

AMENDED IN ASSEMBLY APRIL 10, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 814

Introduced by Assembly Member Bradford

February 21, 2013

An act to amend Section 11253.5 ~~of~~ *of*, and to add Section 11325.45 to, the Welfare and Institution Code, relating to CalWORKs.

LEGISLATIVE COUNSEL'S DIGEST

AB 814, as amended, 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~~ *requirement* 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. *This bill would also authorize a county to establish a program that provides an incentive for teenagers and young adults who receive CalWORKs benefits, or who are members of an assistance unit that receives CalWORKs benefits, to earn a high school diploma or its equivalent.* 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 *16 years of age or older* in an
4 assistance unit for whom school attendance is compulsory, except
5 individuals who are eligible for the Cal-Learn Program under
6 Article 3.5 (commencing with Section 11331), for any period
7 during which that article is operative, and children subject to a

1 county school attendance project under Article 2 (commencing
2 with Section 18236) of Chapter 3.3 of Part 6, shall be required to
3 attend school.

4 (b) Applicants for and recipients of aid under this chapter shall
5 be informed of the attendance requirement ~~and the requirements~~
6 ~~of Article 5 (commencing with Section 48260) of Chapter 2 of~~
7 ~~Part 27 of Division 4 of Title 2 of the Education Code.~~ *contained*
8 *in subdivision (a).*

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

16 ~~(d)~~

17 (c) A recipient shall cooperate in providing the county with
18 documentation routinely available from the school or school district
19 of regular attendance of all children ~~16 years of age or older~~ in the
20 assistance unit *who are required to attend school pursuant to*
21 *subdivision (a)* when the county determines ~~it that~~ *documentation*
22 *is necessary to establish the welfare-to-work requirements of a*
23 ~~minor.~~ *determine eligibility for the CalWORKs program.*

24 ~~(e)~~

25 (d) If it is determined by the county that any child in the
26 assistance unit who is ~~age 16 years or older~~ *required to attend*
27 *school pursuant to subdivision (a)* is not regularly attending school
28 as required, or participating pursuant to a welfare-to-work plan,
29 the needs of the child shall not be considered in computing the
30 grant of the family under Section 11450 unless it has been
31 determined by the county that good cause exists. Before reducing
32 the amount of aid to the family, the county shall document that
33 the child has been offered a meaningful opportunity to be engaged
34 in the creation of his or her welfare-to-work plan, including an
35 age-appropriate assessment. Children not regularly attending school
36 because they have graduated *or because they have dropped out*
37 shall be encouraged to *return to school or to pursue a*
38 *welfare-to-work plan that includes enrolling in a program designed*
39 *to assist individuals earn a high school diploma or its equivalent,*

1 a certificate or apprenticeship program, or an institution of higher
2 education.

3 (e) Counties may establish a program, apart from the Cal-Learn
4 Program established pursuant to Article 3.5 (commencing with
5 Section 11331), that provides an incentive to teenagers and young
6 adults who receive benefits, or who are members of an assistance
7 unit that receives benefits, under this chapter to earn a high school
8 diploma or its equivalent.

9 (f) Notwithstanding Chapter 3.5 (commencing with Section
10 11340) of Part 1 of Division 3 of Title 2 of the Government Code,
11 the department may implement, without taking regulatory action,
12 this section by means of an all county letter or similar instruction,
13 valid until January 1, 2015. The department shall, on or before
14 January 1, 2015, adopt regulations in accordance with the
15 requirements of Chapter 3.5 (commencing with Section 11340) of
16 Part 1 of Division 3 of Title 2 of the Government Code.

17 SEC. 2. Section 11325.45 is added to the Welfare and
18 Institutions Code, to read:

19 11325.45. When developing a recipient's welfare-to-work plan
20 under Section 11325.21, evaluating a recipient's need for
21 exemptions from welfare-to-work program requirements, and
22 determining which supportive services, if any, a recipient may
23 need in order to comply with a signed welfare-to-work plan, the
24 county shall consider the recipient's obligation to compel a child
25 or the children in the assistance unit to attend school pursuant to
26 Chapter 2 (commencing with Section 48200) of Part 27 of Division
27 4 of Title 2 of the Education Code and the related fiscal and penal
28 consequences of failure to comply with that obligation.

29 ~~SEC. 2.~~

30 SEC. 3. If the Commission on State Mandates determines that
31 this act contains costs mandated by the state, reimbursement to
32 local agencies and school districts for those costs shall be made
33 pursuant to Part 7 (commencing with Section 17500) of Division
34 4 of Title 2 of the Government Code.

O