

ASSEMBLY BILL

No. 814

Introduced by Assembly Member Bradford

February 21, 2013

An act to amend Section 11253.5 of the Welfare and Institution Code, relating to CalWORKs.

LEGISLATIVE COUNSEL'S DIGEST

AB 814, as introduced, Bradford. CalWORKs: eligibility: truancy.

Existing federal law provides for allocation of federal funds through the federal Temporary Assistance for Needy Families (TANF) block grant program to eligible states, with California's version of this program being known as the California Work Opportunity and Responsibility to Kids (CalWORKs) program. Under the CalWORKs program, each county provides cash assistance and other benefits to qualified low-income families and individuals who meet specified eligibility criteria, including participating in specified welfare-to-work activities. Existing law exempts from these welfare-to-work requirements a child who is under 16 years of age or attending an elementary, secondary, vocational, or technical school on a full-time basis.

Existing law conditions the receipt of CalWORKs aid upon the school attendance of all children in an assistance unit who are subject to compulsory education, as specified. Existing law further requires that this attendance requirements be included in the recipient's welfare-to-work plan. Under existing law, if the county determines that an eligible child under 16 years of age is not regularly attending school as required, the county is prohibited from considering the needs of all adults in an assistance unit in computing the grant of a family, unless the county determines that good cause exists. Existing law prohibits

the needs of a child 16 years of age or older from being considered in computing the grant to the family if the county determines that he or she has not been regularly attending school or participating in a welfare-to-work plan, unless the county determines that good cause exists.

This bill would revise these requirements by, among other things, deleting the requirement that the aid grant of a family be reduced if the county determines that an eligible child under 16 years of age is not regularly attending school. The bill would require that if the county determines that a child who is 16 years of age or older is not regularly attending school or participating in a welfare-to-work plan, the county document that the child has been offered a meaningful opportunity to be engaged in the creation of his or her welfare-to-work plan, including an age-appropriate assessment, before the county reduces the aid amount to the family. By imposing these additional duties on counties, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 11253.5 of the Welfare and Institutions
- 2 Code is amended to read:
- 3 11253.5. (a) All children in an assistance unit for whom school
- 4 attendance is compulsory, except individuals who are eligible for
- 5 the Cal-Learn Program under Article 3.5 (commencing with
- 6 Section 11331), for any period during which that article is
- 7 operative, and children subject to a county school attendance
- 8 project under Article 2 (commencing with Section 18236) of
- 9 Chapter 3.3 of Part 6, shall be required to attend school.
- 10 (b) Applicants for and recipients of aid under this chapter shall
- 11 be informed of the attendance requirement ~~and it shall be included~~
- 12 ~~in the recipient's welfare-to-work plan under Section 11325.21~~

1 *and the requirements of Article 5 (commencing with Section 48260)*
2 *of Chapter 2 of Part 27 of Division 4 of Title 2 of the Education*
3 *Code.*

4 *(c) The county shall consider the requirements of Article 5*
5 *(commencing with Section 48260) of Chapter 2 of Part 27 of*
6 *Division 4 of Title 2 of the Education Code when developing a*
7 *recipient's welfare-to-work plan under Section 11325.21,*
8 *evaluating needed exemptions from program requirements, and*
9 *determining which supportive services are necessary for*
10 *compliance with a signed welfare-to-work plan.*

11 ~~(e)~~

12 *(d) A recipient shall cooperate in providing the county with*
13 *documentation routinely available from the school or school district*
14 *of regular attendance of all applicable children 16 years of age or*
15 *older in the assistance unit when the county determines it is*
16 ~~appropriate~~ *necessary to establish the welfare-to-work requirements*
17 *of a minor.*

18 ~~(d) If it is determined by the county that any eligible child under~~
19 ~~the age of 16 years is not regularly attending school as required,~~
20 ~~the needs of all adults in the assistance unit shall not be considered~~
21 ~~in computing the grant of the family under Section 11450 unless~~
22 ~~it has been determined by the county that good cause exists.~~

23 *(e) If it is determined by the county that any child in the*
24 *assistance unit who is age 16 years or older is not regularly*
25 *attending school as required, or participating pursuant to a*
26 *welfare-to-work plan, the needs of the child shall not be considered*
27 *in computing the grant of the family under Section 11450 unless*
28 *it has been determined by the county that good cause exists. Before*
29 *reducing the amount of aid to the family, the county shall document*
30 *that the child has been offered a meaningful opportunity to be*
31 *engaged in the creation of his or her welfare-to-work plan,*
32 *including an age-appropriate assessment. Children not regularly*
33 *attending school because they have graduated shall be encouraged*
34 *to pursue a welfare-to-work plan that includes enrolling in an*
35 *institution of higher education.*

36 **SEC. 2.** *If the Commission on State Mandates determines that*
37 *this act contains costs mandated by the state, reimbursement to*
38 *local agencies and school districts for those costs shall be made*

- 1 pursuant to Part 7 (commencing with Section 17500) of Division
- 2 4 of Title 2 of the Government Code.

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