

AMENDED IN ASSEMBLY APRIL 6, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2448

Introduced by Assembly Member Burke

February 19, 2016

An act to amend Sections 11320.1, 11322.6, and ~~11322.85~~, *11322.85* of, and to add Section 11325.3 to, the Welfare and Institutions Code, relating to CalWORKs.

LEGISLATIVE COUNSEL'S DIGEST

AB 2448, as amended, Burke. CalWORKs: welfare-to-work: education.

Existing law establishes the California Work Opportunity and Responsibility to Kids (CalWORKs) program, under which each county provides cash assistance and other benefits to qualified low-income families using federal, state, and county funds. Existing law requires a recipient of CalWORKs to participate in welfare-to-work activities as a condition of eligibility. Existing law requires the county to assign a CalWORKs recipient who lacks a high school diploma or its equivalent to participate in adult basic education, if the recipient has completed job search activities but did not find employment and the education is needed to become employed. Existing law also requires, in order for a recipient to engage in adult basic education in satisfaction of welfare-to-work requirements, the county to perform an assessment and develop a welfare-to-work plan that includes participation in the educational activity.

This bill would instead provide that if the county determines that a CalWORKs recipient has not received his or her high school diploma or its equivalent, the recipient may participate in a high school

equivalency program in order to complete a high school equivalency test recognized by the State Department of Education. The bill would authorize the recipient to participate in a high school equivalency program in lieu of participating in a job search or job club, and would prohibit the county from requiring the recipient to participate in an assessment before the recipient may engage in a high school equivalency program in satisfaction of welfare-to-work requirements.

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

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

1 SECTION 1. Section 11320.1 of the Welfare and Institutions
2 Code is amended to read:

3 11320.1. Subsequent to the commencement of the receipt of
4 aid under this chapter, the sequence of employment-related
5 activities required of recipients under this article, unless exempted
6 under Section 11320.3, shall be as follows:

7 (a) Orientation and appraisal. Recipients shall, and applicants
8 may, at the option of a county and with the consent of the applicant,
9 receive orientation to the welfare-to-work program provided under
10 this article and receive appraisal pursuant to Section 11325.2.

11 (b) After orientation and appraisal, recipients shall participate
12 in job search and job club pursuant to Section 11325.22, family
13 stabilization pursuant to Section 11325.24, a high school
14 equivalency program pursuant to Section 11325.3, or substance
15 abuse, mental health, or domestic violence services, unless the
16 county determines that the recipient should first go to assessment
17 pursuant to subdivision (c).

18 (c) Assessment. If employment is not found during the period
19 provided for pursuant to subdivision (b), or at any time the county
20 determines that participation in job search for the period specified
21 in subdivision (a) of Section 11325.22 is not likely to lead to
22 employment or that, based on information gathered during the
23 appraisal, further information is needed to make an effective
24 determination regarding the recipient's next welfare-to-work
25 activity, the recipient shall be referred to assessment, as provided
26 for in Section 11325.4. Following assessment, the county and the
27 recipient shall develop a welfare-to-work plan, as specified in
28 Section 11325.21. The plan shall specify the activities provided

1 for in Section 11322.6 to which the recipient shall be assigned,
2 and the supportive services, as provided for pursuant to Section
3 11323.2, with which the recipient will be provided.

4 (d) Work activities. A recipient who has signed a
5 welfare-to-work plan pursuant to Section 11325.21 shall participate
6 in work activities, as described in this article.

7 SEC. 2. Section 11322.6 of the Welfare and Institutions Code
8 is amended to read:

9 11322.6. The welfare-to-work plan developed by the county
10 welfare department and the participant pursuant to this article shall
11 provide for welfare-to-work activities. Welfare-to-work activities
12 may include, but are not limited to, any of the following:

13 (a) Unsubsidized employment.

14 (b) Subsidized private sector employment.

15 (c) Subsidized public sector employment.

16 (d) Work experience, which means public or private sector work
17 that shall help provide basic job skills, enhance existing job skills
18 in a position related to the participant's experience, or provide a
19 needed community service that will lead to employment. Unpaid
20 work experience shall be limited to 12 months, unless the county
21 welfare department and the recipient agree to extend this period
22 by an amendment to the welfare-to-work plan. The county welfare
23 department shall review the work experience assignment as
24 appropriate and make revisions as necessary to ensure that it
25 continues to be consistent with the participant's plan and effective
26 in preparing the participant to attain employment.

27 (e) On-the-job training.

28 (f) (1) Grant-based on-the-job training, which means public or
29 private sector employment or on-the-job training in which the
30 recipient's cash grant, or a portion thereof, or the aid grant savings
31 resulting from employment, or both, is diverted to the employer
32 as a wage subsidy to partially or wholly offset the payment of
33 wages to the participant, so long as the total amount diverted does
34 not exceed the family's maximum aid payment.

