



SNAP Policy Brief

June 2014 Update

College Student Eligibility

Elizabeth Lower-Basch and Helly Lee

Even after accounting for all financial aid, many low-income college students have thousands of dollars of unmet need, even when they attend low-cost institutions such as community colleges.¹ This need often leads students to drop out of college, or to work so many hours that it interferes with their attendance and success in classes. This is one of the factors that contribute to low rates of college completion, especially by low-income and other non-traditional students.

One way to close this gap is to help students understand and access public benefits that can help them temporarily meet basic needs. The Supplemental Nutrition Assistance Program (SNAP, formerly known as food stamps) is among the largest public benefit programs, now reaching over 47 million individuals. It is one of the few benefit programs that is available to individuals without regard to family status or disability. Since 1977, there have been restrictions on college students receiving food stamp benefits.² However, there are also a number of exceptions to these restrictions, and many low-income college students, especially the growing share of “non-traditional” students³, may qualify for one of these exceptions.

Some media reports on the recently enacted 2014 Farm Bill suggest that it eliminates SNAP eligibility for college students. This is not accurate – section 4007 of the Agricultural Act of 2014 (H.R. 2642), which reauthorizes SNAP, modifies one of the exceptions to the restrictions. Most if not all students currently eligible for SNAP will remain eligible. CLASP continues to encourage schools to provide students with information on the eligibility rules for SNAP and other benefits that may help them meet their and their families’ basic needs so they can afford their education.

Federal Rules Regarding SNAP for Students

Students enrolled at least half-time at an institution of higher education⁴ are ineligible for SNAP, unless they meet one of the following exceptions:

- Under age 18 or age 50 or older
- Parent caring for a child under age 6;

¹ Vickie Choitz and Patrick Reimherr, *Mind the Gap: High Unmet Financial Need Threatens Persistence and Completion for Low-Income Community College Students*, Center for Postsecondary and Economic Success, Center for Law and Social Policy, April 2013, <http://www.clasp.org/resources-and-publications/files/CLASP-Unmet-Need-Brief-041213-final-ab-2.pdf>.

² "Supplemental Nutrition Assistance Program (SNAP): A Short History of SNAP," U.S. Department of Agriculture, Food and Nutrition Service, <http://www.fns.usda.gov/snap/short-history-snap>.

³ "Yesterday's Non-traditional Student is Today's Traditional Student," Center for Postsecondary and Economic Success, Center for Law and Social Policy, 2011, <http://www.clasp.org/resources-and-publications/publication-1/Nontraditional-Students-Facts-2011.pdf>.

⁴ An institution of higher education is defined by 20 U.S.C §1001, <http://www.gpo.gov/fdsys/pkg/USCODE-2011-title20/pdf/USCODE-2011-title20-chap28-subchapI-partA-sec1001.pdf>.

- Parent caring for a child 6-11 years old who is unable to obtain child care to attend school and work;
- Single parent caring for a child under 12 years old and enrolled full-time;
- Working for pay at least 20 hours per week;
- Receiving any work-study funds;
- Receiving TANF benefits;
- Unable to work because of a mental or physical disability; or
- Enrolled in certain programs aimed at employment.

The exception for students enrolled in post-secondary education due to an employment-related program applies to these programs:

- TANF work programs;
- Workforce Investment Act (WIA) Title I programs;
- SNAP Employment and Training (E&T) programs (now subject to the restrictions discussed below);
- Trade Adjustment Assistance (TAA) programs; and
- Other programs for the purpose of employment and training operated by a State or local government, as determined to be appropriate by the Department of Agriculture (which administers SNAP).

The recently enacted law limits state flexibility with regard to the third exception. The change affects the SNAP eligibility of students who are enrolled at least half time at an institution of higher education *through the SNAP E&T program*.⁵ Specifically, it says that students can be eligible to participate in SNAP only if they are part of a program of career and technical education (as defined under the Perkins Act) that may be completed in not more than 4 years.⁶ The law also allows exceptions for SNAP E&T students enrolled in remedial courses, basic adult education, literacy, or English as a second language. FNS has stated they intend to publish a proposed rule establishing how to determine which courses or programs are part of program of career and technical education as defined by the Perkins Act. We are not aware of any state that currently allows non-career oriented enrollment in an institution of higher education, or post-baccalaureate education, to count as a SNAP E&T activity.⁷

