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Governor

NEW YORK STATE
OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE
40 NORTH PEARL STREET
ALBANY, NY 12243-0001

Robert Doar
Commissioner

Informational Letter

Section 1

Transmittal:	06-INF-30
To:	Local District Commissioners
Issuing Division/Office:	Division of Employment and Transitional Supports
Date:	September 26, 2006
Subject:	New Desk Guide - LDSS-4888: "School Attendance Desk Guide" (7/06)
Suggested Distribution:	Temporary Assistance Staff Food Stamp Benefits Staff Medicaid Directors CAP Coordinators Employment Coordinators WMS Coordinators Staff Development Coordinators
Contact Person(s):	Forms Questions: Bob Gullie 1-800-343-8859 Extension 6-1095 Program Questions: Food Stamp Bureau - (518) 473-1469 Temporary Assistance Bureau - (518) 474-9344 Welare to Work Bureau – (518) 486-6106 HEAP - (518) 473-0332 Metro Region - (212) 961-8207 WMS Questions: (518) 474-8749
Attachments:	LDSS-4888: "School Attendance Desk Guide" (7/06)
Attachment Available On – Line:	<input checked="" type="checkbox"/>

Filing References

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
06 INF-12		351.1(b)(2)(i) (ii) 351.2(k)(l) 385.2 (b)(c) 385.3 385.6 385.7 385.12	SSL Sec. 332 SSL Sec. 335 SSL Sec. 335-a SSL Sec. 342	TASB Chapter 9 WTW Manual Sections 2, 3, 6, 7 and 12	

General Temporary Assistance Eligibility Requirement	If residence or household composition has not been verified by other means, school verification of a minor of any age can be used as documentation. Outcome: 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))			
16 or 17 year old individuals				
Temporary Assistance Employment Requirements	Work Exemption: 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)) Employability code: "35"- Non Head of Household in School Full-Time.			
	Parent or child claims the child is attending a full-time secondary school, vocational, or technical school (Documentation Required)	Parent or child claims child is not attending school		
	Documentation provided. Outcome: 16/17 year old would be exempt from employment requirements while attending school full-time. (18 NYCRR 385.2(b)) Employability code: "35"- Non Head of Household in School Full-Time.	Documentation not provided and household does not request assistance in getting documentation nor presents a good cause reason for failure to provide it. Outcome: 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))	16-17 year olds not attending secondary school full-time must be referred for assessment of employability. (18 NYCRR 385.6) Outcome: 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.	
Unmarried Minor Parent (no child under 3 months of age)	Documentation provided. Outcome: Minor Parent is meeting education requirements. Minor parent is exempt from employment requirements. (18 NYCRR 385.2(b)) Employability code: "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.	Documentation not provided and household does not request assistance in getting documentation nor presents a good cause reason for failure to provide it. Outcome: 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))	Unmarried Minor Parent (or head of household) claims Minor Parent is not attending school. Outcome: 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)).	
Food Stamp Employment and Training (FSET) Requirements	Work Exemption: 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) Employability code: "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) Employability code: "WA"-Work Registrant Required (ABAWD Exempt)			

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.
	Documentation provided: Outcome: If otherwise eligible, case is FA until 18 year old completes secondary school/equivalent or until month after 19 th birthday, whichever occurs first. If other minor children in household, case may continue to be FA and 18 year old is an essential person.	Documentation Not Provided: Outcome: If the 18 year old is the only 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.
Temporary Assistance Employment Requirements	Work Exemption: 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.
	Documentation provided. Outcome: 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) Employability code: "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.	Documentation not provided and household does not request assistance in getting documentation. Outcome: 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))	Outcome: 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. Employability code: "20"-Nonexempt, unless assessment results in a different employability determination.
Food Stamp Employment and Training (FSET) Requirements	Work Exemption: 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. Employability code: "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) Employability code: "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.		

Section 2

I. Purpose

The purpose of this release is to introduce the newly created LDSS-4888: "School Attendance Desk Guide" (7/06). This desk guide was developed as a follow-up to 06-INF-12 titled, "Clarification of Policy Regarding Verification of School Attendance." The LDSS-4888 will be available for ordering, and for downloading from the LDSS E-Forms and CentraPort websites.

II. Background

This LDSS-4888: "School Attendance Desk Guide" (7/06) was developed to provide local district staff with a tool to better assess when school verification is needed in determining eligibility and to assist district staff to identify when individuals who are 16, 17 or 18 years of age are subject to temporary assistance or food stamp employment requirements. 06-INF-12 reinforced for local social services districts the importance of children participating in and completing secondary education. Education is one of the most effective ways to end the cycle of poverty and of achieving self-sufficiency. Although school attendance for all minors, except as specifically outlined in the desk guide, is not a condition of eligibility for Temporary Assistance, the State Education Department mandates that children attend school until the end of the school year in which the child turns 16 years of age. The State Education Department also mandates that school districts have a comprehensive attendance policy to ensure that children do attend school as required. The State Education Department's mandates, combined with the OTDA requirements outlined in this release, are significant measures that promote school attendance for all minor children up until the age of 18.

III. Forms Ordering Information:

- Local Districts will **not** automatically receive supplies of this form, therefore, any requests for printed copies of the 7/06 version of the LDSS-4888: "School Attendance Desk Guide" should be submitted on OTDA-876 "Request For Forms or Publications", and should be sent to:

Office of Temporary and Disability Assistance
BMS Document Services and Operational Support
P.O. Box 1990
Albany, New York 12201

Questions concerning ordering forms should be directed to BMS Document Services at 1-800-343-8859, ext. 4-9522.

- Documents may also be ordered through Outlook. To order the forms you must obtain an OTDA-876 electronically by going to the OTDA Intranet Website at <http://otda.state.nyenet/>, then to Division of Program Support & Quality Improvement page and then to PSQI E-Forms page to Bureau of Management Services section (this section contains the electronic OTDA-876).

- For those who do not have Outlook but who have Internet access for sending and receiving email, the Internet email address is: gg7359@dfa.state.ny.us. For a complete list of available forms, please refer to OTDA Intranet site: http://otda.state.nyenet/ldss_eforms/default.htm.

Issued By _____
Name: **Russell Sykes**
Title: **Deputy Commissioner**
Division/Office: **Division of Employment and Transitional Supports**