35 (2) A county shall not assign a participant to grant-based
36 on-the-job training unless and until the participant has voluntarily
37 agreed to participate in grant-based on-the-job training by executing
38 a voluntary agreement form, which shall be developed by the
39 department. The agreement shall include, but not be limited to,
40 information on the following:

- 1 (A) How job termination or another event will not result in loss
2 of the recipient's grant funds, pursuant to department regulations.
- 3 (B) (i) How to obtain the federal Earned Income Tax Credit
4 (EITC), including the Advance EITC, and increased CalFresh
5 benefits, which may become available due to increased earned
6 income.
- 7 (ii) This subparagraph shall only become operative when and
8 to the extent that the department determines that it reflects current
9 federal law and Internal Revenue Service regulations.
- 10 (C) How these financial supports should increase the
11 participant's current income and how increasing earned income
12 should increase the recipient's future social security income.
- 13 (3) Grant-based on-the-job training shall include community
14 service positions pursuant to Section 11322.9.
- 15 (4) Any portion of a wage from employment that is funded by
16 the diversion of a recipient's cash grant, or the grant savings from
17 employment pursuant to this subdivision, or both, shall not be
18 exempt under Section 11451.5 from the calculation of the income
19 of the family for purposes of subdivision (a) of Section 11450.
- 20 (g) Supported work or transitional employment, which means
21 forms of grant-based on-the-job training in which the recipient's
22 cash grant, or a portion thereof, or the aid grant savings from
23 employment, is diverted to an intermediary service provider, to
24 partially or wholly offset the payment of wages to the participant.
- 25 (h) Workstudy.
- 26 (i) Self-employment.
- 27 (j) Community service.
- 28 (k) Adult basic education, which shall include reading, writing,
29 arithmetic, high school proficiency, or ~~general educational~~
30 ~~development certificate of instruction~~, *a high school equivalency*
31 *program*, and English as a second language. Participants under
32 this subdivision shall be referred to appropriate service providers
33 that include, but are not limited to, educational programs operated
34 by school districts or county offices of education that have
35 contracted with the Superintendent of Public Instruction to provide
36 services to participants pursuant to Section 33117.5 of the
37 Education Code.
- 38 (l) Job skills training directly related to employment.

1 (m) Vocational education and training, including, but not limited
2 to, college and community college education, adult education,
3 regional occupational centers, and regional occupational programs.

4 (n) Job search and job readiness assistance, which means
5 providing the recipient with training to learn job seeking and
6 interviewing skills, to understand employer expectations, and learn
7 skills designed to enhance an individual's capacity to move toward
8 self-sufficiency, including financial management education.

9 (o) Education directly related to employment.

10 (p) Satisfactory progress in secondary school or in a course of
11 study leading to ~~a certificate of general educational development,~~
12 *completion of a high school equivalency program*, in the case of
13 a recipient who has not completed secondary school or ~~received~~
14 ~~such a certificate,~~ *a high school equivalency program*, as described
15 in Section 11325.3.

16 (q) Mental health, substance abuse, and domestic violence
17 services, described in Sections 11325.7 and 11325.8, and Article
18 7.5 (commencing with Section 11495), that are necessary to obtain
19 and retain employment.

20 (r) Other activities necessary to assist an individual in obtaining
21 unsubsidized employment.

22 (s) Assignment to an educational activity identified in
23 subdivisions (k), (m), and (o) is limited to those situations in which
24 the education is needed to become employed.

25 SEC. 3. Section 11322.85 of the Welfare and Institutions Code
26 is amended to read:

27 11322.85. (a) Unless otherwise exempt, an applicant or
28 recipient shall participate in welfare-to-work activities.

29 (1) For 24 cumulative months during a recipient's lifetime, these
30 activities may include the activities listed in Section 11322.6 that
31 are consistent with the assessment performed in accordance with
32 Section 11325.4 and that are included in the individual's
33 welfare-to-work plan, as described in Section 11325.21, to meet
34 the hours required in Section 11322.8. These 24 months need not
35 be consecutive.

36 (2) Any month in which the recipient meets the requirements
37 of Section 11322.8, through participation in an activity or activities
38 described in paragraph (3), shall not count as a month of activities
39 for purposes of the 24-month time limit described in paragraph
40 (1).

1 (3) After a total of 24 months of participation in welfare-to-work
2 activities pursuant to paragraph (1), an aided adult shall participate
3 in one or more of the following welfare-to-work activities, in
4 accordance with Section 607(c) and (d) of Title 42 of the United
5 States Code as of the operative date of this section, that are
6 consistent with the assessment performed in accordance with
7 Section 11325.4, and included in the individual's welfare-to-work
8 plan, described in Section 11325.21:

