

AMENDED IN SENATE MAY 11, 2016

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 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

1 for in Section 11325.4. Following assessment, the county and the
2 recipient shall develop a welfare-to-work plan, as specified in
3 Section 11325.21. The plan shall specify the activities provided
4 for in Section 11322.6 to which the recipient shall be assigned,
5 and the supportive services, as provided for pursuant to Section
6 11323.2, with which the recipient will be provided.

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

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

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

16 (a) Unsubsidized employment.

17 (b) Subsidized private sector employment.

18 (c) Subsidized public sector employment.

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

30 (e) On-the-job training.

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

38 (2) A county shall not assign a participant to grant-based
39 on-the-job training unless and until the participant has voluntarily
40 agreed to participate in grant-based on-the-job training by executing

1 a voluntary agreement form, which shall be developed by the
2 department. The agreement shall include, but not be limited to,
3 information on the following:

4 (A) How job termination or another event will not result in loss
5 of the recipient's grant funds, pursuant to department regulations.

6 (B) (i) How to obtain the federal Earned Income Tax Credit
7 (EITC), including the Advance EITC, and increased CalFresh
8 benefits, which may become available due to increased earned
9 income.

10 (ii) This subparagraph shall only become operative when and
11 to the extent that the department determines that it reflects current
12 federal law and Internal Revenue Service regulations.

13 (C) How these financial supports should increase the
14 participant's current income and how increasing earned income
15 should increase the recipient's future social security income.

16 (3) Grant-based on-the-job training shall include community
17 service positions pursuant to Section 11322.9.

18 (4) Any portion of a wage from employment that is funded by
19 the diversion of a recipient's cash grant, or the grant savings from
20 employment pursuant to this subdivision, or both, shall not be
21 exempt under Section 11451.5 from the calculation of the income
22 of the family for purposes of subdivision (a) of Section 11450.

23 (g) Supported work or transitional employment, which means
24 forms of grant-based on-the-job training in which the recipient's
25 cash grant, or a portion thereof, or the aid grant savings from
26 employment, is diverted to an intermediary service provider, to
27 partially or wholly offset the payment of wages to the participant.

28 (h) Workstudy.

29 (i) Self-employment.

30 (j) Community service.

31 (k) Adult basic education, which shall include reading, writing,
32 arithmetic, high school proficiency, or a high school equivalency
33 program, and English as a second language. Participants under
34 this subdivision shall be referred to appropriate service providers
35 that include, but are not limited to, educational programs operated
36 by school districts or county offices of education that have
37 contracted with the Superintendent of Public Instruction to provide
38 services to participants pursuant to Section 33117.5 of the
39 Education Code.

40 (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 completion of a high school equivalency program,
12 in the case of a recipient who has not completed secondary school
13 or a high school equivalency program, as described in Section
14 11325.3.

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

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

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

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

26 11322.85. (a) Unless otherwise exempt, an applicant or
27 recipient shall participate in welfare-to-work activities.

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

35 (2) Any month in which the recipient meets the requirements
36 of Section 11322.8, through participation in an activity or activities
37 described in paragraph (3), shall not count as a month of activities
38 for purposes of the 24-month time limit described in paragraph
39 (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.~~ *employment, in*
 22 *the case of a recipient who has not received a high school diploma*
 23 *or a certificate of high school equivalence.*
 - 24 (K) *Satisfactory attendance at a secondary school or in a course*
 25 *of study leading to a certificate of general equivalence, in the case*
 26 *of a recipient who has not completed secondary school or received*
 27 *such a certificate.*
 - 28 ~~(K)~~
 - 29 (L) The provision of child care services to an individual who is
 30 participating in a community service program.
- 31 (b) Any month in which any of the following conditions exists
 32 shall not be counted as one of the 24 months of participation
 33 allowed under paragraph (1) of subdivision (a):
- 34 (1) The recipient is participating in job search in accordance
 35 with Section 11325.22, assessment pursuant to Section 11325.4,
 36 is in the process of appraisal as described in Section 11325.2, or
 37 is participating in the development of a welfare-to-work plan as
 38 described in Section 11325.21.
 - 39 (2) The recipient is no longer receiving aid, pursuant to Sections
 40 11327.4 and 11327.5.

1 (3) The recipient has been excused from participation for good
2 cause, pursuant to Section 11320.3.

3 (4) The recipient is exempt from participation pursuant to
4 subdivision (b) of Section 11320.3.

5 (5) The recipient is only required to participate in accordance
6 with subdivision (d) of Section 11320.3.

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

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

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

18 (d) The notice described in subdivision (c) shall be provided at
19 the time the individual applies for aid, during the recipient's annual
20 redetermination, and at least once after the individual has
21 participated for a total of 18 months, and prior to the end of the
22 21st month, that count toward the 24-month time limit.

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

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

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

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

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

35 (5) The opportunity for an exemption to, or extension of, the
36 24-month time limitation.

37 (f) For an individual subject to the requirements of paragraph
38 (3) of subdivision (a), who is not exempt or granted an extension,
39 and who does not meet those requirements, the provisions of
40 Sections 11327.4, 11327.5, 11327.9, and 11328.2 shall apply to

1 the extent consistent with the requirements of this section. For
2 purposes of this section, the procedures referenced in this
3 subdivision shall not be described as sanctions.

4 (g) (1) The department, in consultation with stakeholders, shall
5 convene a workgroup to determine further details of the noticing
6 and engagement requirements for the 24-month time limit, and
7 shall instruct counties via an all-county letter, followed by
8 regulations, no later than 18 months after the effective date of the
9 act that added this section.

10 (2) The workgroup described in paragraph (1) may also make
11 recommendations to refine or differentiate the procedures and due
12 process requirements applicable to individuals as described in
13 subdivision (f).

14 (h) (1) Notwithstanding paragraph (3) of subdivision (a) or any
15 other law, an assistance unit that contains an eligible adult who
16 has received assistance under this chapter, or from any state
17 pursuant to the Temporary Assistance for Needy Families program
18 (Part A (commencing with Section 401) of Title IV of the federal
19 Social Security Act (42 U.S.C. Sec. 601 et seq.)) prior to January
20 1, 2013, may continue in a welfare-to-work plan that meets the
21 requirements of Section 11322.6 for a cumulative period of 24
22 months commencing January 1, 2013, unless or until he or she
23 exceeds the 48-month time limitation described in Section 11454.

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

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

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

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

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

O