

**Assembly Bill No. 2448**

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Passed the Assembly August 22, 2016

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*Chief Clerk of the Assembly*

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Passed the Senate August 15, 2016

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*Secretary of the Senate*

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This bill was received by the Governor this \_\_\_\_\_ day  
of \_\_\_\_\_, 2016, at \_\_\_\_\_ o'clock \_\_\_\_M.

\_\_\_\_\_  
*Private Secretary of the Governor*

CHAPTER \_\_\_\_\_

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, 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 establishes a 48-month lifetime limit of CalWORKs benefits for eligible adults, as specified. Existing law requires a recipient of CalWORKs to participate in certain welfare-to-work activities as a condition of eligibility for 24 cumulative months, as specified, and to meet other federal requirements, as specified. Existing law provides that participation in certain activities is not counted against that 24-month period. 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, and that a specified amount of time participating in that activity would not count against the 24-month period described above for certain recipients. The bill would authorize a recipient to participate in a high school equivalency program in lieu of participating in a job search or job club, as specified, and would prohibit a 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.

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

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

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

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

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

(c) Assessment. If employment is not found during the period provided for pursuant to subdivision (b), or at any time the county determines that participation in job search for the period specified in subdivision (a) of Section 11325.22 is not likely to lead to employment or that, based on information gathered during the appraisal, further information is needed to make an effective determination regarding the recipient's next welfare-to-work activity, the recipient shall be referred to assessment, as provided for in Section 11325.4. Following assessment, the county and the recipient shall develop a welfare-to-work plan, as specified in Section 11325.21. The plan shall specify the activities provided for in Section 11322.6 to which the recipient shall be assigned, and the supportive services, as provided for pursuant to Section 11323.2, with which the recipient will be provided.

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

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

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

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

(e) On-the-job training.

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

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

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

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

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

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

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

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

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

(h) Workstudy.

(i) Self-employment.

(j) Community service.

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

(l) Job skills training directly related to employment.

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

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

(o) Education directly related to employment.

(p) Satisfactory progress in secondary school or in a course of study leading to completion of a high school equivalency program, in the case of a recipient who has not completed secondary school or a high school equivalency program, as described in Section 11325.3.

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

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

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

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

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

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

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

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

(A) Unsubsidized employment.

(B) Subsidized private sector employment.

- (C) Subsidized public sector employment.
  - (D) Work experience, including work associated with the refurbishing of publicly assisted housing, if sufficient private sector employment is not available.
  - (E) On-the-job training.
  - (F) Job search and job readiness assistance.
  - (G) Community service programs.
  - (H) Vocational educational training (not to exceed 12 months with respect to any individual).
  - (I) Job skills training directly related to employment.
  - (J) Education directly related to employment, in the case of a recipient who has not received a high school diploma or a certificate of high school equivalence.
  - (K) Satisfactory attendance at a secondary school or in a course of study leading to a certificate of general equivalence, in the case of a recipient who has not completed secondary school or received such a certificate.
  - (L) The provision of child care services to an individual who is participating in a community service program.
- (b) Any month in which any of the following conditions exists shall not be counted as one of the 24 months of participation allowed under paragraph (1) of subdivision (a):
- (1) The recipient is participating in job search in accordance with Section 11325.22, assessment pursuant to Section 11325.4, is in the process of appraisal as described in Section 11325.2, or is participating in the development of a welfare-to-work plan as described in Section 11325.21.
  - (2) The recipient is no longer receiving aid, pursuant to Sections 11327.4 and 11327.5.
  - (3) The recipient has been excused from participation for good cause, pursuant to Section 11320.3.
  - (4) The recipient is exempt from participation pursuant to subdivision (b) of Section 11320.3.
  - (5) The recipient is only required to participate in accordance with subdivision (d) of Section 11320.3.
  - (6) The recipient is participating in family stabilization pursuant to Section 11325.24, and the recipient would meet the criteria for good cause pursuant to Section 11320.3. This paragraph may apply to a recipient for no more than six cumulative months.

(7) The recipient has been participating in a high school equivalency program pursuant to Section 11325.3 for at least six months, but has not yet obtained a certificate of high school equivalency. This paragraph may apply to a recipient for no more than six cumulative months, which may be extended for no more than an additional six cumulative months based on a likelihood that the recipient will obtain his or her certificate of high school equivalency during that time period.

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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













Approved \_\_\_\_\_, 2016

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*Governor*