

DEPARTMENT OF HUMAN RESOURCES
INCOME MAINTENANCE ADMINISTRATION
311 W. Saratoga Street
Baltimore, Maryland 21201

IMA ACTION TRANSMITTAL

EFFECTIVE DATE: February 1, 1996

ISSUANCE DATE: April 16, 1996

CONTROL NUMBER: IMA OPA #96-34

TO: DIRECTORS, LOCAL DEPARTMENTS OF SOCIAL SERVICES
DEPUTY/ASSISTANT DIRECTORS FOR INCOME MAINTENANCE
INCOME MAINTENANCE SUPERVISORS

FROM: *Charles E. Henry for*
KEVIN MAHON, EXECUTIVE DIRECTOR, IMA

RE: STUDENT ELIGIBILITY

PROGRAMS AFFECTED: FOOD STAMPS

ORIGINATING OFFICE: OFFICE OF POLICY ADMINISTRATION

BACKGROUND

The Food and Consumer Service provided information about the Final Rule regarding student eligibility. Most of the provisions were implemented effective February 1, 1992, and were included in part 5 of IMA Action Transmittal OPDS 92-33 dated January 14, 1992. The Final Rule includes minor changes related to work study.

CURRENT POLICY

An individual who is enrolled at least half-time in an institution of higher education is ineligible for the food stamp program unless the individual qualifies for an exemption. A complete list of exemptions is in section 102.3 of the Food Stamp Manual and is attached to this transmittal.

To qualify as an eligible student because of work study, a student must be in a state or federally financed work study program at the time of application and must anticipate starting a work study job within two months after the date of application. A student qualifies for the exemption until the student stops working. If the student stops working because funding for the work study runs out, the student continues to qualify for the exemption for no more than two months.

NEW POLICY

To qualify as an eligible student because of work study, the following conditions apply:

- The student must be participating in a State or federally financed work study program during the regular school year.
- The work study must be approved for the school term.

- The student must anticipate actually working the work study job during the school term.
- The exemption begins with the month in which the school term begins or the month work study is approved whichever is later.
- Once begun, the exemption continues until the end of the month in which the school term ends or it becomes known that the student has refused an assignment.
- If the work study is questionable, contact the school to determine if funding and a job will be available.
- When the local department becomes aware of a student who has been given an exemption because of anticipated work study and the work study did not materialize, a claim is not required unless the student deliberately gave wrong or misleading information.
- The exemption does not continue between terms when there is a break of a full month or longer unless the student is participating in work study during the break.

Example:

Ms. Jones applies for food stamps on August 14, and provides an award letter to verify approval for work study to begin when the term begins on September 5 and ending May 15. Ms. Jones is an eligible student, based on the work study exemption, from September 1 through May 31. She is not an eligible student during the summer break since she is not participating in work study during this time.

ACTION REQUIRED

This change in policy has no impact on the automated systems.

Missing information regarding students who are responsible for a dependent child under 12 is also included in the corrected manual pages. Local departments were informed of the correct policy in OPDS 92-33.

Please place the attached manual pages in the Food Stamp Manual for easy reference.

ACTION DUE

The final rule was effective February 1, 1996. The current case load must be converted to the new rules at the household's request, at the time of recertification, or when the case is reviewed, whichever occurs first. In the unlikely event a household lost benefits because the policy was not implemented timely, issue restored benefits.

INQUIRIES

Please contact Kay Finegan at (410) 767-7939 with any questions.

DHR Executive Staff
IMA Management Staff
Arnold Dixon



REF: 7 CFR	Section Title	Section	Page
	STUDENTS	102	1

102.1	PURPOSE.	This section describes special policies which apply to households with students.
	GENERAL INFORMATION	
102.2	o Student Status	<p>A person is considered a student if he/she is between 18 and 50 and enrolled at least half-time in an institution of higher education.</p> <p>An institution of higher education is limited to those institutions which normally require a high school diploma or equivalency certificate for a student to enroll. This definition does allow students of trade schools, such as auto mechanics or beauticians, to participate in the program while they are obtaining practical skills.</p> <p>NOTE: Some institutions which normally require a high school diploma or its equivalent, will waive this requirement for certain students that have not graduated from high school. Students attending school under these special institutions of higher education are considered students for the purposes of this policy.</p> <p>NOTE: This section does not apply to persons 17 or under, persons age 50 or over, persons physically or mentally unfit, persons attending high school, persons participating in on-the-job training programs, persons not attending school at least half-time, or to persons enrolled full-time in schools and training programs which are not institutions of higher education. Half-time enrollment will be determined by the institution.</p> <p>A person is considered to be participating in an on-the-job training program only during the period of time the person is being trained by the employer.</p> <p>NOTE: Physically or mentally unfit means any condition for which the individual receives temporary or permanent disability payments issued by government or private sources or a condition verified in a statement from a physician or certified psychologist.</p>
102.3	o Eligibility Requirements	<p>The student must meet one of the following requirements to be eligible. If the student does not meet one of the requirements he/she is considered a non-household member for program purposes. (See section 102.6 for treatment of income and resources.)</p> <p>A. Be employed for a minimum of 20 hours per week and be paid for such employment or, if self-employed, be employed for a minimum of 20 hours per week and receive weekly earnings at least equal to the Federal minimum wage multiplied by 20 hours</p>



REF. CODE	Section Title	Section	Page
	STUDENTS	102	2

102.3

- B. Participate in a State or federal work study program during the regular school year. The work study program must be approved for the school term, and the student must anticipate actually working during that time. The exemption begins with the month in which the school term begins or the month the work study is approved, whichever is later. Once begun, the exemption continues until the end of the month the school term ends, or it becomes known the student has refused an assignment. The exemption does not continue between terms when there is a break of a full month or longer unless the student is participating in work study during the break.

This exemption does not apply to students who are working in hospitals or student teachers who are practice teaching as part of their course work for which they earn credit.

- C. Be a recipient of AFDC;
- D. Be responsible for the care of a dependent household member who is under six years of age, or a dependent household member under twelve years of age for whom adequate child care is not available to enable the student to attend class and satisfy the 20-hour work requirement or participate in a State or federally finance work study program during the regular school year.
- E. Be assigned or placed in an institution of higher education through a program under the Job Training Partnership Act (JTPA), PI or JOBS or a Program under Section 236 of the Trade Act of 1974.



REF: 7 CFR	Section Title	Section	Page
	STUDENTS	102	3

102.3 GENERAL INFORMATION: (Con'd)

F. Be a single parent enrolled full-time in an institution of higher education and responsible for the care of a dependent child under age 12. This applies where only one natural, adopted, or stepparent, regardless of marital status, is in the food stamp household with the child. If no natural, adopted or stepparent is in the food stamp household, another full-time student in the household may qualify for eligible student status if he or she has parental control over the child and is not living with his or her spouse.

102.4 o Work Registration

A student at least half-time in an institution of higher education is exempt from the work registration requirements if the student meets one of the above criteria.

Enrollment status begins with the first day of the school term at an institution of higher education and ends when the student graduates, is suspended or expelled, drops out or decides not to register for the next normal school term (excluding summer school). Enrollment status during vacations and recesses is based on the status just prior to the school break.

102.5 o Income/Resources

The income and resources of an ineligible student will not be considered when determining eligibility and benefit level for the remainder of the household.