



Office of Temporary and Disability Assistance

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Administrative Directive Memorandum

Section 1

Transmittal:	20-ADM-13
To:	Social Services District Commissioners
Issuing Division/Office:	Employment and Income Support Programs
Date:	October 16, 2020
Subject:	Supplemental Nutrition Assistance Program Eligibility for Students Enrolled in a Program of Career and Technical Education or Qualified Educational Opportunity Center Program
Suggested Distribution:	SNAP Directors, Temporary Assistance Directors, Employment Coordinators, Staff Development Coordinators
Contact Person(s):	SNAP Policy Bureau at: (518) 473-1469
Attachments:	Attachment 1 - LDSS-5172 SUNY/CUNY/EOC Student Verification of Enrollment

Filing References

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
12-INF-14 09-ADM-08 95-INF-22 FS	11-INF-06	18 NYCRR 387.1		SNAP Source Book Section 5	7 CFR 273.5

Section 2

I. Summary

This Administrative Directive (ADM) provides policy guidance to social services districts (districts) regarding the expansion of the “eligible student” provision under the Supplemental Nutrition Assistance Program (SNAP), which will make additional college students and Educational Opportunity Center participants eligible for SNAP benefits so they are better able to meet their nutritional needs while advancing their education. Specifically, the “eligible student” provision is expanded to include individuals who are attending an institution of higher education at least half-time, (as determined by the college), and who are enrolled in a career and technical education program as defined under the Carl D. Perkins Career and Technical Education Act of 2006 (as amended by the Strengthening Career and Technical Education for the 21st Century Act, effective July 1, 2019 and informally known as Perkins V).

Under federal law, an individual who is enrolled at least half-time in an institution of higher education is ineligible to participate in SNAP unless the individual qualifies for one of the exemptions in federal regulations at 7 CFR 273.5(b). Among the various exemptions, included are students who are assigned to, placed in, or who self-initiate placement in an institution of higher education through an employment and training program for low-income persons operated by a State or local government. Under federal regulations, an acceptable local or State employment and training program must be at least equivalent to an acceptable SNAP Employment and Training (E&T) program component.

Federal regulations at 7 CFR 273.5(b)(11)(iv) allow states to determine whether certain training programs not funded under SNAP are comparable to a SNAP E&T activity. Students enrolled in a training program which has been deemed comparable to a SNAP E&T activity may qualify to receive SNAP benefits if otherwise eligible. For SNAP purposes, the Office of Temporary and Disability Assistance (OTDA) has determined that career and technical education programs as defined under the federal Carl D. Perkins Career and Technical Education Act of 2006, offered at a comprehensive college, technology college, or community college within the State University of New York (SUNY) or City University of New York (CUNY) systems are considered comparable to a SNAP E&T program component. Therefore, individuals attending a SUNY or CUNY comprehensive college, technology college, or community college and enrolled at least half-time in a qualified Career and Technical Education (CTE) program, meet the criteria to be considered an eligible student for SNAP.

Additionally, individuals attending any of the 10 Educational Opportunity Centers (EOC) in New York State and enrolled at least half-time in a career and technical education program, remedial courses, basic adult education, literacy, or English as a second language meet the criteria to be considered an eligible student for SNAP.

II. Purpose

The purpose of this ADM is to provide districts with guidance on the SNAP student exemption criteria for individuals between 18 and 49 years of age, who are attending an institution of higher education at least half-time and participating in a qualified program of career and technical education. OTDA has determined that students who are attending a SUNY or CUNY comprehensive college, technology college, or community college and are enrolled in a qualified certificate or degree CTE program, and students attending an EOC and enrolled in a CTE program, remedial courses, basic adult education, literacy, or English as a second language will now qualify for SNAP under the employment and training program exemption, if otherwise eligible. This change expands the definition of an “eligible student” under SNAP and enables certain low-income college students who are currently ineligible for SNAP to qualify to receive benefits, if otherwise eligible for SNAP. This policy change will permit these students to better meet their nutritional needs while advancing their education.

III. Background

An individual who is enrolled at least half-time in an institution of higher education is ineligible to participate in SNAP unless the individual qualifies for one of the student exemptions under 7 CFR 273.5 (b) and is otherwise eligible.

- A student is defined as any person 18 through 49 years of age, physically and mentally fit, and enrolled at least half-time in an institution of higher education.
- 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.

SNAP Student Exemptions

In order to participate in SNAP, a student must meet one of the following exemption criteria:

- a) Be receiving Temporary Assistance for Needy Families (TANF);
- b) 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;
- c) Be participating in a State or federally financed work study program during the regular school year as follows:
 - 1. The work study must be approved at the time of application for SNAP or at the time that the individual becomes a student as defined by SNAP rules; and,
 - 2. The work study must be approved for the school term; and,
 - 3. The student must anticipate working during that time.

The qualifying exemption begins in the month that the school term begins or the month that the work study is approved, whichever is later. The qualifying exemption continues until the end of the school term or the local district becomes aware that 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. In order to be eligible for SNAP during a school break, the student must be otherwise eligible and must meet one of the other exemptions outlined in this section. A household whose SNAP benefits are reduced or whose case is closed due to the change in the provisions of the work study exemption must be provided with an adequate and timely notice;

- d) Be responsible for the care of a dependent household member under the age of six;
- e) Be responsible for the care of a dependent household member who has reached the age of six but is under age 12 where adequate childcare is not available to enable the individual to attend class and work 20 hours per week or participate in a State or federally financed work study program;
- f) Be a single parent enrolled in an institution of higher education on a full-time basis (as determined by the institution) and responsible for the care of a dependent child under the age 12;
- g) Be assigned to or placed in an institution of higher learning through or in compliance with one of the following programs:
 - 1. The Workforce Innovation Opportunity Act (WIOA);
 - 2. A SNAP E&T Program, as long as the course or program of study is part of a program of career and technical education as defined in section 3 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302) designed to be completed in not more than 4 years at an institution of higher education, or is limited to remedial courses, basic adult education, literacy, or English as a second language;
 - 3. A Department of Labor program under Section 236 of the Trade Act of 1974; or
- h) Engaged in an employment and training program for low-income households that is operated by a State or local government where one or more of the components of such program is at least equivalent to an acceptable SNAP E&T program component as specified in §273.7(e)(1). Using the criteria in §273.7(e)(1), State agencies shall make the determinations as to whether or not the programs qualify.

