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November 12, 1980

ALL-COUNTY LETTER NO. 80-68

• TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: QUESTIONS AND ANSWERS REGARDING THE RECENT CHANGES IN STUDENT  
ELIGIBILITY IN THE FOOD STAMP PROGRAM

REFERENCE:

To aid the counties in the implementation of the new student regulations, below are the responses to common questions regarding these regulations.

Question 1: The new student regulations do not apply to individuals who are "physically and mentally disabled". How is physically and mentally disabled defined?

Answer: Disability is not specifically defined in the regulations. However, any person who has any degree of physical or mental disability, whether permanent or temporary, is exempt from the student eligibility criteria and may participate if otherwise eligible. If a student claims to be disabled and this claim is questionable, the CWD should verify the disability as described in Manual Section 63-407.22.

Question 2: What is the definition of an institution of higher education?

Answer: An institution of higher education as defined in Manual Section 63-102.2(o), is "any institution providing post-high school education, including but not limited to colleges, universities, and vocational or technical schools at the post-high school level".

Question 3: How are schools and training programs which are not institutions of higher education defined?

Answer: Schools and training programs which are not institutions of higher education are programs offering nonvocational, nontechnical and nonacademic adult community service courses (i.e., courses in child care, physical conditioning) or community organizational programs (i.e., first aid, CPR).

Question 4: How is "half-time" enrollment defined in a school or training program defined?

Answer: Since the definition of half time may vary from institution to institution, half time shall be defined by the applicant's individual school or training program.

Question 5: Are IRAP recipients who take English classes as a result of their participation in IRAP subject to the student eligibility criteria?

Answer: Any individual who is defined as a student per Manual Section 63-406.1 is subject to the student eligibility criteria. If the IRAP recipient is between 18 and 60 and is physically and mentally fit, the classes or training taken must be examined to determine if the recipient is enrolled half time or more in an institution of higher education. If the institution providing the training is an institution of higher education as defined in Manual Section 63-102.2(o) and the institution states that the classes taken by the IRAP recipient constitute at least half-time enrollment, the recipient is a student for food stamp purposes and must meet the student eligibility criteria prior to participation.

Question 6: Per the new student regulations, a student who is employed for a minimum of 20 hours per week meets the student eligibility criteria and may participate if otherwise eligible. Must the student be earning at least minimum wage during these 20 hours to qualify?

Answer: No. There is no minimum wage requirement. If a student is employed for 20 hours per week, the student meets the student eligibility criteria even if he/she receives less than minimum wage. However, if the student claims to be self-employed and has no income from the self-employment, the EW should consider the student's claim to be self-employed questionable and verify this claim.

Question 7: Would a student who works less than 20 hours per week but earns a weekly salary of minimum wage times 20 hours also be eligible under Manual Section 63-406.211?

Answer: No. To be eligible under the provision the student must work at least 20 hours per week.

Question 8: If a student works 20 hours per week in return for free housing, does this student meet the student eligibility criteria?

Answer: Yes. The student is working 20 hours per week and so the student eligibility criteria have been met.

Question 9: If a student has signed up for work study, but does not yet have a work study job, is this student considered to be "participating" in a work study program?

Answer: No. The student is not considered to be participating in work study until he/she is actually engaged in a work study job.

question 10: If a student mother receives child support from the father of her children, can the mother be considered as providing this support to her children for the purpose of qualifying under Manual Section 63-406.213 of the student regulations?

Answer: No. The father would be considered as providing this money even though the mother is receiving and spending the child support payments. To qualify as an eligible student under Manual Section 63-406.213, the mother would have to be providing over half the support for her children from sources other than the child support payments.

Question 11: If a student is providing over half the total support for a nonhousehold member, is this student eligible for participation under Manual Section 63-406.213?

Answer: No. To be eligible under Manual Section 63-406.213, the student must be providing over half the total support for at least one other person in the food stamp household. Support of a nonhousehold member will not make a student eligible.

Question 12: If a student is receiving a grant or GI benefits and he/she uses part of this money to support another household member, does the student meet the student eligibility criteria?

Answer: If a student is providing over half the total support, as discussed in Question 11, for another person in the food stamp household, that student meets the student eligibility criteria and may participate if otherwise eligible regardless of whether the student's income is earned or unearned.

Question 13: Must the student be providing over half of the support for another member of the food stamp household for the entire calendar year or only during the certification period?

Answer: If the household's circumstances have remained stable, the student must provide over half of the support for another member of the food stamp household during the calendar year. However, if a change in circumstances has occurred or can be anticipated, the CWU should examine the support currently being provided by the student and the amount of support the student anticipates providing in the future. If the student is providing over half the support for another household member at the time of application and anticipates that he/she will continue to do so, the student is an eligible student even if he/she did not provide over half of the support for the entire calendar year. The period of support must correspond to the certification period.

question 14: If a full-time, unemployed student is married to and supported by someone who attends school less than half time, is this unemployed student eligible as the spouse of another student household member who is providing over half of the student's support?

Answer: No. The student providing the support must meet the definition of a student as set forth in Manual Section 63-406.1 before his/her dependent spouse automatically meets the student eligibility criteria. (Manual Section 63-406.1 defines a student as any person who is between 18 and 60, physically and mentally fit, and enrolled at least half time in an institution of higher education.)

Question 15: Is a student who is participating in WIN and attending school on his/her own initiative eligible under Manual Section 63-406.215?

Answer: Manual Section 63-406.215 states that students who are enrolled in an institution of higher education as a result of participation in WIN have met the student eligibility criteria and may participate if otherwise eligible. This provision applies to students who are attending school because the WIN program has sent them to school and to students who began school on their own initiative and subsequently had the participation in school accepted by WIN as all or part of their WIN participation requirement. Students who are attending school separate and apart from their participation in WIN are not eligible under 63-406.215.

Question 16: If an ineligible student is part of the AFDC Family Budget Unit (FBU), how is the AFDC grant handled?

Answer: Per Manual Section 63-502.2(f), if the intended beneficiaries of a single payment are both household and nonhousehold members and the nonhousehold member's portion cannot be readily identified, the payment shall be evenly prorated among the intended beneficiaries and the nonhousehold member's pro rata share excluded. Since the student's portion of the AFDC grant cannot be readily identified, the AFDC grant will be prorated and the student's pro rata share excluded from consideration as income. For example, if an AFDC grant for a four-person FBU which included an ineligible student was \$500, one-fourth, or \$125, would be excluded from consideration as income.

Counties should be aware that the Food Stamp Management Branch has changed the policy regarding the treatment of the AFDC grant when a nonhousehold member is included in the AFDC FBU. From the date of this letter counties should discontinue the practice of excluding the difference between the Maximum Aid Payment (MAP) for an FBU the size of the FBU including the student and the MAP for the size of an FBU of one person less. Quality Control will be advised of this change in policy and will be instructed to review to the new policy from January 1, 1981. Errors will be cited for those counties using the MAP differential method to exclude an ineligible student's portion of the AFDC grant after December 31, 1980.

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