criteria to be exempt from ABAWD requirement.			