



September 22, 2023

Food Assistance Transmittal Letter No. 442

TO: All Food Assistance Manual Holders

FROM: Matt Damschroder, Director

SUBJECT: Food assistance: Student Enrolled in an Institution of Higher Education.

Background

In accordance with section 106.03 of the Ohio Revised Code (ORC), each state agency is required to review each of its rules in the Ohio Administrative Code a minimum of once every five years. The intent of the review is to ensure that Administrative Code rules are clearly written and that program requirements are accurate, up-to-date based on regulations from the United States Department of Agriculture Food and Nutrition Services (FNS) and clearly expressed. To the extent possible, unnecessary paperwork will be eliminated, local agencies will be given increased flexibility, and any adverse impact on businesses will be eliminated or reduced. As a result of the review, the agency may amend the rule; rescind the rule; or continue the rule without amendment.

Under current Ohio rule, a student who is enrolled at least half-time, as determined by the school, in an institution of higher education is ineligible to participate in the supplemental nutrition assistance program (SNAP) unless the individual meets a student exemption.

As a result of a management evaluation (ME) review of the State's SNAP program, the United States Department of Agriculture, Food and Nutrition Service (FNS), is requiring the State to develop criteria to consider when determining whether a student is in an employment and training program for low-income individuals.

Amended Policy

In order to come into compliance and be released from the ME review finding from FNS, the Ohio Department of Job and Family Services (ODJFS) is amending rule 5101:4-6-04 of the Administrative Code. The amended rule now includes criteria to define what constitutes an employment and training program other than SNAP Employment & Training (E&T) program, for low-income assistance groups that is operated by a state or local government where one or more of the components is at least equivalent to an acceptable SNAP E&T program component. Additionally, the JFS 7600 "Student Verification" was created and will be required to be

completed by the institution of higher education and used to determine whether criteria has been met for this exemption.

This rule has been subject to a review by the Joint Committee on Agency Rule Review (JCARR). The changes will become effective on 10/01/2023.

Chapter 6000

5101:4-6-04 "Food assistance: Student Enrolled in an Institution of Higher Education."

This rule describes the eligibility for students enrolled in institutions of higher education and student exemptions for SNAP. Changes to the rule include:

- Paragraph (B)(11) was restructured and amended for clarity;
- New paragraph (B)(11)(c) was added to include criteria for determining whether a student is participating in an employment and training program for low-income individuals, and to require the JFS 07600 "Student Verification" to be completed by the institution of higher education;
- New paragraph (B)(11)(d) was amended to include required elements to align with federal regulations;
- Paragraph (D) was amended for clarity;
- Paragraph (E) was broken out and amended to align with federal regulations and current guidance from FNS on how to determine eligibility for students participating in a meal plan; and
- Minor language changes for clarity.

5101:4-6-04

Food assistance: student enrolled in an institution of higher education.

(A) Who is considered to be an ineligible student?

- (1) An individual who is enrolled at least half-time, as determined by the school, in an institution of higher education shall be ineligible to participate in the supplemental nutrition assistance program (SNAP) unless the individual qualifies for one of the exemptions in paragraph (B) of this rule.
- (2) An individual is considered to be enrolled in an institution of higher education when 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 when 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.

(B) What are the student exemptions?

To be eligible for the program, a student as defined in paragraph (A) of this rule must meet at least one of the following criteria:

- (1) Age: the student is age seventeen or younger or age fifty or older.
- (2) Unfit to work: the student is physically or mentally unfit for work in accordance with rule 5101:4-3-11 of the Administrative Code.
- (3) Recipient of Ohio works first (OWF): the student is considered to be a recipient of an OWF cash payment.
- (4) Enrolled through work activity programs: the student is enrolled in the institution of higher education as a result of participation in an OWF work activity program.
- (5) Employed: the student is employed for a minimum of twenty hours per week and is paid for such employment or, ~~if~~ when self-employed, is employed for a minimum of twenty hours per week and receiving weekly earnings at least equal to the federal minimum wage multiplied by twenty hours. The twenty hours per week is specific. The total hours worked in a month cannot be averaged.
- (6) Participation in a work study program: the student is participating in a state-financed or federally-financed work study program during the regular school year. To qualify under this provision, the student must be approved for work study at the time of application for SNAP, the work study must be approved

for the school term, and the student must anticipate actually working during that time.

The exemption shall begin with the month the school term begins or the month work study is approved, whichever is later. Once begun, the exemption shall continue until the end of the month the school term ends, or it becomes known that the student has refused an assignment. When it is determined that a student had been approved and anticipated performing work study hours that did not materialize, no claim is to be created. When a determination is made that the student deliberately gave wrong or misleading information, a claim is to be created. The student work study exemption shall not continue between terms when there are breaks of a full month or longer unless the student is participating in work study during the break.

