

ASSEMBLY BILL

No. 2382

Introduced by Assembly Member Bradford

February 21, 2014

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

LEGISLATIVE COUNSEL'S DIGEST

AB 2382, as introduced, Bradford. CalWORKs: eligibility: truancy.

(1) 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 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 attending school, the county inform the family of how to enroll the child in a continuation school within the county and screen the family to determine its eligibility for family stabilization services. The bill would require the county to document that the family was given this information and was screened for those services. The bill would prohibit the consideration of the child's needs in computing the grant to the family for any month in which the county is informed by a school district or a county school attendance review board that the child did not attend school unless one of several circumstances is present, including that the county is provided with evidence that the child has been attending school or there is good cause for school nonparticipation at any time during the month. The bill would provide that a child whose needs are excluded from computing the family grant would remain eligible for services that may lead to school attendance. By imposing additional duties on counties, the bill would impose a state-mandated local program.

(2) Existing law continuously appropriates moneys from the General Fund to defray a portion of county costs under the CalWORKs program.

This bill would instead provide that the continuous appropriation would not be made for purposes of implementing the bill.

(3) 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
8 county school attendance project under Article 2 (commencing
9 with Section 18236) of Chapter 3.3 of Part 6, shall be required to
10 attend ~~school~~. *school pursuant to subdivision (f).*

11 (b) Applicants for and recipients of aid under this chapter shall
12 be informed of the attendance requirement *in subdivision (a)* and
13 it shall be included in the ~~recipient's~~ *recipients'* welfare-to-work
14 plan under Section 11325.21.

15 (c) A recipient shall cooperate in providing the county with
16 documentation routinely available from the school or school district
17 of regular attendance of all applicable children in the assistance
18 unit when the county determines it is ~~appropriate~~. *necessary to*
19 *determine eligibility, unless there is good cause for the inability*
20 *to secure that documentation.*

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

26 (e)

27 (d) If it is determined by the county that any child in the
28 assistance unit who is age 16 years or older is not ~~regularly~~
29 attending school as ~~required, or participating pursuant to a~~
30 ~~welfare-to-work plan, the required by subdivision (a), the family~~
31 *shall be informed of how to enroll the child in a continuation school*
32 *within the county and screened to determine eligibility for family*
33 *stabilization services. The county shall document that the family*
34 *was given this information and was screened for those services.*
35 *The needs of the child shall not be considered in computing the*
36 *grant of the family under Section 11450 unless it has been*
37 *determined by the county that good cause exists. for any month in*
38 *which the county is informed by a school district or a county school*

1 attendance review board that the child did not attend school
2 pursuant to subdivision (f), unless one of the following conditions
3 is present:

4 (1) The county is provided with evidence that the child’s
5 attendance records are not available.

6 (2) The county is provided with evidence that the child has been
7 attending school.

8 (3) Good cause for school nonparticipation exists at any time
9 during the month.

10 (4) Any member of the household is eligible to participate in
11 family stabilization pursuant to Section 11325.24.

12 (5) The county is provided with evidence that the child, parent,
13 or caregiver is complying with requirements imposed by a school
14 attendance review board, the county probation department, or the
15 district attorney pursuant to Section 48263 or 48263.5 of the
16 Education Code.

17 (6) A member of the household is cooperating with a plan
18 developed by a county child welfare agency.

19 (e) A child whose needs have not been considered in computing
20 the grant of the family pursuant to this section shall remain eligible
21 for services that may lead to attendance in school.

22 (f) For the purposes of this section, a child shall be presumed
23 to be attending school unless he or she has been deemed a chronic
24 truant pursuant to Section 48263.6 of the Education Code.

25 SEC. 2. No appropriation pursuant to Section 15200 of the
26 Welfare and Institutions Code shall be made for purposes of
27 implementing this act.

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