

DEPARTMENT OF HUMAN RESOURCES FAMILY INVESTMENT ADMINISTRATION	FOOD SUPPLEMENT PROGRAM MANUAL	
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102.1 Purpose

A Student as defined in 102.2 is ineligible for Food Supplement Program benefits unless exempt.

102.2 Student Status

- A. A person is a student if he or she is between 18 and 50 years old, physically and mentally fit and enrolled at least half time in an institution of higher education.
- B. A person is considered to be enrolled in an institution of higher education if he or she 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 he or she is enrolled in a regular curriculum at a college or university that offers degree programs regardless of whether a high school diploma is required.

NOTE: Some institutions which normally require a high school diploma or its equivalent waive this requirement for certain students that have not graduated from high school. Students attending school in these institutions of higher education are students for the purposes of this policy.

- C. The following persons are exempt from student requirements:
 1. Persons age 17 or younger or age 50 or older;
 2. Persons with a physical or mental disability;
 3. Persons attending high school;
 4. Persons receiving Temporary Cash Assistance (TCA);
 5. Persons employed for an average of 20 hours per week and paid for the employment or, if self-employed, employed for an average of 20 hours per week and receiving weekly earnings at least equal to the federal minimum wage multiplied by 20 hours;
 6. Persons participating in on-the-job training programs (a person is considered to be participating in an on-the-job training program only during the period of time he or she is being trained by the employer);
 7. Persons participating in the Job Opportunities and Basic Skills program under Title IV of the Social Security ACT or its successor program;
 8. Persons participating in a state or federally financed work study program during the regular school year (see 102.3 for the definition of work study);
 9. Persons responsible for the care of a child under age 6;
 10. Persons responsible for the care of a child between ages 6 and 12 when adequate child care is not available for the student to attend class and work 20 hours per week or participate in a State or federally financed work study program; or,

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11. Persons who are voluntarily participating in the FSP Employment and Training Program, a program under the Job Training Partnership Act of 1974, a program under section 236 of the Trade Act of 1974, or an employment and training program for low-income households that is operated by a state or a local government where one or more of the components of the program is at least equivalent to an acceptable food stamp employment and training program component as specified in 7CFR § 273.7(e)(1).

102.3 Definition of Work-Study

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

1. The student must be participating in a state or federally finance work-study program during the regular school year.
2. The work-study must be approved for the school term.
3. The student must anticipate actually working the work-study job during the school term.
4. The exemption begins with the month in which the school term begins or the month the work-study is approved, whichever is later.
5. 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.

Note: 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.

6. 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.
- B. This exemption does not apply to students who are working in hospitals or student-teachers who are teaching as part of their coursework for which they earn credit.

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C. Most work-study programs are funded through Title IV, Part C of the Higher Education Act of 1965, as amended. As long as there is some federal funding involved, these programs meet the definition of federally financed work-study programs. (See Section 211, Excluded Income, for treatment of Title IV educational income.)

D. Do not consider students who are paid to attend institutions of higher education with federal JTPA or Work Opportunities funds as work-study students. The students in these programs receive compensation based on the number of hours of class attendance and not for any worked performed. Therefore, they are not entitled to the work-study exemption.

102.4 Work Registration

An eligible student is exempt from work registration.

102.5 Eligibility Requirements

A student who is not exempt is a non-member of the FSP household. See 102.7 for information on the non-member's income and resources.

102.6 Enrollment Status

Enrollment status begins the first day of the school term and continues through normal periods of class attendance, vacation, and recess unless the person graduates, is expelled or suspended, drops out or does not plan to register for the next normal school term (excluding summer school).

102.7 Income/Resources

Do not consider the income and resources of an ineligible student when determining eligibility and the benefit level for the remainder of the household. Ineligible students are non-members.