

Food Stamp Outreach & Access Toolkit

Appendix L: Student Eligibility Rules and Exemptions

<u>Exception</u>	<u>Explanation</u>	<u>Rule</u>
Not enrolled at least half-time	<ul style="list-style-type: none"> As defined by the educational institution 	7 C.F.R. § 273.5(a) (2007)
Not enrolled in an approved educational institution/program	<ul style="list-style-type: none"> Higher education includes business, technical, trade, or vocational school requiring a high school diploma or its equivalency. Higher education includes any <i>regular</i> curriculum at a degree-granting college or university, regardless of whether a high school diploma is needed. 	7 C.F.R. § 273.5(a) (2007)
Age 17 or younger; age 50 or older		7 U.S.C. § 2015(e)(1) (2006); 7 C.F.R. § 273.5(b)(1) (2007)
Mentally or physically disabled	<ul style="list-style-type: none"> Student has a disability that “substantially limits a major life activity when using a mitigating measure;” or Qualifies for SSI/disability benefits; or Has an disability observable by the case examiner; or Is otherwise unfit for employment. 	7 U.S.C. § 2015(2) (2006); 7 C.F.R. § 273.5(b)(2) (2007)
Part-time employment	<ul style="list-style-type: none"> Generally, must be at least 20 hours/week Self-employment must result in weekly earnings at least equivalent to the federal minimum wage multiplied by 20 hours For responsibility-based jobs (such as research or teaching assistants), a letter from an employer stating that the job requires at least 20 hours per week should verify employment 	7 U.S.C. § 2015(e)(4) (2006); 7 C.F.R. § 273.5(b)(5) (2007)
Cares for a dependent under age 6	<ul style="list-style-type: none"> Student may be a parent (adoptive or natural) or step-parent 	7 U.S.C. § 2015(e)(5)(A) (2006); 7 C.F.R. § 273.5(b)(8) (2007)

Cares for a dependent age 12 or younger under certain circumstances	<ul style="list-style-type: none"> Applies when State agency has determined that it is impossible for the student to attend class and complete 20 hour/week work requirements due to a lack of adequate childcare. 	7 U.S.C. § 2015(e)(5)(B) (2006); 7 C.F.R. § 273.5(b)(9) (2007)
Cares for a dependent age 12 or younger under certain circumstances	<ul style="list-style-type: none"> Student must be enrolled full-time in higher education Student must be a single parent/step-parent (natural or adoptive) If there is no parent/step-parent (natural or adoptive), another full-time student may become qualified for food stamps 	7 C.F.R. § 273.5(b)(10) (2007)
Receipt of work-study	<ul style="list-style-type: none"> May be State or federally financed Work-study must be approved before applying for food stamps Exemption expires month school term ends or if the student refuses an assignment Eligibility continues during school breaks of less than one month Federal programs are specific, formally defined programs emphasizing community service While the rules do not specifically define a state program, a state work study program similar to a federal program would count as an exemption. Work-study may be received at all types of schools, so long as it is State or federally funded 	7 U.S.C. § 2015(e)(4) (2006); 7 C.F.R. § 273.5(b)(6) (2007)
Future School Enrollment Uncertain	<ul style="list-style-type: none"> If a student does not intend to enroll for the next normal school term, he/she is not an enrolled student for food stamps purposes. Even if a student wishes to enroll but is uncertain if this will happen, he/she is not an enrolled student for food stamps purposes. 	7 C.F.R. § 273.5(c) (2007)
Receipt of TANF	<ul style="list-style-type: none"> Receives TANF checks or a non-cash benefit reasonably calculated to achieve the goals of TANF. 	7 U.S.C. § 2015(e)(6) (2006); 7 C.F.R. § 273.5(b)(3) (2007)
Participation in Work Incentive Programs	<ul style="list-style-type: none"> Enrolled in a Title IV work incentive program under the Social Security Act. 	7 U.S.C. § 2015(e)(7) (2006); 7 C.F.R. § 273.5(b)(4) (2007)

On-the-job training	<ul style="list-style-type: none"> • Limited to the period of time that the individual is being trained by the employer • No minimum number of hours per week is specified in the regulation. 	7 C.F.R. § 273.5(b)(7) (2007)
Programs under the Workforce Investment Act of 1998	<ul style="list-style-type: none"> • Participation in Job Corps, aged 14 to 24 (29 U.S.C. § 1501, tit. IV) • Native American Programs (29 U.S.C. § 2912 (2005)) • Migrant and seasonal farmworker programs (29 U.S.C. § 2912 (2005)) • Job training programs (29 U.S.C. § 2916a (2005)), and others. 	29 U.S.C. § 1501, et seq.; 7 C.F.R. § 273.5(b)(11) (2007)
E&T programs	<ul style="list-style-type: none"> • May include job search or job training activities, high school or equivalency programs, remedial education, or English as a Second Language (ESL) classes • T&E programs do not in themselves count as education, but provide an exemption from the student rule in conjunction with enrollment 	7 C.F.R. § 273.5(b)(11)(ii) (2007); 7 C.F.R. § 273.7 (2007)
Training for “adversely affected workers”	<ul style="list-style-type: none"> • For workers adversely affected by U.S. trade policies 	Trade Act of 1974, 19 U.S.C. § 2296(a) (2006)