



**NEW YORK STATE**  
**OFFICE OF TEMPORARY AND DISABILITY**  
**ASSISTANCE**  
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**Andrew M. Cuomo**  
*Governor*

**Informational Letter**

**Section 1**

<b>Transmittal:</b>	11-INF-06 ( <i>Revised</i> )	
<b>To:</b>	Local District Commissioners	
<b>Issuing Division/Office:</b>	Center for Employment and Economic Supports	
<b>Date:</b>	June 6, 2011/Original Release Date May 18, 2011	
<b>Subject:</b>	Food Stamp Policy – Student Eligibility	
<b>Suggested Distribution:</b>	Food Stamp Directors, Temporary Assistance Directors, Staff Development Coordinators	
<b>Contact Person(s):</b>	Food Stamp Bureau 518-473-1469	
<b>Attachments:</b>		
<b>Attachment Available On – Line:</b>	<input type="checkbox"/>	

**Filing References**

<b>Previous ADMs/INFs</b>	<b>Releases Cancelled</b>	<b>Dept. Regs.</b>	<b>Soc. Serv. Law &amp; Other Legal Ref.</b>	<b>Manual Ref.</b>	<b>Misc. Ref.</b>
09-ADM-08		18 NYCRR 387.1(ii), 387.9(a)(3) 385.3(a)(1)(v iii);	7 CFR 273.5	FSSB Section 5	

## Section 2

### I. Purpose

This Informational letter (INF) is being released to clarify the following issues:

- Eligibility for the Food Stamp Program of a student who is in receipt of UIB (Unemployment Insurance Benefits) **and** enrolled at least half-time in an institution of higher education;
- Application of student eligibility rules to an applicant or recipient enrolled in correspondence school or on-line courses at least half-time in an institution of higher education; and
- Exclusion of work/study income when determining eligibility for food stamp benefits.

### II. Background

The OTDA/CEES/Food Stamp Bureau has received inquiries from local districts on each of these related student eligibility topics, and we are providing the following clarifications of current Food Stamp Program policy to address these questions.

### III. Program Implications

#### **UIB and Student Eligibility Requirements:**

An applicant or recipient age 18 through 49, physically and mentally fit, enrolled at least half time in an institution of higher education and in receipt of UIB is considered to be an eligible student for Food Stamp purposes, if the Department of Labor (DOL) has approved their program. If approved, the student will have received a TCC316.1 document and can request copies of this document by calling DOL, Special Programs Unit at 518-402-0189.

Such students do not have to meet any further student eligibility work requirement or work exemption criteria, such as working an average of 20 hours per week, or participation in an approved work/study program or providing care to a child or being disabled.

#### **Correspondence and On-line Courses:**

An individual age 18 through 49 years of age, physically and mentally fit that is enrolled at least half-time in an institution of higher education shall be ineligible to participate in the Food Stamp Program unless the individual qualifies for one of the federally approved exemptions. An individual is considered to be enrolled in an institution of higher education if the individual is enrolled in a business, technical, trade, or vocational school that normally requires a high school diploma or equivalency certificate for enrollment in the curriculum, or if the individual is enrolled in a regular curriculum at a college or university that offers degree programs regardless of whether a high school diploma is required.

An applicant or recipient enrolled in correspondence or on-line courses, at least half time as defined by the institution and enrollment requires a high school diploma or equivalent, is considered to be a full-time student for Food Stamp Program purposes and is ineligible to participate in the Food Stamp Program unless the individual meets one of the federally approved exemptions.

**Work Study Income:**

**Work study income is income that is earned by a student as part of a financial aid or educational assistance package, and should not be considered when evaluating eligibility or benefit amount for the Food Stamp Program. It is excluded as income because it is considered to be part of the grant or scholarship package. The policy regarding the treatment of educational assistance was described in Section IV.A.3.a of 02 ADM-07:**

*“educational grants, loans or scholarships for educational purposes other than general living expenses. Previously, districts applied complex criteria to exclude portions of educational income after evaluating funding sources, earmarking, and student expenses. ... This change categorically exempts educational grants, loans and scholarships...”*

Student employment, including on-campus employment that is **not** part of a financial aid or educational assistance package is **not** excluded as income. If the LDSS is unable to determine if the employment and earnings in question are work/study, the Financial Aid Offices of institutions of higher learning usually can provide verification of work/study participation.

For further information regarding student eligibility see 09-ADM-08, 18 NYCRR 387.1(ii), 387.9(a)(3) and 385.3(a)(1)(viii), CFR 273.5 and the Food Stamp Source Book, Section 5 – Students.

**Issued By**

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**Title: Deputy Commissioner**

**Division/Office: Center for Employment and Economic Supports**