

Chapter 5

Students

500 Applicability

Any person who is between the ages of 18 and 50, physically and mentally fit, and enrolled at least half time in an institution of higher education shall be ineligible to participate in the Food Assistance Program unless that person complies with the eligibility requirements of [Section 501](#) of this chapter.

1. Physically and Mentally Fit.

The criteria for determining physical and mental fitness are the same as that used for work registration. If an individual would be exempt from work registration because of a permanent disability, temporary disability or handicap, he is not physically and mentally fit and would not meet the definition of a student.

If mental or physical unfitness is claimed and the unfitness is not evident to the worker, verification may be required. Appropriate verification may consist of receipt of temporary or permanent disability benefits issued by governmental or private sources, or of a statement from a physician or licensed or certified psychologist.

2. Half Time

The criteria for determining half time enrollment shall be whatever criteria the institution of higher education has established for half time enrollment.

3. Institution of Higher Education.

A student shall be considered enrolled in an institution of higher education if the person is enrolled in a regular curriculum at a college or university that offers degree programs regardless of whether a high school diploma is required. A college includes junior, community, two-year, or four-year college or a university. Individuals that are enrolled in special programs such as courses for English as a second language or for courses which are not part of the regular curriculum shall not be considered as enrolled in an institution of higher education.

In the case of trade schools and vocational technical schools, many persons take one or more courses at these schools to obtain practical skills that would enable them to obtain better jobs. Most of the various curricula in such schools do not require a diploma or the equivalent, to enroll. For example a secretarial school which offers courses in typing, stenography, etc. or a trade school which trains workers to obtain licenses as beauty technicians, bartenders, auto mechanics, etc. may not require a high school diploma. Therefore, persons in such courses would not be considered enrolled in an institution of higher education if a diploma or G.E.D. is not a prerequisite.

However, certain curricula offered by trade and vocational-technical schools may require a diploma or equivalent for enrollment. These can include curricula such as licensed practical nursing and aircraft mechanics. Where the curriculum in such schools requires a diploma or equivalent, the students enrolled for completion of the required courses in that curriculum would be considered as enrolled in an institution of higher education. A student enrolled in a post-secondary educational program as defined in the [Glossary Manual](#) is entitled to the same income exclusions noted in [Section 902, item 12](#).

4. Non-Students

This chapter does not apply to persons age 17 or under, persons age 50 or over, persons physically or mentally unfit, persons attending high school, persons participating in on-the-job training programs, persons not attending school at least half time, or to persons enrolled full time in schools and training programs which are not institutions of higher education.

501 Eligibility Requirements

In order to be eligible to participate in the Food Assistance Program, any student (as defined in [Section 500](#)), shall meet at least one of the following criteria:

1. Be employed for 20 hours per week and be paid for such employment. Students whose work hours fluctuate from week to week shall be determined eligible as long as the work hours average 20 hours per week or 80 hours per month. ^[1]
 - a) If self-employed, be employed 20 hours per week and receive weekly earnings at least equal to the Federal minimum wage multiplied by 20 hours. Self-employed students whose work hours fluctuate from week to week shall be determined eligible as long as the paid work hours average 20 hours per week or 80 hours per month. ^[2]
 - b) A student shall be ineligible in any month for which the anticipation of work is less than 20 hours a week or 80 hours per month.
2. Participate in a State or federally financed work study program during the school term. To qualify under this provision, the work study must be approved for the school term, and the student must anticipate actually working during this time. The student eligibility shall begin with the month in which the school term begins or the month work study is approved, whichever is later. Once begun, the student eligibility shall continue until the end of the month in which the school term ends, or it becomes known that the student has refused an assignment. The student eligibility shall 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.
3. Participate in an on-the-job training program - a person is considered to be participating in an on-the-job training program only during the period of time the person is being trained by the employer. During the period of time the person is attending classes, he will have to meet one of the other student criteria in order to receive food assistance.
4. Participate in any work incentive program under Title IV of the Social Security Act. In Alabama this is JOBS.
5. Be responsible for the care of a dependent household member under the age of six.
6. Parents of a child above age 5 but under age 12 for whom adequate child care is not available to enable the student to attend class and satisfy the 20 hour work requirement or participate in a state or federally financed work study program during the regular school year. Adequate child care for the purpose of the student eligibility criteria shall be defined as care provided by a licensed day care center, a licensed day care home, or an individual whom the student feels is responsible for caring for the child. If such care is

being provided, the student is ineligible to participate. If such care is available, but is not currently being provided, the student is ineligible. Available shall be defined to mean vacancies in child care centers or licensed day care centers or licensed day care homes which are located within a reasonable proximity (as determined by the individual county department) of the student's residence or institution of higher education. In regard to other individuals such as neighbors or relatives, the student's statement as to whether or not such individuals are available to provide adequate care shall be accepted.

7. A single parent enrolled in an institution of higher education on a full time basis (as determined by the institution) and be responsible for the care of a dependent child under the age of 12. This provision applies in those situations where only one natural, adoptive or stepparent is in the same food stamp household as the child. For example, if one natural parent and a stepparent are living with the child, neither the natural parent nor the stepparent can qualify under this provision. If no natural, adoptive or stepparent is in the same food stamp household as the child, another full time student in the same food stamp household as the child may qualify for the eligible student status under this provision if he or she has parental control over the child and is not living with his or her spouse.
8. Assigned to or placed in a institution of higher education through or in compliance with one of the following:
 - a) A program under the W I A of 1998.
 - b) An employment and training program under the Food Stamp Act.
 - c) A program under Section 236 of the Trade Act of 1974.
 - d) A program for the purpose of employment and training (E and T) operated by a state or local government.
9. Receiving benefits from the Aid to Families with Dependent Children Program (AFDC).

502 Enrollment Status

The enrollment status of a student shall begin on the first day of the school term 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:

1. Graduates
2. Is suspended or expelled.
3. Drops out.
4. Does not intend to register for the next normal school term (excluding summer school).

Although the enrollment status of the student continues through normal periods of vacation and recess, the student must meet student eligibility criteria during these periods in order to qualify for food assistance.

503 Income and Resources of Ineligible Students

See [Section 1103](#) for handling the income and resources of an ineligible student.

504 Eligibility of Refugees

Eligibility of Refugees Taking English as a Second Language (ESL) Courses:

Refugees enrolled in ESL courses only, at institutions of higher education, should not be required to meet one of the students' eligibility requirements in [Section 501](#) to participate in the Food Assistance Program.

When a refugee is taking an ESL course(s) as part of a total program, the refugee would then need to meet one of the student eligibility requirements, if he/she otherwise fits the definition of student.

^[1] Rev. May 2010

^[2] Rev. May 2010