



FAMILY INDEPENDENCE ADMINISTRATION

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POLICY BULLETIN #11-06-ELI (This Policy Bulletin Replaces PB #09-87-ELI)

CLARIFICATION ON STUDENT ELIGIBILITY CRITERIA FOR FOOD STAMPS

Date: January 24, 2011	Subtopic(s): Food Stamps
<p>  This procedure can now be accessed on the FIAweb. </p> <p>Revised</p> <p>College Students are not required to take classes on campus.</p>	<p>Revisions to the Original Policy Bulletin:</p> <p>This policy bulletin has been revised to inform Job Center and Non Cash Assistance Food Stamp (NCA FS) Center staff that college students are not required to take classes on campus as a condition of Food Stamp (FS) eligibility. College students, including those who attend online classes, may be eligible to receive Food Stamp benefits if they meet certain eligibility criteria.</p> <p>Purpose:</p> <p>The purpose of this policy bulletin is to inform Job Center and NCA FS Center staff about the student eligibility criteria for food stamps.</p> <p>New York State (NYS) guidelines for participation in the Food Stamp Program (FSP) require that college students, 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. • A provider of more than half the care for a child under 12 years of age who does not have adequate child care to go to work and to school.

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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.

Employment Examples

4 week month

Example A

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

June

6/5/10: 15 hours

6/12/10: 13 hours

6/19/10: 35 hours

6/26/10: 25 hours

88 Total hours worked for the month

To calculate the average hours worked per week, divide the total hours worked in the month by the number of weeks in the month.

$$88 \div 4 = 22$$

In this example the student worked an average of 22 hours per week earning at least minimum wage.

5 week month

Example B

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

7/3/10: 15 hours

7/10/10: 10 hours

7/17/10: 20 hours

7/24/10: 25 hours

7/31/10: 15 hours

85 Total hours for 5 weeks

$$85 \div 5 = 17$$

In this example there were 5 weeks in the month and the student worked a total 85 hours, but he is not eligible for FS because the average hours per week totals 17 hours.

Student earns less than minimum wage

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 also works, 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 spent working on Spacebook does not count towards work hours because he is not earning at a rate 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.

Active FS households containing ineligible students are not required to be reassessed until their next recertification for food stamps.

Effective Immediately

References:

[09-ADM-08](#)

7 CFR 273.5 Students

18 NYCRR 385.3

18 NYCRR 387.1 (ii)

Related Item:

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