

(b) To be excluded, educational assistance, as defined at (a) above, must be awarded to a household member enrolled at a:

1. Recognized institution of post-secondary education (meaning any public or private educational institution which either normally requires a high school diploma or equivalency certificate for enrollment, or admits persons who are beyond the age of compulsory school attendance in which the institution is legally authorized or recognized by the State to provide an educational program beyond secondary education in the State, or provides a program of training to prepare students for gainful employment, including correspondence schools at that level);
2. School for the handicapped;
3. Vocational education program;
4. Vocational or technical school; or
5. A program that provides for obtaining a secondary school diploma, or the equivalent.

(c) To be excluded, the education assistance must also be used for or identified (earmarked) by the institution, school program, or other grantor for the following allowable expenses:

1. Tuition;
2. Mandatory school fees, including the rental or purchase of any equipment, material, and supplies related to the pursuit of the course of study involved;
3. Books;
4. Supplies;
5. Transportation;
6. Miscellaneous personal expenses, other than normal living expenses, of the student incidental to attending a school, institution or program. No portion of any educational assistance that is provided for normal living expenses (room and board) shall be considered a reimbursement excludable under this provision.
7. Origination fees and insurance premiums on educational loans; or
8. Dependent care.
  - i. Amounts excluded for dependent care costs shall not be excluded under the income exclusion for reimbursements at N.J.A.C. 10:87-5.9(a)9iii(3).
  - ii. Dependent care costs which exceed the amount excludable from income shall be deducted from income in accordance with N.J.A.C. 10:87-5.10(a) 4.

(d) In order to allow an educational income exclusion based on use (as cited in (c) above), the allowable expense must be incurred or anticipated for the period the educational income is intended to cover regardless of when the educa-

tional income is actually received. If a student uses other income sources to pay for allowable educational expenses in months before the educational income is received, the exclusions to cover the expenses shall be allowed when the educational income is received. When the amounts used for allowable expense are more than amounts earmarked by the institution, school, program or other grantor, an exclusion shall be allowed for amounts used over the earmarked amounts. Exclusions based on use shall be subtracted from unearned educational income to the extent possible. If the unearned educational income is not enough to cover the expense, the remainder of the allowable expense shall be excluded from any earned educational income.

(e) A student's total educational income exclusions granted under this subchapter cannot exceed that individual's total educational income.

New Rule, R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

Amended by R.1990 d.565, effective November 19, 1990.

See: 22 N.J.R. 2219(a), 22 N.J.R. 3486(a).

Change of "used" for "made available" for educational expenses in accordance with P.L. 100-50.

Repeal and New Rule, R.1998 d.498, effective October 5, 1998.

See: 30 N.J.R. 1928(a), 30 N.J.R. 3669(b).

Section was "Treatment of educational assistance".

#### Case Notes

Food stamp allotment reduced due to increase in educational grant. Salem County Board of Social Services v. F.B., 93 N.J.A.R.2d (DEA) 23.

## SUBCHAPTER 6. CERTIFICATION PROCEDURES

### 10:87-6.1 Applicability

The procedures in this subchapter shall be used to determine program eligibility and benefit levels. For certification of households with special income circumstances, this subchapter shall be used in conjunction with N.J.A.C. 10:87-7. The procedures for certifying destitute households are found at N.J.A.C. 10:87-6.17, 6.18 and 6.19.

Amended by R.2004 d.181, effective May 17, 2004.

See: 36 N.J.R. 28(a), 36 N.J.R. 2425(a).

Amended the N.J.A.C. references in the third sentence.

### 10:87-6.2 Month of application

(a) The month of application for all households is the calendar month in which the household filed its application. For those prerelease applicants described at N.J.A.C. 10:87-2.33(b)3, the month of application shall be the date of release from the institution. This includes households submitting an application following any period of time during which the household was not certified for participation in the program. In most cases, the month of application will be the initial month of the household's certification period (see definition of initial month in (b) below). The CWA shall determine a household's eligibility during the month of application based

on the household's circumstances for the entire calendar month in which the household filed its application, even if the household filed its application on the last day of that calendar month.

(b) The term initial month means the first month that the household is certified for participation in the NJ SNAP program or, for ongoing cases, the first month that the household is certified for participation following any period of time during which the household was not certified for participation. For migrant and seasonal farm workers, the term initial month means the first month in which the household is certified for a period of more than one month.

1. Recertifications shall be processed in accordance with N.J.A.C. 10:87-6.3.

2. If the household submits an application for recertification prior to the expiration of its certification period and is found eligible for the first month following the end of the certification period, then that month shall not be an initial month.