Even after the new restrictions on states, these exceptions provide more flexibility than is often recognized. For example, if a student is assigned to a program as part of a TANF work program, the exception remains even if the student later stops receiving TANF benefits.⁸ States may also choose to recognize an employment-focused

⁵ FNS addresses this issue as part of its questions and answers guidance to states, posted at, <http://www.fns.usda.gov/sites/default/files/SNAP%20Questions%20and%20Answers%20Concerning%20the%20Agricultural%20Act%20of%202014%20Sections%204005%2C%204007%2C%204008%2C%204009%2C%204015%2C%204022%2C%204025%2C%204031.pdf>

⁶ Note that this requirement is for the program, not the student. A program may only take four years for completion if pursued full-time but longer if pursued part time.

⁷ Michigan used to allow a wide range of undergraduate programs to count under this provision, but ended this policy in 2011. Its current policy is more restrictive than allowed under the new federal law, as many students who are in career and technical education programs lasting less than four years are not treated as exempt from the restriction.

⁸ 7 U.S.C. §2015,(e)(7), <http://www.gpo.gov/fdsys/pkg/USCODE-2010-title7/pdf/USCODE-2010-title7-chap51-sec2015.pdf>.

educational program that a student has self-enrolled in either as a SNAP E&T component or as “another program for the purpose of employment and training.”⁹ The reference to Career and Technical Education funded under Perkins Act may be a useful way for a state to determine that a course of study is employment-focused, without requiring SNAP staff independently to review and judge curricula.

Note that even if a college or postsecondary student is not eligible for SNAP benefits, other members of the household may still be eligible to receive benefits. If the student has significant income, it may in fact result in higher benefits for other family members if the student is excluded.¹⁰

⁹ Note that “another program” must be operated by a state or local government. See 7 U.S.C. §2015, (e) (3) (B) and (D), <http://www.gpo.gov/fdsys/pkg/USCODE-2010-title7/pdf/USCODE-2010-title7-chap51-sec2015.pdf>.

¹⁰ David A. Super, *SNAP for College Students: Low-Income College Students' Eligibility for the Supplemental Nutrition Assistance Program*, Sargent Shriver National Center on Poverty Law, Journal of Poverty Law and Policy, Clearinghouse Review, Volume 44, March-April 2011.

Statutory Language: 7 U.S.C. 2015(e), as amended by Section 4007 of H.R. 2642 --

(e) **Students** -- No individual who is a member of a household otherwise eligible to participate in the supplemental nutrition assistance program under this section shall be eligible to participate in the supplemental nutrition assistance program as a member of that or any other household if the individual is enrolled at least half-time in an institution of higher education, unless the individual—

- (1) is under age 18 or is age 50 or older;
- (2) is not physically or mentally fit;
- (3) is assigned to or placed in an institution of higher education through or in compliance with the requirements of—
 - (A) a program under title I of the Workforce Investment Act of 1998 [29 U.S.C. 2801 et seq.];
 - (B) an employment and training program under this section, **subject to the condition that the course or program of study**—
 - (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)) that may be completed in not more than 4 years at an **institution of higher education** (as defined in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002)); or
 - (ii) is limited to remedial courses, basic adult education, literacy, or English as a second language;
 - (C) a program under section 2296 of title 19 [Trade Adjustment Assistance]; or
 - (D) another program for the purpose of employment and training operated by a State or local government, as determined to be appropriate by the Secretary;
- (4) is employed a minimum of 20 hours per week or participating in a State or federally financed work study program during the regular school year;
- (5) is—
 - (A) a parent with responsibility for the care of a dependent child under age 6; or
 - (B) a parent with responsibility for the care of a dependent child above the age of 5 and under the age of 12 for whom adequate child care is not available to enable the individual to attend class and satisfy the requirements of paragraph (4);
- (6) is receiving benefits under a State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) [TANF];
- (7) is so enrolled as a result of participation in the work incentive program under title IV of the Social Security Act [42 U.S.C. 601 et seq.] or its successor programs [TANF work programs]; or
- (8) is enrolled full-time in an institution of higher education, as determined by the institution, and is a single parent with responsibility for the care of a dependent child under age 12.