- 9 (A) Unsubsidized employment.
10 (B) Subsidized private sector employment.
11 (C) Subsidized public sector employment.
12 (D) Work experience, including work associated with the
13 refurbishing of publicly assisted housing, if sufficient private sector
14 employment is not available.
15 (E) On-the-job training.
16 (F) Job search and job readiness assistance.
17 (G) Community service programs.
18 (H) Vocational educational training (not to exceed 12 months
19 with respect to any individual).
20 (I) Job skills training directly related to employment.
21 (J) Education directly related to employment.
22 (K) The provision of child care services to an individual who
23 is participating in a community service program.
24 (b) Any month in which any of the following conditions exists
25 shall not be counted as one of the 24 months of participation
26 allowed under paragraph (1) of subdivision (a):
27 (1) The recipient is participating in job search in accordance
28 with Section 11325.22, assessment pursuant to Section 11325.4,
29 is in the process of appraisal as described in Section 11325.2, or
30 is participating in the development of a welfare-to-work plan as
31 described in Section 11325.21.
32 (2) The recipient is no longer receiving aid, pursuant to Sections
33 11327.4 and 11327.5.
34 (3) The recipient has been excused from participation for good
35 cause, pursuant to Section 11320.3.
36 (4) The recipient is exempt from participation pursuant to
37 subdivision (b) of Section 11320.3.
38 (5) The recipient is only required to participate in accordance
39 with subdivision (d) of Section 11320.3.

1 (6) The recipient is participating in family stabilization pursuant
2 to Section 11325.24, and the recipient would meet the criteria for
3 good cause pursuant to Section 11320.3. This paragraph may apply
4 to a recipient for no more than six cumulative months.

5 (7) The recipient is participating in a high school equivalency
6 program pursuant to Section 11325.3.

7 (c) County welfare departments shall provide each recipient
8 who is subject to the requirements of paragraph (3) of subdivision
9 (a) written notice describing the 24-month time limitation described
10 in that paragraph and the process by which recipients may claim
11 exemptions from, and extensions to, those requirements.

12 (d) The notice described in subdivision (c) shall be provided at
13 the time the individual applies for aid, during the recipient's annual
14 redetermination, and at least once after the individual has
15 participated for a total of 18 months, and prior to the end of the
16 21st month, that count toward the 24-month time limit.

17 (e) The notice described in this section shall include, but shall
18 not be limited to, all of the following:

19 (1) The number of remaining months the adult recipient may
20 be eligible to receive aid.

21 (2) The requirements that the recipient must meet in accordance
22 with paragraph (3) of subdivision (a) and the action that the county
23 will take if the adult recipient does not meet those requirements.

24 (3) The manner in which the recipient may dispute the number
25 of months counted toward the 24-month time limit.

26 (4) The opportunity for the recipient to modify his or her
27 welfare-to-work plan to meet the requirements of paragraph (3)
28 of subdivision (a).

29 (5) The opportunity for an exemption to, or extension of, the
30 24-month time limitation.

31 (f) For an individual subject to the requirements of paragraph
32 (3) of subdivision (a), who is not exempt or granted an extension,
33 and who does not meet those requirements, the provisions of
34 Sections 11327.4, 11327.5, 11327.9, and 11328.2 shall apply to
35 the extent consistent with the requirements of this section. For
36 purposes of this section, the procedures referenced in this
37 subdivision shall not be described as sanctions.

38 (g) (1) The department, in consultation with stakeholders, shall
39 convene a workgroup to determine further details of the noticing
40 and engagement requirements for the 24-month time limit, and

1 shall instruct counties via an all-county letter, followed by
2 regulations, no later than 18 months after the effective date of the
3 act that added this section.

4 (2) The workgroup described in paragraph (1) may also make
5 recommendations to refine or differentiate the procedures and due
6 process requirements applicable to individuals as described in
7 subdivision (f).

8 (h) (1) Notwithstanding paragraph (3) of subdivision (a) or any
9 other law, an assistance unit that contains an eligible adult who
10 has received assistance under this chapter, or from any state
11 pursuant to the Temporary Assistance for Needy Families program
12 (Part A (commencing with Section 401) of Title IV of the federal
13 Social Security Act (42 U.S.C. Sec. 601 et seq.)) prior to January
14 1, 2013, may continue in a welfare-to-work plan that meets the
15 requirements of Section 11322.6 for a cumulative period of 24
16 months commencing January 1, 2013, unless or until he or she
17 exceeds the 48-month time limitation described in Section 11454.

18 (2) All months of assistance described in paragraph (1) prior to
19 January 1, 2013, shall not be applied to the 24-month limitation
20 described in paragraph (1) of subdivision (a).

21 SEC. 4. Section 11325.3 is added to the Welfare and
22 Institutions Code, to read:

23 11325.3. (a) If, in the course of appraisal pursuant to Section
24 11325.2, it is determined that the recipient has not received his or
25 her high school diploma or its equivalent, the recipient shall be
26 eligible to participate in a high school equivalency program in
27 order to complete the High School Equivalency Test, General
28 Education Development Test, Test Assessing Secondary
29 Completion, or any other high school equivalency test recognized
30 by the State Department of Education.

31 (b) This section does not require a recipient to participate in a
32 high school equivalency program. A recipient may choose to
33 engage in a job club or a job search pursuant to Section 11325.22.

34 (c) Recipients eligible pursuant to this section shall not be
35 required to participate in an assessment pursuant to Section 11325.4
36 prior to, or as a condition of, participation in a high school
37 equivalency program.

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