(c) A household's benefit level for the initial month will be based on the day of the month it applies for benefits. For those prerelease applicants described at N.J.A.C. 10:87-2.33(b)3, the initial benefit shall be based on the date of each individual's release from the institution. Using a 30-day calendar month, households shall receive benefits prorated from the day of application to the end of the month. A household applying on the 31st of the month will be treated as though it applied on the 30th of the month. The \$10.00 minimum benefit for one and two person households shall be prorated. To determine the amount of the prorated allotment for the month of application the CWA shall use the Allotment Proration Table found at N.J.A.C. 10:87-12.5. If the allotment for the initial month is less than \$10.00 the CWA shall not issue benefits to that household.

As amended on an emergency basis, R.1981 d.398, effective September 30, 1981 (operative October 1, 1981), expired November 30, 1981. Readopted, R.1981 d.517, effective December 31, 1981.

See: 13 N.J.R. 769(a), 14 N.J.R. 103(a).

(a) "(including . . . Than a month)" added; (a) 1 added.

As amended, R.1983 d.121, effective April 4, 1983.

See: 15 N.J.R. 247(a), 15 N.J.R. 625(b).

Originally adopted as an Emergency Rule, R.1983 d.38, effective January 31, 1983. The amendment was pursuant to the Omnibus Budget Reconciliation Act of 1982 (P.L. 97-253) and the Food Stamp and Commodity Distribution Amendments of 1981 (P.L. 97-98, Title 13).

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

Substantially amended.

Amended by R.1989 d.464, effective September 5, 1989.

See: 21 N.J.R. 1636(a), 21 N.J.R. 2790(a).

Date of application for applicants who are institutionalized is now the same as date of release from institution.

Amended by R.2004 d.181, effective May 17, 2004.

See: 36 N.J.R. 28(a), 36 N.J.R. 2425(a).

In (a), substituted a reference to N.J.A.C. 10:87-2.33(b)3 for a reference to N.J.A.C. 10:87-2.37(b)3; rewrote (b); in (c), deleted "Determining benefit level for initial month:" from the beginning of first sentence, substituted a reference to N.J.A.C. 10:87-2.33(b)3 for a reference to N.J.A.C. 10:87-2.37(b)3.

Administrative change.

See: 44 N.J.R. 1529(a).

### 10:87-6.3 Application for recertification

(a) Eligibility for recertification shall be determined by circumstances anticipated for the certification period beginning with the month following the expiration of the current certification period. The level of benefits for recertification shall be based on the same anticipated circumstances.

(b) If an application for recertification is submitted after the household's certification period has expired, that application shall be considered an initial application and benefits for that month shall be prorated in accordance with N.J.A.C. 10:87-6.2(c).

1. If the household submits an application for recertification before the end of its certification period but is found ineligible for the first month following the end of that period, then the first month of any subsequent participation shall be considered an initial month.

2. Conversely, if the household submits an application for recertification prior to the end of its certification period and is found eligible for the first month following the end of the certification period, then that month shall not be an initial month for that household.

3. If the household contains a member who is a migrant or seasonal farmworker, the household's allotment shall not be prorated, if the household participated in the Program within 30 days prior to the date of the application.

(c) Any household that receives a notice at the time of certification, as discussed in N.J.A.C. 10:87-9.1(a), shall not be subject to proration for the first month of its certification period if the deadline for filing for recertification falls after the end of its current certification period. However, households found ineligible for the first month following the end of their certification shall have the first month of any subsequent participation considered an initial month.

(d) For all households that the CWA elects the time frame for providing missing verification, as outlined at N.J.A.C. 10:87-2.19 through 2.24, and the end of the time frame falls after the end of that household's current certification period, the household shall not be subject to proration for the first month following the end of its current certification period, if it has provided the missing verification and is otherwise eligible.

Amended by R.1983 d.121, effective April 4, 1983.

See: 15 N.J.R. 247(a), 15 N.J.R. 625(b).

Originally adopted as an Emergency Rule, R.1983 d.38, effective January 31, 1983. The Amendment was pursuant to the Omnibus Budget Reconciliation Act of 1982 (P.L. 97-253) and the Food Stamp and Commodity Distribution Amendments of 1981 (P.L. 97-98, Title 13).

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

Deleted old text and substituted new.

Amended by R.1990 d.270, effective May 21, 1990.

See: 22 N.J.R. 139(a), 22 N.J.R. 1599(a).

In (b): added 3 and revised N.J.A.C. reference in subsection (d).

Amended by R.1990 d.565, effective November 19, 1990.

See: 22 N.J.R. 2219(a), 22 N.J.R. 3486(a).

Added language in (c) regarding "a notice at the time of" certification.