SUNY and CUNY colleges offer a range of programs and degrees that enhance the employability of individuals or lead directly to employment. Due to clarifications in federal regulations, OTDA has determined that individuals attending a SUNY or CUNY comprehensive college, technology college, or community college and enrolled in a qualified career or technical education program are considered to be engaged in a training program which has been deemed comparable to a SNAP E&T activity and meet the criteria to be considered an eligible student for SNAP. In addition, as EOC programs are specifically targeted for economically disadvantaged individuals, OTDA has determined (in accordance with USDA federal regulations under §273.5 (11)(iv)) that students attending an EOC and enrolled in a CTE program, remedial courses, basic adult education, literacy, or English as a second language qualify for SNAP under the employment and training program exemption, if otherwise eligible.

IV. Program Implications

The expansion of the student exemption criteria to include individuals between 18 and 49 years of age, who are attending an institution of higher education at least half-time, and who are enrolled in a qualified career or technical education program or students enrolled in qualified programs at EOCs, may lead to an increase in the number of students applying for SNAP. SNAP outreach to students enrolled in qualified programs will be conducted by SUNY and CUNY and general information for all students on how to apply for SNAP benefits will be included on SUNY and CUNY college websites. Districts need to be prepared to properly screen SNAP applicants who are college and EOC students for a student exemption and to assist the applicant in obtaining documentation to verify SNAP student eligibility.

V. Required Action

When evaluating the eligibility status for SNAP with applicants who are college or EOC students, district staff should review and discuss the student exemption requirements during the eligibility interview to prevent improper denials of individuals who may be eligible for an exemption. Specifically, eligibility workers must now also explore the possibility that the student is enrolled in a qualified career or technical education program or in a qualified EOC program. If the student provides verification that they are attending a SUNY or CUNY college at least half-time and is considered by the college for SNAP purposes to be pursuing a CTE program defined under the federal Carl D. Perkins Career and Technical Education Act of 2006, the individual has met the criteria to be considered an eligible student for SNAP, if otherwise eligible for SNAP. If the student provides verification that they are attending an EOC at least half-time and enrolled in a CTE program, remedial courses, basic adult education, literacy, or English as a second language program, the individual has met the criteria to be considered an eligible student for SNAP, if otherwise eligible for SNAP.

To facilitate a smooth verification process for college and EOC students applying for SNAP benefits, OTDA in collaboration with SUNY and CUNY have developed the LDSS-5172 *SUNY/CUNY/EOC Student Verification of Enrollment*, (Rev. 9/20). As part of the SNAP outreach effort conducted by SUNY and CUNY, the LDSS-5172 *SUNY/CUNY/EOC Student Verification of Enrollment* (Rev. 9/20) form (or local equivalent) will be completed by SUNY and CUNY. Districts may also provide the LDSS-5172 form to SNAP applicants who have not already obtained a *SUNY/CUNY/EOC Student Verification of Enrollment* form directly from their college. Please note that electronic signatures on the *SUNY/CUNY/EOC Student Verification of Enrollment* form from the colleges are acceptable for verification purposes.

While OTDA along with SUNY and CUNY have developed the LDSS-5172, districts should accept any verification which reasonably establishes that the student meets the criteria above. This could be a signed letter from a college or EOC official stating the course of study and that the student is

enrolled at least half-time in a program that meets the CTE guidelines or is a qualified EOC program. The provided verification should include:

- Enrollment status;
- The student's course of study or major; and,
- Whether or not the student is enrolled in a qualified CTE or EOC program.

The enrollment status of a student shall begin on the first day of the school term/program start date of the institution of higher education. Such enrollment shall be deemed to continue through normal periods of class attendance, vacation and recess, unless the student graduates, is suspended or expelled, drops out, or does not intend to register for the next normal school term (excluding the summer term). For example, if a college student applies for SNAP during the month of July and provides verification from their college of enrollment in a qualified CTE program during the previous spring semester, and the applicant states they intend to register for the fall semester to continue the qualified CTE course of study, the individual has met the student eligibility criteria. Should a student need assistance in obtaining a completed *SUNY/CUNY/EOC Student Verification of Enrollment form*, they should contact the Office of the Registrar at their college or the Perkins Officer at an EOC.

SNAP applicants and recipients who are a student enrolled in a recognized school (including high school), job skills training or institution of higher education at least half-time and meet the student eligibility requirements in federal regulations at 7 CFR 273.5 are exempt from SNAP work requirements and exempt from the Able Bodied Adults Without Dependents (ABAWD) time limit. College student enrollments through qualified CTE and EOC enrollments are not required to be reported as a SNAP E&T program component or conform with any other SNAP E&T rules including the provision of supportive services, unless the enrollment is specifically made by a district into a program of higher education as a part of the district's SNAP E&T program.

VI. Systems Implications

None.

VII. Effective Date

Immediately.

Issued By:

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Division/Office: Employment and Income Support Programs/Office of Temporary and Disability Assistance