- (7) Participation in on-the-job training: the student is participating in an on-the-job training program. An individual is considered to be participating in an on-the-job training program only during the period of time the individual is being trained by the employer.
- (8) Care of a child under age six: the student is responsible for the care of a dependent assistance group member under the age of six.
- (9) Care of a child between six and eleven years of age: the student is responsible for the care of a dependent assistance group member who has reached the age of six but is under age twelve when the county agency has determined that adequate child care is not available to enable the student to attend class and comply with the work requirements of paragraphs (B)(5) and (B)(6) of this rule.
- (10) A single parent with a child under age twelve: the student is a single parent enrolled in an institution of higher education on a full-time basis (as determined by the institution) and is responsible for the care of a dependent child under age twelve. This provision applies in those situations where only one natural, adoptive, or stepparent (regardless of marital status) is in the same assistance group as the child. When no natural, adoptive, or stepparent is in the same SNAP assistance group as the child, another full-time student in the same assistance group as the child may qualify for eligible student status under this provision when he or she has parental control over the child and is not living with his or her spouse.
- (11) ~~Assigned to or placed~~ Enrolled in an institution of higher education as a result of participation in ~~through or in compliance with the requirements of one of the programs identified in paragraphs (B)(11)(a) to (B)(11)(c) of this rule. Self-initiated placements during the period of time the individual is enrolled in~~

~~one of these employment and training programs shall be considered to be in compliance with the requirements of the employment and training program in which the individual enrolled, provided that the program has a component for enrollment in an institution of higher education and that program accepts the placement. Individuals who voluntarily participate in one of these employment and training programs and are placed in an institution of higher education through or in compliance with the requirements of the program shall also qualify for the exemption. The programs are:~~

~~(a) A program under the Workforce Innovation and Opportunity Act (WIOA) of 1998 (Public Law ~~105-220~~113-128) (~~8/1998~~7/2014);~~

~~(b) An employment and training program under Chapter ~~5101:4-3~~ of the Administrative Code;~~

~~(c)~~(b) A program under section 236 of the Trade Act of 1974 (19 U.S.C. 2296) (~~1/2012~~6/2015);

~~(d)~~(c) An employment and training program other than the SNAP employment and training (E&T) program, for low-income assistance groups 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 ~~employment and training (E&T)~~E&T program component. The JFS 07600 "Student Verification" is to be completed by the institution of higher education and used when determining that the following criteria is met;~~or~~

(i) The individual is enrolled in a program under the Carl D. Perkins Career and Technical Education Improvement Act of 2006 (20 U.S.C. 2302) designed to be completed in not more than four years at an institution of higher education as defined in section 102 of the Higher Education Act of 1965 (20 U.S.C. 2296); or

(ii) The individual is enrolled in an accredited institution of higher education with a major that leads to an in-demand occupation. A list of in-demand occupations can be found on the Ohio Means Jobs website: "<https://topjobs.ohio.gov/top-jobs-list>"; and

(a) Is eligible to participate in a state-financed or federally-financed work study program during the regular school year, as determined by the institution of higher education; or

(b) Has an expected family contribution of \$0 in the current academic year; or

~~(c) A program of career and technical education as defined in section three 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 four years at an institution of higher education as defined in section 102 of the Higher Education Act of 1965 (20 U.S.C. 2296).~~

(d) An E&T program under Chapter 5101:4-3 of the Administrative Code, subject to the condition that the course of study or program;

(i) 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 four years at an institution of higher education as defined in section 102 of the Higher Education Act of 1965 (20 U.S.C. 2296);
or

(ii) Is limited to remedial courses, basic adult education, literacy, or English as a second language.

(C) How is enrollment status determined?

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 graduates, is suspended or expelled, drops out, or does not intend to register for the next normal school term excluding summer school.

(D) How is an ineligible student's income and resources handled?

An individual who is subject to the requirements ~~of paragraph (B) of this rule but who~~ and who does not meet any of the criteria in paragraph (B) of this rule shall be considered ineligible to participate in the SNAP program. The income and resources of the ineligible student shall not be counted in determining eligibility or the level of benefits for the assistance group, as specified in rule 5101:4-6-15 of the Administrative Code.

~~(E) Are residents of dormitories eligible?~~ How is eligibility determined for students who are participating in a meal plan at an institution of higher education?

~~Residents of institutions are not eligible for program participation. Dormitories are considered institutions when they provide students the majority of their meals and the~~

~~dormitory is not authorized to accept SNAP benefits. When a student can demonstrate that the dormitory does not provide him or her a majority of his meals, the student may participate when otherwise eligible. For example, when the dormitory has separate room/board contracts and the student only enters into a "room" contract, the student would not be considered a resident of an institution.~~

(1) The county agency is to determine when students participating in a meal plan receive a majority of their meals through the meal plan.

(a) The circumstances should be fully explored to determine how to treat meal plans and to determine the scope of the meal plan. Meal plan structure may vary from institution to institution and the value of a meal plan may be counted by the number of meals, points, or dollars included. Additional information may be obtained from the student for clarification when it is unclear how many meals are received from the meal plan.

(b) For example, when a student receives breakfast and lunch every weekday through their meal plan, that is equivalent to ten meals per week. While this is two of three daily meals, the county agency would not consider the student to be receiving the majority of their meals as ten meals per week is less than the majority of twenty-one total weekly meals.

(2) Students will be considered a resident of an institution when the majority of their meals are provided through a meal plan and will be ineligible for SNAP in accordance with rule 5101:4-2-03 of the Administrative Code.

(3) Students who are not provided with the majority of their meals through a meal plan are not considered a resident of an institution and may be eligible for SNAP when all other eligibility factors are met.

Effective: 10/1/2023
Five Year Review (FYR) Dates: 7/17/2023 and 10/01/2028

CERTIFIED ELECTRONICALLY

Certification

09/21/2023

Date

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